



**City of Fort Lupton
Liquor Licensing Authority
Agenda
Tuesday, November 19, 2024
6:00 PM
130 South McKinley Avenue**

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Consent Agenda

a. November 5, 2024, Liquor Licensing Authority Minutes

Adjourn

**RECORD OF PROCEEDINGS
LIQUOR LICENSING AUTHORITY
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The Liquor Licensing Authority of the City of Fort Lupton met at the City Complex, 130 South McKinley Avenue, on Tuesday November 5, 2024. Mayor Zo Hubbard called the meeting to order at 6:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Hubbard, Councilmembers, David Crespín, Chris Ceretto, Bruce Fitzgerald and Claud Hanes. Councilmember Valerie Blackston participated remotely. Councilmember Carlos Barron was absent.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, Chief of Police, William Carnes, and City Attorney, Andy Ausmus.

APPROVAL OF AGENDA

It was moved by Bruce Fitzgerald and seconded by Claud Hanes to approve the agenda as presented. Motion passed unanimously on voice vote.

CONSENT AGENDA

It was moved by Chris Ceretto and seconded by David Crespín to approve the Consent Agenda as presented with the following item:

- October 15, 2024 Liquor Licensing Authority Meeting Minutes

Motion passed unanimously on voice vote.

PUBLIC HEARING

AM 2024-180 Consideration of the Renewal Application for a Retail Liquor License, by the City Council acting as the Local Licensing Authority, Submitted by Manihani Manihani Inc. dba Whipsaw Wine and Spirits

On October 4, 2024, Manihani Manihani Inc. submitted a renewal application for its Retail Liquor License. Manihani Manihani Inc. dba Whipsaw Wine and Spirits is located at 1400 Dexter Street. On June 3, 2024, the Colorado Department of Revenue Liquor and Tobacco Enforcement Division issued a letter to Whipsaw Wine and Spirits stating the retailer was in violation of C.R.S. 44-7-102(1) due to selling tobacco or nicotine products to a minor. The Liquor and Tobacco Enforcement Division issued a stipulation, agreement, and order to the retailer in lieu of proceeding with an Order to Show Cause. The retailer agreed to pay a fine totaling \$250.00 for the violation to avoid an Order to Show Cause.

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Due to the violation, the renewal application is coming before the local licensing authority because the Clerk's office can't process the application administratively.

Notice of the hearing was provided to Manihani Manihani Inc. by mail to 1400 Dexter St., Fort Lupton, CO 80621 on October 9, 2024 and by email to Vikram Manihani on October 9, 2024. The Public Hearing notice was posted by Vikram Manihani on October 25, 2024.

Mayor Hubbard asked if all inspections were completed and approved. The City Clerk responded that they had.

Robert Ranco Attorney Registration #41932 was present on behalf and with the owner/applicant Mr. Vikram Manihani. The City Attorney, Andy Ausmus, stated to Mr. Ranco that one member of the Authority was appearing remotely and asked him if he opposed to the member appearing remotely and voting on the matter. Mr. Ranco stated he had no objection.

The City Attorney, Andy Ausmus asked Mr. Ranco to describe the circumstances of the violation, training since the violation and what the applicant has done in order to prevent future occurrences.

Mr. Ranco stated that the violation was from an underage sting from the tobacco enforcement division where an employee sold without properly checking ID. The matter was settled with the State and the employee is no longer employed with the company. Since then, the company has provided Alcohol Beverage Training to all 6 staff employees. The Alcohol Beverage Training with Patrick Maroney, former Director of the Liquor Enforcement Division. The software has also been updated, an employee can't make a sale on tobacco or alcohol without checking ID and is required to enter the date of birth.

The Authority had no questions. Mayor Hubbard stated that since the hearing had not been opened, it had opened prior to discussion at 6:03 p.m.

There being no further questions or discussion, Mayor Hubbard closed the public hearing at 6:07 p.m.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve the Renewal Application for a Retail Liquor License, by the City Council acting as the Local Licensing Authority, Submitted by Manihani Manihani Inc. dba Whipsaw Wine and Spirits. Motion passed unanimously on roll call vote.

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AM 2024-181 Continuance Hearing from October 1, 2024, Regarding Consideration of the Renewal Application for a Tavern Liquor License, by the City Council acting as the Local Licensing Authority, Submitted by Silvermoon LLC dba Silvermoon Bar and Café.

Mayor Hubbard opened the public hearing at 6:08 p.m. and asked for an update. The City Clerk, Mari Peña, stated that this is a continuance from the October 1, 2024, hearing regarding whether the Silvermoon is in possession of the building. A letter notifying the applicant, Jason Cardenas, was provided on items to submit, as of today no items have been submitted. The City Attorney, Andy Ausmus, asked the applicant for his name. The Applicant, Jason Cardenas, stated his name. The City Attorney asked Mr. Cardenas if he had presented to the City Clerk written proof of how Silvermoon holds possession of the premises, including but not limited to a written lease, proof of insurance, cancelled rent checks, or anything similar. Mr. Cardenas stated that he has signatures from my step-mother and brother relinquishing the building to him. Mr. Ausmus asked if this had been provided prior to tonight. Mr. Cardenas stated no and presented the documents to the City Clerk. The City Attorney, upon inspection of the documents, stated that the documents are a Renunciation and/or Nomination of a Personal Representative. Mr. Cardenas was asked if a probate case was filed or anything with the courts? Mr. Cardenas, indicated that there was no case filed and he just received the documents yesterday. The City Attorney stated to Mr. Cardenas that the documents are a Renunciation or Nomination of a Personal Representative and doesn't have anything to do with real estate. Mr. Cardenas stated he was told that this is the beginning. The City Attorney, asked Mr. Cardenas if he had a written lease, rent checks or property insurance. Mr. Cardenas responded that he would not know who he would get this from. The City Attorney asked Mr. Cardenas if he had a copy of a written lease, proof of insurance, or cancelled rental checks, having to do with the subject property where the license is being sought. Mr. Cardenas stated no. Mr. Ausmus stated to Mr. Cardenas that he was to provide proof of current updated Secretary of State business registration and filings with the secretary of state for the Silvermoon Bar and Café. Mr. Cardenas provided documents to the City Clerk. Mr. Ausmus stated that the document was a Sales License renewal application dated October 30, 2024, and was asked if he had been approved or just filed the application. Mr. Cardenas indicated that its approved and that the actual paperwork should be received in 4-6 weeks. Mr. Ausmus stated, under oath Mr. Cardenas, a sales tax license has been applied for, Mr. Cardenas stated yes. Andy indicated that his question was in regards to the Colorado Secretary of State, Silvermoon LLC, which is how Mr. Cardenas, holds the license is delinquent with the Secretary of State and has he done anything to rectify that. Mr. Cardenas indicated that all mail has gone to his father's address at 731 Grand Ave. and he hasn't lived there for 8 years. His father's mailing address has been shipped to his and he hasn't seen anything.

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The City Attorney asked Mr. Cardenas, today November 5, 2024, the Silvermoon LLC is a delinquent limited liability company with the Secretary of State is that correct. Jason indicated that he didn't know what that meant. The City Attorney stated that it meant Mr. Cardenas

hasn't filed a document to put the company in good standing. Jason indicated he filed everything he can. Mr. Ausmus asked Mr. Cardenas if he is a member of the Silvermoon LLC and if he had ownership interest in the company. Mr. Cardenas stated yes. Mr. Ausmus asked if he had gone on the Secretary of State website or attempted to file what is called curing delinquency. Mr. Cardenas stated he didn't know it was delinquent. Mr. Ausmus stated to Mr. Cardenas that he was notified at the hearing of October 1st that it was delinquent. Mr. Cardenas stated yes, but that he didn't know at the time. Mr. Ausmus stated that the registered agent for the LLC is the Attorney John Dent and asked Mr. Cardenas if he had spoken to an attorney about this. Mr. Cardenas responded that he has not. Mr. Ausmus asked Mr. Cardenas if he had written proof that that all State and Local taxes related to the business have been paid, including but not limited to property taxes for 334 Main Street, have been paid in full, and there is no past due balance with the Weld County Treasurer's Office. Mr. Cardenas responded no, and that he didn't realize that was a requirement. The letter that was sent to him on October 3rd, what was discussed before it was not mentioned during the first hearing. Mr. Ausmus stated that the subject of property taxes was discussed. Mr. Cardenas stated he was not aware. Mr. Cardenas also stated he had spoken to the County and can make payments. That is the only tax that hasn't been paid. As far as the sales tax certificate, it has been filed but he doesn't have a sales tax license.

Mr. Ausmus asked Mr. Cardenas if he had anything else that he would like to present in support of his application for renewal of the liquor license that the panel should consider.

Mr. Cardenas stated that he will continue to do everything he can, it's been a rough month given that he had to move and has lost mail; his truck also caught on fire. He is trying to do all this as well.

The Mayor asked if there were any questions of the Authority.

Claud Hanes stated that he had no questions but in good conscious he can't come to renew the application.

Mayor Hubbard stated that property taxes were discussed at the previous meeting. She understood that there were so many things discussed that he may have missed that, but because that has not been handled, she can't move forward on this.

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Mr. Cardenas stated that he didn't know about the property tax and he had to call them and they would not give him information because he's not Joe Cardenas. He indicated that he can't pay something that he doesn't know is out there.

Mayor Hubbard asked if anyone from the public wished to speak for or against the case, there being no one, Mayor Hubbard closed the public hearing at 6:16 p.m.

It was moved by Claud Hanes and seconded by David Crespin to approve the renewal Application for a Tavern License, by the City Council Acting as the Local Licensing Authority, Submitted by Silvermoon LLC dba Silvermoon Bar and Café.

Chris Ceretto asked the City Clerk, if this is denied and everything is in order can Mr. Cardenas reapply. The City Clerk indicated that he could apply for a new liquor license. Andy Ausmus responded to the Authority that Mr. Cardenas has a right to appeal and if the panel finds good cause for not approving the renewal, he would have judicial remedy that he could pursue.

Chris Ceretto stated that he would support Mr. Cardenas where he could, however this is ongoing. It's hard to vote yes with everything going on but the Authority has a responsibility. Lastly, showing ownership of the property.

David Crespin stated that an extension was given to take care of this and the items have not been taken care of, so he can't vote in favor.

Valerie Blackston stated that she could hear everything. Unfortunately, she can't move forward with a yes vote with the requirements not being met at this time.

Claud Hanes stated that just like before, nothing has happened. Mr. Cardenas attempted to, but not getting to a point where we can actually act on an approval.

Bruce Fitzgerald stated that the Authority must have data and documents before this can be approved.

Mayor Hubbard stated that she agreed with Authority. Joe Henry was a dear friend of hers and it grieves her to vote no.

The motion to approve the renewal Application for a Tavern License, failed on zero (0) 'yes' votes and six (6) 'no' votes. 'No' votes from Councilmembers Claud Hanes, Chris Ceretto, Valerie Blackston, David Crespin, Bruce Fitzgerald, and Mayor Zo Hubbard.

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ADJOURNMENT

The meeting adjourned at 6:21 p.m.

Submitted by,

Maricela Peña, City Clerk

Approved by Liquor Licensing Authority,

Zo Hubbard, Mayor

DRAFT