



MINUTES

LOCAL LICENSING AUTHORITY

Tuesday February 20th, 2025 – 9:00 A.M.

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

IN ATTENDANCE:

Jennifer Edgley, Local Licensing Authority

Michael Bailey, Assistant City Attorney

Jeff Mayers, Alcohol & Tobacco Enforcement Unit Sergeant

Emilie DeLima, Alcohol, Tobacco, and Marijuana Compliance Officer

Dominic Martinez, Police Officer, Alcohol & Tobacco Enforcement Unit

CONSENT AGENDA

- A.** Approval of Minutes from the LLA Meeting on January 16th, 2025.
- B.** Approval of the Local Licensing Authority Rules of Procedure.

The Minutes and Local Licensing Authority Rules of Procedure were both approved by the Authority in their current form. The consent agenda was closed.

2. PUBLIC HEARING

A. Permanent Modification – Countryside Liquor LLC, dba Countryside Liquor

This application was withdrawn by the applicant on Thursday, February 13, 2025, and will be considered at a future Liquor Licensing Meeting.

Findings and Action Taken:

The item will be continued at a future Licensing Authority meeting.

B. Renewal Application - The Awakened School Retreat Center, LLC, dba Casa Sagrada

An application for the renewal of the Lodging and Entertainment License issued to The Awakened School Retreat Center, LLC, dba Casa Sagrada was filed late on January 22, 2025, two days before its expiration date. The licensee has been asked to appear regarding the late filing of this application.

In Attendance: Datta Groover, Co-Owner, and Sheri Engstrom, Manager

Both applicants declined to provide additional testimony. Ms. Engstrom provided an explanation for their late filing. The business had to rectify outstanding sales tax matters. Applicants must be current with the Sales Tax Department before the City Clerk's Office can issue liquor licenses.

The City asked the applicant for clarification regarding the type of license they chose. The applicant identified their business as a Lodging Facility and said they operate as an

events venue that provides overnight lodging. They do not store alcohol on-site and contract certified bartending services and caterers to handle all alcohol service. The applicant further stated the business does not sell alcohol, but clients want the ability to sell alcohol to event-goers in order to offset the event costs.

The City inquired about the lodging capacity, and the applicant explained that the business has two on-site rooms and a small Air B&B 3-Bedroom home that can be reserved for multiple days.

Officer DeLima conducted the inspection and found no issues, the only items missing from the premises were the State and Local Liquor Licenses, which had not been issued at the time. Officer DeLima shared a discussion held with Ms. Engstrom at the time of the inspection regarding alcohol and confirmed that the business was not selling alcohol because the individual events provided their own alcohol and bartenders. Officer DeLima stated that the Dept. of Revenue requires applicants to have a liquor license, even if the events are invite-only and alcohol sale is done by third parties.

The Authority asked the applicant if the third-party vendors have their liquor licenses, and the applicant stated that they do have their own licenses. The State and Local Liquor Licenses would cover all alcohol sale and service at the establishment.

Furthermore, the Authority informed the applicant about the Dept. of Revenue's requirements for a Lodging Facility. The business does not operate more than 10 rooms; therefore, they do not qualify for a Lodging Facility license. The applicants stated they were unaware of the requirements as of the time of this hearing.

The City asked the Authority to set this item for a future date so the applicants can get clarification from the State (Department of Revenue). The Authority informed the applicants about the fact that the Authority and Assistant City Attorney cannot give them legal advice and encouraged them to communicate with the State and seek their own advisors. The applicants need to communicate with the State to resolve the outstanding issue related to their license class, and this issue must be resolved before any decision can be made at the local level.

Officer DeLima stated the applicant was highly responsive and helpful in working with Loveland Police.

Findings and Action Taken:

The Authority continued the consideration of the Awakened School Retreat Center, LLC, dba Casa Sagrada renewal application to the April 17, 2025, meeting.

C. Show Cause Matter – Yoonicorn Inc., dba 1st Street Liquor

A motion has been filed, pursuant to the provisions of §44-3-901(6)(b)(I), C.R.S. as amended, to the Local Licensing Authority of the City of Loveland to consider suspension or revocation of the Retail Liquor Store Liquor License issued to Yoonicorn Inc., d/b/a 1st Street Liquor, located at 1104 E. 1st Street in Loveland. Findings and allegations concerning 44-3-901(1)(a), C.R.S., serving alcohol to a visibly intoxicated person, are to be considered.

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In Attendance: Sang Yoon, Owner/Registered Manager

The City did not receive any filings in response to the City's Motion to Show Cause. Mr. Yoon stated that he was at fault, he did not see the City's communications regarding the matter in time to respond. The Authority asked Mr. Yoon if he would like a translator and he accepted.

Mr. Bailey spoke with Mr. Yoon just before the hearing and based on the lack of prior communication and review of evidence, Mr. Bailey stated that the decision was made to reset the matter to a future meeting in which the anticipated outcome will be a stipulated agreement to the violation.

The Authority asked the applicant if he was interested in coming back to a later meeting for an opportunity to review evidence and speak to Mr. Bailey. The applicant said yes. The Authority further stated the applicant needs to be responsive to emails and calls from the City and the public hearing meeting notice needs to be posted in a timely manner, at least ten days before the hearing.

Mr. Yoon requested translation assistance and LanguageLine Solutions was contacted at this time during the meeting. There were difficulties accessing LanguageLine, so the Authority moved to the next item on the Agenda while the issues were resolved.

Ater item D was completed, translation assistance issues were resolved and the Authority called Mr. Yoon back to the dais. The interpreter translated the Authority's communication to Mr. Yoon: this matter will be continued at the Local Licensing Authority Meeting in April, and it is the applicant's obligation to post the public notice at least 10 days prior to the date of the meeting. Furthermore, the Authority required Mr. Yoon to be responsive to the City Clerk's Office and the City Attorney's Office and maintain adequate contact information. Mr. Yoon agreed to follow the Authority's direction.

Findings and Action Taken:

The City will continue the suspension or revocation of the Retail Liquor Store Liquor License issued to Yoonicorn Inc., d/b/a 1st Street Liquor, located at 1104 E. 1st Street in Loveland, at the April 17th Liquor Licensing Authority Meeting.

D. Show Cause Matter – Sunflower 1225 LLC, dba Smashburger Loveland

A motion has been filed, pursuant to the provisions of §44-3-901(1)(g), C.R.S. as amended, to the Local Licensing Authority of the City of Loveland to consider suspension or revocation of the Beer and Wine Liquor License issued to Sunflower 1225 LLC, dba Smashburger Loveland, located at 123 E. 4th Street in Loveland. Findings and

allegations concerning §44-3-901(1)(g), C.R.S., retail sale of alcoholic beverages without a license, and Colorado Liquor Regulation 47-914, possession of alcoholic beverages for sale without a license to sell said alcoholic beverages in violation of sections 44-3-901(1)(g) and (h), C.R.S., are to be considered. Additionally, a supplement to the motion was filed on January 30, 2025, regarding findings and allegations concerning the violation of § 44-3-701, C.R.S., failure to comply with a Police Officer's request to review records of business transactions. The supplement to the motion will also be considered.

In Attendance: James Beimford, Attorney Registration #13142, Taek Lee, Owner

Mr. Beimford and Mr. Bailey stated the matter could be discussed without testimony from the licensee. The parties have reached a stipulated agreement for admission of violation and have signed the stipulated agreement. Mr. Bailey approached the bench, and the Authority reviewed the document. After reviewing the document, the Authority accepted the stipulated agreement as presented.

The applicant, Mr. Taek, came before the Authority regarding a Show Cause matter, and is represented by attorney James Beimford. The City is represented by Mr. Bailey, Assistant City Attorney. The parties waived testimony and a presentation, and having considered the stipulation, the Authority and made the following findings and conclusions:

Findings and Action Taken:

The Authority accepts the stipulation and finds that the applicant voluntarily admits to violating § 44-3-701, C.R.S., and Colorado Liquor Regulation 47-700, by failing to allow LPD Officer Koehler to review records of business transactions on September 24, 2024. Based upon the conditions of the stipulation, the applicant will serve no sanction against his liquor license. The Authority signed the order, and reminded Mr. Lee that he must adhere to all local and State laws and be aware of, and comply with, all requirements regarding the liquor license.

The City stated that, in review of prior hearings, there was no final local licensing agency decision on the validity of this liquor license for the past year or so. The applicant has not held a valid liquor license since April of last year and must file a renewal for the 2025 licensing year.

The City's position is that the Authority should sign the stipulation, which the Authority will sign, and address the 2024 license renewal since a decision had not been made prior to this hearing.

Officer DeLima requested that Mr. Lee take more action in regard to communicating with the City regarding the liquor license. The inability to communicate with Mr. Lee has been a serious problem for City staff. The Authority asked Mr. Lee if he understood his obligation to respond to, and comply with, requests from City staff, and Mr. Lee stated that he understood.

Mr. Beimford argued that the licensee is entitled to serve alcohol as he has filed a late renewal application with all associated fees. He motioned that the Authority grant the renewal of this liquor license today.

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The City stated that written findings from previous hearings were misunderstood; the City had not established a final decision on this liquor license. The City had been operating on the understanding that a final decision had been made.

The Authority accepts the stipulation and will grant the renewal of this license, and informed Mr. Lee that he should file the 2025 renewal as soon as possible. The Authority confirmed that Mr. Lee could take down the hearing poster and start selling alcohol.

3. STAFF REPORT

A. City Clerk's Office –

- a. A new event permit software platform has been implemented by the City. This system enables better coordination between the City Clerk's Office and other City of Loveland and Larimer County agencies surrounding the regulation of Special Event Liquor Permits approved by the Local Authority.
- b. Upon approval by the Authority, the Local Rules of Procedure will be published to the City Website for public access.

B. City Attorney's Office – No updates.

C. PD/Compliance Officer – As of this year, TIPS is no longer a recognized training class by the State of Colorado. Loveland Police Department offers a qualifying class. Officer DeLima will verify that other independent courses meet State Law requirements – the State has a list of approved courses.

- a. The Clerk's Office will delete the TIPS links from the City's website.

ADJOURN

The next regularly scheduled Local Licensing Authority Meeting will be held on Thursday, March 20th, 2025, at 9:00 AM, in the City Council Chambers.

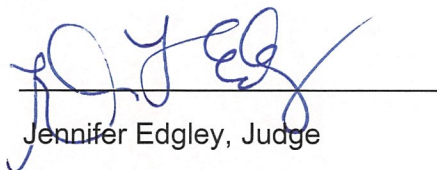
Respectfully submitted,



Adriana Mazur, Assistant City Clerk

Liquor Licensing Secretary

Approved:



Jennifer Edgley, Judge

Liquor Licensing Authority