



City of Trinidad, Colorado
1876

CITY OF TRINIDAD
TRINIDAD, COLORADO

S P E C I A L M E E T I N G

There will be a Special Meeting of the City Council of
the City of Trinidad, Colorado, on Tuesday, May 24, 2011,
at 1:30 p.m. in the
Council Chambers at City Hall

The following item is on file for consideration of City Council:

- 1) Public hearing – New Optional Premises liquor license application filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Fatur, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

INVESTIGATIVE REPORT

Applicant: Trinidad-Las Animas County Golf Association, Inc.
Business Name: No DBA Registered
Business Address: 1417 Nolan Drive
Date of Application: April 14, 2011
Date Application Filed with Local Authority: April 19, 2011
Type of Request: New License
Type of License: Optional Premise
Hearing Date: Tuesday, May 24, 2011, 1:30 p.m.

APPLICATION CONTENTS -

Applicant's Documents: Liquor License Application - Form #DR8404
Certificate of Good Standing
Lease Agreement
Diagram of Premises
Optional Premises Operation Statement
Individual History Records-Form #DR8404-I
Letters of Reference
Fingerprints

City Documents: Notice of Public Hearing
Certificate of Mailing
Proof Publication on 5/2/11
Certificate of Posting
Departmental Reports
Correspondence to Applicant
Neighborhood Boundary Map

STATE AND LOCAL FEES -

State Fees:	Investigation	\$1,125.00
	License	<u>500.00</u>
	Total	\$1,625.00

Local Fees:	Investigation	\$ 625.00
	License	<u>75.00</u>
	Total	\$ 700.00

Local and state fees have been paid. Applicant has been advised the City's and State's investigation fee is non-refundable and in the event the liquor license is denied, license fees only shall be refunded.

LETTERS OF REFERENCE -

Letters of reference for Joseph DeGarbo, President, received from:

Mary A. Garcia, Trinidad, CO
M. Peter Schrepfer, Trinidad, CO
Jeffery J. Sepulveda, Trinidad, CO
Jeffery A. Cooke, Trinidad, CO

Letters of reference for Kent Eberhart, Vice President, received from:

Victor N. Becco, Trinidad, CO
Sam Incitti, Trinidad, CO
Dr. Robert Leonetti, Trinidad, CO

All letters of reference have been verified, with the exception of that received from M. Peter Schrepfer for Joseph DeGarbo. However, only three letters of character reference are required and said requirement was fulfilled excluding Mr. Schrepfer's letter.

FINGERPRINTING -

Fingerprint cards were submitted to CBI/FBI on 04/27/2011. Results from FBI and CBI were received for Joseph DeGarbo and Kent Eberhart and disclosed no criminal records.

LEASE -

Lease agreement dated 11/8/2006 is between the City of Trinidad and Trinidad-Las Animas County Municipal Golf Association, Inc. The lease period extends from 11/8/2006 and continues until terminated, upon a 30 day written notice.

DIAGRAM OF PREMISES -

The diagram identifies the Pro Shop as the main point of sale and the optional premise to include the entire golf course.

SALES TAX LICENSE -

Sales Tax License #09-80718-0000 was verified.

NOTICE OF HEARING -

Mailed to applicant - 4/27/11.

Published - 5/2/11.

Posted on the premises - 4/27/11.

DEPARTMENTAL REPORTS -

Fire Chief Leroy Perea submitted his approval of the premises on 4/28/2011.

Building Inspector Chris Kelley conducted his initial inspection on 4/29/2011. The inspector likewise submitted his approval.

The Police Department reported no record located for either party, Joseph DeGarbo and Kent Eberhart, within the local databases.

CORRESPONDENCE TO APPLICANT -

A letter dated 4/27/11 was sent to Trinidad-Las Animas County Golf Association, Inc. advising of the procedures to follow at the hearing. A sample petition was also provided as well as a map of the designated neighborhood.

CORRESPONDENCE FROM APPLICANT -

No additional correspondence has been received as of the date of this report.

SCHOOL DISTANCES -

The City has eliminated the distance restriction imposed by CRS 12-47-313(1)(d)(II) for hotel and restaurant licenses only, pertaining to a 500-foot limitation to the nearest public, parochial, or nonpublic school. This proposed premise has been determined to be outside of the 500-foot limitation. The nearest school property is Eckhart School which is 2,075 feet from this property.

LICENSED OUTLETS WITHIN THE NEIGHBORHOOD -

The neighborhood boundary was set as the corporate boundaries of the City.

There are thirty-five (35) licensed outlets within the City limit boundary; however, Delmonico Bar & Café's license expired on 4/21/11 but is still within the 90 day late-renewal period and was therefore included in the total number of licensed outlets. Of the thirty-five (35) licensed premises, zero (0) are licensed as optional premises, however Trinidad Golf, LLC is licensed as a hotel and restaurant w/optional premises. The outlets are:

3.2% - Off	J. R.'S Fuel Stop #810	731 E. Main Street
	J. R.'S #811	110 E. Colorado Avenue
	Safeway Store #722	457 W. Main Street
	Wal-Mart Supercenter #962	2921 Toupal Drive
	Count: 4	
3.2% - On/Off	Lee's Bar B Q	825 San Pedro
	Count: 1	
Club	Eagles, Order #179	204 Pine Street
	Elks, BPOE	120 S. Maple
	Count: 2	
Hotel/Rest.	Black Jack's Saloon & Steakhouse	225 W. Main Street
	Chef Liu's Restaurant	1423 Santa Fe Trail
	Mission at the Bell Restaurant	134 W. Main Street
	Quality Inn	3125 Toupal Drive
	Rino's Restaurant	400 E. Main Street
	Wonderful House Restaurant	415 University Street
	Trinidad Golf, LLC	306 Fairway Court
	Bella Luna Pizzeria	121 W. Main Street
	Trinidad Holiday Inn	3130 Santa Fe Trail Drive
	Main St. Tap House	308 W. Main Street
	Brix, Inc.	231 E. Main Street
	Count: 11	
Liquor Store	Kit Carson Liquor	155 Elm Street
	Main Street Liquors	803 E. Main Street

Mountain Liquor
Santa Fe Trail Hops & Vines
Tire Shop Wine & Spirits

1144 Robinson
1530 Santa Fe Trail
601 W. Main Street

Count: 5

Tavern

Delmonico Bar & Café
Great Wall
El Rancho Cafe
Gino's Sports Bar
JuJo's Pub and Dance Hall
Lumber Jacks Bar & Grill, LLC
Mantelli's
Monte Cristo Bar
Park Café
Trinidad Lanes, LLC
Trinidad Lounge
Ole's Tavern

313 W. Main Street
321 State Street
1901 Santa Fe Trail
991 E. Main Street
125 N. Chestnut Street
1133 N. Linden Ave.
137 W. Main Street
124 Santa Fe Trail
608 Arizona Avenue
823 Van Buren
421 N. Commercial St.
2833 Toupal Drive

Count: 12

Dated this 16th day of May, 2011.

CITY OF TRINIDAD, COLORADO



Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of May, 2011, I mailed a copy of the Investigative Report, by Certified Mail, to:

Trinidad-Las Animas County Golf Association, Inc.

P. O. Box 832

Trinidad, CO 81082

Certified Mail #7002 2410 0004 3380 2282


Audra Garrett, City Clerk

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord CITY OF TRINIDAD	Tenant TRINIDAD-LAS ANIMAS CO. GOLF ASSN.	Expires 11-8-12 <i>2 mb 5.16.11</i>
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Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
NONE			

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No
 Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following: Yes No
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License** applicants answer the following and attach: Yes No
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated?
 (Three years required) _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following: Yes No
 (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** _____ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth _____

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. Yes No

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
JOEY DEGARZO	[REDACTED] TRINIDAD Co.	[REDACTED]	PRES.	0
KEJT EBERHART	[REDACTED] TRINIDAD Co.	[REDACTED]	V. PRES.	0

*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)

Address for Service

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature

Title

Date

Joey DeGarzo

Vice Pres. Lt

4-14-11

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority

4/19/11

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.

5/24/11

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

That each person required to file DR 8404-I (Individual History Record) has:

Yes No

Been fingerprinted

Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

Date of Inspection or Anticipated Date *5/9/11*

Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for

Telephone Number

TOWN, CITY
 COUNTY

Signature

Title

Date

Signature (attest)

Title

Date