

Liquor License Violation Staff Report

DATE: NOVEMBER 22, 2023
TO: DOUGLAS COUNTY LOCAL LIQUOR LICENSING AUTHORITY
THROUGH: DOUGLAS J. DEBORD, COUNTY MANAGER
FROM: TERENCE T. QUINN, AICP, DIRECTOR OF COMMUNITY DEVELOPMENT
CC: SAMANTHA JAROCKI, PUBLIC OUTREACH AND ASSISTANCE PLANNER
SHANNA AUSTIN, PUBLIC OUTREACH AND ASSISTANCE MANAGER
KATI CARTER, AICP, ASSISTANT DIRECTOR OF PLANNING RESOURCES
SUBJECT: MFM LLC – HOTEL & RESTAURANT LIQUOR LICENSE VIOLATION
PROJECT FILE: LL2017-091

OWNER:
MFM, LLC
2077 N STATE HIGHWAY 83
FRANKTOWN, CO 80116

REPRESENTATIVE:
FREDERICK GINSBERG
19201 E. MAINSTREET
PARKER, CO 80134

LOCAL LIQUOR LICENSING AUTHORITY HEARING:

December 4, 2023

I. EXECUTIVE SUMMARY

The District Court of Douglas County issued judgments on November 3, 2023, and November 8, 2023, which order the Douglas County Sheriff's Office to remove the licensee and current operator of the establishment, MFM, LLC (d.b.a. The Stagecoach), from the property.

Colorado Revised Statutes (C.R.S.) § 44-3-301(3)(b) provides that "at all times a licensee shall possess and maintain possession of the premises or optional premises for which the license is issued by ownership, lease, rental, or other arrangement for possession of the premises."

As a result, this item is being presented to the Liquor Licensing Authority (Authority) to assess the potential violation and penalty.

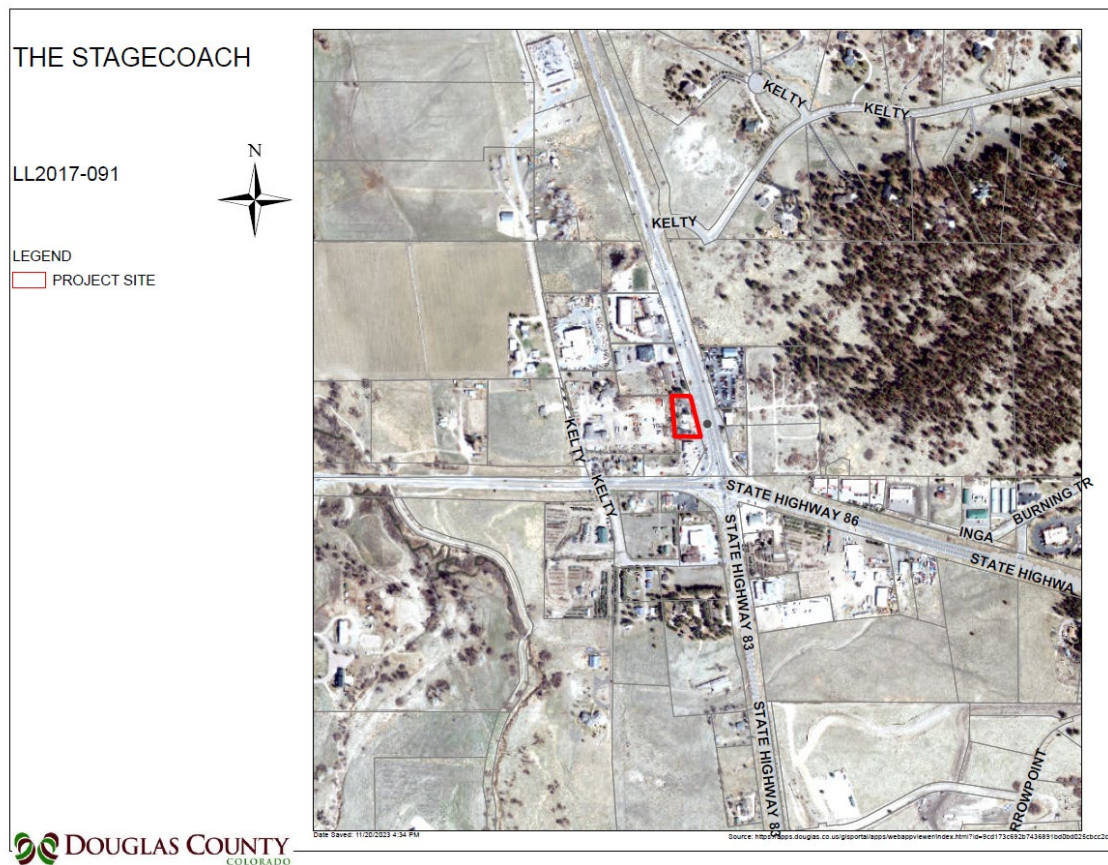
II. BACKGROUND

On September 29, 2023, staff was notified that The Stagecoach owner and liquor license holder, Michelle Munsey, had passed away. The State's Liquor Enforcement Division (LED) visited the establishment during the week of October 3, 2023 and was informed that Derrick Vasquez was a common law spouse to the owner that passed. Additional information was provided indicating the current MFM, LLC liquor license would be transferred to him.

The owner of the building (RDB Properties, LLC) received a judgement for possession of the premises from the District Court of Douglas County on November 3, 2023. A writ of restitution was also issued by the District Court on November 8, 2023, ordering the Sheriff's Office to remove MFM, LLC from the property. As a result of this action, the licensee has been ordered to vacate the premises for which the current liquor license is issued. Due to ongoing court actions, staff continues to coordinate with the County Attorney's Office and Douglas County Sheriff's Office on these orders.

III. LOCATION

The site is located at 2077 N State Highway 83, in Franktown, at the northwest corner of the intersection of E State Highway 86 and N State Highway 83.



IV. AUTHORITY

Authority to act on this violation is provided under C.R.S. § 44-3-601(1)(a).

Due to the nature of the potential violation, staff is prepared to present preliminary information to the Authority at a public hearing on December 4, 2023. The Authority may issue a temporary 15-day suspension of the liquor license at the December 4th hearing if it finds reasonable grounds to believe the licensee has committed a deliberate and willful violation of any applicable law or regulation, or that the public health, safety or welfare imperatively requires emergency action. A temporary suspension would cease any authority for MFM, LLC to sell alcohol, while also providing additional time for the license holder to prepare any evidence regarding the potential violation for presentation at the December 18, 2023, scheduled hearing.

The Authority may issue a permanent transfer or revocation of the license at the hearing on December 18, 2023, after the licensee is afforded an opportunity to present evidence, if the Authority finds good cause, based on substantial evidence, to conclude that the licensee has lost possession of the premises.

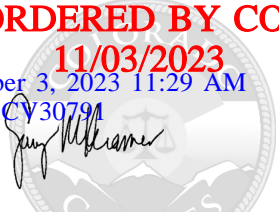
V. PUBLIC NOTICE

A notice letter was mailed to the license holder on Tuesday, November 21, 2023, providing information on the time, date, and location of the scheduled hearings, as well as information on the potential actions the Authority may take.

VI. CONCLUSION

The final determination and assessment of penalties for liquor license violations is at the discretion of the Authority.

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District Court, Douglas County, Colorado 4000 Justice Way Castle Rock CO 80109	<div style="text-align: center;"> SO ORDERED BY COURT 11/03/2023 DATE FILED: November 3, 2023 11:29 AM CASE NUMBER: 2023CV030791  GARY MICHAEL KRAMER District Court Judge </div>
Plaintiff: RDB PROPERTIES, LLC v. Defendant: MFM, LLC <input checked="" type="checkbox"/> Any and all other occupants	<div style="text-align: center;"> ▲ COURT USE ONLY ▲ </div>
	Case Number: 2023CV030791 Division 5 Courtroom 5
JUDGMENT FOR POSSESSION	

This matter comes before the Court on a complaint for Forcible Entry and Detainer. The finds the following:

1. The court finds that Venue is property in this Court and the Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff and applicant intervenor appeared for a hearing on the matters of possession and applicant intervenor Derek Vasquez's Motion and Complaint to Intervene on October 26, 2023.
3. Plaintiff was represented by counsel of record, Denise M. Haack with Parker Law Group, and Applicant Intervenor Derek Vasquez appeared with counsel Frederick Ginsberg.
4. The court heard argument on Derek Vasquez's Complaint and Motion to Intervene, which was denied.
5. The court took testimony from authorized agent for Plaintiff regarding Defendant's breach of lease.
6. The Court finds that Defendant breached its lease agreement and finds that Plaintiff is entitled to possession of the premises.
7. The Court stayed its order until October 31, 2023 to allow applicant intervenor to locate an operating agreement for defendant with a succession clause.
8. No such operating agreement has been submitted.
9. The court's stay has expired.

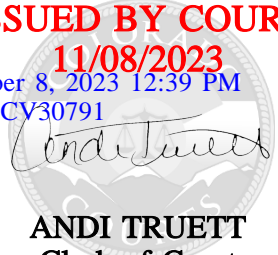
Therefore, the Court orders possession in favor of the Plaintiff, RDB Properties, LLC, for the property located at 2077 N. State Highway 83, Franktown, Colorado, 80116.

A writ of restitution may be issued on (date) _____.

So Ordered

☐ Judge / ☐ Magistrate

Date

District Court, Douglas County, Colorado 4000 Justice Way Castle Rock CO 80109	ISSUED BY COURT 11/08/2023 DATE FILED: November 8, 2023 12:39 PM CASE NUMBER: 2023CV30791
Plaintiff: RDB PROPERTIES, LLC v. Defendant: MFM, LLC <input checked="" type="checkbox"/> Any and all other occupants	 ANDI TRUETT Clerk of Court COURT USE ONLY
Attorney for Petitioner: Denise Haack, No. 38153 Parker Law Group, LLC 19590 E. Mainstreet, Suite 104 Parker, CO 80138 720-549-3606 denise@parkercolawgroup.com	Case Number: 2023CV030791 Division 5 Courtroom. 5
WRIT OF RESTITUTION	

The People of the State of Colorado

To the Sheriff of Douglas County

Whereas, RDB Properties, LLC, Plaintiff, obtained a judgment on November 3, 2023, against MFM, LLC, Defendant pursuant to the Colorado Forcible Entry and Detainer (FED) statutes, §13-40-101, et seq., C.R.S. ordering possession of the premises located at:

Street Address 2077 N. State Highway 83, Franktown, Colorado, 80116

City: Franktown

County: Douglas

You are hereby ordered to remove the Defendant(s) and their property from the premises and restore the Plaintiff(s) to the possession of the premises stated above and to make proper return according to law.

This Writ of Restitution shall remain in effect for 49 days after issuance and shall automatically expire thereafter.

☐ This Writ of Restitution requires the removal of a mobile home from the premises pursuant to §38-12-208, C.R.S.

Date: _____

☐ Judge ☐ Magistrate

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

STATE OF COLORADO DEPARTMENT OF REVENUE

LIQUOR ENFORCEMENT DIVISION

1707 Cole Blvd, Suite 300
Lakewood, CO 80401

M F M LLC
dba STAGECOACH THE
2077 NORTH STATE HIGHWAY 83
Franktown CO 80116

ALCOHOL BEVERAGE LICENSE

Liquor License Number 42-19362-0000	License Expires at Midnight February 27, 2024
License Type HOTEL & RESTAURANT (COUNTY)	
Authorized Beverages MALT, VINOUS AND SPIRITUOUS LIQUOR	

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44, Articles 4, 3, CRS 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Any questions concerning this license should be addressed to: Colorado Liquor Enforcement Division, 1707 Cole Blvd, Suite 300 Lakewood, CO 80401.

In testimony whereof, I have hereunto set my hand. 3/6/2023 LC

Michelle Stone-Principato

Michelle Stone-Principato, Division Director

Mark Ferrandino

Mark Ferrandino, Executive Director/CEO



By Authority of the Board of County Commissioners

**Hotel and Restaurant
LIQUOR LICENSE**

License Number: LL2017-091

**MFM, LLC d/b/a
The Stagecoach
2077 N State Highway 83
Franktown, CO 80116**

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44 Articles 3 or 4, C.R.S 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown below.

This License Expires: February 27, 2024

This License Must Be Posted in Public View

November 21, 2023

MFM, LLC
2077 N State Highway 83
Franktown, CO 80116

Dear Licensee,

This letter is to advise you that the Douglas County Local Liquor Licensing Authority will convene on December 4, 2023, at 1:30 pm, to review your compliance with C.R.S. § 44-3-301(3)(b), which provides that "[a]t all times a licensee shall possess and maintain possession of the premises or optional premises for which the license is issued by ownership, lease, rental, or other arrangement for possession of the premises." Upon information and belief, in case number 2023CV30791, the Douglas County District Court has ordered possession of the licensed premises in favor of the property owner, RDB Properties, LLC, and has ordered MFM, LLC to vacate the licensed premises.

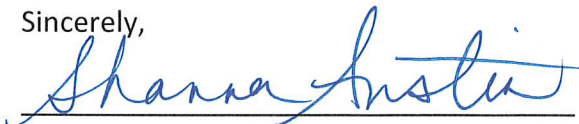
A second hearing is scheduled on December 18, 2023, at 1:30 pm, at which you have a right to appear and show cause as to why the Authority should not take action against your license in relation to the violation described above. If you do not wish to contest such action against your license, you may surrender the license in advance of either hearing by contacting us at the phone number listed below.

Pursuant to C.R.S. § 44-3-601, potential actions by the Liquor Licensing Authority may include a fine, temporary suspension, permanent revocation, or permanent transfer of the license.

Both hearings will be conducted at the Douglas County Commissioners Hearing Room at 100 Third Street, Castle Rock, CO 80104.

Please feel free to contact me if you have any questions at (303) 814-4399.

Sincerely,



Shanna Austin
Manager, Public Outreach and Assistance
Planning Resources Division, Community Development

cc: Douglas County Local Liquor Licensing Authority
W. Casey Brown, Assistant County Attorney