



To: Mayor and Council
From: Jay Brunvand
Date: November 15, 2023
Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached annual renewal of a Hotel and Restaurant Liquor License for the Pizza Pub LLC, dba Magustos located at 101 Main St.

INTRODUCTION:

This establishment has an existing H&R License and this is the annual renewal.

ANALYSIS:

This item was pulled from the 11/1/23 agenda due to some unresolved questions.

- 1) There was concern that the applicant had been arrested for a DUI which was not disclosed on the application as required (question #6). During the investigation the applicant did in fact receive a DWAI and the details are now included with the application as required by law. It appears that all court requirements have been completed or will be completed in accordance with the sentencing. This incident occurred during off time and was not related to Magustos.
- 2) There were 6 times over the year that police were called to the establishment. In our investigation Staff determined that the calls were for the most part made on an abundance of caution. It is important liquor establishments utilize the police when warranted. The intent in viewing an annual list of police calls to/from the establishment is to ensure the safe operations of the liquor service and not to disincentivize the establishment from calling for support.

Staff has discussed with the applicant the need to ensure an orderly run establishment. As a condition of the approval, all servers will complete a Server Training program and a copy of the certificates will be submitted to the town for verification. Completion of this requirement and submittal of the certificates shall be completed by 12/31/23 and again on 6/30/24 for any new employees.

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$125.00.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved on the Consent Agenda, no separate motion is required.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Submit to Local Licensing Authority

MAGUSTOS PIZZA & BURGER PUB
PO BOX 1043
Minturn, CO 81645

Fees Due		
Renewal Fee		1025
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name PIZZA PUB LLC		Doing Business As Name (DBA) MAGUSTOS PIZZA & BURGER PUB	
Liquor License # 03-12271	License Type Hotel & Restaurant (city)		
Sales Tax License Number [REDACTED]	Expiration Date 10/27/2023	Due Date 09/12/2023	
Business Address 101 MAIN STREET Minturn CO 81645		Phone Number 9708275450	
Mailing Address PO BOX 1043 Minturn CO 81645		Email EREGONBUS@GMAIL.COM	
Operating Manager Eric Regan	Date of Birth 10/07/1980	Home Address 301 Beechlip Avon CO, 81645	Phone Number [REDACTED]
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease 3/10/25			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input checked="" type="checkbox"/> Delivery <input checked="" type="checkbox"/> Takeout <input checked="" type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> NO			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Eric Creighton</i>	Title <i>Owner</i>
Signature <i>[Signature]</i>	Date <i>Oct 23, 2013</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For	Date
Signature <i>[Signature]</i>	Title
	Attest

Jay Brunvand

From: Eric Cregon <cregonbus@gmail.com>
Sent: Tuesday, November 7, 2023 9:43 AM
To: Jay Brunvand
Subject: Eric Cregon explanation letter

This letter is an explanation of my arrest on December 20th.

I was working on my truck the night of December 20th installing a new distributor my truck wasn't running properly I was trying to figure out what was wrong with it I was driving down on I 70 it was snowing very heavily I pulled off the Eagleville exit and hit the guard rail it was very icy and I slid into it. The first car behind me was a police officer from the state of Colorado. I was arrested for drinking and driving he then drove me home. my court date was set for June I plead guilty for DWAI I will send to 20 days of house arrest 40 hours of community service which I did at Minturn Town and mowed the lawn's all summer and I had to go through treatment which I am still doing through 8150 therapy out of Denver I will be completed on February 9 at which time my probation officer said I would be off probation. I made a terrible mistake and I am doing everything I can to correct this laps of judgement. I thank you for your consideration and understanding this will not be a repeat incident.

Eric Cregon

DR 8496 (03/27/23)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 PO Box 17087
 Denver CO 80217-0087
 Fax (303) 205-2341
 Phone (303) 205-2300

Fees Due	
Initial Application Fee	\$11.00
Renewal Fee	\$11.00

Takeout and Delivery Permit Application & Renewal (On-Premises Applicants Only)

<input type="checkbox"/> Initial Application		<input type="checkbox"/> Renewal	
Corporate Business Name <i>PIZZA PUB LLC</i>		Trade Name (DBA) <i>MAYUSTOS</i>	Liquor License Number
Physical Address of Premises <i>101 MAIN ST</i>			Suite/Unit Number
City <i>MINTURN</i>	County <i>EAGLE</i>	State <i>CO</i>	ZIP Code <i>81645</i>
Mailing Address (if different than Physical Address) <i>PO BOX 1043</i>			Suite/Unit Number
City <i>Minturn</i>		State <i>CO</i>	ZIP Code <i>81645</i>
Business Phone Number <i>970 827 5450</i>		Business Email Address <i>CREGONBUS@GMAIL.COM</i>	
1. Are you applying/renewing: <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input checked="" type="checkbox"/> Both Takeout and Delivery			
2. You certify that the delivery of alcohol beverages shall only be made to a person TWENTY-ONE (21) years of age or older at the address specified in the order.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. You certify that the delivery must be made by the licensee or the licensee's employee who is at least TWENTY-ONE (21) years of age and is using a vehicle owned or leased by the licensee to make the delivery.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. You certify that the licensee's employee who delivers the alcohol beverages shall note and log at the time of delivery, the name and date of birth of the person the alcohol beverages are delivered to. Under no circumstances shall a person under TWENTY-ONE (21) years of age be permitted to receive a delivery of alcohol beverages.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. You understand that a licensee must derive no more than FIFTY (50) percent of its gross annual revenues from sales of alcohol beverages that the licensee delivers.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Are you using a third party's ordering software to take orders?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If you answered "Yes" to question number six (6) above, upload all documents concerning the agreement between the ordering service and the licensee. Note - While a third party's ordering software may be used, physical delivery can only be accomplished by the licensee or the licensee's employee using a vehicle owned or leased by the licensee.			
7. Have you verified with your local licensing authority that no local permits are required for takeout and delivery?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Are you the applicant or an authorized agent of the business?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of the applicant or an authorized agent of the business <i>ERIC CREGON</i>		Title of the applicant or an authorized agent of the business <i>OWNER</i>	
Signature 		Date <i>10-23-23</i>	

Payment (Please submit Payment in one of the following ways):

Via mail with your application P.O. Box 17087 Denver, CO 80217-0087	Via email to: DOR_liqlicensing@state.co.us An email will be sent to you with directions on how to make a payment via our online payment portal.
--	--