

Legislation Text

File #: ID# 17-320, **Version:** 1

Agenda Date: 11/08/2017

Subject:

Motion to vacate the Stipulation, Agreement and Order for Retro Wasteland, LLC, d/b/a The Toad Tavern, 5302 S Federal Circle, Littleton, Colorado

Presented By: Lena McClelland, Assistant City Attorney
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ISSUE:

Whether to vacate the Stipulation, Agreement and Order of Retro Wasteland, LLC, d/b/a The Toad Tavern, 5302 S Federal Circle, Littleton, Colorado.

INTRODUCTION/HISTORY AND FACTS:

At the regular meeting of the Littleton Licensing Authority on August 9, 2017, the Authority approved a Stipulation, Agreement and Order with the licensee for violation(s) occurring at the licensed establishment on May 5, 2017.

1. On August 14, 2017, the clerk's office mailed a copy of the signed stipulation and a letter to the licensee outlining dates set for suspension (September 17, 2017 up to and including September 21, 2017) and dates for submission of receipts for these dates to be used in determining the fine-in-lieu of suspension. The deadline to provide receipts was October 2, 2107.
2. On October 12, 2017, a letter of hand-carry informing the licensee of delinquency in complying with the dates/conditions set forth was delivered to the licensee by the Littleton Police Department. An extended deadline of October 16, 2017 was given to provide receipts. Receipts were received on October 16, 2017.
3. On October 19, 2017, the clerk's office mailed a letter with the fine-in-lieu amount to be paid and a deadline to comply. The deadline of October 30, 2017 was not honored.
4. On November 2, 2017, a letter of hand-carry informing the licensee of intent to vacate the Stipulation, Agreement and Order was delivered to the licensee by the Littleton Police Department.

SHOW CAUSE LICENSING AUTHORITY GUIDELINES:

Section III.C.4 of the Licensing Authority Guidelines states that the Authority "may suspend or revoke a liquor license whenever a licensee (or the agent, servant, or employee of a licensee) violates any provision of the Liquor Code, violates any rule or regulation authorized pursuant to the Liquor Code, or violates any term, condition, or provision of the license issued by the Authority. (C.R.S. § 12-47-601(1))

CONCLUSIONS AND RECOMMENDATIONS

It is the opinion of staff that the licensees failure to comply with the terms of the Stipulation, Agreement and Order constitutes a violation of "any term, condition, or provision . . . issued by the Authority".

PROPOSED MOTION:

I move that the Stipulation, Agreement and Order for Retro Wasteland, LLC, d/b/a The Toad Tavern, 5302 S Federal Circle, entered into on August 9, 2017, be vacated and that a Show Cause hearing be scheduled for December 13, 2017 at 6:30 p.m. in the Council Chamber to determine sanctions to be imposed against the license.