



Liquor License Authority Meeting Minutes - Final

Tuesday, October 20, 2020

11:00 AM

Town Hall
100 N. Wilcox Street
Castle Rock, CO 80104

This hearing is open to the public.

CALL TO ORDER

Judge Gresh, Hearing Officer, opened the hearing at 11:04 am.

NEW LIQUOR LICENSE APPLICATIONS

[LLA 2020-007](#) Transfer of Beer and Wine License - Kambslund LLC dba The Backyard

Judge Gresh opened the hearing on the application for a Transfer of a Beer and Wine Liquor License at 330 Third Street, Castle Rock, Colorado, under the business name Kambslund, LLC.

This hearing is considered quasi-judicial.

In order to afford all parties due process under law, the Hearing Officer must be fair and impartial in deciding whether this application should be approved, approved with conditions, or denied. In making that determination, the Hearing Officer must consider the record, which includes the staff recommendation, the applicant presentation, public comment presented during the hearing, and other written public comments offered before or during the hearing. Under law, the Hearing Officer must evaluate this proposal based solely upon the record and the criteria established under the Municipal Code and State Statute, which are highlighted in the staff report.

It is important that the Hearing Officer remain objective and capable of considering information offered into the record during this hearing.

Judge Gresh gave a statement that he is capable of evaluating and ruling on the application consistent with these due process requirements and that he does not have a conflict of interest.

Lisa Anderson, Town Clerk, stated that the notice was sent to the applicant and posted at the premise at least 10 days prior to the hearing as required by State Statute.

Judge Gresh entered the application as contained in the Authority packet into the record of this hearing.

Judge Gresh stated Quasi-judicial hearings require attendance by all applicants; however, the Town Council approved a Resolution allowing Boards and

Commissions to operate under the Town Council Meeting Special Procedures During Declared Disasters Policy.

The applicant has requested that one of the out-of-state owners be allowed to attend remotely, which is allowed under this policy. To be in compliance with the policy, the applicants have signed a Release that they have read the policy and agree to allow remote attendance.

Lisa Anderson, Town Clerk stated the application is for a Transfer of a Beer and Wine Liquor License and has provided copies of the pertinent application materials and provided the following findings from the staff review:

Owners Matt Frary and Corbin Wanninger are present along with the operating manager Brandon Cant. The third owner, Kelly Kambs, resides in California and is attending remotely.

The Attorney for the Liquor Authority, Elizabeth Allen, is also attending remotely.

The Mayor approved remote attendance at this hearing per the policy, and all owners and the managers have signed releases agreeing to remote attendance. These are included in the packet.

The Town has requested a hearing regarding the transfer of this license because a previous show cause and stipulation regarding this business came before this Authority and one of the two current business owners will be on the new license. The required notification to the applicant and posting notice of the hearing were completed in compliance with State Statute.

The previous owner of the business was registered as Mediterranean Avenue Investment Properties LLC doing business as Maddie's Bier Garten.

The application was complete and contained all required documents and information.

A Temporary License was issued to expire on October 31, 2020. The Hearing Officer is asked to determine if the Transfer application is locally approved; and if so, will determine if the Temporary license should be extended until the State's final determination.

The application has been submitted to the State concurrently for their approval.

Fingerprints were submitted for all owners. The background reports came back and is included in your packet with no issues of concern.

Town departments reviewed the application for any outstanding issues with the Town. The Fire and Building department approved their use with the exception of the kitchen and back seating area. The applicant has agreed that those areas will not be used until a CO is issued for those areas.

As this is a transfer application, a petition and newspaper publication was not required.

Public Notice of this hearing was sent to the applicants and has been posted at the location for at least 10 days prior to the hearing in accordance with State law.

Judge Gresh administered the Oath to the owners Matt Frary, Corbin Wanninger, and Kelly Kambs.

The Applicants made the following statements:

Kelly Kambs stated that they want to have a positive affect on the Town of Castle Rock. When she lived in Castle Rock she loved the community atmosphere and the ability for families to gather. Their vision is to have a place where a child, parent and grandparent could come to the same location and enjoy themselves in The Backyard with community neighbors, cold beer, wine, and good food from all over the country. She feels it will benefit the community and families.

Matt Frary, stated it is all about families and to improve downtown, make it livable, and make it fun.

Corbin Wanninger added that he went to Maddie's when they first opened and it was exciting and he loved the concept. He moved out of Castle Rock and then Kelly called him back in to bring new life to Maddie's and help clean up the place. He noted how many people in the Town have come around and were excited about them opening, and how many people came to help them get it up and running.

Kelly thanked the Town of Castle Rock and noted that they have been very patient with them and very helpful.

Judge Gresh asked what the Involvement would be of each partner.

Matt stated Brandon Cant is their day to day manager and is also in attendance. Kelly will be handling operational aspects and financing. Matt stated he has a background in marketing and event planning to develop the look, feel, branding and what it stands for. Corbin is crucial with his investment and building out from his vision of the Backyard and will remain to consult. In addition they will work with commercial contractors as they move forward.

Judge Gresh asked about their experience.

Kelly has the strongest background in serving and was one of the owners of Maddie's. She stated she was very involved the first year and a half before she moved to California. She stated this group will be following the letter of the law and they will have all servers go through TIPS training and they will continue to do regular training.

Judge Gresh asked how they will keep alcohol out of the hands of minors.

Matt stated they are very conservative and will identify all that are consuming alcohol on the premises.

Judge Gresh asked how they will keep anyone from leaving with alcohol.

Kelly stated they will post signs that alcohol is not allowed beyond their premise and train staff.

Judge Gresh asked how they plan to control the alcohol i.e, for storage.

Matt stated that their site plan details where the alcohol will be stored. Kelly added they will also control it with the signage. Matt stated that they also have security cameras everywhere on the premise and they store footage for 30 days onsite.

Judge Gresh noted that there were issues with tax payments with the previous business and if they were aware that Finance would require that they make monthly Sales Tax payments online or with certified funds.. Kelly said they were fine with that.

No one was present in support or in opposition of issuing this license.

Kelly's closing comments were to thank everyone for accommodating her to be able to attend remotely.

Judge Gresh closed the public hearing.

Judge Gresh emphasized some Statutory requirements for licensees:

A Beer and Wine license is permitted to sell Malt and Vinous Liquors containing more than 3.2% Alcohol by weight by the drink for consumption on the premises.

A Beer and Wine license is required to have sandwiches and light snacks available during operating hours.

Alcohol must be purchased from a wholesaler.

All owners equally share responsibility for financial obligations, violations, and ensuring compliance with all State Statues, Town Code, and liquor laws.

Renewal applications received after the expiration will incur a State and local late renewal fees.

Any changes to the ownership or premise must be reported.

All owners and the manager are required to understand, enforce and comply with State and Town laws and regulations.

Any violation of the State or Town codes or liquor law is subject to a show cause hearing which could lead to suspension, fines or revocation of the license.

The owners must ensure employees of the business are not prohibited from working at a liquor licensed establishment such as the operating manager cannot be an operating manager for another liquor license; and employees cannot be convicted of a felony that involves moral turpitude.

It is recommended that all servers receive responsible vendor training to ensure they comply with State law. The State Liquor Enforcement Division does periodic inspections of all liquor licensees.

Judge Gresh found that:

- The Applicants are of good moral character based on his review and the testimony pursuant to the Liquor Code,
- all Town and State law requirements have been met, and
- as a condition of approval due to issues with one of the previous owners, the Finance department requires Town Sales Tax must be reported and must be paid monthly online or by certified funds.
- Based on these findings and conditions, the Authority approved the Transfer of the liquor license and extends the Temporary Beer and Wine Liquor License for Kambsland LLC dba The Backyard until the State has made their final determination.

ADJOURN

Judge Gresh adjourned the hearing at 11:22 am.

Submitted by:

Lisa Anderson, Town Clerk