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MINUTES

**CONSENT CALENDAR**

1. Approval of Minutes of November 17, 2014 Meeting
2. Approval of Minutes of December 1, 2014 Special Meeting
3. Annual renewal of the 3.2% Beer Off Premises License for 7-Eleven, Inc., 6400 Crossroads Blvd, Windsor, CO 80550
4. Annual renewal of the Retail Liquor License for Uncorked Wine & Liquor, 1345 Water Valley Pkwy #100, Windsor, CO 80550

The Authority asked if anyone had reason to amend the Consent Calendar. *Hearing none, the Consent Calendar was approved as presented.*

**OLD BUSINESS**

The purpose of these hearings is to consider the suspension or revocation of said license for alleged violations by the Licensee, or by any of the agents, servants, or employees of said Licensee, of the provisions of the Colorado Liquor Code, or any of the rules or regulations adopted pursuant thereto.

It is alleged that on October 10, 2014, the following Licensees sold an alcoholic beverage to a person under the age of 21 years in violation of §12-47-901 (1) (a.5) (1), C.R.S.

5. Show Cause Hearing for **Angkor Liquors, 1540 Main Street #254, Windsor, CO 80550**  
Retail Liquor Store License  
**Sovatia Chea, Owner, appeared on behalf of Angkor Liquors**

Ms. Chea, stated that she read and understood the stipulations as put forth by the Town Attorney.

The Liquor Authority asked Ms. Chea if she admits the allegation did occur.  
Per Ms. Chea, yes she admits they did.

The Liquor Authority asked if she has been pressured by anyone to admit guilt.  
Per Ms. Chea, no she has not been pressured by anyone.

Town Attorney McCargar, registration #12868, noted he is in possession of a signed Stipulation for Disposition with the Licensee stating a 7 day suspension will be imposed, with 2 days to be served on January 5, 2015 at 12:01 a.m. – January 6, 2015 at 11:59 p.m., with the remaining 5 days to be held in abeyance for a period of one year, during which time no violations shall occur within the Licensed Premises. Angkor Liquors will also pay a fine of \$1,000 by December 19, 2014.

**FINDING:**

The Authority acknowledged: there was a violation by the Licensee; the Stipulation and admission were knowingly and voluntarily made; and the Licensee waives its right to contest the violation. They in turn will accept the Stipulation as presented, as well as the waiver and admission, and orders the premises be posted as required by Colorado Code of Regulations 47-600(F) during the time of suspension.

6. Show Cause Hearing for **Loaf “N Jug, 1201 Main Street, Windsor, CO 80550**  
3.2% Beer Off Premises License  
**Paula Adams, Manager, appeared on behalf of Loaf “N Jug.**

Ms. Adams, stated that she read and understood the stipulations as put forth by the Town Attorney.

The Liquor Authority asked Ms. Adams if she admits the allegation did occur.

Per Ms. Adams, yes she admits they did.

The Liquor Authority asked if she has been pressured by anyone to admit guilt.

Per Ms. Adams, no she has not been pressured by anyone.

The Liquor Authority asked Ms. Adams who she plans to ensure no more violations occur.

Per Ms. Adams all employees are now required to attend monthly trainings.

Town Attorney McCargar noted he is in possession of a signed Stipulation for Disposition with the Licensee stating a 20 day suspension will be imposed, with 15 days to be served on January 4, 2015 at 12:01 a.m. – January 18, 2015 at 11:59 p.m., with the remaining 5 days to be held in abeyance for a period of one year, during which time no violations shall occur within the Licensed Premises. Loaf “N Jug will also pay a fine of \$2,000 by December 19, 2014.

**FINDING:**

The Authority acknowledged: there was a violation by the Licensee; the Stipulation and admission were knowingly and voluntarily made; and the Licensee waives its right to contest the violation. They in turn will accept the Stipulation as presented, as well as the waiver and admission, and orders the premises be posted as required by Colorado Code of Regulations 47-600(F) during the time of suspension.

7. Show Cause Hearing for **Sports Center Discount Liquor, 1055 Main Street, Windsor, CO 80550**  
Retail Liquor Store License  
**Stacey Arias, Owner, appeared on behalf of Sports Center Discount Liquor**

Ms. Arias, stated that she read and understood the stipulations as put forth by the Town Attorney.

The Liquor Authority asked Ms. Arias if she admits the allegation did occur.

Per Ms. Arias, yes she admits they did.

The Liquor Authority asked if she has been pressured by anyone to admit guilt.

Per Ms. Arias, no she has not been pressured by anyone.

Town Attorney McCargar noted he is in possession of a signed Stipulation for Disposition with the Licensee stating a 7 day suspension will be imposed, with 2 days to be served on January 5, 2015 at 12:01 a.m. – January 6, 2015 at 11:59 p.m., with the remaining 5 days to be held in abeyance for a period of one year, during which time no violations shall occur within the Licensed Premises. Sports Center Discount Liquors will also pay a fine of \$1,000 by December 19, 2014.

**FINDING:**

The Authority acknowledged: there was a violation by the Licensee; the Stipulation and admission were knowingly and voluntarily made; and the Licensee waives its right to contest the violation. They in turn will accept the Stipulation as presented, as well as the waiver and admission, and orders the premises be posted as required by Colorado Code of Regulations 47-600(F) during the time of suspension.

8. Show Cause Hearing for **7-Eleven 39081B, 629 Main Street, Windsor, CO 80550**  
3.2% Beer Off Premises License  
**Ashley Harrison, owner and Troy Schwint, 7-Eleven Representative, appeared on behalf of 7-Eleven**

Town Attorney McCargar noted he is in possession of a partial Stipulation which stated that the Licensee admits that there was a violation. However, they have chosen to leave the disposition of the case open to the Liquor License Authority decisions.

The Liquor License Authority stated that this is now a quasi-judicial hearing and as such the Town Attorney can present any evidence in support of a penalty that they believe is appropriate. This also allows the licensee to provide any statements, evidence of mitigation, facts or explanation.

Mr. McCargar stated that the sale of alcohol to a minor is considered a serious offense by the Windsor Town Board. The Town regards the sale to underage buyers as a serious matter. The incident report is in

support of this evidence as it states that the seller did not ask for an ID. 7-Eleven has a point of sale system which was bypassed and the sale took place which shows some deliberate intentions.

Mr. McCargar requests a five consecutive days suspension over the next 60 days . There have been no prior incidents.

Ms. Harrison clarified that the employee is no longer an employee. She also stated that she disagreed with Mr. McCargar that it states that in the Police Report that it says they did not ask for an ID which shows this was not deliberate. This is a business that she and her husband get their household income from and take it very seriously and as such she or husband are at the location at least once a day. In the store the only have one door of 3.2% beer and people rarely come there just to buy beer. All employees must pass a computer test before they can be on the register and that is yearly test. Ms. Harrison has created her own test which all employees have taken. She states that she understands this is a training issue. Also, Ms. Harrison stated that 7-Eleven has monthly internal stings. It is her stores policy that anyone that looks under the age of 50 must be asked for an ID.

**FINDING:**

The Liquor Authority accepted the admission of the violation and ordered a 5 day suspension, with 5 days to be served on January 5, 2015 at 12:01 a.m. – January 9, 2015 at 11:59 p.m. and orders the premises be posted as required by Colorado Code of Regulations 47-600(F) during the time of suspension. No days were to be held in abeyance because this is a first violation for the Licensee.

9. Show Cause Hearing for **Safeway, 1535 Main Street, Windsor, CO 80550**  
3.2% Beer Off Premises License  
**Steven Lee, attorney #10969, Jim Bales, store manager, Jay Gomez, District manager, appeared on behalf of Safeway**

The Liquor Authority asked Mr. Bales and Mr. Gomez if they admit the allegation did occur.  
Per both parties, yes they admit they did occur.

The Liquor Authority asked both parties if they have been pressured by anyone to admit guilt.  
Per Mr. Bales and Mr. Gomez, no they have not been pressured by anyone.

Town Attorney McCargar noted he is in possession of a partial Stipulation which stated that the Licensee admits that there was a violation. However, they have chosen to leave the disposition of the case open to the Liquor License Authority decisions.

The Liquor License Authority stated that this is now a quasi-judicial hearing and as such the Town Attorney can present any evidence in support of a penalty that they believe is appropriate. This also allows the licensee to provide any statements, evidence of mitigation, facts or explanation.

Per Mr. McCargar the sale of alcohol to a minor is considered a serious offense by the Windsor Town Board. The Town regards the sale to underage buyers as a serious matter. The incident report is in support of this evidence as it states that the seller did not ask for an ID. Mr. McCargar stated that Safeway has a robust system for training but the clerk did not ask for an ID, which demonstrated that there is a problem. Also, the outlets have a point of sale system which requires a date of birth to be entered into the cash register in order for the sale to go through. This feature was bypass which shows some deliberate intentions. It appears as though all of the training is not fixing the problem.

Town Attorney McCargar is requesting a five consecutive days suspension over the next 60 days. He also noted that Safeway has had a violation in the last five years.

Mr. Lee stated the Mr. McCargar is correct about Safeway's training policy and procedures as well as the point of sale register. Each employee is trained initially to check ID's of anyone who looks younger than 30 years of age. Mr. Lee stated that the problem is the point of sale systems are set up so the employee can disregard their training and their procedures and key in a wrong birthdate or just hit enter to bypass it. Unfortunately, it is not cost effective to replace every register. In this specific incident the employee who sold the alcohol was 17 years of age. This employee was properly trained and knew she couldn't check him

out because she was too young. Her mistake was asking the bagger who was 18 to make the transaction that was not trained. Both the cashier and the bagger stated they thought the buyer was at least 30 years of age so they didn't card him. Both employees received a two week suspension without pay and should any other violations occur this will result in termination. Safeway management understands that the employees made the mistake but they hold the liquor license and are accountable.

Mr. Gomez, explained the steps that Safeway has taken to ensure compliance by their employees regarding sale of alcohol. Every quarter the employee signs off on the written policy as a reminder and to ensure they have the latest policy. Checkers also have web based training that they take and the loss prevention division at all stores perform internal stings. So far this store has passed all eight internal stings in the past year.

**FINDING:**

The Liquor Authority accepted the stipulation and admission of violation and imposed a 10 day suspension for said violation, with 5 days to be served on January 5, 2015 at 12:01 a.m. – January 9, 2015 at 11:59 p.m., with the remaining 5 days to be held in abeyance for a period of one year, during which time no violations shall occur within the Licensed Premises. In addition the Authority ordered the premises be posted as required by Colorado Code of Regulations 47-600(F) during the time of suspension

Mr. Lee stated that he is requesting to pay a fine in lieu of time served pursuant to statute. Per Mr. Lee the average daily sale in October 2014 of 3.2% beer is slightly in excess of \$100 a day which means this would be approximately a \$200 fine.

Per the Liquor Authority the request is denied because a \$200 fine is inconsistent with the amount of fines she has ordered in the past for a second violation and because the payment of a \$200 fine in lieu does not adequately address the seriousness of the violation and would not achieve the desired disciplinary purposes.

**10. Show Cause Hearing for Cinder and Cruise Liquor, 7485 Westgate Dr., Windsor, CO 80550**

Retail Liquor Store License

**Kuldeep Singh, Owner, appeared on behalf of Cinder and Cruise Liquor**

The Liquor Authority asked Mr. Singh if he admits the allegation did occur.

Per Mr. Singh, yes he admits they did.

The Liquor Authority asked if he has been pressured by anyone to admit guilt.

Per Mr. Singh, no he has not been pressured by anyone.

Town Attorney McCargar noted he is in possession of a partial Stipulation which stated that the Licensee admits that there was a violation and also contains a waiver of fine in lieu rights. However, they have chosen to leave the disposition of the case open to the Liquor License Authority decisions.

The Liquor License Authority stated that this is now a quasi-judicial hearing and as such the Town Attorney can present any evidence in support of a penalty that they believe is appropriate. This also allows the licensee to provide any statements, evidence of mitigation, facts or explanation.

Town Attorney McCargar asked Mr. Singh if the employee faced any disciplinary actions.

Per Mr. Singh he would but did not want to lose the employee because it is hard to find help. The employee was warned and their training was reinforced.

Per Mr. McCargar noted that there have been no compliance check violations but there were two prior violations. One of these was just a year ago in 2014 for failure to properly dispose of samples from a wine tasting event. The licensee also had a storage issue eight years ago. Mr. McCargar feels the training program is a bit underpowered, as there is only training every other year. The incident report states that the seller did not ask for an ID and this store does not have a point of sale cash register to remind the clerk to ask for identification.

Town Attorney McCargar is requesting a five consecutive days suspension with no days held in abeyance.

Mr. Singh, stated that he takes classes every two years and he personally did not make a mistake, it was his employee who did. Mr. Singh does admit that his employee did sell to a minor. This employee has worked there for him for ten years and wrote a letter explaining her guilt and apologized for the error.

Tim Fischer, a sales representative was here because he was involved with the first incident. Mr. Fischer works for a liquor distributor and he stated that he had removed wine that was unsaleable and removed it to the back room of the store and this was construed as left over from a wine tasting. This wine was confiscated by the State and Mr. Singh lost the cash credit for those bottles as well.

The Liquor Authority asked Mr. Singh what was the end result of this violation.

Per Mr. Singh the result was a \$1,600 fine that he paid to the State.

Mr. Singh presented the Liquor Authority a document that shows that he lost the cash credit for the wine that was confiscated by the State.

Mr. McCargar stated he objects to the relevance of this document as Mr. Singh already has paid the fine and concluded that case.

Per the Liquor Authority she will not accept this paperwork as evidence but will accept Mr. Fischer's statement into the record.

The Liquor Authority stated she is disturbed by two prior violations as this demonstrates a track record of difficulty complying with the liquor code. She feels that a point of sale system would be beneficial to Cinder and Cruise, especially when they are busy and employees get frazzled.

**FINDING:**

The Liquor Authority states a 5 day suspension will be imposed, with 5 days to be served on January 4, 2015 at 12:01 a.m. – January 8, 2015 at 11:59 p.m. and orders the premises be posted as required by Colorado Code of Regulations 47-600(F) during the time of suspension.

The Liquor Authority also required Mr. Singh as well as any employee not TIPS trained in the last year to have training in the next 60 days. Proof of training is to be provided to the Town Clerk's office upon completion.

**NEW BUSINESS**

11. Annual renewal of Retail Liquor Store License for  
**Cinder and Cruise Liquor, 7485 Westgate Dr., Windsor, CO 80550**

The Liquor Authority asked Town Attorney McCargar if his office had any issues with approval of renewal for Cinder and Cruise.

Mr. McCargar stated that there were none.

**FINDING:**

The Authority granted the renewal of the License.

12. January Liquor Meeting

In order to meet deadlines for pending special event applications, the Liquor Authority rescheduled the January 19, 2015 meeting to **Monday January 12, 2015 at 4 pm at Windsor Town Hall.**

**Having no further business, the Authority adjourned the meeting at at 4:02 pm**



Bruce Roome, Deputy Town Clerk