



Liquor Licensing Authority Minutes

Friday, May 24, 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 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

Continued from the April 26, 2024 Hearing

The provided translator was having issues connecting with the hearing. 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 they were very close to an agreement. Judge Gonzales asked Ms. Rojas and Mr. Lozano if they were agreeable to moving to the June 21st hearing in order to have further time to reach an agreement. They both confirmed that additional time would be welcomed and that the hearing date in June would work. Judge Gonzales moved the item to the June 21, 2024 LLA Hearing.

3. Show Cause Hearing for Lodging and Entertainment Liquor License held by John Galt Coffee, Co.

John Galt Coffee. Co.
dba John Galt Coffee
709 16th Street
Greeley, Colorado 80631

Attorney Lucas Corliss represented the City of Greeley. TJ Wilson, President of John Galt Coffee was also present. Mr. Corliss reported to Judge Gonzales that Mr. Wilson had submitted paperwork to change his class of license. That license is scheduled to be heard at the June 21st LLA hearing. He requested a continuance to June 21, 2024 where he believes the show cause will be resolved with the new license. Judge Gonzales asked Mr. Wilson if he had any questions and if that date worked for him. Mr. Wilson stated he had no questions and the date would work. Judge Gonzales moved the item to the June 21, 2024 LLA Hearing.

4. Show Cause for Liquor Store Liquor License held by Bittersweet Liquor Investment

Bittersweet Liquor investment
dba Bittersweet Liquor
3504 West 10th Street GRsbn-1RL2 Bittersweet North
Greeley, Colorado 8063

Attorney Tanner Spracklen represented the City of Greeley. Gary Buchhotlz, managing member of Bittersweet Liquor LLC was also present. Mr. Spracklen informed Judge Gonzales that he had yet to speak with Mr. Buchhotlz. Judge Gonzales asked Mr. Buchhotlz if he had a chance to review the complaint. Mr. Buchhotlz confirmed he had read it. Judge Gonzales provided a list of penalties that could be incurred and asked Mr. Buchhotlz if he wanted to speak with the City Attorney's office to attempt to resolve the matter. Judge Gonzales asked if Mr. Buchhotlz would like to continue the hearing to June 21, 2024 in order for him to have time to discuss matters with the City Attorney's office, and if he had any questions. Mr. Buchhotlz requested to know how or why the complaint had come about. Judge Gonzales read the complaint that Bittersweet Liquor was out of compliance due to no delivery permit. Mr. Buchhotlz insisted he had a current one. Judge Gonzales informed him he would need to discuss that with the City Attorney's Office ahead of the next hearing in June and confirmed that Mr. Buchhotlz was amenable to that. Judge Gonzales moved the item to the June 21, 2024 LLA Hearing.

5. Public Hearing to consider a New Hotel & Restaurant Liquor License Application:

Wings Pier Greeley CO LLC dba Wings Pier
7008 10th St Ste 500
Greeley, CO, 80634

Hotel & Restaurant

Mandarin Interpretation provided by Ms. Chen

Judge Gonzales asked for the applicants. Zongbing Li, Wings Pier legal counsel, represented Renai Chen and Mingzheng Li. Mr. Chen was also present. Judge Gonzales confirmed Mr. Li's Attorney Registration number 13629. He confirmed Ms. Chen was the Mandarin interpreter, and swore her in. He then explained the process of considering the items, including the establishment of good moral character. He explained there were several discrepancies and police contacts in the report he was concerned about. Judge Gonzales asked Attorney Li if his clients understood and had reviewed the report. Attorney Li said he did not think his client fully understood and he would like to consult with his client outside the hearing.

During this break, Mr. Corliss, City of Greeley Attorney explained that they could proceed with the Carniceria y Taqueria Lozano, Inc without the assistance of the Spanish interpreter. Judge Gonzales moved on to that show cause.

Upon the return of Attorney Li consulting with Mr. Chen, He explained to Judge Gonzales asked that the matter had happened 12 years ago. Mr. Chen has applied for other licenses in other cities and had no issues. Judge Gonzales explained how the clerk would read the report into the record and then the petitioner could present their case as to why they should receive the license. He then explained there would be potential questions from the judge and the city attorney's office. There would be an opportunity for witnesses following that, as well as time to cross examine. Judge Gonzales asked the City Clerk's Office to read the report into the record.

Deputy City Clerk Jennifer Middleton read the report. Ms. Chen interpreted.

Chief concerns in the City Clerk report that were raised by the Greeley Police Department were criminal history records for Renai Chen that were not disclosed on the Individual History Record.

Upon completion of the reading, Judge Gonzales asked Mr. Li if he had any questions for the clerk's office.

Mr. Li did not have any questions for the clerk's office but explained that they would address the clerical errors by completing the incomplete Individual History Report that was submitted by Mr. Chen. He also explained that Mr. Mingzheng Li's arrest record was related to his immigration, and he has a work authorization and has applied for asylum. He asked if any further documentation would be required for that. Judge Gonzales asked Mr. Chapin what his position was on this, and Mr. Chapin said he wouldn't need anything further regarding immigration matters. He did want to hear more information regarding Mr. Chens conviction for Organized Crime and why it was not included on his Individual History Record.

Mr. Li explained that Mr. Chen brought in 3 different liquor license applications for his office to assist with and felt he had overlooked this one. He reiterated that this conviction had happened 12 years ago, with no further violations, and thought it would drop off after 10 years. He insisted they would correct the application and apologized for any misleading.

Judge Gonzales asked if the City Attorney's office had any further questions. Mr. Chapin said there were none.

Mr. Li then presented his request for the Hotel and Restaurant Liquor License for Wings Pier LLC. He stated he hoped the judge would give them a chance to update the application. The business is not currently open as the applicant is finishing construction at the premises and awaiting licenses from the city. He explained they were hoping to obtain the liquor license and open in July. They are prepared to hire and train employees. He introduced two witnesses, Ms. Johnson of Liquor Pros, and Mr. Renai Chen.

Judge Gonzales explained his biggest concern was the felony conviction and establishing good moral character. He swore Ms. Johnson in.

Ms. Johnson provided expert testimony for the Needs and Desires petition, including the information that she obtained 64 signatures, all in support. Mr. Li asked if this was obvious evidence for needs and desires, and she replied 100%.

City Attorney Ned Chapin had no questions for the witness, and Judge Gonzales released her from the hearing after expressing his appreciation.

Judge Gonzales swore in Renai Chen. Mr. Li asked Mr. Chen about his position at Wings Pier. Mr. Chen explained he was a shareholder, and that Wings Pier would be serving fried chicken and seafood. Mr. Li also established with Mr. Chen that the building was under remodel, would need to pass inspections for city licenses, and would be hiring and training employees with proper liquor serving training. Mr. Chen said he had 12 years of experience in restaurants serving alcohol and had never had any violations.

Mr. Li continued by explaining that the City Clerk's Office and City Attorney's Office had mentioned his previous criminal records and asked if Mr. Chen understood. Mr. Chen stated yes. He explained that at the time he was young and did not understand some things, that he had been cheated by someone else, and really regretted the things he did. Through further questions by Mr. Li, Mr. Chen said the incident was 12-14 years ago, he had served 2 years in prison, as well as completing all the requirements the judge had imposed. He had no further violations and planned to be compliant with the law in the future.

Judge Gonzales asked Mr. Chen about the access device charge in 2011. Mr. Chen said that at the time there was a criminal group that provided him with a fake ID and credit card. At first he was the only one caught and reported, but it became a group criminal case.

Mr. Chapin asked why he did not report it on the IHR with the application. Mr. Chen said he was deeply apologetic and did not pay attention, leaving it blank. Mr. Chapin asked if had any help filling out the application. Mr. Chen said he filled out the application but left that part blank for his attorney to help fill out the rest. Mr. Chapin wanted to know if Mr. Chen could read the English on the application. Mr. Chen explained he used a translating application on his cell phone and then left the rest for his attorney to help him fill out. Mr. Chapin had no further questions.

Judge Gonzales asked if the restaurant Mr. Chen owned on Mississippi Ave. In Aurora had a liquor license. Mr. Chen explained that while he was a shareholder, the liquor license was under his wife's name. He asked Mr. Li if there was any redirect.

Mr. Li stated he thought Mr. Chen was confused by some concepts and he would go over the IHR again with his client. When asked if he had committed a crime, he had stated no, and Mr. Li would have to clarify with him.

Judge Gonzales asked Mr. Li if they would like a continuation to have time to complete the IHR. Mr. Li replied yes. Judge Gonzales asked if Mr. Chapin had any objections and he replied no.

Judge Gonzales explained that there were definitely significant changes that needed to be made to the application. He stated the Needs and Desires have been met. The Clerk's report did a fairly good job of identifying the issues that needed to be fixed. Mr. Chen's application was completely blank on any of his identification, and he would like a final disposition on the access device and fraud. He set the case to continue to the June 21, 2024 LLA Hearing, and stated the notice would need to be posted of the new date.

6. Public Hearing to consider a New Hotel & Restaurant Liquor License Application:

Seven Fish LLC dba Seven Fish
1116 9th St
Greeley, CO, 80631
Hotel & Restaurant
Spanish Interpreter provided by Janeth

Judge Gonzales asked for the applicants. Dora Edith Buenal is the owner and sole operating manager. Rebel Heart Licensing was also noted as being present. Judge Gonzales explained the process to Dora Buenal and swore Janeth in.

He then asked the Clerk's report be read into the record. Janeth interpreted.

Chief concerns in the clerk's report per the Greeley Police Department were pictures on the Seven Fish Facebook page of alcohol being served without a license, and confusion of advertising of both Seven Fish and Ta Caluchi.

Upon completion of the report, Judge Gonzales asked if Ms. Bernal had any questions for the clerk's office. Ms. Bernal wanted to clarification on the date of the Facebook post for the oyster shots. The Clerk's office clarified it was December 20, 2023 per the police department memo. Ms. Bernal stated that the oyster shots only contained salsa and tomato sauce, and that she had never sold any alcoholic beverages.

Judge Gonzales asked City Attorney Ned Chapin if he needed to call Liquor Enforcement Technician Ms. Garvey as a witness, as she was present. Mr. Chapin said no. Judge Gonzales explained to Ms. Buelna that Ms. Garvey was available if Ms. Buelna had any questions. Ms. Buelna had no further questions for the Clerk's office or City Attorney.

Judge Gonzales asked if she would like to call a witness. Ms. Buelna stated this was her first time doing this and she did not know what to do. Judge Gonzales explained he could swear in a witness and she could ask questions or he could swear her in and she could answer questions. She chose to be sworn in.

Ms. Buelna stated she was concerned regarding the photos that showed liquor at her establishment. People have entered her establishment with beer in their purses or plastic bags, and when she has seen this, they have been asked to remove it. She wants her business to comply with the law, and she does not want to jeopardize her name or business by allowing alcohol in her business.

Judge Gonzales asked if Ms. Bernal was familiar with the photos, and she replied that she was not, someone else had posted them. He asked her if there was anything else she would like him to know. She wanted to clarify about the name Ta Caluchi. She explained that there were signs with that name up because it is going to be the name of her sons' business, and they are trying to promote it before he opens it. She said that Ta Caluchi is what they call people from the certain part of Mexico, and people recognize that the food comes from that area.

Judge Gonzales clarified that there needs to be no confusion when advertising with a liquor license. We have Seven Fish LLC dba Seven Fish. The Secretary of State has Seven Fish LLC. There are a lot of businesses that do not have the same corporate name as the DBA. She can have a DBA as Ta Caluchi, but it needs to be consistent. She said it Seven Fish is what will be used. Judge Gonzales explained that the business could only be advertised as Seven Fish with the liquor license.

Judge Gonzales also asked about the sales tax filing with finance and if they were now up to date. Ms. Bernal said she didn't think there would be a problem with removing the signs. Judge Gonzales asked about the tax filings again. Ms. Bernal said it is a super confusing process and she did not know how to file it. She had a license with the food truck and was no longer using it but did not know how to stop it. She said she was up to date on the taxes, they had been applying her payments to the food truck, and it had been straightened out.

Judge Gonzales also questioned her regarding the Fire Department inspection. She explained they had inspected the truck, and not the restaurant originally, but had been back out and inspected the restaurant and it had passed. Ms. Bernal expressed again she wants to everything she can to be in good standing.

Judge Gonzales asked Mr. Chapin if there were any further questions. As there were none, he asked Ms. Bernal if there were any other witnesses. There were none.

He asked Mr. Chapin if there were any witnesses for the city, there weren't any.

Judge Gonzales opened the hearing at 5:28 p.m. He noted there were three people in the hearing room and asked if anyone had a comment to raise their hand. No one in the virtual audience raised their hand.

As there were no further comments from Ms. Bernal, the hearing was closed at 5:30 p.m.

Mr. Chapin told Judge Gonzales that he believed the applicant had carried the burden with regards to the application. He had been informed by Mr. Kibbee in finance that the sales tax issue had been resolved, and the city had no objections to issuance of the license.

Judge Gonzales asked Ms. Bernal if there was anything else she wanted to say before he made his decision. Ms. Bernal thanked everyone for their time and said she would do anything to stay in good standing so she could obtain the license.

Judge Gonzales stated he agreed with the City Attorney that the applicant had met the burden. He found Ms. Bernal to be of good moral character to hold the license. He said the location had been a restaurant off and on for many years, and there were 77 signatures in favor and none against. This is an appropriate location to have a liquor license so they can serve food. As advised, they can only use Seven Fish to advertise. It sounds like all financial issues have been resolved. He directed the Clerk's office to attach his signature and send to the state. He advised Ms. Bernal to not serve alcohol until she received the license. He also said Ms. Bernal could consult with Ms. Garvey about what needed to be posted at her location, including the ordinance sign which states they cannot sell to minors, and need to contact the police department if there are any disturbances.

Ms. Bernal wanted clarification on who Ms. Garvey was. Judge Gonzales provided her with more information for the police department contact. He asked Ms. Bernal if she served ceviche, and she said yes, it would be the best he will ever have. He expressed he looked forward to trying it. The interpreter was thanked.

7. Approval of Minutes: April 26, 2024 Minutes

Judge Gonzales approved the minutes of April 26. He asked that the clerk affix his electronic signature to the documents.

8. New Business

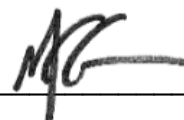
None.

9. Next Hearing: June 21, 2024 at 2:00 P.M. by Zoom

10. Adjournment

The hearing was adjourned at 5:32 P.M.

Approved:

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

Mark Gonzales, LLA
Hearing Officer

Attest:

A handwritten signature in dark ink, appearing to read 'Heidi Leatherwood', is written over a solid horizontal line.

Heidi Leatherwood, LLA Secretary