

**EDGEWATER LIQUOR LICENSING AUTHORITY
BUSINESS MEETING
MINUTES
MARCH 1, 2012**

A business meeting of the Edgewater Liquor Licensing Authority was held in the City Council Chambers.

ITEM 1. CALL TO ORDER

Chair McNulty called the meeting to order at [6:32:46 PM](#).

ITEM 2. ROLL CALL

City Clerk and Clerk to the Liquor Authority Beth A. Hedberg called the roll.

Present: Chair Bonnie McNulty
Commissioner Laura Keegan
Commissioner David Fleck
Commissioner Kristian A Teegardin
Commissioner Myra A Keeble
Commissioner Devon Barclay – Arrived at [6:42:18 PM](#)
Commissioner Todd Riddle – Arrived at [6:46:44 PM](#).

Absent: Commissioner Adam Gardner

Also Present: City Manager HJ Stalf
City Attorney Thad Renaud

Full and timely notice of the meeting had been given and a quorum was present.

ITEM 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ITEM 4. APPROVAL OF AGENDA

Commissioner Fleck moved, seconded by Commissioner Keegan, to approve the agenda as presented. The motion **PASSED** on the following vote: **AYES:** Commissioner Keegan, Commissioner Fleck, Commissioner Teegardin and Commissioner Keeble. **NAYS:** None. **ABSENT:** Commissioner Gardner, Commissioner Barclay and Commissioner Riddle. **ABSTAIN:** None.

ITEM 5. CONSENT AGENDA - APPROVAL JULY 21, 2011 MEETING MINUTES

Commissioner Keegan moved, seconded by Commissioner Fleck, to approve the consent agenda as presented. The motion **PASSED** on the following vote: **AYES:** Commissioner Keegan, Commissioner Fleck, Commissioner Teegardin and Commissioner Keeble. **NAYS:** None. **ABSENT:** Commissioner Gardner, Commissioner Barclay and Commissioner Riddle. **ABSTAIN:** None.

ITEM 6. OLD BUSINESS

There was no old business to discuss.

ITEM 7. NEW BUSINESS – DISCUSSION AND POSSIBLE ACTION ON LIQUOR COMPLAINT

City Attorney Renaud advised that the establishments listed in the Clerk's memorandum dated February 27, 2012 and included in the Authority's packets were *alleged* to have failed the compliance check that had been conducted on January 25, 2012 as the Authority nor a court had made any findings as to innocence or guilt of those charged. A licensee compliance history had also been included in that memorandum. City Attorney Renaud said that those individuals who had been cited were due in Municipal Court on March 6, 2012 to answer to the charges. City Attorney Renaud proceeded to advise the Authority of actions that they could take as a result of the compliance check such as issuing a Show Cause Order to one, all, or any of the licensees that had been cited. City Attorney Renaud advised that the Authority had a lot discretion when it came to enforcement and the City had limited resources to carry out enforcement actions. It would be permissible and appropriate for the Authority to randomly choose and issue a Show Cause Order to one of the licensees who had allegedly failed the compliance check as a deterrent to guide the future conduct of other licensees. Discussion was held with respect to the amount of time, effort, and expense in issuing a Show Cause Order. The Authority would need to hold a hearing. The Authority would need to hire special counsel to act as the prosecutor as it would be a conflict of interest for Mr. Renaud or any other attorney in his office to both prosecute and represent the Authority.

Commissioner Devon Barclay arrived at [6:42:18 PM](#).

Attorney Renaud advised that members of the Authority to stay away from the proceedings that would take place on March 6th. City Attorney Renaud noted that the Authority had received information in their packets that the employee of Sloan's who had been cited and the remaining employees had voluntarily undertaken Colorado Responsible Vendor training on February 20, 2012.

Commissioner Todd Riddle arrived at [6:46:44 PM](#).

Attorney Renaud recommended that the Authority take the matter under advisement until such time as the matter worked its way through Municipal Court. Employee TIPS training could be requested but not required unless a Show Cause Order had been issued and a hearing had been held.

Public comment was called for. Dick DiPietro of the Edgewater Inn said that the server who had been cited was TIPS certified.

No further action was taken.

ITEM 8. OTHER MATTERS

There were no other matters to discuss.

ITEM 9. ADJOURNMENT

There being no further business to come before the Authority, Chair McNulty adjourned the meeting at [6:50:38 PM](#).

Submitted by:

/s/ Beth A. Hedberg, MMC
City Clerk and Clerk to the Liquor Authority