



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: FEBRUARY 1, 2022

RE: LIQUOR LICENSE TRANSFER OF OWNERSHIP – A REQUEST TO APPROVE THE TRANSFER OF OWNERSHIP ON A BEER AND WINE LIQUOR LICENSE FROM A & C, INC. DBA CAMILLA’S KAFFE TO CAMILLA’S KAFFE, INC. DBA CAMILLA’S KAFFE LOCATED AT 206 E. ASPEN AVENUE

BACKGROUND

Camilla Nilsson-Smith is the 100% owner and shareholder of Camilla’s Kaffe, Inc., and she has submitted with the City Clerk’s Office an application and paid the appropriate fees for a Transfer of Ownership of a Beer and Wine Liquor License located at 206 E. Aspen Avenue.

The liquor license was originally granted in 2010 to shareholders Aaron Smith and Camilla Nilsson-Smith, who each owned 50% of A & C Inc. A Dissolution of Marriage dated January 10, 2022 awarded all shares of the corporation A & C Inc. to Camilla, who dissolved that corporation and formed a new one named Camilla’s Kaffe, Inc. Camilla was also awarded the property at 206 E. Aspen Avenue. A temporary liquor license has been issued for Camilla’s Kaffe pending the Transfer of Ownership.

In conducting the background checks, the Fruita Police Department, Grand Junction Police Department, Mesa County Sheriff’s Office and the Colorado Bureau of Investigation reported that there is nothing in their records that would hinder the issuance of the Transfer of Ownership.

On March 16, 2021, the Fruita City Council adopted Ordinance 2021-12, which authorizes the City Clerk Office to refer a Transfer of Ownership application to the City Council for decision without holding a public hearing on the application.

The application for a Transfer of a Beer and Wine Liquor License is attached.

The following information is provided as background on the issuance of the liquor license process:

12-47-303. TRANSFER OF OWNERSHIP

In determining whether to permit a transfer of ownership, the licensing authorities shall consider only the requirements of section 12-47-307. The local licensing authority may cause a hearing on the application for transfer of ownership to be held. No hearing provided for by this paragraph (c) shall be held by the local licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided

the applicant at least ten days prior to the hearing. Any transfer of ownership hearing by the state licensing authority shall be pursuant to section 12-47-305 (2).

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 therefor 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.

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 license 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

1. Approve the Transfer of Ownership for a Beer and Wine Liquor License for Camilla's Kaffe, Inc. dba Camilla's Kaffe located at 206 E. Aspen Ave.
2. Deny the Transfer of Ownership based on the moral character of the applicant.

RECOMMENDATION

It is the recommendation of staff that the Council move to:

- **APPROVE THE TRANSFER OF OWNERSHIP FOR A BEER AND WINE LIQUOR LICENSE FOR CAMILLA'S KAFFE DBA CAMILLA'S KAFFE LOCATED AT 206 E. ASPEN AVE.**