



Liquor Licensing Authority Minutes Friday, March 22, 2024 – 2 p.m. Virtual Hearing via Zoom Webinar

1. Call to order

Liquor Licensing Authority, Mark Gonzales called the meeting to order at 2:03 p.m. The meeting was conducted virtually via Zoom.

2. Show Cause Hearing for Liquor Retail Store held by College Green Liquor Inc.

College Green Liquor Inc
dba College Green Liquor
4681 West 20th Street,
Greeley, Colorado 80634

Continued from the February 16, 2024 Hearing

Attorney Lucas Corliss represented the City of Greeley. With no one to represent the applicant, Judge Gonzales moved on to the next item.

John Freeman joined the meeting at 2:15 p.m. and Judge Gonzales asked if more time would be helpful to resolve the conditions with Mr. Corliss and if he would like to continue the item to the next hearing date. Mr. Freeman confirmed that this would be helpful, and the hearing date would work. Judge Gonzales moved this item to the April 26, 2024 LLA Hearing.

3. Show Cause Hearing for Lodging and Entertainment Liquor License held by Highland Park Recreation Inc.

Highland Park Recreation, Inc.
dba Highland Park Lanes
1900 59th Avenue
Greeley, Colorado 80634

Continued from the February 16, 2024 Hearing

Attorney Lucas Corliss represented the City of Greeley. Mr. Corliss addressed Judge Gonzales with information that there would be an agreement forthcoming to cover all areas of concern. Jackson Deines represented Highland Park Lanes. Mr. Deines agreed that the agreement was in the works. Judge Gonzales continued the item to the next hearing date of April 26, 2024 and mentioned that if all the necessary paperwork was received before that date, then this item would be vacated from the April 26 Hearing.

4. **Show Cause Hearing for Hotel & Restaurant Liquor License held by Carniceria Y Taqueria Lozano Inc**

Carniceria y Taqueria Lozano, Inc.
dba Carniceria y Taqueria Lozano
109 E 22nd Street Suite 4
Greeley, Colorado 80631

Spanish translation services provided

Translator Rosano interpreted for the applicant. Attorneys Ned Chapin and Lucas Corliss represented the City of Greeley. Joanna Rojas and her husband, Jose Lozano joined the meeting. Judge Gonzales asked Mr. Corliss for a status update on the agreement. Mr. Corliss noted that they have an agreement in spirit but need additional time to put it in writing and then translate it for Mr. Lozano. Judge Gonzales asked Mr. Lozano if more time would be helpful to resolve the conditions with Mr. Corliss and continue the item to April 26. In response, Mr. Lozano confirmed that additional time would be welcomed and that the hearing date in April would work. Judge Gonzales moved the item to the April 26, 2024 LLA Hearing.

5. **Public Hearing to consider a Transfer of Ownership of an existing Retail Liquor Store held by JK Liquorland Inc.**

JK Liquorland, Inc.
dba JK Liquorland
2867 17th Avenue
Greeley, Colorado 80631
(Formerly Matt's Liquor)

Punjabi translation services provided

Translator Rekha asked for the applicant, but the applicant did not respond. Attorney Ned Chapin asked that the Clerk's Office call the applicant. In the meantime, Judge Gonzales moved on to the next item.

The applicant Kulvinder Kaur phoned into the virtual platform at 2:49 p.m. Judge Gonzales addressed concerns about the application. Ms. Kaur confirmed that she had submitted all necessary documentation. Judge Gonzales asked about the wholesaler affidavits and fingerprints.

City Clerk Leatherwood noted to the Judge that she had wholesaler affidavits that were erroneously left out of the packet. She verified four affidavits. Mr. Chapin explained that he had not seen the documents but was satisfied with the verification from Ms. Leatherwood. Judge Gonzales added one final concern with past payments and asked Sales Tax & Business Licensing Manager, Michael Kibbee, if the amount was significant and if payments could be arranged.

Mr. Kibbee said that the amount was not significant, and a payment plan could be arranged. Judge Gonzales asked Mr. Chapin to address any other concerns.

Mr. Chapin inquired about a transfer of shares between the two parties and asked for documentation. Ms. Kaur reported that she had sent in a copy of the transfer of the shares, but the Clerk's Office did not find record of this in the file. In lieu of the documentation, Judge Gonzales asked if Ms. Kaur would take sworn testimony regarding the transfer of shares. Ms. Kaur agreed.

Judge Gonzales asked the clerk to read the report into the record. Ms. Leatherwood read the report. Judge Gonzales swore in Ms. Kaur and asked her why he should approve the transfer. Ms. Kaur replied that she wants to start working and so the business should be in her name. She has experience working in a liquor store for two years in Greeley at Jazzi Liquor. He asked if there were any violations during that time and asked what happened. She explained that another employee sold cigarettes to a minor. He asked when the transfer of stock shares from the sale of the business occurred. She replied that the transfer was complete in February for \$1000 from her husband Jas Vinder.

Judge Gonzales asked Mr. Chapin if he had any questions. Mr. Chapin did not have any questions. Judge Gonzales asked Mr. Kibbee the amount owed, which was \$272.77. He noted that this did not include an amount that would be calculated from the unfiled December 2023 return. Ms. Kaur will have to work with Mr. Kibbee to clear the balance owed.

Ms. Kaur did not have any witnesses to give testimony. Mr. Chapin had no witnesses either. Judge Gonzales asked for the position of the City from Mr. Chapin. Mr. Chapin replied that he was satisfied with the sworn testimony regarding the shares, the documentation of the wholesaler affidavits and the plan being set up for the payment owed. He had no objection to the transfer of the license.

Judge Gonzales asked Ms. Kaur if she had any additional comments before his final decision. She confirmed the address on the application but had no further comments. Judge Gonzales finding Ms. Kaur of good moral character, being satisfied with the testimony of the shares, the Clerk's Office being in possession of the wholesaler affidavits, and the payment plan to be set up, approved the transfer of the license. Judge Gonzales requested the City Clerk's Office affix his electronic signature to the application. He directed Ms. Kaur to reach out to Mr. Kibbee and set up the payment plan as soon as possible.

Judge Gonzales thanked the translator for her service in assisting with the applicant.

6. Public Hearing to consider a New Hotel & Restaurant License held by Mt Fuji VIII LLC

Mt. Fuji VIII LLC
dba Mt Fuji Sushi & Hibachi
2077 Greeley Mall
Greeley, Colorado 80631

Judge Gonzales asked for the applicants. Jojo Lin and Kevin Zou joined the meeting. Judge Gonzales explained the process of considering the item and asked the Clerk's Office to read the report into the record.

City Clerk Heidi Leatherwood read the report. There were no questions for Ms. Leatherwood.

Judge Gonzales swore in Mr. Zou and asked him to explain why the license should be approved. Mr. Zou explained that the restaurant is a specialty restaurant, which is needed in the city, and he has 13 years of experience running this type of business. Judge Gonzales asked questions about the various names and dates of birth that came up in the police report. Mr. Zou clarified the PD concern, offering that he has been going by his current name for many years and has done the work to become a US citizen. Mr. Zou confirmed his current address in Wyoming and added that he will be relocating to Greeley. Judge Gonzales reminded him that when his primary address changes, he must provide the Clerk's Office with the update within 30 days.

Judge Gonzales asked about the Needs and Desires petition process. Mr. Zou explained that they tried their best to reach the neighborhood by knocking on doors. He realized that some of the signatures were not accepted as valid by the Clerk's Office because they were not filled out properly, but that people overall were excited about the new possibility of the restaurant and what it would bring to the Greeley Mall area.

Mr. Chapin had no questions for the applicant. Ms. Lin chose not to testify or add to the record. Mr. Chapin did not have witnesses. Judge Gonzales opened the public hearing at 2:36 p.m. and with no comments received by the Clerk's Office and no participants wishing to speak in the virtual audience, the public hearing was closed at 2:37 p.m. Judge Gonzales asked Mr. Chapin for the position of the City regarding the application.

Mr. Chapin stated that he feels the applicant has provided the burden of proof for the application, has no concerns for the needs and desires of the neighborhood since there was a similar restaurant of this type in that location before and has no objections to approving the license.

Neither Ms. Lin nor Mr. Zou had additional comments before Judge Gonzales made his decision. Judge Gonzales was satisfied with the needs and desires of the neighborhood, even though the number of approved signatures was low, as there was a successful restaurant there before. Judge Gonzales felt that Mr. Zou satisfactorily explained the concerns in the PD Memo and has no concerns with moral character of the applicants. He asked the Clerk's Office to affix his electronic signature to the application and send to the State.

7. Public Hearing to consider a New Tavern License held by Whiskeys LLC.

Whiskeys LLC
dba El Garibaldi
2700 W 10th St. Suite 102
Greeley, Colorado 80631

Judge Gonzales asked for representation for the applicant. Mr. Sargent, legal counsel and Patrick Maroney, Petitioning Service responded. Judge Gonzales asked Mr. Sargent if he had any questions. Mr. Sargent responded that he wanted to go through the hearing even though there were some concerns from the City. Mr. Chapin sought to listen to the clerk's report first and then address the concerns and added the possibility of conditional approval pending Certificate of Occupancy and final construction. Judge Gonzales agreed and asked the Clerk's Office to read the report into the record.

City Clerk Heidi Leatherwood read the report. Mr. Sargent asked if the restaurant staff ratio to customers met the industry standard. Judge Gonzales assured Mr. Sargent that he could address the Liquor Enforcement Technician AnnAlyse Garvey during his presentation of the application. Mr. Chapin had no questions for the Clerk's Office.

Mr. Sargent asked to address Ms. Garvey. Judge Gonzales swore in Ms. Garvey. Mr. Sargent asked for clarification on the staff to patron ratio of 1:10. Ms. Garvey added that she took the information provided in the questionnaire and was concerned that the numbers did not match up. She also added that there was a mistake in the Alcohol plan that needed to be updated to read that "All confiscated IDs will be turned over to the Greeley PD" not the Longmont PD and initially noted.

Judge Gonzales offered Mr. Sargent the opportunity to present the application. Mr. Sargent asked Aracelli Millan and Patrick Maroney to join the meeting. He summarized the operations of the new tavern and entertainment options that would be offered, how the establishment meets the needs and desires of the neighborhood, and that Ms. Aracelli has experience and is financially committed to the business. He noted that an updated diagram was submitted bringing the facility into ADA compliance. Judge Gonzales confirmed this diagram was the one on page 113 of the packet.

Judge Gonzales swore in Patrick Maroney for the needs and desires. He had no requested changes to the report. He visited over 400 places, but most people were not home. Circulation was over several days and even though there weren't over 100 signatures approved it still reflects a statistical analysis of positive desire for the establishment. Judge Gonzales asked for clarification if any neighboring businesses had opposed. Mr. Maroney replied there were none. Mr. Chapin had no questions for Mr. Maroney.

Judge Gonzales swore in Ms. Milan. She confirmed there were no modifications to the building. Mr. Sargent asked her questions about criminal history and when she thought construction would be completed. She would like to open in mid-April and wants to work in conjunction with the City and PD. She listed the security she hired for the tavern as a top priority for patrons. Ms. Milan noted

that she will be using a black light to personally check IDs. All bartenders are to ask for IDs again at the bar. She mentioned training and TIPs training for employees to be completed. Mr. Chapin had no question for Ms. Milan. Mr. Sargent had no further witnesses. Mr. Chapin had no witnesses for the City.

Judge Gonzales opened the public hearing at 3:59 p.m. and with no comments received by the Clerk's Office and no participants wishing to speak in the virtual audience, the public hearing was closed at 3:59 p.m. Judge Gonzales asked Mr. Chapin for his position.

Mr. Chapin stated that he feels the applicant has provided the burden of proof for the application, has no concerns for the needs and desires of the neighborhood therefore has no objections to approving the license pending the receipt of Certificate of Occupancy. Mr. Sargent had no further remarks.

Judge Gonzales was satisfied with the needs and desires of the neighborhood and had no concerns with moral character of the applicant. He conditionally approved the new Tavern License with fulfillment of the following conditions:

- A. Sales Tax License with the City of Greeley to be filed
- B. Certificate of Occupancy to be filed

8. Public Hearing to consider a Transfer of Ownership of an existing Retail Liquor Store held by Gorilla Liquor and Vape Inc.

Gorilla Liquor and Vape Inc
dba **Gorilla Liquor and Vape**
324 13th Street
Greeley, Colorado 80631

Judge Gonzales asked if Cynthia Markel-Valez was in the audience. She joined the meeting. Judge Gonzales asked the Clerk's Office to read the report into the record. City Clerk Heidi Leatherwood read the report and made note of a comment submitted from a member of the public that was captured in the packet.

Judge Gonzales asked why he should approve the transfer. Ms. Markel-Valdez replied that she is new to this type of business, it is in a great location, she works well with the previous owner. Judge Gonzales asked her for the sales tax number as it was left blank on the application. He also asked about her full name noting it was different in the background check than on the application. Ms. Markel-Valdez replied that the full name discovered in her background check is her legal name and that she is in the process of changing her name from a previous dissolution.

Judge Gonzales asked Ms. Markel-Valdez various questions related to the Greeley Questionnaire. The first question was about her career history. She explained that she is not operating the body sculpting business any longer and had started them with her mother. She does not have a license for body cavitation, and nor is it required to perform the procedure. Judge Gonzales asked about Jesse Alfaro. Ms. Markel-Valdez replied that he is her boyfriend. Judge Gonzales asked if she is involved with Level II Arcade in Longmont,

Colorado. She said she was helping with the opening and was supposed to do bookkeeping and administrative tasks, but it did not work out and closed rapidly.

Judge Gonzales asked about the employees and expected hours of work. Ms. Markel-Valdez answered that she will have her mother and brother employed at the business and confirmed that she will have at least 3-4 employees, not only 1 as was listed on the form. Next Judge Gonzales asked her about training. She replied that she has signed up for TIPS training on March 26 in a virtual platform for herself, her mother and brother. She also provided information on the Clovis Point of Sale (POS) software system that will be set up in the store requiring a valid ID to purchase all items. Ms. Markel-Valdez reiterated that no one under 21 will be allowed in the store.

Judge Gonzales inquired about how the business will comply with current no smoking laws, noise laws and other nuisance behaviors. Ms. Markel-Valdez responded that by closing on time or earlier and by having staff that will assist in keeping things in order.

Judge Gonzales asked about the status of the tobacco license. Ms. Markel-Valdez replied that with the regulations restricting tobacco licenses near a school, she will not be able to get a tobacco license. She will be changing the trade name to Gorilla Liquor and remove “vape” from the name. Ms. Markle added that she will not be pursuing the tasting permit at this time.

Judge Gonzales asked Mr. Chapin if she was able to do this now. Mr. Chapin had no objections to updating the trade name during the hearing to save time and confusion. Mr. Chapin asked Ms. Markle-Valdez if she was still working as an aesthetician. Ms. Markle-Valdez replied that it is a hard business to be in, she is mostly home based, and it is more of a hobby than reliable income. Mr. Chapin asked if Mr. Alfaro has any ownership in the business. Ms. Markle-Valdez replied that he does not have ownership in the business, as she is the sole owner.

Judge Gonzales asked Mr. Chapin for the position of the City. He stated that she is of good moral character and needs and desires have been met. The City has no objections to the transfer.

Judge Gonzales conditionally approved the Transfer of Ownership was with fulfillment of the following conditions:

- A. Complete a City Business and Sales Tax License
- B. Getting fingerprints completed and sent to the City of Greeley

9. **Approval of Minutes:** January 26, 2024 and February 16, 2024 Minutes
Judge Gonzales approved the corrected minutes of January 26 and approved the February 16 minutes for the record. He asked that the clerk affix his electronic signature to the documents.

10. **New Business**
None.

11. Next Hearing: April 26, 2024 at 2:00 P.M. by Zoom

12. Adjournment

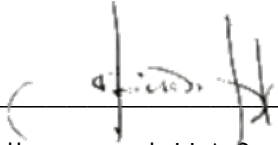
The hearing was adjourned at 4:29 P.M.

Approved:

A handwritten signature in black ink, appearing to be 'MG', written over a horizontal line.

Mark Gonzales, LLA
Hearing Officer

Attest:

A handwritten signature in black ink, appearing to be 'Heidi', written over a horizontal line.

Heidi Leatherwood, LLA Secretary