

Legislation Text

File #: LA# 19-007, **Version:** 1

Agenda Date: 09/11/2019

Subject:

Determine if probable cause exists to a set show cause hearing for AW Restaurant Inc., d/b/a Wang's Gourmet, 12 East Arapahoe Road, Littleton, Colorado

Presented By: Colleen L. Norton, Deputy City Clerk
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ISSUE

Whether there is probable cause to believe that AW Restaurant Inc., d/b/a Wang's Gourmet, 12 E. Arapahoe Road, Littleton, Colorado, violated the Colorado liquor code and should be scheduled for a public hearing to show cause, if any, why its license should not be suspended or revoked.

INTRODUCTION/HISTORY AND FACTS

This matter comes to the Authority as a possible violation of the Colorado liquor code by the licensee based on the following incident(s):

- 1) May 31, 2019, at approximately 6:54 p.m. as noted on Littleton Police Department report 2019002367.

The possible violation(s) of the Colorado liquor code include:

C.R.S. § 44-3-901 - Unlawful Acts - Exceptions

(1)(b)(I) - "To sell, serve, give away, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of, any alcohol beverage to or for any person under the age of twenty-one years."

PROBABLE CAUSE LICENSING AUTHORITY GUIDELINES

Section III.C. of the Licensing Authority Guidelines states that the Authority must consider the probable cause evidence presented and, based on the totality of the circumstances, the Authority must find that there is reasonable belief that a violation has occurred based upon reliable information.

Probable cause does not require sufficient evidence to show that a violation occurred. That is the purpose of the show cause hearing. In the probable cause hearing the Authority can consider such things as:

- (1) Direct observations and information of the police officers, either directly or by means of report; and
- (2) Information provided by witnesses and contradictory, incriminating, or evasive information of the licensee and/or its employees; and
- (3) Whether the citation for a criminal charge was made and the evidence in support of such charge.

It is not necessary for the charging officers to directly testify to the evidence. It is sufficient if such information

is provided to the Authority in the form of memo or report(s) from the Police Department.

CONCLUSIONS AND RECOMMENDATIONS

Staff recommends that the Authority find that probable cause exists sufficient to set the matter for a show cause hearing with the above referenced incident. The show cause hearing should be set for November 13, 2019, to allow for a preliminary hearing to be held on October 9, 2019, in accordance with the Littleton Licensing Authority Guidelines.

SUGGESTED MOTION

I move to find that there is probable cause to believe that AW Restaurant Inc., d/b/a Wang's Gourmet, 12 E. Arapahoe Road, Littleton, Colorado, on May 31, 2019, did violate the Colorado Liquor Code and, based on said findings, that a public hearing be set for November 13, 2019, for the purpose of considering the status of said license, wherein the above-mentioned licensee may be present to show cause, if any, why its license should not be suspended or revoked, and further that notice of these findings and the hearing to show cause shall be forwarded and served to A W Restaurant Inc., d/b/a Wang's Gourmet, 12 E. Arapahoe Road, Littleton, Colorado, in accordance with the provisions of state law, and that a preliminary hearing, if necessary, be set for October 9, 2019, for the purpose of considering a possible stipulation, if any, between the licensee and the City of Littleton.