



FRUITA
COLORADO

**AGENDA ITEM COVER
SHEET**

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

DATE: DECEMBER 5, 2023

AGENDA TEXT: LIQUOR LICENSE REPORT OF CHANGES – A request to approve a Corporate Report of Changes on a Brew Pub Liquor License for Base Camp Provisions, LLC dba Base Camp Provisions located at 155 N. Mulberry St.

BACKGROUND

Base Camp Provisions, LLC dba Base Camp Provisions has submitted a Report of Changes to the City Clerk's Office for the Brew Pub Liquor License located at 155 N. Mulberry Street. Currently, Laura Fischer owns 100% of the Base Camp Provisions, LLC corporation. The Report of Changes is a result of the transferring 100% of Laura Fischer's interest of the corporation to Nicholas Westfall.

Pursuant to **C.R.S. 12-47-307. Persons prohibited as licensees.**

(1) (a) No license provided by this article or article 46 or 48 of this title shall be issued to or held by:

- (I) Any person until the annual fee therefore has been paid;
- (II) Any person who is not of good moral character;
- (III) Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;
- (IV) Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
- (V) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;
- (VI) Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;
- (VII) Any natural person under twenty-one years of age.

(b) (I) In making a determination as to character or when considering the conviction of a crime, a licensing authority shall be governed by the provisions of section 24-5-101, C.R.S.

The City Clerk's Office completed background checks on Nicholas Westfall to assist the City Council in determining whether the applicant is of "good moral character." Results of the background checks from the Federal Bureau of Investigation, Colorado Bureau of Investigation, Mesa County Sheriff's Office, Grand Junction Police Department and Fruita Police Department all came back clear, meaning they have no record of criminal history.

Form DR 8177 - Report of Corporate Changes, corporate documents, Individual History Record of Nicholas Westfall and the appropriate fees have been submitted to the City Clerk's Office as per the City's and Colorado Department of Revenue Liquor Enforcement Division's requirements.

Form DR 8177 and its supporting documents (not including the Individual History Record) are attached hereto.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the Report of Changes for the Brew Pub Liquor License for Base Camp Provisions.
- Schedule a hearing date to determine if there is good cause for changes to not be approved.

RECOMMENDATION

It is the recommendation of staff that the Council, by motion:

- **APPROVE THE REPORT OF CHANGES FOR BASE CAMP PROVISIONS, LLC DBA BASE CAMP PROVISIONS' BREW PUB LIQUOR LICENSE LOCATED AT 155 N. MULBERRY STREET TRANSFERRING 100% MEMBERSHIP INTEREST IN THE CORPORATION FROM LAURA FISCHER TO NICHOLAS WESTFALL**