



MINUTES

LOCAL LICENSING AUTHORITY

Thursday May 8, 2025 – 1:00 P.M.

**City Council Chambers – 500 E. Third Street
Loveland, Colorado**

IN ATTENDANCE:

Jennifer Edgley, Local Licensing Authority

Vincent Junglas, City Attorney

Emilie DeLima, Alcohol, Tobacco and Marijuana Compliance Officer

Sterling Wilson Local Licensing Authority Secretary

Adriana Mazur, Assistant City Clerk

CONSENT AGENDA

A. State Issued Wholesaler/Manufacturer Temporary Modification – Big Thompson Brewery

B. Festival Permit – Meadkrieger Meadery

No written protests were received by the Clerk's Office related to these matters and no one was present in the gallery in support or opposition. The Authority Approved both items on the consent agenda.

PUBLIC HEARING

A. Show Cause Matter – Tobacco License – One Stop Fuel Incorporated LLC dba One Stop

A motion has been filed, pursuant to the provisions of Loveland Municipal Code § 5.45.120(D), One Stop Fuel Incorporated, LLC. dba One Stop, located at 105 E 37th Street. Findings and Allegations concerning violations of Loveland Municipal Code § 5.45.020(A) – Tobacco Products shall not be sold to any person under the Minimum Legal Sales Age of 21," and LMC § 5.45.020(B) – "... Tobacco Products may be sold by a Tobacco Product Retailer to customers from a physically non-accessible area behind a sales counter or similar barrier without restricting the age for entry to the Tobacco Product Retailer." Findings and allegations concerning § 44-7-103(1) C.R.S. "A retailer shall not sell or permit the sale of cigarettes, tobacco products, or nicotine products to a minor," and §18-13-121(1)(a) C.R.S. "A person shall not give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, or nicotine product to any person who is under twenty-one years of age," are to be considered.

In Attendance: Adam Stapen, Attorney Registration #27506, Dill Dill Carr Stonbraker & Hutchings, appearing on behalf of the applicant.

Findings and Action Taken:

One Stop Fuel Incorporated LLC entered a stipulation with the City. Both parties reached an agreement on this matter. The terms of this agreement are as follows:

- One Stop Fuel Incorporated LLC entered a statement of no contest to the allegations.
- By entering a statement of no contest, the applicants waived their right to an appeal. As per the applicants' representation, the entry of no contest was made voluntarily, not under coercion, and the appellant has had full opportunity to consent and interpret the stipulation and seek legal counsel.
- The licensee also acknowledged that the Authority's denial decision was properly made and waived the right to appeal such denial. Any further extant alleged violations of The City Tobacco Code or State Tobacco code by Loveland PD shall be withdrawn and dismissed.

The Licensing Administrator will grant the renewal of this application for renewal of One Stop Fuel Incorporated LLC's tobacco license as of today's date.

The licensee has been agreeable to the City's request to reach an agreement. The licensee has been cooperative with the City's requests for compliance. The licensee has been forthcoming with the City's requests for business records. The location has not sold tobacco during the period of time that their license renewal was in denial.

The Authority accepted the stipulation as presented and reminded the applicant that all employees of their business must adhere to the law regarding sales to minors.

The authority directed the applicants to coordinate with the City Clerk's Office for the issuance of the renewed tobacco license.

B. Tobacco License Renewal – Kapoor Oil Company LLC dba Puffs Express

An application was filed on December 31, 2024 for the renewal of the tobacco license issued to Kapoor Oil Company LLC, dba Puffs Express, located at 805 N Lincoln Avenue in Loveland. The applicant requested an appeal to the City's denial of the renewal application pursuant to the provisions of Loveland Municipal Code 5.45.040, 5.45.060, and 5.45.070.

In Attendance: Vishal Kapoor, Owner

The proceedings were limited to the provisions of Loveland Municipal Code 5.45.040, 5.45.060, and 5.45.070. The applicable Rule 106 procedures were established during the hearing.

Mr. Kapoor provided copies of materials to assert his argument as to why his business should be allowed to continue selling tobacco. The Authority reserved ruling on admitting the materials into evidence. Mr. Kapoor argued that he has been in compliance with tobacco licensing requirements and followed the procedures as best as he could in light of the circumstances. He further argued that the City of Loveland failed to timely notify him alleged deficiencies in his license renewal application impinging upon his due process rights. Mr. Kapoor also argued he was unjustly denied the right to continue selling tobacco during the appeal process.

Mr. Kapoor alleged that the city improperly failed to respond to his discovery requests. Mr. Kapoor moved to exclude any evidence not disclosed by the City.

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Mr. Bailey stated the for the record in response to this argument:

- The Clerk's office had an adequate factual basis for denying the application. Mr. Kapoor was provided with information pertaining to the denial of the motion. The basis of the denial was that the application was untimely and incomplete and did not include payment of the application fee. Additional violations occurring at the premises were also discovered while the application was pending.
- The Clerk's Office extended the review period at the request of the applicant after notice of insufficient funds for licensing fees was issued. The application was denied in February 2025.
- The City was not arbitrary or capricious in denying the application.
- Under the City's Tobacco Code, there are no rights-in-license – the license does not create a property right of any kind and is granted as a privilege – nothing within the Code provides a right to a license.

Findings and Action Taken:

The Authority did not issue a decision or final determination on this licensing application. In the interest of due process, the Authority granted applicant a continuance in order to file a written motion for the exclusion of evidence citing the specific evidence to be excluded and the legal basis for exclusion.

The City's position reflects that the Licensing Administrator acted in accordance with Loveland Municipal Code Section 5.45.040 regarding the license term and application period. It is established under this code that the failure to apply for the renewal of a license requires the filing of an application for a new license. There is nothing under Local or State Law that would allow Mr. Kapoor to continue selling tobacco under a conditional or temporary license.

Mr. Kapoor expressed his opposition to the proposal for continuance, arguing that he should be permitted to sell tobacco in accordance with the Colorado Administrative Procedures Act, Title 24, Article 4. He requested the authority to sell tobacco until matters are resolved.

The Authority continued this matter to June 13th at 9:00am. There is no provision in the Loveland Municipal Code that provides for a licensee to continue operating a tobacco establishment with an expired license. The Authority provided Mr. Kapoor with a motion deadline of May 23, 2025. Mr. Bailey must issue a response no later than June 6, 2025. Mr. Kapoor provided it would take at least until Monday May 12th to file his motion in a complete form. The City will require at least 14 days to adequately review the motions.

The Public Hearing portion of this item was concluded. No other matters regarding this application will be addressed during this meeting. The matter was continued to June 13, 2025.

C. Show Cause Matter – Tobacco License – Dollar General

An application was filed on February 20, 2025 for the renewal of the tobacco license issued to DG Retail LLC, dba Dollar General Store #23039, located at 1389 Wilson Ave. in Loveland. The Applicant has requested an appeal for the City's denial of their renewal application pursuant to the provisions of Loveland Municipal Code 5.45.060 and 5.45.070.

In Attendance: Christine Dudeck, Dollar General Store Manager

Findings and Action Taken:

Michael Bailey spoke with Ms. Dudeck prior to the hearing regarding a resolution to the matter. The Clerk's Office received a completed tobacco license application from the applicant, pursuant to the Loveland Municipal Code. The City and the Applicant have not had the same opportunity to discuss the stipulation and draft a document. At the preference of the Authority, two options were proposed. 1. A conditional license issued upon approval of a stipulation and admission of violation, or 2. The filing and acceptance of a new license application.

The Authority had no objection to conditionally granting this renewal, and once a stipulation is fully executed, a full license can be granted.

A stipulation can be drafted between the applicant and the City and executed within 14 days. The item was expected to be continued to the June 18, 2025, LLA Meeting agenda with the expectation that it will be deleted upon execution of the stipulation discussed at this meeting. The Authority granted a conditional tobacco license renewal for this applicant as of today's hearing with no objections.

Ms. Dudeck agreed to these conditions.

The applicant was directed to abide by all regulations of the City of Loveland to the timely filing of renewal applications.

D. Permanent Modification – Mazuma Restaurants LLC., dba The Pourhouse Bar and Grill

An application for the Permanent Modification of the Hotel & Restaurant Liquor License issued to Mazuma Restaurants LLC., dba Pourhouse Bar and Grill, located at 124 E 4th St. in Loveland, was filed on February 4, 2025. The modification will consist of the addition of a second floor where a rooftop bar and service area with seating will be created, thereby extending the liquor licensed premises.

In Attendance: Christopher Kline, Owner/Manager

The proposed modification aims to increase the restaurant's capacity by adding 48 seats and creating an adaptable open-air seating area that can be enclosed for inclement weather. To facilitate this change, the installation of a dumbwaiter and a fire line will be

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necessary to ensure safe operations. The modification also involves alterations to the basement for the dumbwaiter installation, which will affect the current location of alcohol storage and transfer within the premises. The changes to the interior will add roughly 80 square feet to the premises in the basement. The modification will require partial replacement of the building's roof, along with the construction of walls, railings, and an enclosure to protect against adverse weather conditions. Compliance with safety regulations outlined in the Uniform Development Codes have been strictly followed in the plans and permit applications submitted to the City's Building Division.

At all times, a minimum of two staff members will oversee the area. Additional alcohol supplies will be securely stored in lockable cabinets located in the newly constructed bar area. This modification will not significantly impact the existing entrance and exit of the licensed premises. Mr. Kline established during the hearing that, at the time he initiated construction, he was unaware that under the Colorado Liquor Licensing Rules a licensee shall not initiate any changes of this nature until a fully approved request for a modification from the State and Local Licensing Authorities has been issued.

Findings and Action Taken:

The notice of public hearing was posted on April 21, 2025, by Chris Kline. The Applicant is entitled to possession of the premises where the modification will take place through ownership. A complete application (DR 8442 Permit Application and Report of Changes) was filed including a Before and After depiction of the premises. The Sales tax Division has indicated that the licensee holds a valid City and State Sales Tax License. A final inspection from the Fire Marshal and the Chief Building Official indicated the applicant must obtain a Certificate of Occupancy reflecting the proposed modification and complete requisite building and fire inspections.

No one was present in the gallery in support of or opposition to this application and the public hearing was closed.

The Authority approved this modification application on the condition that the applicant continues to complete the necessary permitting inspections to establish changes to the licensed premises.

PUBLIC COMMENT:

An opportunity was provided to make public comment after the public hearing on the agenda items was closed.

Darren Barrett, Longtime Loveland Resident. Darren Barrett provided comment in favor of the applicant, "Kapoor Oil Company LLC."

STAFF REPORT

- A. City Clerk's Office – An update was given regarding the Licensee Submittal Checklist Project.
- B. City Attorney's Office – The next attempt to revise our code will be during a Council Study Session.
- C. PD/Compliance Officer – The City of Fort Collins has been overwhelmed with server training registrations – we should consider holding our training classes monthly rather than quarterly to accommodate the additional need for training.

ADJOURN

The next regularly scheduled Local Licensing Authority Meeting were held on Thursday, May 15th, 2025, at 9:00 AM, in the City Council Chambers.

Respectfully submitted,

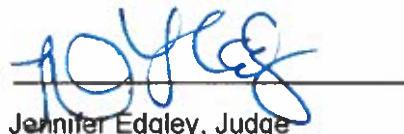


Sterling Wilson, Assistant City Clerk

Local Licensing Secretary

07-02-2025

Approved:



Jennifer Edgley, Judge

Local Licensing Authority