



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Kristi Jefferson - City Clerk	December 3, 2024

AGENDA ITEM

Application for a Transfer of Ownership Retail Liquor Store liquor license for Nine Stripes LLC dba Arlie Dale's Jug Liquor located at located at 220 North F Street. **Public Hearing**

BACKGROUND

An application for a transfer of a Retail Liquor Store Liquor License application was filed with the City Clerk on October 10, 2024. Typically, applications for liquor license transfers are reviewed and approved administratively as long as all criteria are met. Staff had a few concerns with the background check and deemed it necessary to have the Local Licensing Authority hold a public hearing.

Notice Of Public Hearing and Posting: In accordance with C.R.S. § 44-3-303, the Notice of Public Hearing to be held by the Liquor Authority concerning the above-referenced application, filed with the City Clerk on October 10, 2024. The Notice of Public Hearing was published on October 28, 2024, in the Mountain Mail and the premises at 220 North F Street was posted on November 21, 2024.

In accordance with C.R.S. §§ 44-3-312, Staff has conducted an investigation of the statutory and relevant criteria for the issuance of a transfer liquor license of the class proposed by the application. The results of such investigation are as follows:

1. Approval criteria includes good moral character. The focus is on the proposed licensee. Because this is a proposed continuation of an operation in a previously approved location, the needs and desires of the neighborhood are not relevant. However, good moral character of the applicant is relevant since the applicant is new.
2. The City Clerk's office has confirmed that the existing license is still valid and was valid at the time of the subject application.
3. All relevant state and local application materials have been submitted, and all proper license fees have been remitted to the City of Salida and State of Colorado.
4. The applicant is in the process of purchasing the business and has submitted the executed lease agreement for the property.

5. Nine Stripes LLC is a single member Limited Liability Company (LLC) registered on September 20, 2024, as evidenced by the submission of a Certificate of Fact of Good Standing from the Office of the Secretary State of the State of Colorado, and Limited Liability Articles of Organization, dated September 24, 2024. The registered agent, and only member of the LLC is Chad Thornton.
6. Fingerprints have been sent to Colorado Bureau of Investigation, and individual criminal history records and the Colorado Bureau of Investigation background check was obtained for Chad Thornton, the sole individual member of the Applicant LLC, and was reviewed by staff, including the City Clerk, City Administrator and City Attorney.
7. This criminal background record demonstrated Chad Thornton's prior convictions for "Felony Robbery on August 4, 2003, Felony Motor Vehicle Theft on January 30, 2008, and a Misdemeanor possession of illegal weapon September 29, 2018 disposition".
8. In the liquor license transfer application materials, Mr. Thornton was upfront and honest about his background. He has also provided documents and a letter explaining his evidence of rehabilitation.
9. Staffs investigation has disclosed there is evidence for good cause for the Local Liquor Licensing Authority to hold a public hearing. Therefore as City Clerk I am exercising my discretion pursuant to Salida Municipal Code section 6-1-30 and referred this application for a public hearing in front of the Salida City Council, acting as Local Liquor Licensing Authority, on December 3, 2024 at 6pm, for review and approval or denial.

RECOMMENDATION

Following the public hearing on the matter, and after considering all documentation and evidence in the record, all testimony during the public hearing, and any and all information provided by the Applicant at the hearing regarding his criminal record, including character references, educational achievements and evidence of rehabilitation, a Salida Local Liquor Licensing Authority ("Authority") member should make a motion to either approve or deny the proposed transfer application.

FISCAL IMPACT

No fiscal impact

MOTION

Following a public hearing on the matter, a Liquor Authority Member should move to _____ a Transfer of Ownership of Retail Liquor Store Liquor License request for Nine Stripes, LLC dba Arlie Dale's Jug Liquor at 220 North F Street." followed by a second and roll call vote.