

June 19, 2013 BLA Hearing Packet

**PUBLIC NOTICE
CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY HEARING
WEDNESDAY, JUNE 19, 2013, 3:00 P.M.
BOULDER CITY COUNCIL CHAMBERS
MUNICIPAL BUILDING - 2nd FLOOR
1777 BROADWAY, BOULDER, COLORADO**

AGENDA

1. Member roll call; Approval of Beverage Licensing Authority (BLA) minutes from April 17, 2013 and May 15, 2013, and hearing agenda issues from licensing clerk.
2. Matters from the Boulder Police Department.
3. Matters from the Responsible Hospitality Group.
4. Public hearing and continued consideration of a March 15, 2013 application from **Innkeeper Limited d/b/a/ NoEntiendo, 1325 Broadway Unit 201, Boulder, CO 80302**; Kyle McNamara, 100% Owner and Registered Manager, with a business mailing address of 8025 Grasmere Drive, Boulder, CO 80301, for Transfer of Ownership of a Hotel-Restaurant type liquor license
5. Public hearing and consideration of a March 29, 2013 application from **Bohemian Biergarten Inc. d/b/a Bohemian Biergarten, 2017 13th Street, Boulder, CO 80302**; Zdenek Srom, 100% Owner and Registered Manager, with a premise business mailing address, for Transfer of Ownership of a Hotel-Restaurant type liquor license.
6. Public hearing and consideration of an April 8, 2013 application from **Tres Hombres, a limited liability company d/b/a Mamacitas, 1149 13th Street, Boulder, CO 80302**; Robert Pinchuck, Registered Manager and 33.3% Partner, Alan Bonsett, 33.3% Partner, and Micah Nushawg, 33.3% Partner, with a premise business mailing address, for Transfer of Ownership of a Hotel-Restaurant type liquor license.
7. Public hearing and consideration of an April 15, 2013 application from **E TOWN d/b/a E Town, 1535 Spruce Street, Boulder, CO 80302**; E TOWN, a Colorado Non-Profit corporation where there are no persons with over a 10% Ownership Interest and with a premise business mailing address, Sarah Frankel, Operations Manager, Timothy Wolf, Board Chair, and Nicholas Forster, CEO, for a New Arts type liquor license.
8. Matters from the Assistant City Attorney
9. Matters from the Licensing Clerk:
 - A. Neighborhood boundaries for July 17, 2013 hearing:
 - i) The Corner at 1100 13th Street, Boulder, CO 80302- New Hotel-Restaurant liquor license.
 - ii) Sip at 2810 E. College Ave, Unit 3, Boulder, CO 80303- New Beer and Wine liquor license.
 - B. Informational items:

- i) Continued BLA discussion of April 17 presentation on BLA structural changes
- ii) June Special Events and Temporary Modifications
- iii) June Liquor License renewal mailing list
- iv) Information Emails to BLA from John Balliet, TIPS Trainer.
- v) No Entiendo Food Sales Reports
- vi) Update on Zanitas Mexican possession of premise matter

10. Matters from the Chair and Members of the Authority

Adjournment

For information, call (303) 441-3010. Any petitions or remonstrances pertaining to the above may be filed at the City of Boulder Finance Department, Sales Tax and Licensing Division, Municipal Building, 1777 Broadway, Boulder, Colorado.

It is the City of Boulder's practice to provide more notice than is required by law whenever possible. However, this practice shall not be used to invalidate any action taken with the minimum notice required by state law.

June 5, 2013

Mishawn J. Cook, Tax and License Manager, CMC

Published on Sunday, June 9, 2013, in the Daily Camera

STATE OF COLORADO)
)
 COUNTY OF BOULDER)
)
 CITY OF BOULDER)

SS: CERTIFICATE OF PUBLIC NOTICE

I, Mishawn J. Cook, Tax and License Manager, City of Boulder, Colorado, do hereby certify that I caused the attached City of Boulder Public Meetings notice and the attached Legal Public Notice to be published in the Daily Camera on Sunday, June 9, 2013 in compliance with the laws of the State of Colorado and the ordinances of the City of Boulder, Colorado.

**2013
City of Boulder
PUBLIC MEETINGS**

MONDAY, JUNE 10
 5-10 PM *Special City Council Meeting
 Council Chambers, 1777 Broadway

6 PM **Transportation Advisory Board Meeting**
 13th Street Conference Room, 1720 13th Street
 1. 2014-2019 Transportation Capital Improvements Program
 2. TMP Updates: Bicycle and Pedestrian Innovations
 3. Diagonal Highway Reconstruction Project

TUESDAY, JUNE 11
 5-6:30 PM **Dinner Discussion with Boulder County Commissioners**
 Council Chambers, 1777 Broadway

6:30-8:30 PM *Special City Council Meeting
 Council Chambers, 1777 Broadway

8:30-9:30 PM **Study Session**
 Council Chambers, 1777 Broadway
 Work Plan Update

WEDNESDAY, JUNE 12
 6-8:45 PM **Open Space Board of Trustees Meeting**
 Council Chambers, 1777 Broadway
 1. IPM Annual Report, Activities Update, Ghautauqua Accessible Restrooms
 2. 2014-2019 Greenways GIP
 3. 2014 USA Pro Cycling Challenge
 4. Open Space and Mountain Parks funding

THURSDAY, JUNE 13
 7 PM **Greenway Advisory Committee**
 1777 West Conference Room, 1777 Broadway
 1. Greenways and Flood Information
 2. Greenways GIP

5 PM ***Board of Zoning Adjustment (BOZA) Meeting**
 1777 Broadway, Council Chambers

WEDNESDAY, JUNE 19
 3 PM ***Beverage Licensing Authority**
 Council Chambers, 1777 Broadway
 Petitions or remonstrances may be filed at the Department of Finance, Sales Tax and Licensing Division, 1777 Broadway, Boulder, CO 80302.

*INDICATES COMPLETE AGENDA IN TODAY'S PUBLIC NOTICES IN THE CLASSIFIED SECTION

COMPLETE AGENDAS:
 Visit www.bouldercolorado.gov/calendar or call 303-441-3388

All board and commission packets are available at the Boulder Public Library's reference desk. It is the city of Boulder's practice to provide more notice than is required by law whenever possible. However, this practice shall not be used to invalidate any action taken with the minimum notice required by state law.

If you need Spanish interpretation or other language-related assistance for a meeting, please call (303) 441-1905 at least 3 days prior to the meeting.
 Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 días antes de la junta.

See Next Page

Legal Notices

2500 Public Notice 2500 Public Notice 2500 Public Notice

PUBLIC NOTICE

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A. Neighborhood boundaries for July 17, 2013 hearing:

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ii) Slip at 2810 E. College Ave, Unit 3, Boulder, CO 80303- New Beer and Wine liquor license.

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10. Matters from the Chair and Members of the Authority

Adjournment

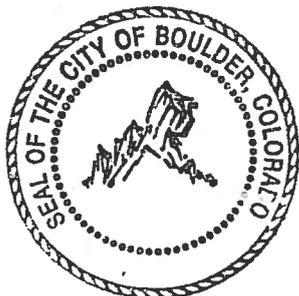
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June 5, 2013

Mishawn J. Cook, Tax and License Manager, CMC

Published in the Daily Camera on June 9, 2013 - 5590163



IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Boulder, Colorado this Monday, June 10, 2013.

Mishawn J. Cook, Tax and License Manager
Secretary to Beverage Licensing Authority

Agenda Item 1

CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
*** * * MINUTES * * ***
WEDNESDAY, MAY 15, 2013, 3:00 P.M.
BOULDER CITY COUNCIL CHAMBERS
MUNICIPAL BUILDING - 2nd FLOOR
1777 BROADWAY, BOULDER, COLORADO

NAME OF BOARD/COMMISSION: Beverage Licensing Authority (BLA)

DATE OF MEETING: May 15, 2013

**NAME & PHONE OF PERSON
PREPARING SUMMARY:** Mishawn Cook, Licensing Manager (303.441.3010)

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

Board Members: Harriett Barker, Timothy McMurray, Lisa Spalding, David Timken, and Dave Zessin.

Staff Present: Sandra Llanes, Assistant City Attorney, Mishawn Cook, Licensing Manager, Michele Lamb, License Assistant.

QUASI-JUDICIAL MEETING OUTLINE OF AGENDA

1. Member roll call; and hearing agenda issues from licensing clerk.

Roll call was taken and all five Authority members were present, thus there was a quorum of 5.

The April 17, 2013 draft minutes were not completed at the time of publication of the BLA packet and will thus be approved at the June 19, 2013 hearing.

On agenda items Mishawn Cook made statements regarding changes to documents in the BLA hearing packet: first, Mike Whitney's memo regarding the transfer of license for No Entiendo under agenda item #10 should have been under agenda item #7, and second, the Response to City's Objection/Request to Quash C. Hofmann Subpoena (Pearl Street Pub and Cellar) should have been moved from agenda item #7 to agenda item #4. This information was emailed to the BLA members prior to the hearing.

The following changes to the order of the agenda were addressed: BLA Chair Zessin requested to move agenda items #8 Under the Sun, and agenda item #9 BRU directly after agenda item #6. Agenda item #7 No Entiendo would then be moved to last item of the order. Michele Lamb confirmed with those parties affected prior to the hearing that these changes would be acceptable and that they would be present.

2. Matters from the Boulder Police Department (BPD).

Officer Carlene Hofmann, Boulder Police Department's alcohol enforcement officer, appeared before the Authority. Officer Hofmann stated she had no matters from the Boulder Police Department to bring before the Board. The Board members had no questions for Officer Hofmann.

Mike Whitney, representing Boulder Police Department, addressed the BLA regarding agenda item #4 the show cause hearing. Mr. Whitney informed the authority for scheduling purposes that since this would be an evidentiary hearing, he expected the hearing to last approximately 4-5 hours. Mr. Whitney had 2 witnesses but the licensee has stated that they had at least 5 witnesses. The BLA decided to move agenda items #5, #6, #8, and #9 ahead of agenda item #4 which would then be followed by agenda item #7. There were no objections from board members or by any of the parties.

3. Matters from the Responsible Hospitality Group (RHG).

Michael Absalom, RHG president, appeared on behalf of the RHG. Mr. Absalom informed the BLA that the RHG did not meet in May due to a snowstorm. Mr. Absalom took the opportunity to thank the BLA for opening last month's hearing to public comment regarding the replacement or bifurcation of the BLA. He expressed appreciation for the dedication and time commitment of the BLA board members. Mr. Absalom stated that he spoke as a community member and a member of the hospitality industry and expressed gratitude for the BLA members using their free time addressing alcohol concerns in the community. He reiterated RHG's stance of providing fair opportunity and equal protection under the law to all licensees. He said the RHG is willing to work with whoever assumes the role of handling licensing in the City of Boulder. Mr. Absalom noted that RHG members are involved in agenda items #4, 7 and 8. RHG endorsed everything from the working group and city staff, and indicated that either bifurcation or replacement of the BLA by a municipal judge would be the RHG's stance as well.

4. Show cause hearing concerning February 23, 2013 violation and whether the Tavern type liquor license held by Pearl Street Pub and Cellar LLC d/b/a Pearl Street Pub and Cellar, 1108 Pearl Street, Boulder CO 80302, should be suspended or revoked.

This matter was convened after items 5, 6, and 8 but before item 7. This was a contested violation hearing. Mike Whitney represented the Boulder Police Department. Mr. Whitney's two witnesses Thomas Gracie and Officer Carlene Hofmann were both sworn in. Messrs. Reed Morris and Roger Morris represented the licensee. The licensee's attorneys indicated they anticipated calling 7 witnesses as follows: Fred Breunig, Nathan Lee, Donna Jester, Jim Sonn, David Reitz, Bruce Chikuma, and Alexander Sandoval, who were all sworn in. No ex parte contact or conflicts were disclosed by the Authority members.

Mr. Whitney brought up sequestration of the witnesses. Chair Zessin instructed the witnesses not to communicate with each other whether electronically or verbally. Mr. Whitney stated that Officer Hofmann was the advisory witness to himself. The Motion for Discovery and the Motion Objecting to the Subpoena Duces Tecum of Carlene Hofmann

were then addressed by the Chair. Mr. Whitney argued that the motions did not deal with mitigating evidence and were therefore not relevant. Attorney Llanes asked whether the cross examination of the witness under oath was sufficient. Mr. Reed Morris replied it was not. Chair Zessin denied the motion for discovery. Chair Zessin granted the City's objection to the subpoena duces tecum. The Board by majority did not overrule the Chair's rulings. Sequestration of witnesses was accomplished. Jim Sonn of Pearl Street Pub remained present in the room as the licensee's advisory witness.

Opening statements were given by both sides. Mr. Thomas Gracie, the BPD undercover compliance check operative, was called as the first witness by Mr. Whitney. Pearl Street Pub renewed its objection to the denial of their Motion for Discovery and the granting of the City's objection to the Subpoena Duces Tecum of Officer Hofmann. Chair Zessin again denied both. Mr. Gracie was then cross examined by Mr. Reed Morris. Questioning was then opened to the Authority. Mr. Gracie was asked to remain in case of further questions and was again sequestered.

Officer Carlene Hofmann was called to testify by Mr. Whitney. Mr. Morris cross examined Officer Hofmann. The hearing was opened up to questions by the Authority. Redirect was undertaken by Mike Whitney. Recross was undertaken by Mr. Morris. Mr. Whitney asked the Authority to take judicial notice of its records that there is license # 23-90361-0000 issued to Pearl Street Pub. Mr. Whitney then rested the BPD's case.

The Licensee's attorneys then provided evidence and Roger Morris recorded his appearance in this matter.

David Reitz was called to the stand. Mr. Reitz stated that he is a consultant on alcohol beverage law. Mr. Reitz stated that he was retired from the State of Colorado; serving first as a campus police officer at UNC, then as part of the liquor enforcement division, and eventually serving as director of the Liquor Enforcement Division. As director of LED, Mr. Reitz oversaw the development of Model Guidelines Concerning Compliance Checks for Underage Alcohol Sales, but adoption of these guidelines was never mandatory. The BLA requested copies of Model Guidelines which were marked and entered as Exhibit #1. Mr. Whitney cross examined Mr. Reitz. Questions from the Authority were taken. Attorney Llanes also questioned Mr. Reitz. Mr. Morris redirected Mr. Reitz. Mr. Whitney recrossed Mr. Reitz. Member McMurray questioned Mr. Reitz.

Frederick Breunig was called to the stand by Mr. Reed Morris. Mr. Breunig stated that he is a bartender and that he handles daily deposits for Pearl Street Pub. Mr. Breunig noted two separate transaction receipts dated 2/23/2013 for Nathan See which were marked and entered as Exhibit #2. Mr. Breunig's notes which he made after the alleged sale of alcohol to the minor operative were marked and entered as Exhibit #3. Mr. Whitney cross examined Mr. Breunig. The hearing was opened to questions by the Authority. Mr. Morris redirected Mr. Breunig. Mr. Whitney recrossed Mr. Breunig. The Chair then questioned Mr. Morris regarding his next witnesses and their expected testimony as a time keeping matter. Witness Breunig was then excused.

Alexander Sandoval was called as a witness by Mr. Morris. Mr. Sandoval stated that he is the head of security at the Pearl Street Pub. Mr. Sandoval was cross examined by Mr. Whitney. The hearing was then opened to questions by the Authority. Mr. Sandoval was excused. The attorneys for the Pearl Street Pub then rested their case. No rebuttal was offered by Mr. Whitney. All the witnesses were then released from sequestration by the Authority. At the request of Member Spalding, Mr. Gracie was viewed by the Authority members, but no questions were asked of him.

Concerning agenda item 7, No Entiendo transfer application which was to occur after this items at the Housekeeping items were addressed by the Authority before proceeding with closing statements. Chair Zessin proposed moving agenda item 7 No Entiendo license transfer to next month's BLA Hearing. Adam Stapen, No Entiendo's attorney, then addressed board to request that the Authority hear his client's transfer application tonight as he believed it to a simple transfer. BLA offered opinions on Ms. Stapen's comment. Chair Zessin then decided to continue with Pearl Street Pub and reserve the right at the conclusion of Pearl Street Pub matter to move No Entiendo to next month's BLA meeting.

Closing statements were then undertaken with Mr. Whitney proceeding first and Mr. Reed Morris proceeding second. At the conclusion of closing statements, Chair Zessin closed the hearing participation period and the deliberation period opened. The Chair noted that there was one allegation of a violation of C.R.S 12-47-901, unlawful sale to a minor, before the Authority. The Authority discussed whether the testimony and evidence presented to them indicated that this violation did occur. Member McMurray moved, Spalding seconded, that a violation of 12-47-901, one count of sale to minor did occur. Motion approved 5:0.

The mitigating evidence portion of the hearing to the determined violation was then undertaken. It was noted that mitigation evidence had been submitted to the Authority prior to the hearing in its hearing packet. Mr. Reed Morris addressed the board briefly. Mr. Whitney then recommended the Board follow its schedule for violations of this sort. The Authority discussed mitigating and aggravating factors. Member McMurray moved, Barker seconded, to set the penalty for this violation at 2 days served plus 7 days in abeyance. Motion failed 2:3, Members Spalding, Zessin, and Timken opposed. Member Spalding then moved, Timken seconded, to set the penalty for this violation at 3 days served plus 6 days held in abeyance for 1 year. Motion passed 3:2, with Members McMurray and Barker opposed. The Authority agreed to let licensee Pearl Street Pub choose its own suspension dates, and directed that they should post 2 notice posters. The licensee requested to pay a fine in lieu of suspension. Attorney Llanes reviewed the state law and regulations regarding this request. Chair Zessin moved, Spalding seconded, to deny request to pay a fine in lieu. Motion passed 4:1 with Member McMurray opposed.

Attorney Roger Morris stated for the record that he reserved licensee's right to appeal and preserve all their rights should they choose to appeal, indicating that it was the licensee's position that they will choose suspension days while reserving right to appeal, in the event not to appeal those would be days would then be served. Licensee Jim Sonn selected June 3, 4, 5. Member McMurray moved, Barker seconded, to set the 3 suspension dates as June 3, 4, and 5, 2013. Motion passed 5:0.

5. **Public hearing and consideration of a February 27, 2013 application from Dionysus LLC d/b/a/ Restaurant 4580, 4580 Broadway, Unit D-1, Boulder, CO 80304; James Cimino, Sole Proprietor 100% Owner and Registered Manager, with a premise business mailing address, for Transfer of Ownership of a Hotel-Restaurant type liquor license.**

Mr. Cimino, who was not represented by an attorney, was sworn in and he confirmed premise posting for the required 10 day period under oath. Rules of procedure were read. No conflicts of interest or ex parte contacts disclosed by BLA members. No other interested parties present. Member Barker had a question regarding the Affidavit of Transfer and Statement of Compliance as to whether inventory was transferred, and if so, then the "no inventory" box should not have been checked. Member Barker moved, Spalding seconded, for approval of this transfer of a hotel-restaurant liquor license application, on the condition that their affidavit be corrected. Motion passed 5:0.

6. **Public hearing and consideration of a March 5, 2013 application from Trader Joe's Company d/b/a Trader Joe's #301, 1906 28th Street, Boulder, CO 80301; Trader Joe's Company, business mailing address of P.O. Box 5049, Monrovia, CA, 91017 and Dan Bane, President, Bryan Palbaum, EVP, Mitch Heeger, EVP, and Sharon Drabeck, Treasurer and Secretary, with T.A.C.T Holding, Inc. as 100% Owner of the Corporate Applicant, Abat Handels-Und Vermögensverwaltung-GmbH & Co, KG as 100% Owner of that Underlying Corporate applicant, and Jakobus Stiftung as 50% Owner of underlying corporate applicant (Berthold Albrecht, Owner) and LUKAS Stiftung as 50% Owner of the underlying corporate applicant (Theo Albrecht Jr., Owner), for a New 3.2% Beer Off-Premise liquor license.**

Brian Proffitt recorded his appearance as attorney for the applicant. Dionne Morris, Regional Vice President over Colorado, and Susan Duffy Schwall, from Liquor Licensing Professionals, were both sworn in as witnesses. They confirmed premise posting for the required 10 day period under oath. Mr. Proffitt waived rules of procedures. No ex parte or conflicts were disclosed by BLA members. No interested parties in the audience.

Ms. Morris, who will preside over Colorado stores, testified and gave an overview of Trader Joe's business structure, nature of the business, policies and procedures with regard to the sale and service of 3.2% beer and the alcohol training provided employees. Next Ms. Susan Duffy Schwall of Liquor Licensing Professionals testified regarding the "Needs and Desires" petitioning in this matter. Member Spalding questioned the petition forms which differed from the City of Boulder's forms. Ms. Schwall's forms had been approved prior to the change of the City of Boulder's forms. Attorney Llanes mentioned that the BLA does have the authority to approve different petition formats for good cause shown under Rule 4-2-2. Member Spalding moved, Barker seconded, to approve the petition forms submitted on the basis that there is good cause on this particular application under Rule 4-2-2. Motion approved 5:0.

Member Spalding questioned whether Bryan Palbaum would have any direct authority or management over the Boulder store. Her concern stemmed from the disclosure on his IHR

of his Revocation of CPA license for an SEC violation. Ms. Morris confirmed that Mr. Palbaum would have no direct authority or management over the Boulder Trader Joe's. Chair Zessin moved, Barker seconded, to approve this new 3.2% Beer Off-premise liquor license application. Motion approved 5:0.

- 7. Public hearing and consideration of a March 15, 2013 application from Innkeeper Limited d/b/a/ NoEntiendo, 1325 Broadway Unit 201, Boulder, CO 80302; Kyle McNamara, 100% Owner and Registered Manager, with a business mailing address of 8025 Grasmere Drive, Boulder, CO 80301, for Transfer of Ownership of a Hotel-Restaurant type liquor license.**

The matter was discussed after agenda items 4, 5, 6, 8 and 9. Member Spalding moved, Barker seconded, to move continue the Transfer application of No Entiendo to next month's hearing. Motion passed 4:1 with Member McMurray opposed. Attorney Adam Stapen requested that they be placed first on the agenda which was agreed to by the Authority.

- 8. Public hearing and consideration of a March 18, 2013 application from You Eat More Enterprises LLC d/b/a Under the Sun Eatery & Taphouse, 627 S Broadway, Suite A, Boulder CO 80305; Kevin Daly, LLC Manager and Owner, Paul Nashak, LLC Manager and Owner, and Tim McMurray, LLC Manager, Owner, and Registered Manager, with a business mailing address of 1535 Pearl Street, Boulder, CO 80302, for a Permanent Modification of a Hotel-Restaurant type liquor license.**

Member Tim McMurray recused himself for this matter. Paul Nashak was sworn in and confirmed premise posting for the required 10 day period under oath. Mr. Nashak was not represented by an attorney. Hearing procedures were read. Other than Member McMurray, there were no other conflicts or ex-parte contacts. There were no interested parties in audience. Member Spalding asked which side of the building the patio was on. Mr. Nashak indicated it was the west side. Neighborhood petitions were in the hearing packet. Member Barker moved, Timken seconded, to approve this permanent modification to a hotel-restaurant liquor license application. Motion approved 5:0.

- 9. Public hearing and consideration of a March 18, 2013 application from BRU LLC d/b/a BRU Handbuilt Ales and Eats, 5290 Arapahoe Ave, Suite I, Boulder, CO 80301; Ian Clark, 75% Member and Manager of Record, Linda Miller, 12.5 % Member, and Donald Miller, 12.5% Member, with a premise business mailing address, for New Brew Pub type liquor license.**

Ian Clark, Linda Miller, and Donald Miller, were all sworn in, and Mr. Clark confirmed premise posting for the required 10 day period under oath. The witnesses stated that they were not represented by an attorney. Hearing procedures were then read. There were no ex parte contacts or conflicts by Board members. No interested parties were present.

Chair Zessin questioned what business had been in this location previously. Mr. Clark replied the Rock and Sole café which had been out of business since August 2012. Member Barker questioned holding 2 licenses simultaneously until the build out was completed. Mr. Clark replied that he wrote a letter to the State informing them that BRU Handbuilt would

surrender its manufacturer's license as soon as this license is granted. Member Spalding asked Ms. Miller if she would be willing to help out due to her extensive restaurant experience. Ms. Miller stated that she would. Member McMurray asked about the brew system, walk in cooler, kegs, draft lines, storage, number of barrels annually, etc. and Mr. Clark was able to fully answer his questions. Chair Zessin mentioned the menu.

Member Spalding moved, Barker seconded, to approve this new brew pub liquor license application. Motion carried 5:0. Mishawn Cook brought up that she had heard from the State LED already and in conjunction with local approval the state had requested Affidavits of Surrender of manufacturer and supplier licenses so the applicant is not double licensed.

10. Matters from the Assistant City Attorney

No matters were discussed.

11. Matters from the Licensing Clerk:

A. Neighborhood boundaries for June 19, 2013 hearing:

i) eTown at 1535 Spruce St, Boulder, CO 80302- New Arts License.

The Authority members discussed neighborhood boundaries for this application indicating that they should be the same as those set for Snooze whose boundaries were set in 2011 as follows; Maxwell to High to Sunset to Bluff on the North, Arapahoe on the South, 9th Street on the West, and Folsom on the East. Member Spalding moved, Zessin seconded, to set the boundaries as above stated. Motion approved 4:1 with Member McMurray opposed.

B. Informational items:

i) BLA discussion of April 17 presentation on BLA structural changes.

The Authority directed that this discussion should be moved to the June 19 hearing due to the length of this hearing and the late hour.

ii) May Special Events and Temporary Modifications

iii) May Liquor License renewal mailing list

iv) Information Emails to BLA from John Balliet, TIPS Trainer.

v) No Entiendo Food Sales Reports

Mishawn Cook noted for the Authority that above items ii to v were provided in their hearing packet. She noted for the Authority that an additional information email from Jon Balliet was marked as agenda item 11, exhibit 1.

12. Matters from the Chair and Members of the Authority

No matters were noted by the Chair or the Members.

ADJOURNMENT

The Authority discussed that the hearing should be adjourned, thus the hearing was adjourned at 10:51PM.

TIME AND LOCATION OF FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

3rd Wednesday of every Month at 3PM in City Council Chambers for 2013.

Attested:

Approved:

Mishawn J. Cook, Tax and License Manager

Beverage Licensing Authority Chair

CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
***** MINUTES *****
WEDNESDAY, APRIL 17, 2013, 3:00 P.M.
BOULDER CITY COUNCIL CHAMBERS
MUNICIPAL BUILDING - 2nd FLOOR
1777 BROADWAY, BOULDER, COLORADO

NAME OF BOARD/COMMISSION: Beverage Licensing Authority (BLA)

DATE OF MEETING: April 17, 2013

**NAME & PHONE OF PERSON
PREPARING SUMMARY:** Mishawn Cook, Licensing Manager (303.441.3010)

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

Board Members: Harriett Barker, Timothy McMurray, Lisa Spalding, David Timken, and Dave Zessin.

Staff Present: Sandra Llanes, Assistant City Attorney, Mishawn Cook, Licensing Manager, and Michele Lamb, License Assistant.

QUASI-JUDICIAL MEETING OUTLINE OF AGENDA

- 1. Swearing in of New BLA Member; Member roll call; Election of BLA Chair and Vice Chair; Approval of Beverage Licensing Authority (BLA) minutes from March 20, 2013, and hearing agenda issues from licensing clerk.**

David Timken was sworn in as the new BLA member. Roll call was then taken and all five Authority members were present, thus there was a quorum of 5.

Member Spalding moved, Barker seconded, to nominate David Zessin as the Chair of the Beverage Licensing Authority. Motion approved 5:0.

Member Barker moved, Zessin seconded, to nominate Lisa Spalding as the Vice Chair of the Beverage Licensing Authority. Motion approved 5:0.

Member Spalding stated that the March 20, 2013 minutes with a minor correction on page 5, item 10, second paragraph, the words "moved to" were added and the "d" was removed from the word "approved", same sentence. Chair Zessin noted a typo on page 4. Member Barker moved, McMurray seconded, to approve the March 20, 2013 minutes. Motion approved 4:0 with Timken abstaining from the vote.

Mishawn Cook noted that City Attorney Tom Carr would be present after 4PM to present item 5. Chair Zessin asked if licensees for agenda items 4 and 6 were present and both were present. As such, the agenda order was agenda 4, 7, 5 and then 6. Mishawn Cook also noted that agenda item 12 special event liquor permit hearing would not be convened because the application was not filed.

2. Matters from the Boulder Police Department (BPD).

Officer Carlene Hofmann, Boulder Police Department's alcohol enforcement officer, appeared before the Authority. Member Spalding asked about how the group licensed premise inspections would occur. Officer Hofmann described the new coordinated inspections and data entry process.

3. Matters from the Responsible Hospitality Group (RHG).

Michael Absalom, RHG treasurer, appeared on behalf of the RHG. Mr. Absalom provided general information about RHG membership. Mr. Absalom noted for their membership that any city violation can result in a BLA hearing and Mr. Absalom noted that the PD's covert over-service checks are of interest to them. RHG now has a treasurer and that only one RHG member is present at this BLA hearing for agenda item 6, Cheba Hut.

4. Public Hearing and Consideration of whether there is good cause for a non-renewal of a March 15, 2013 application from Farm Stand Boulder LLC d/b/a Beehive Restaurant, 2018 10th Street, Boulder, CO 80302; Janice Ann Henning, 100% Owner and Registered Manager, with a premise business mailing address, for a renewal of a Hotel-Restaurant type liquor license.

Janice Ann Henning, restaurant owner, was sworn in, confirmed under oath proper 10 day premise posting, and Ms. Henning testified about this late filed renewal. Hearing procedures were read to Ms. Henning. No ex-parte communications or conflicts of interest were disclosed by Authority members. No third parties requested interested party status and no public comment was given concerning this renewal.

Ms. Henning requested that the business mailing address be updated from her home address to her restaurant address. Ms. Cook confirmed that this was completed. Member McMurray moved, seconded by Barker, to approve this hotel-restaurant liquor license renewal application. Motion approved 5:0.

5. Public Hearing and Consideration of Proposal regarding increased support for Beverage Licensing Authority hearings and change in Beverage Licensing Authority structure for suspension/revocation proceedings.

This item proceeded after application agenda items 5 and 7. Karl Guiler, City Planner, provided a summary of the last city council meeting where this item was discussed. Tom Carr, city attorney, presented the material related to BLA structural changes with a memo included in the hearing packet.

Iva Townsend, former RHG chair, provided input from the Big Red F Restaurant Group and as an RHG member in favor of bifurcation. Michael Absalom, RHG president, provided comment based on the last RHG meeting discussions in favor of bifurcation or a hearing officer. Kim Voorhees, provided comment stating that is was from the University Hill neighborhood association, stating that dissolving the BLA is unlikely to solve the alcohol issues. Carol Johnson, with Esquire Petitions, provided comment indicating that the liquor board for Federal Heights had voted to dissolve itself because they did not have the necessary legal knowledge, that Ft. Collins has a hearing officer which is a much faster process, and that Lakewood and Loveland have hearing officers also. Jon Balliet, from the RHG board and a TIPs trainer, stated that the licensees were in favor of the BLA change to improve consistency.

The BLA members discussed this matter, but stated that they would further discuss their board recommendation for city council more in depth at next month's hearing.

- 6. Public hearing and consideration of a February 13, 2013 application from Makin Moves LLC d/b/a Cheba Hut Toasted Subs- Boulder, 1315 College Avenue, Boulder, CO 80302; Seth Larsen, 50% Member and Registered Manager, and Matt Clark-Johnson, 50% Member, with a premise business mailing address, for New Hotel-Restaurant type liquor license.**

Seth Larsen, restaurant co-owner, was sworn in, confirmed under oath premise posting for the required 10 day posting, and gave testimony about this new license application. Carol Johnson with Esquire Petitions was sworn in and gave testimony about the petition results for this matter. It was noted that this applicant has become an RHG member. Hearing procedures were read in this matter. No ex-parte communications or conflicts of interest were disclosed by Authority members. The Authority asked questions of Mr. Larsen about his other locations' clear alcohol enforcement histories and about his own personal background check results. Mr. Larsen confirmed to the Authority that their operational hours would be 11PM at the latest, despite his answer listing 12 Midnight on the city questions.

James Pribyl and Kim Voorhees, neighborhood community members, both were sworn in, and they provided a copy of a written alternate petition titled as remonstrance that was accepted as agenda item 6, exhibit 1. Both Mr. Pribyl and Ms. Voorhees provided testimony opposed to license application approval.

The Authority members discussed all submitted materials and testimony given. Ms. Llanes reminded the Authority that they should state for the record the reasons for their motion for this application. Member McMurray moved, Barker seconded, to approve this new hotel-restaurant liquor license application. Motion approved 4:1 with Spalding opposed.

- 7. Public hearing and consideration of a February 22, 2013 application from The Dairy d/b/a The Dairy Center for the Arts, 2590 Walnut Street, Boulder, CO 80304; Deven Shaff, Director of Operations, and Amy Hartman, Board Secretary, with a premise business mailing address, for Permanent Modification of an Arts type liquor license.**

This matter proceeded before agenda items 5 and 6. Deven Shaff, operations manager, and Amy Hartman, board secretary, were both sworn in, Mr. Shaff confirmed under oath premise posting for the required 10 day period, and both Mr. Shaff and Ms. Hartman provided testimony about this permanent modification application.

Hearing procedures were read in this matter. No ex-parte communications or conflicts of interest were disclosed by Authority members. No third parties requested interested party status and no public comment was given in this matter to the Authority. The Authority members and the licensee representatives discussed the modification perimeters, the alcohol storage, and the petition results submitted.

Member McMurray moved, Barker seconded, to approve this permanent modification application. Motion approved 5:0.

8. Matters from the Assistant City Attorney

No matters were discussed, but the hearing outline was noted and Ms. Llanes was thanked for this attorney-client document.

9. Matters from the Licensing Clerk:

This item proceeded before agenda items 5 and 6.

A. Neighborhood boundaries for May 15, 2013 hearing:

- i) Trader Joe's Store #301 at 1906 28th Street, Boulder, CO 80301- New 3.2% Beer liquor license.**

The Authority discussed that the neighborhood boundaries should be the same as the recently set boundaries for an adjacent Brew Pub as follows: Bluff Street Extended on the North, Colorado Avenue on the South, 20th Street on the West, and Foothills Parkway on the East. Member McMurray moved, Barker seconded, to set the boundaries as above described for this application. Motion approved 5:0.

- ii) Under the Sun Eatery & Taphouse at 627 S. Broadway, Unit A, Boulder, CO 80305 for a Permanent Modification to a Hotel-Restaurant liquor license.**

Member McMurray recused himself from this matter. The Authority discussed that the neighborhood boundaries should be the same as the previously set boundaries for this restaurant as follows: Dartmouth to Broadway to 27th to Highway 36 on the North, City Limits on the South, City Limits on the West, and Highway 36 to Moorhead Circle Extended on the East. Member Spalding moved, Barker seconded, to set the boundaries as above described for this application. Motion approved 4:0 with McMurray recused.

- iii) BRU Handbuilt Ales and Eats at 5290 Arapahoe Avenue, Unit I, Boulder, CO 80301 for a new Brew Pub liquor license.**

Member McMurray rejoined the hearing. Ms. Cook noted that the Authority was provided with suggested boundaries marked as agenda item 9 (A-iii), Exhibit 1. The Authority discussed that the neighborhood boundaries should be set as they were for boundaries for an adjacent restaurant as follows: Pearl Parkway on the North, Baseline Road on the South, Foothills Parkway on the West, and City Limits on the East. Member McMurray, Timken seconded, to set the boundaries as above described for this application. Motion approved 5:0.

B. Informational items:

- i) **April Special Events and Temporary Modifications**
- ii) **April Liquor License renewal mailing list**
- iii) **Information Emails to BLA from John Balliet, TIPS Trainer.**
- iv) **No Entiendo (was K's China location) monthly food percentage report.**

Ms. Cook noted that the first three above listed items are located in the hearing packet and that BLA members only have been provided the fourth listed report. Member McMurray discussed that the report and receipts submitted were sufficient to confirm the true food percentage.

Ms. Cook stated for the record that she had also provided board orientation materials with a conflict of interest memo since it had been directed to all BLA members. Ms. Cook also noted for the Authority that she had sent emails to both Pickled Lemon and Zanitas locations since it had been noted by the Authority last month that those locations appeared to now be closed. Pickled Lemon owners responded back to the email and surrendered the liquor license. Zanitas owner responded back to the email to state that possession of the restaurant location had been given back to the landlord.

Regarding the reply email from Zanitas Mexican indicating that they no longer have possession of the licensed premises, Member Spalding moved, Timken seconded, that a show cause action should be initiated against the Zanitas Mexican Restaurant for loss of proper possession at or around December, 2012 and the Authority noted that Ms. Cook has observed that this location has been closed since that time. Motion approved 5:0. The Authority members, Mike Whitney, PD prosecutor, and Officer Carlene Hofmann, discussed that the show cause would be scheduled for June 2013 and Mr. Whitney would act as prosecutor.

10. Matters from the Chair and Members of the Authority

Chair Zessin mentioned that there was some good discussion during the hearing. The Authority asked Mr. Pribyl and Ms. Voorhees if they had suggestions about how to make the BLA process more accessible to neighbors. Mr. Pribyl suggested that all of the hearing packet materials should be made available on the city website, including the petition format, which neighbors may use to gather separate petitions concerning license applications. The Authority, Ms. Llanes, and the community members discussed state law. The Authority, Ms.

Llanes, and the community members discussed that with budget resources that we might send out hearing notification cards in the designated neighborhood. The Authority, Ms. Llanes, and the community members discussed that zoning changes may ensure that license density might be addressed and they also discussed that undue concentration in the state law relates to only retail liquor stores and to tavern liquor licenses.

ADJOURNMENT

The Authority members discussed that the hearing should be adjourned, and thus the Authority hearing was adjourned at 7:03PM.

TIME AND LOCATION OF FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

3rd Wednesday of every Month at 3PM in City Council Chambers for 2013.

Attested:

Approved:

Mishawn J. Cook, Tax and License Manager

Beverage Licensing Authority Chair

Agenda Item 2

BPD

Police Reports Last Drink Location

Month of May

These Statistics are self reported by the offender, and are thus not reliable nor should any conclusion or decision be made solely on this report

<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
05/09/2013						1
130005982	05/09/2013	02:21	35	DUI	BASELINE RD/CANYON CREEK RI	
05/10/2013						1
130006182	05/12/2013	02:00	22	GOVT OPERATIONS OFFENSE	3992 FULLER CT	
1144 13th Street						1
130006375	05/15/2013	23:41	20	DV	1144 13TH ST	
1150 College						3
130005983	05/09/2013	04:22	20	PUBLIC PEACE OFFENSE	3180 AIRPORT RD	
130005980	05/09/2013	01:30	20	ALCOHOL OFFENSE	1150 COLLEGE AV	
130005981	05/09/2013	01:45	19	ALCOHOL OFFENSE	1150 COLLEGE AV	
1150 College Ave						2
130005981	05/09/2013	01:45	19	ALCOHOL OFFENSE	1150 COLLEGE AV	
130005981	05/09/2013	01:45	19	ALCOHOL OFFENSE	1150 COLLEGE AV	
1540 Eisenhower Dr #246						1
130006906	05/26/2013	20:13	27	ASSAULT	1540 EISENHOWER DR #246	
1623 19th Street #12						1
130006221	05/13/2013	03:25	27	DV	1623 19TH ST	
1650 30th Street						1
130006737	05/23/2013	16:25	41	VIOL OF RESTRAINING ORDER	1650 30TH ST	
1777 Broadway						1
130006471	05/17/2013	18:47	26	GOVT OPERATIONS OFFENSE	1777 BROADWAY	
1853 hrs. same loc as arrest						1
130006113	05/10/2013	18:53	39	WARRANT	13TH ST/ARAPAHOE AV	
2011 Goss st						1
130006473	05/17/2013	20:41	41	VIOL OF RESTRAINING ORDER	2011 GOSS ST	
2230 hrs						1
130006430	05/16/2013	23:02	45	DUI	13TH ST/BALSAM AV	
28th Street Tavern						1
130006609	05/21/2013	00:14	50	DUI	30TH ST/BASELINE RD	
28th/bluff						1
130006745	05/23/2013	18:15	65	WARRANT	28TH ST/BLUFF ST	
3120 Broadway Street #205						1
130007098	05/30/2013	21:17	42	DV	3120 BROADWAY	

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<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
869 9th St						2
130005978	05/09/2013	00:10	20	ALCOHOL OFFENSE	869 9TH ST	
130005978	05/09/2013	00:10	19	ALCOHOL OFFENSE	869 9TH ST	
980 College						1
130006706	05/23/2013	01:12	20	ASSAULT	980 COLLEGE AV	
Absinthe						1
130006122	05/10/2013	23:42	22	GOVT OPERATIONS OFFENSE	1100-BLK WALNUT ST	
Absinthe house						2
130005786	05/05/2013	02:11	23	DUI - INCIDENT	11TH ST/WALNUT ST	
130005989	05/09/2013	08:48	26	PROPERTY	1109 WALNUT ST	
approximately 2300						1
130005990	05/09/2013	08:15	21	SEX ASSAULT - INCIDENT	1345 28TH ST	
Art Exhibit						1
130005783	05/05/2013	01:35	35	DUI	6TH ST/CANYON BLVD	
at home						1
130005777	05/05/2013	00:20	18	DUI	20TH ST/BROADWAY	
At house						1
130005978	05/09/2013	00:10	20	PROPERTY	869 9TH ST	
at house, beer and vodka						1
130006318	05/14/2013	21:30	20	ALCOHOL OFFENSE	967 14TH ST	
At Mamasitas						1
130006189	05/12/2013	04:17	23	DV	1024 MARINE ST #22	
At three margaritas						1
130006878	05/26/2013	01:48	23	DUI	30TH ST/GLENWOOD DR	
bar						1
130006485	05/18/2013	02:34	21	VIOL OF RESTRAINING ORDER	11TH ST/LAWRY LN	
BJ's Brewery						1
130006755	05/24/2013	00:40	33	DUI	34TH ST/IRIS AV	
Bohemian Biergarten						1
130006183	05/12/2013	02:10	51	PUBLIC PEACE OFFENSE	2017 13TH ST	
Boulder Chophouse						1
130005775	05/04/2013	22:04	53	DUI	S BROADWAY/DARTMOUTH AV	
Catacombs						1
130005678	05/03/2013	00:48	33	THEFT MISDEMEANOR	2115 13TH ST	
Catacombs Bar						1
130006912	05/26/2013	00:44	23	ASSAULT	2115 13TH ST	

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<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
Central Park						1
130006373	05/15/2013	21:16	46	WARRANT	1750 13TH ST	
centro						1
130005914	05/07/2013	22:37	21	DV	950 PEARL ST	
Chop House						2
130006129	05/11/2013	00:39	34	DUI	18TH ST/WALNUT ST	
130005737	05/03/2013	21:59	65	DUI	1400-BLK WALNUT ST	
Connor O'Neals						1
130006045	05/09/2013	23:52	30	DUI	1500 CANYON BLVD	
Conor O'Neills						1
130005917	05/08/2013	01:07	26	DUI	11TH ST/PEARL ST	
dark horse						1
130006614	05/21/2013	23:47	25	CRIMINAL TRESPASS	3383 MADISON AV	
Denied drinking alcohol						1
130005673	05/02/2013	23:08	24	DUI	11TH ST/SPRUCE ST	
downtown						1
130005785	05/05/2013	02:05	26	DUI	9TH ST/CANYON BLVD	
Drinking at the Boulder Cafe.						2
130006528	05/18/2013	21:14	29	PUBLIC PEACE OFFENSE	1247 PEARL ST	
130006528	05/18/2013	21:14	29	PUBLIC PEACE OFFENSE	1247 PEARL ST	
Fox Theater						1
130006821	05/25/2013	02:21	22	DUI	33RD ST/ARAPAHOE AV	
Fox Theatre						2
130005741	05/04/2013	01:05	45	DUI	13TH ST/EUCLID AV	
130005990	05/09/2013	15:31	21	SUPPLEMENTAL	1345 28TH ST	
Friend's house						1
130006188	05/12/2013	04:25	35	INCIDENT	1099 MARINE ST	
Friend's House 5th/Pearl						1
130005773	05/04/2013	22:11	52	DUI	28TH ST/PEARL ST	
Friends house						1
130006269	05/14/2013	00:56	29	DUI	BASELINE RD/FOOTHILLS PKWY	
Glass wine at Mediterranean						1
130007099	05/30/2013	22:46	22	DUI	38TH ST/ARAPAHOE AV	
Half Fast Subs						1
130006375	05/15/2013	23:41	21	DV	1144 13TH ST	
home						2
130006875	05/26/2013	01:06	21	DUI	29TH ST/BASELINE RD	
130006913	05/27/2013	00:30	22	DUI	ADAMS CIR/KENT ST	

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<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
just prior to contact						1
130006123	05/10/2013	23:35	21	WARRANT	11TH ST/PEARL ST	
just prior to contact at 3 margaritas						1
130006876	05/26/2013	01:48	23	WARRANT	30TH ST/GLENWOOD DR	
LAZY DOG						1
130005743	05/04/2013	02:16	28	DUI	900-BLK S BROADWAY	
Lazy Dog Bar						1
130006871	05/25/2013	23:56	24	DUI	24TH PL/PEARL ST	
N/A						1
130006740	05/23/2013	16:20	52	VIOL OF RESTRAINING ORDER	BERKLEY AV/MOORHEAD AV	
na						1
130006301	05/14/2013	17:14	22	DV	BROADWAY/PENNSYLVANIA AV	
Nitro						1
130006220	05/13/2013	02:10	23	DUI	11TH ST/PEARL ST	
Nitro Club						1
130006482	05/18/2013	02:03	32	DUI	BROADWAY/CANYON BLVD	
NO ALCOHOL						1
130005746	05/04/2013	02:16	18	INCIDENT	30TH ST/COLORADO AV	
none						3
130006828	05/25/2013	09:30	47	WARRANT	1777 BROADWAY	
130006186	05/12/2013	02:20		DUI	28TH ST/PEARL ST	
130007052	05/29/2013	21:20	30	WARRANT	BROADWAY/LARAMIE BLVD	
None.						11
130006170	05/11/2013	20:43	23	DUI	15TH ST/BROADWAY	
130006170	05/11/2013	20:43	26	DUI	15TH ST/BROADWAY	
130005912	05/07/2013	20:30	62	BURGLARY RESIDENTIAL	311 PEARL ST #6	
130005608	05/01/2013	14:34	15	WARRANT	1777 6TH ST	
130006111	05/10/2013	16:49	48	BURGLARY COMMERCIAL	1604 ARAPAHOE AV	
130006170	05/11/2013	20:43		DUI	15TH ST/BROADWAY	
130006170	05/11/2013	20:43	22	DUI	15TH ST/BROADWAY	
130006111	05/10/2013	16:49	15	BURGLARY COMMERCIAL	1604 ARAPAHOE AV	
130006170	05/11/2013	20:43		DUI	15TH ST/BROADWAY	
130006186	05/12/2013	02:20		DUI	28TH ST/PEARL ST	
130006186	05/12/2013	02:20		DUI	28TH ST/PEARL ST	
Pearl St						1
130006127	05/11/2013	00:51	33	DUI	700 BROADWAY	
Pearl Street Pub						1
130006133	05/11/2013	02:15	29	DUI	11TH ST/PEARL ST	

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<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
Private residence						3
130006478	05/17/2013	23:23	58	DUI	28TH ST/GLENWOOD DR	
130006478	05/17/2013	23:23		DUI	28TH ST/GLENWOOD DR	
130005774	05/29/2013	10:30	20	WARRANT	3100 34TH ST	
Residence						1
130005669	05/02/2013	20:41	33	WARRANT	4440 LAGUNA PL	
RIO						1
130006322	05/14/2013	23:08	27	DUI	BROADWAY/SPRUCE ST	
same						1
130006263	05/13/2013	21:18	49	WARRANT	13TH ST/ARAPAHOE AV	
Somewhere in Boulder.						1
130006320	05/14/2013	21:18	50	WARRANT	711 WALNUT ST	
Stated a couple hours prior to contact						1
130005834	05/06/2013	00:24	36	DUI	30TH ST/DIAGONAL HY	
stated at midnight although it was before midnight						1
130006176	05/11/2013	23:46	22	DUI	33RD ST/ARAPAHOE AV	
Sundown Saloon						1
130005745	05/04/2013	01:45	40	DRUGS POSSESSION	1100-BLK LAWRY LN	
SW corner of 26th St. and Walnut St.						1
130007128	05/31/2013	14:27	53	WARRANT	26TH ST/WALNUT ST	
Tahona						2
130006186	05/12/2013	02:20	35	DUI	28TH ST/PEARL ST	
130006186	05/12/2013	02:20	35	DUI	28TH ST/PEARL ST	
The Goose - 1301 Broadway, Boulder, CO 80302						1
130006323	05/15/2013	01:07	22	DUI	BASELINE RD/BROADWAY	
The Lazy Dog						1
130005687	05/03/2013	03:39	27	MISCELLANEOUS OFFENSE	3180 AIRPORT RD	
The Sink						1
130005498	05/04/2013	19:47	22	THEFT MISDEMEANOR	1165 13TH ST	
TWO GLASSES OF WINE AT THE KITCHEN						1
130006559	05/19/2013	22:21	49	DUI	S BROADWAY/TABLE MESA DR	
u/k bar on pearl street						1
130006184	05/12/2013	02:04	22	DUI	BROADWAY/WALNUT ST	
Unk						1
130006037	05/09/2013	20:20	42	GOVT OPERATIONS OFFENSE	1800-BLK 14TH ST	

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<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
unknown						33
130005968	05/08/2013	19:29	48	CRIMINAL MISCHIEF NON-GF	3180 AIRPORT RD	
130006321	05/14/2013	22:44	46	CRIMINAL TRESPASS	2315 30TH ST	
130006132	05/11/2013	01:53	21	VIOL OF RESTRAINING ORDER	11TH ST/PEARL ST	
130006701	05/22/2013	23:11	23	CRIMINAL MISCHIEF NON-GF	1124 PEARL ST	
130006381	05/16/2013	01:55	41	DUI	3003 VALMONT RD #12	
130006761	05/24/2013	02:03	27	THEFT MISDEMEANOR	1100-BLK 13TH ST	
130006901	05/26/2013	17:27	53	WARRANT	2600 IRIS AV	
130006908	05/26/2013	22:19	52	DUI	20TH ST/WALNUT ST	
130006138	05/11/2013	03:55	23	ASSAULT	420 S 40TH ST	
130006560	05/19/2013	22:22	31	DUI	BROADWAY/CANYON BLVD	
130006912	05/27/2013	05:11	26	SUPPLEMENTAL	2115 13TH ST	
130005832	05/05/2013	23:40	25	WARRANT	1200 SPRUCE ST	
130006179	05/12/2013	00:50	35	THEFT MISDEMEANOR	2798 ARAPAHOE AV	
130006167	05/11/2013	20:17	51	WARRANT	28TH ST/MAPLETON AV	
130007059	05/30/2013	01:25	25	WARRANT	1400-BLK SPRUCE ST	
130006481	05/18/2013	01:25	27	DUI	BROADWAY/QUINCE AV	
130005975	05/08/2013	22:45	32	GOVT OPERATIONS OFFENSE	1400 WALNUT ST	
130006966	05/28/2013	10:55	26	WARRANT	1700-BLK BROADWAY	
130005579	05/01/2013	00:52	19	DUI	1100 GRANDVIEW AV	
130006646	05/21/2013	23:15	30	DUI	16TH ST/BROADWAY	
130006789	05/24/2013	15:07	41	OUTSIDE AGENCY ASSIST	4501 BROADWAY	
130006489	05/18/2013	06:03	50	GOVT OPERATIONS OFFENSE	5200 PEARL PKWY	
130006492	05/18/2013	08:35	28	CRIMINAL TRESPASS	1951 ALPINE AV	
130005918	05/08/2013	01:51	22	DUI	28TH ST/ARAPAHOE AV	
130006365	05/15/2013	18:12	28	DUI	1884 FOLSOM ST	
130006752	05/23/2013	23:37	24	PUBLIC PEACE OFFENSE	1100 BALSAM AV	
130006812	05/25/2013	00:12	20	CRIMINAL TRESPASS	1027 14TH ST	
130006533	05/18/2013	23:59	21	DUI	S 32ND ST/DARTMOUTH AV	
130006531	05/18/2013	23:38	41	DUI	BASELINE RD/BROADWAY	
130005879	05/07/2013	07:16		CRIMINAL TRESPASS	2905 BASELINE RD	
130006325	05/15/2013	03:13	22	GOVT OPERATIONS OFFENSE	2780 TAFT DR	
130006760	05/24/2013	02:32	21	GOVT OPERATIONS OFFENSE	3180 AIRPORT RD	
130006815	05/25/2013	01:32	21	GOVT OPERATIONS OFFENSE	1400-BLK 28TH ST	
Unknown (Denver)						2
130006135	05/11/2013	03:06	21	ASSAULT	12TH ST/COLLEGE AV	
130006135	05/11/2013	03:06	21	ASSAULT	12TH ST/COLLEGE AV	
unknown amount or location						1
130006703	05/23/2013	00:57	61	WARRANT	11TH ST/LAWRY LN	
Unknown bar downtown						1
130006952	05/27/2013	23:22	26	DUI	19TH ST/NORWOOD AV	
Unknown in public						1
130005727	05/03/2013	18:30	51	WARRANT	28TH ST/ARAPAHOE AV	

These Statistics are self reported by the offender, and are thus not reliable nor should any conclusion or decision be made solely on this report

<u>Report No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Nature of Call</u>	<u>Location</u>	<u>Total:</u>
Unknown Pearl Street						1
130006650	05/22/2013	01:21	26	DUI	BROADWAY/SPRUCE ST	
Unknown street						1
130006995	05/28/2013	17:46	44	CRIMINAL TRESPASS	2805 PEARL ST	
Unknown.						3
130006170	05/11/2013	20:43		DUI	15TH ST/BROADWAY	
130006170	05/11/2013	20:43	21	DUI	15TH ST/BROADWAY	
130006111	05/10/2013	16:49		BURGLARY COMMERCIAL	1604 ARAPAHOE AV	
Unkown bar downtown Boulder						1
130006705	05/23/2013	01:12	33	DUI	FOLSOM ST/GROVE ST	
Upon arrest						1
130005625	05/01/2013	22:41	34	CRIMINAL TRESPASS	1085 BROADWAY	
Walrus						2
130007100	05/30/2013	23:30	22	DUI	BROADWAY/NORTH ST	
130007104	05/31/2013	02:33	22	DUI	16TH ST/WALNUT ST	
Walrus/Absinthe House						1
130005744	05/04/2013	01:56	28	DUI	1100-BLK WALNUT ST	
						150

Citations Last Drink Location

Month of May

These Statistics are self reported by the offender, and are thus not reliable nor should any conclusion or decision be made solely on this report

<u>Citation No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Violation 1</u>	<u>Citation Location</u>	<u>Total:</u>
1053 12TH ST						
G000106197	05/30/2013	2350	20	5-7-4	1000-BLK 12TH ST #ALLEY	1
1080 13TH						
G000107646	05/10/2013	0120	20	5-7-4	1080 13TH ST	1
1090 LINCOLN PL						
G000106409	05/05/2013	0030	19	5-7-4	1090 LINCOLN PL	2
G000106408	05/05/2013	0030	19	5-7-4	1090 LINCOLN PL	
1150 COLLEGE AV						
G000106386	05/09/2013	0131	19	5-7-4	1150 COLLEGE AV	3
G000112099	05/09/2013	0115	19	5-7-4	1150 COLLEGE AV	
G000105585	05/09/2013	0130	20	5-7-4	1150 COLLEGE AV	
11TH/COLLEGE AV						
G000106186	05/11/2013	2335	18	5-7-4	11TH ST/COLLEGE AV	1
11TH/MARINE ST						
G000111401	05/11/2013	0015	19	5-7-4	11TH ST/MARINE ST	1
1200 COLLEGE						
G000111530	05/04/2013	2300	19	5-7-4	1200 COLLEGE AV #202	1
1200 COLLEGE AVE #202						
G000106455	05/04/2013	2300	20	5-7-4	1200 COLLEGE AV #202	1
1300 COLLEGE						
G000106681	05/31/2013	1900	18	5-7-4	14TH ST/COLLEGE AV	1
13TH ST/ARAPAHOE AV						
G000096785	05/22/2013	1823	46	5-7-2	13TH ST/ARAPAHOE AV	1
800-BLK 19TH ST						
G000111527	05/03/2013	2300	19	5-7-4	800-BLK 19TH ST	2
G000111528	05/03/2013	2300	19	5-7-4	800-BLK 19TH ST	
803 MARINE						
G000105253	05/18/2013	2330	20	5-7-4	803 MARINE ST	1
860 18TH ST						
G000111376	05/12/2013	0005	20	5-8-3	860 18TH ST	1
869 9TH ST						
G000111531	05/09/2013	0010	19	5-7-4	869 9TH ST	2
G000111532	05/09/2013	0010	20	5-7-4	869 9TH ST	
880 18TH ST						
G000106410	05/05/2013	0240	19	5-7-4	880 18TH ST	1
920 MARINE						
G000111298	05/25/2013	0105	20	5-7-4	920 MARINE ST	1

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<u>Citation No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Violation 1</u>	<u>Citation Location</u>	<u>Total:</u>
980 COLLEGE						
G000112951	05/23/2013	0125	19	5-7-4	1075 10TH ST	1
CONNOR O'NEILLS						
TS00112155	05/09/2013	0221	35	42-4-1301(1)(A)	BASELINE RD/CANYON CREEK RI	1
HILL						
G000105994	05/11/2013	2349	20	5-7-2	10TH ST/PLEASANT ST	1
HOUSE						
G000105806	05/04/2013	1935	19	5-7-4	17TH ST/BROADWAY	1
NO DOCUMENTED ON CITATION						
E01306220A	05/13/2013	0210	23	42-4-1007	11TH ST/PEARL ST	1
NOT DOCUEMNTED ON CITATION						
TS00122505	05/14/2013	0056	29	42-4-237	BASELINE RD/FOOTHILLS PKWY	1
NOT DOCUMENTED						
TS00112808	05/11/2013	2315	27	42-4-1305	BROADWAY/UNIVERSITY AV	1
NOT DOCUMENTED ON CITATION						
CR00095885	05/31/2013	1902	22	18-9-111(1)(A)	1405 S BROADWAY	14
G000106182	05/03/2013	2348	21	5-7-2	1000-BLK 12TH ST	
TS00124228	05/25/2013	2356	24	42-4-1301(1)(A)	24TH PL/PEARL ST	
CR00072014	05/07/2013	2237	21	18-9-111(1)(A)	950 PEARL ST	
E01305737A	05/03/2013	2159	65	42-4-1301(1)(A)	1400-BLK WALNUT ST	
TS00121977	05/12/2013	0220	35	42-4-1101(1.5)	28TH ST/PEARL ST	
TS00112866	05/02/2013	0234	27	42-4-1409(3)	BROADWAY/MARINE ST	
E01306878A	05/26/2013	0148	23	42-2-101(1)	30TH ST/GLENWOOD DR	
E01305673A	05/02/2013	2308	24	42-3-114	11TH ST/SPRUCE ST	
G000103067	05/31/2013	1427	53	5-7-2	26TH ST/WALNUT ST	
G000106577	05/31/2013	1715	51	5-3-6	1100-BLK PEARL ST	
E01306821A	05/25/2013	0221	22	42-4-1007	33RD ST/ARAPAHOE AV	
E01306481A	05/18/2013	0125	7	42-4-1007	BROADWAY/QUINCE AV	
TS00112166	05/26/2013	2219	52	42-4-1301(1)(A)	20TH ST/WALNUT ST	
NOT DOCUMENTED ON CITATON						
TS00124252	05/04/2013	0052	45	42-4-1301(1)(A)	13TH ST/EUCLID AV	1
NOT DOCUMENTED ON THE CITATION						
TS00112432	05/30/2013	2246	22	42-4-1007	3700-BLK ARAPAHOE AV	1
REFUSED						
G000111622	05/03/2013	0151	20	5-4-3	1325 BROADWAY	1
UNKNOWN						
G000113923	05/03/2013	2300	21	5-7-2	800-BLK 19TH ST	1

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<u>Citation No</u>	<u>Date</u>	<u>Time</u>	<u>Age</u>	<u>Violation 1</u>	<u>Citation Location</u>	<u>Total:</u>
UNK						9
G000113585	05/13/2013	1825	21	5-7-2	13TH ST/EUCLID AV	
G000106185	05/10/2013	1853	39	5-7-2	13TH ST/ARAPAHOE AV	
G000112159	05/09/2013	2340	52	5-7-2	BROADWAY/LAWRY LN	
G000112481	05/10/2013	1440	21	5-7-2	1200 PEARL ST	
G000106198	05/31/2013	2330	22	5-3-11	1030 GRANDVIEW AV #2	
G000106199	05/31/2013	2330	22	5-3-11	1030 GRANDVIEW AV #2	
G000106277	05/10/2013	2335	21	5-7-2	11TH ST/PEARL ST	
G000105807	05/10/2013	0115	19	5-7-4	902 18TH ST	
G000106731	05/10/2013	1850	52	5-7-2	1575 30TH ST	
UNKNOWN						16
G000106240	05/10/2013	1950	22	5-7-2	1777 BROADWAY	
G000113593	05/14/2013	2130	22	5-7-3	967 14TH ST	
G000111529	05/03/2013	2300	19	5-7-4	800-BLK 19TH ST	
G000115779	05/10/2013	1830	25	5-7-2	9TH ST/GRANDVIEW AV	
G000108877	05/05/2013	0210	38	5-6-7	100-BLK PEARL ST	
G000074086	05/08/2013	1929	48	5-4-2	3180 AIRPORT RD	
CR00077368	05/09/2013	0350	20	18-9-117	3180 AIRPORT RD	
CR00095729	05/23/2013	1625	41	18-6-803.5	1650 30TH ST	
G000105485	05/05/2013	1610	60	6-4-5.5	1421 PEARL ST	
G000115780	05/10/2013	2340	20	5-7-2	900-BLK PENNSYLVANIA AV	
G000113924	05/03/2013	2348	22	5-7-2	1000-BLK 12TH ST	
G000112909	05/04/2013	1730	52	5-7-2	BROADWAY/CANYON BLVD	
TS00114499	05/18/2013	1713	49	42-4-1301(1)(A)	30TH ST/VALMONT RD	
E01305918A	05/08/2013	0151	22	42-4-1301(1)(A)	28TH ST/ARAPAHOE AV	
G000096786	05/22/2013	1908	29	5-7-2	1100 ARAPAHOE AV	
CR00082812	05/26/2013	2010	27	18-3-206	1540 EISENHOWER DR #246	

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Agenda Item 3

RHG

RESPONSIBLE HOSPITALITY GROUP
meeting minutes & agenda
June 5th, 2013
The Academy

roll call & introductions - WELCOME

MATTERS FROM RESPONSIBLE HOSPITALITY GROUP

All meetings for 2013, first Wed. of the month, 2:30 - 3:30 PM
3rd Quarter: Hotel Boulderado (7/10, 8/7, 9/TBD)
4th Quarter: Hotel Boulderado (10/2, 11/2)

- SIGN IN; BLA is checking on attendance & paid dues for member status. Dues for the calendar year; \$100; Please check with Mike to finalize your membership
- We are already seeking a new Secretary & Treasurer for 2014; Jon will be moving into the Adjunct Advisor role & Treasurer will be open; Mike is currently planning to continue as Pres.
- Another Round Table discussion is planned for July
- Fake I.D. Seminar tentatively planned for August
- State LED training set for September
- October will be time for revisiting City Council Land Use & B.L.A. elimination/bifurcation
- November will be wrap up and new officer appointments.

MATTERS FROM BPD

- Officer Hofmann further discussing changes and direction of future compliance checks; City prosecutor present to answer questions.
- Vast majority of today's discussion was Q&A & dialogue that re-hashed our last meeting. Please see notes for April meeting.
- Lots of arguing over operational parameters of "stings"

contact info:

Carlene Hofmann, BPD

MATTERS FROM TIPS TRAINERS

Current schedule of classes: www.tipscolorado.com

contact info:

Jonathan Balliet

jb@tipscolorado.com

CALL for RESERVATIONS: 303-210-1351

MATTERS FROM HEALTH SAFETY TRAINERS

No input at today's meeting

contact info:

Joe Self, Self Solutions

MATTERS FROM LICENSING CLERK

- B.L.A. is expected to respond to the City's recommendation for elimination or bifurcation of the B.L.A.

contact info:

Mishawn Cook, City of Boulder, Licensing

MATTERS FROM CITY OF BOULDER

No input at today's meeting

contact info:

Kurt Matthews, City of Boulder

OTHER IMPORTANT DATES/EVENTS

* 4th of July (RHG Meeting moved to 7/10 and new location at Boulder Outlook Hotel)

MEETING ADJOURNED###

2013		RHG ATTENDANCE												ATT.
Establishment	DUES PAID	AGREE. ON FILE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOT
Abos on the Hill			1											1
Absinthe House	1		1		1	1		1						4
Academy			1	1				1						4
Altafas	1	Y		1				1						2
B-Town	1	Y	1			1		1						4
Bacco Trattoria	1	Y	1	1	1			1						5
Baseline Liquor	1	Y	1	1				1						3
Big Red F	1	Y	1	1	1			1						5
Bitter Bar	1	Y	1	1	1			1						5
BJ's	1				1	1		1						2
Black Pepper Pho	1	Y	1	1	1			1						5
Bottles	1	Y	1	1				1						3
Boulder Beer	1	Y	1	1				1						5
Boulder Chophouse	1	Y			1			1						2
Boulder Cork	1	Y	1	1				1						3
Boulder Marriott	1	Y	1	1				1						3
Boulder Outlook	1	Y	1					1						1
Boulder Theater	1	Y	1	1	1			1						5
Boulder Wine & Spirits	1	Y	1	1	1			1						5
Caffe Sole			1	1				1						3
Carolina Laredo			1	1	1			1						4
Centro	1	Y	1	1	1			1						5

Agenda Item 4

**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
PRELIMINARY FINDINGS AND REPORT**

IN THE MATTER OF THE APPLICATION FROM

Kyle McNamara
8025 Grasmere Drive
Boulder CO 80301
Attention: Kyle McNamara

Re: Noentiendo

Premise Location: 1325 Broadway Unit 201, Boulder, CO 80302

FOR A

Transfer of Ownership of a Hotel-Restaurant type liquor license

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;

GREETINGS:

Pursuant to C.R.S. 12-47-312(1) and the below referenced State laws and the city of Boulder Beverages Licensing Authority (BLA) Rules of Procedure, you are hereby advised that with regard to the application for a **Transfer of Ownership of a Hotel-Restaurant type liquor license**, an investigation has been made and based on the results thereof the following has been determined:

- 1. APPLICATION PACKET**
Responsive to C.R.S. §12-47-311(1) and BLA Rules of Procedure Section 4-3, the applicant, as stated above, submitted an application packet, which was substantially complete, to the City Clerk's Office on **March 15, 2013**.
- 2. PREVIOUS DENIALS AT THE SAME LOCATION**
Responsive to C.R.S. §12-47-313 (1)a et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.
- 3. POSSESSION OF PREMISES**
Responsive to C.R.S. §12-47-313 (1)b and BLA Rules of Procedure, Subsection 5-1-1 (B), it appears from the evidence submitted that the applicant is entitled to possession of the premises where the license is proposed to be exercised until **February 28, 2018**.

4. **ZONING AND HEALTH DEPARTMENT REGULATIONS COMPLIANCE**
Responsive to C.R.S. §12-47-313 (1)c and BLA Rules of Procedure, Subsection 5-1-1 (C), selling alcohol in the manner proposed in the application is **not** in violation of any zoning laws of the City of Boulder and the use is consistent with the location's permissible planning conditions and zoning district. The applicant must meet all applicable laws, rules and regulations of the City's Planning Department as to construction and building safety requirements at the premise, and if applicable, the Boulder County Health Department and the State Board of Health for food preparation and service.
5. **PROXIMITY TO SCHOOLS**
Responsive to C.R.S. §12-47-313 (1)d et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.
6. **EXISTING OUTLETS IN DESIGNATED NEIGHBORHOOD**
Responsive to C.R.S. §12-47-312 (2) and BLA Rules of Procedure Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.
7. **BACKGROUND INFORMATION**
Responsive to C.R.S. §12-47-307 and BLA Rules of Procedure Subsection 5-1-1 (F), the following criminal history information has been discovered or brought to the attention of the Authority:

Applicant (including partners, officers, directors over 10% stockholders):

Kyle McNamara, 100% Owner and Proposed Registered Manager.

CBI Results – 7 arrests as follows:

1. Arrested 8/31/01, Charge DUI Liquor/Drugs, Misdemeanor; DUI Liquor Per Se Misdemeanor.
2. Arrested 4/20/02, Charge FTA Mis Theft Under \$100, Misdemeanor; Larceny Theft Over \$100, Misdemeanor; MIP, Misdemeanor.
3. Arrested 6/9/02, MIP, Misdemeanor; Larceny, Misdemeanor.
4. Arrested 7/29/02, Contempt of Court, Trespass, Misdemeanor; Failure to Appear, Theft Misdemeanor; Failure to Appear, MIP Misdemeanor.
5. Arrested 10/18/03, Traffic offense, Misdemeanor; DUI Misdemeanor; Reckless driving, Misdemeanor; DUI, Misdemeanor.
6. Arrested 7/11/06, Traffic offense, Misdemeanor; Failure to Appear Driving While Impaired, Misdemeanor.
7. Arrested 9/27/06, Failure to Appear, DUI, Misdemeanor; Failure to Appear DUR, Misdemeanor.

Source of information: **Individual History Report (IHR) self check.**

FBI Results: Same as Above. Additional arrest not on CBI or FBI reports reported by Kyle McNamara: Arrested 8/1/01 Theft Under \$100. Additionally: Driver's License revoked for DUIs. Kyle doesn't remember the dates but says he has fulfilled all requirements and regained his driving privileges.

Proof of Rehabilitation: Kyle has submitted numerous documents to demonstrate Proof of Rehabilitation, copies of which will be provided to the Board members for their review.

Prior Administration and Operational Characteristics:

Bar Manager of K's China from July 2005 to present during which time violations pertaining to license renewal conditions as to checking IDs and marking hands of underage persons. K's China also received a 3 day suspension during Kyle's tenure as Bar Manager.

8. APPLICANT FINANCIAL INTEREST

Responsive to C.R.S. §12-47-308 and BLA Rules of Procedure Subsection 5-1-1 (G), the applicant's financial interest and associated parties disclosures are to be found in the submitted city of Boulder BLA Financial Statement with attachments, the submitted Colorado Liquor Retail License Application or Colorado Fermented Malt Beverage (3.2% Beer) License Application with attachments, and the submitted Individual History Record with attachments. A copy of each of these mentioned documents should have been retained by the applicant at the time of application and a copy of these mentioned documents will be provided to the BLA for purposes of local licensing authority deliberations.

9. PUBLIC HEARING INFORMATION

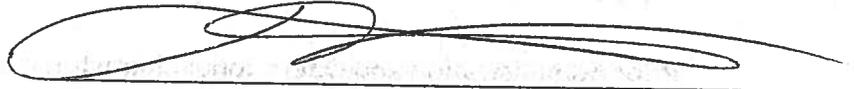
Responsive to C.R.S. §12-47-311 and BLA Rules of Procedure Section 5-1, you are hereby notified that the public hearing on this application will be held on **Wednesday, June 19, 2013, at 3:00 pm**, in the Council Chambers, 2nd Floor of the Municipal Building, 1777 Broadway, Boulder, Colorado. At said hearing, you will have the opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

You are advised to obtain a copy of the State Laws, Rules, and Regulations pertinent to the license class for which you are applying. In addition, you are advised to obtain a copy of the applicable "Rules of Procedures" adopted by the Beverages Licensing Authority of the City of Boulder for use and guidance in holding hearings on liquor license applications. These Rules are available at:

<http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf> or a public copy is made available for review at the Licensing Clerk's Office.

June 11, 2013

BEVERAGE LICENSING AUTHORITY
CITY OF BOULDER, COLORADO



Mishawn J. Cook, Tax and License Manager
and Board Secretary

Cook, Mishawn

From: Kelley Kiesling [kkiesling@dillanddill.com]
Sent: Monday, June 10, 2013 10:34 AM
To: Cook, Mishawn; Adam Stapen
Cc: Lamb, Michele
Subject: Kyle McNamara - No Entiendo
Attachments: img-6100833-0001.pdf; img-6100841-0001.pdf; img-6100842-0001.pdf; img-6100842-0001.pdf; img-6100843-0001.pdf

Mishawn~

Attached please find the additional materials relative to the transfer application of No Entiendo. Please let me know if you have any questions.

Thank you for your attention in this matter.
Kelley

Kelley Kiesling
Liquor Paralegal
Dill Dill Carr Stonbraker & Hutchings, PC
455 Sherman St. Suite 300
Denver, CO 80203
303-282-4133(direct)
303-777-3737(office)
303-777-3823(fax)
kkiesling@dillanddill.com

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Kelley Kiesling

From: Kyle McNamara <kmac4614@gmail.com>
Sent: Wednesday, May 15, 2013 1:05 PM
To: Kelley Kiesling
Subject: Fwd: TIPS Certifications in process - No Entiendo

----- Forwarded message -----

From: Jon Balliet <jb@tipscolorado.com>
Date: Wed, May 15, 2013 at 10:53 AM
Subject: TIPS Certifications in process - No Entiendo
To: Kyle mcnamara <kmac4614@gmail.com>
Cc: Mishawn Cook <cookm@bouldercolorado.gov>

This letter is to verify that **Andrew Cassidy, Alex Frangos, Kevin Collery, and Logan Moon from No Entiendo** participated & completed a TIPS ON-Premise course on 5/8/13 with myself as instructor. Results are pending and will be provided after normal processing time of about 3 weeks.

If you have any questions or concerns, please feel free to contact me at anytime.

Thanks!

JB

B Jonathan Balliet
Certified TIPS Instructor
jb@tipscolorado.com
[303-210-1351](tel:303-210-1351)

TIPSCOLORADO.COM



CONFIDENTIALITY NOTICE: This email and/or its attachments is a privileged and/or confidential communication and is intended only for the use of the above-named individual(s) or entity(ies). If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this email or the attached information is strictly prohibited. If you have received this transmission in error, please discard the information immediately.

So when it may concern,

on the behalf of Kyle
Christopher MacNamee

My name is Lily Grace Nolan,
I am a professional manager
of graphic illustrator for an
architectural firm in Boulder
CO.

And I am here to say the following
one, Kyle is my closest confidant.
Two, Kyle is the most caring individual
I know, who without I could
attribute much of my success
as a sober individual

and
three, he is the epitome of
hard working.

Me and Kyle began our friendship
when we coincidentally finished
our sober programs (FOP rehab)
at the same time. I looked to Kyle
as a someone that could relate
to my unique position as a
young person trying to reform their
life. He & I bonded over important
concepts and experience. He became a
brother, my closest confidant, and
"counselor" during this time.

Helping to save my life & showing
me what REAL friendship is.

There are not many people that lead their life with the fire and ambition Mr. McNameera does.

Together we have been sober four years and the time Kyle's spent bettering himself & becoming one-top-notch-man is reflective in his works.

Kyle's only fault is that he needs to relax or scheduled more vacations. But obviously, his mind is too goal oriented.

Without Kyle, I'd be dead and I stand by the statement that "he is an amazing person" fully. I not only love Kyle, I respect him.

All things in life take time. Given the chance & time to create an establishment / community that serves the whole more fully, there's no one better suited than Kyle C. Micharano.

Thank you,

Lily Grace Nolan
Lily Grace Nolan

June, 6 2013

To Whom It May Concern:

I am writing this letter in order to attest to the character of one Kyle McNamara. I have known Mr. McNamara for many years, we first met when we were students at The University of Colorado in the fall of 2004. Since then we have both taken our paths though life and currently both holding respectable employment within the community.

A Personal History

When I was younger I drank alcohol in what would be considered an excessive amount. I continued to drink throughout college and into my late twenties. In the fall of 2011 I decided that I had enough and made the conscious decision to quit drinking.

Mr. McNamara's Character

Years prior to my decision to quit drinking Mr. McNamara had made the decision to quit drinking. In doing so he was capable of offering support in the troubles one faces when approaching sobriety. With the help of Mr. McNamara I was able to stay sober and secure a steady job in the field of power generation. A feat that may not have been accomplished prior.

Mr. McNamara is one who takes great pride in caring for others, from his staff to his friends and family to his community. He is one who cares dearly about his community as shown by his involvement in the Restorative Justice program. On the 4th of July 2012 Mr. McNamara orchestrated a bus to taxi people to and from the Boulder Reservoir in order to reduce to the number of people drinking and driving, free of charge I might add. These are traits that anyone would want in their neighborhood business owner.

Mr. McNamara has demonstrated his resolve to keep the people of the community safe through numerous actions. He is a friend to anyone who walks in the door of his business and will make sure that they enjoy their time at No Entiendo responsibly.

Sincerely



R. Ramirez
June, 6 2013
Norfolk, VA

June 6, 2013

To Whom It May Concern,

We have known Kyle since Naomica for five years. Our friendship is not a casual acquaintance but rather one that reflects our trust in him as a close family friend. He is like a brother to our daughter and we have enjoyed many serious conversations regarding the future, family life, education, spirituality, society, business and work. Kyle has done work in our home and we were more than impressed with his skill and the precision, cleanliness and speed of his work.

His determination to finish his education at the age of 30...proves his focus and seriousness. He is a well-rounded, well-read, and sensible man. He sought out even more specialized classes after graduation in order to be competent in his long term endeavors.

He has a strong work ethic and handles problems whether difficult or unpleasant with calm and reason.

Kyle works well with all people and is a compassionate man. He is a friendly person.

He is grateful to have this opportunity to become a successful business owner of an establishment that showcases the beauty of the Flatirons and brings people enjoyment. He has been serious about his customers, their safety and the city's concerns. He is willing to ask for clarity, direction and mentorship. As one of Kyle's mentors, I found his concerns to be relevant, well thought out and precise.

He understands young people but also the dangers that lead some people of all ages to make reckless choices. He is a sober man, a determined, intelligent, reasonable and friendly man.


6/7/13
James P. Nolan

Karen Nolan
Karen Nolan



info@coloradoenergy.com 7 303.807.5581
www.coloradoenergy.com F 303.442.5113
C 303.868.8990



Harmony

Recovery in the Rockies™

5/12/2013

To whom it may concern:

This letter is in regard to Kyle McNamara. DOB-11/27/1981. SS # 522-39-6998.

Kyle entered the Harmony program on 6/19/2009 and completed the 30 day program in full. While here Kyle attended all groups and addressed his personal issues to internalize his life style and where he wants to go with his future in recovery. Kyle did an exceptional job while here and put forth a great amount of effort to examine himself and his value system. He was a model client and a positive energy in the community here at Harmony. He is a kind person and was very helpful to himself and to all his peers while here.

I have had the privilege of staying in touch with Kyle since his discharge from this program. He has made the extra effort to stay in touch and maintain a positive relationship.

He has remained sober since his stay here and is committed to recovery both for himself and for the people in his home community (Boulder). He works a very solid program of recovery. Kyle is a positive role model as he continues to sponsor many young people in the community and he is dedicated to doing service work in an altruistic fashion.

I would be more than honored to be available in any fashion to speak on Kyle's behalf at any time. I believe he is sincere, honest, and trustworthy as I have seen a high level of integrity from this young man.

Sincerely, Richard Franz CAC II- men's counselor

May 14, 2013

To whom it may concern.

I have known Kyle since his early days in high school. He was a neighbor, a very good friend of my daughter and a member of our church. I have known him to be a very determined hard working person. For example in the middle of taking over K's China this spring, he completed his last semester of college, and had to leave for several days when his grandmother passed away. Still he remained strong in his determination to complete his degree at CU and to make this establishment successful and in compliance with the regulations required the law and by the Boulder Liquor Authority. He has already begun to transform the establishment with painting and redecorating, a new menu, commercial appliances, and dining tables. Kyle has many ideas about how to make No Entendo an establishment that he, his staff, and the community is proud to have in Boulder.

Kyle has made positive contributions to the community. He has been sober for four years and he has also been instrumental in helping many young people with addictions. Kyle has helped at least 20 people get and stay sober. He also has participated in fund-raising for nonprofit organizations as well as being a participant in mission work through his church. His academic studies have been in engineering, communication, teaching English as a second language, and peace and restorative justice. However, his greatest accomplishment is learning to run a restaurant and bar through hands-on experience. He has learned so much from the previous owner's strengths and mistakes and through all of the issues involved in running an establishment near the university.

As a small business owner in Boulder, I know that owning and running a small business take all your energy and becomes like a child to you. Kyle has invested eight years in this business as well as all the money he had saved and could borrow. Because of his personal investment he will make certain that No Entendo is in compliance with the laws and the regulations recommended by the liquor authority and he will do everything he can to make the business successful.

I highly recommend Kyle for a liquor license because of his life experience and desire to start a new type of restaurant where K's has been. He seems like just the kind of young entrepreneur the Hill needs to stay vital and healthy while having a healthy respect for the regulations and control needed in dealing with alcohol.

Sincerely,

Teresa Henry
Owner- Boulder Blooms

The Hill Mediation Project

Interested Parties

- Permanent Residents
- Students
- Businesses
- The University
- City Officials

The Hill Mediation Project

What We Do

- Twice a year Block Parties
- Student-Permanent Resident Mediation
 - Parties
 - Shoveling
 - Trash pick-up
 - Party notifications
 - Past relationship harm
- Resident-Business Mediation
 - Community impact by businesses
 - Giving Back to the community by businesses

The Hill Mediation Project

Who we are

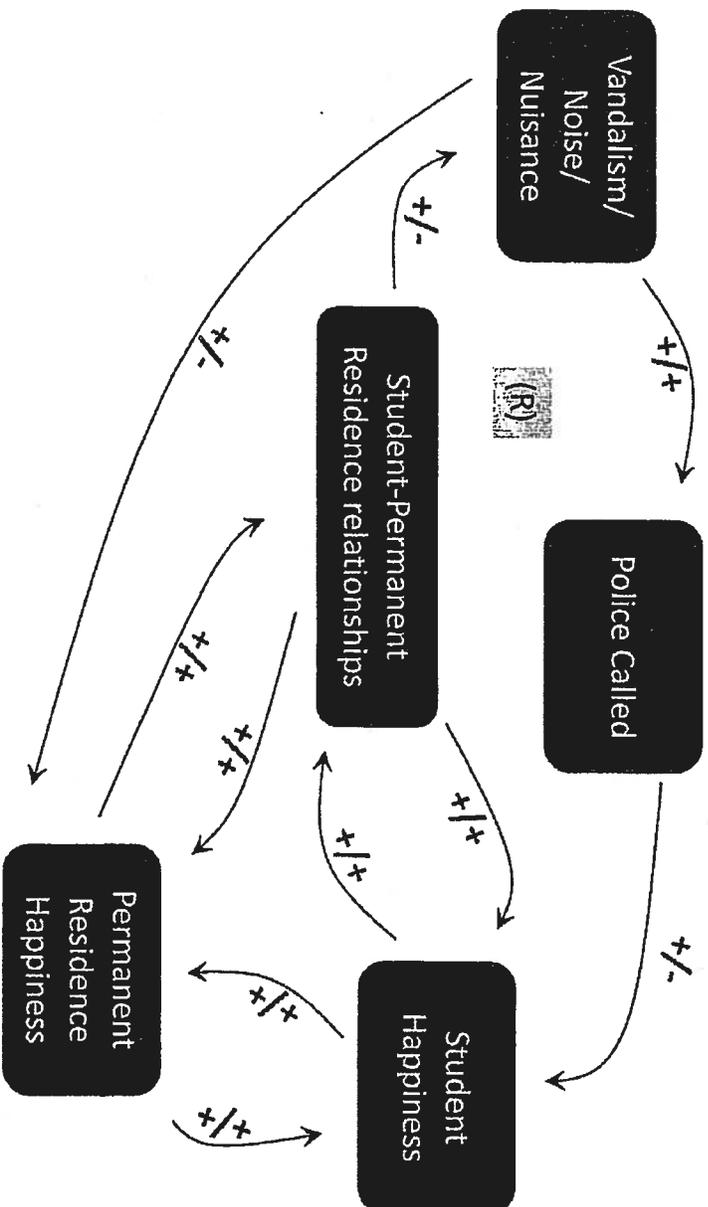
- Anyone who wants to get involved
- Volunteers from:
 - Local businesses
 - University
 - The University Hill Neighborhood Association
 - CU Restorative Justice
 - Young Professionals

The Hill Mediation Project

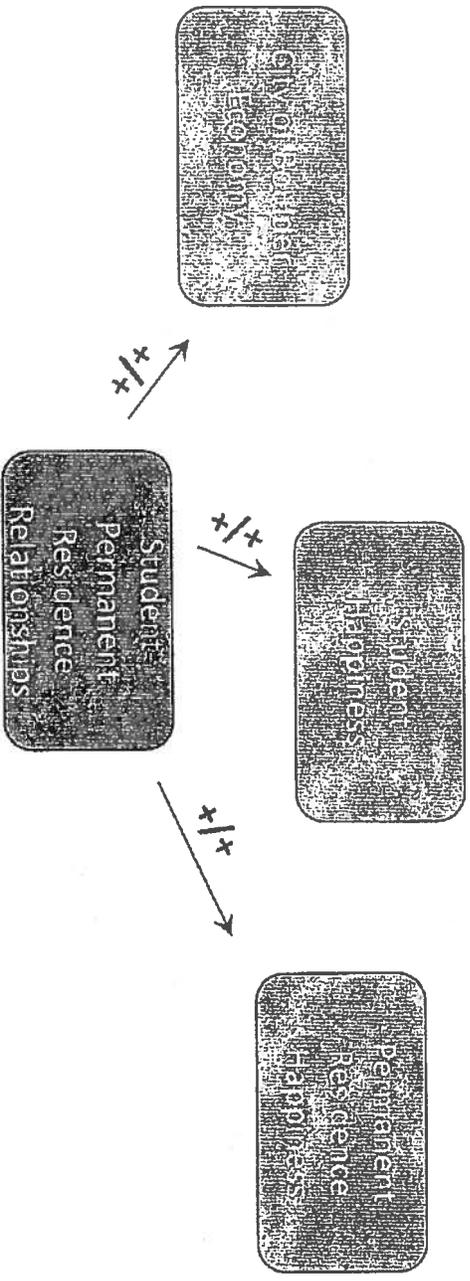
Who we work with

- Current
 - CU Restorative Justice
 - The University Hill Neighborhood Association
 - Responsible Hospitality Group
- Future Hopefuls
 - The University of Colorado
 - All Hill Businesses
 - Incoming Students
 - The Boulder Police
 - Many more...

Student-Permanent Residence Relationships



Holistic View



Appetizers/Street Food

Salgados Brazilian savory snack you can eat any time crispy exterior surround a layer of soft dough filled with chicken or garlic lime shrimp

Empanadas define

Empanadas colombianas a traditional Colombian potato and ground beef fritter

Empanadas fritas de queso Chilean style fried cheese empanada

Empanadas de pollo a classic Peruvian chicken filling with caramelized onion, black olive and hard boiled egg

Empanadas de Puerco picante a blend of pork, jalapenos and tomato

Tequenos and gausacaca iconic Venezuelan cheese stick served with guac

Pupusas traditional dish from el Salvador, consisting of a grilled thick corn tortillas stuffed with cheese beans and or Salvadorian style chicharron finely ground pork

Tostadas beans chicken lettuce tomato avocado

Churrasco a Brazilian style skewer with garlic oil grilled on open fire, cooked to perfection

Picanha top sirloin

Chix breast name

Spicy chicken Sausage

Lombo pork loin

Linguica Brazilian style pork sausage

Veg hot dog

Mixed vege skewer

Served with thick cut french fries or rice and gravy or over salad

Hot dogs available in regular, chicken, and veggie dogs

Sonoranan style a bacon wrapped hot dog with pinto beans, jalapeno salsa, tomatoes, ketchup, mayo and onion

Colombiano style grilled hot dog with coleslaw, pineapple sauce, mayo mustard ketchup and potato chips

Traditional basic naked dog add bacon, cheese, etc

Entrees

South American Fried chicken marinated in lime juice and latin herbs and spices, breaded and fried to golden brown. 3 piece, 6 piece, 10 piece, etc

Arroz con pollo arroz pollo, south america's version of fried rice. Chicken, savory rice, cilantro, tomato, onion sautéed and served with lime wedge and side salad.

Strogonoff de camarao shrimp, hearts of palm and tomato cream sauce over rice or thick cut French fries

Papas Rellenos de Steak chili queso, steak, chorizo, potato bowl served with side salad

Desserts

Brigadeiro traditional Brazilian chocolate caramel candy also available in spicy ancho chili

Churros traditional central American fried dough sticks with a side of dipping sauce

Plantanos asados con coco coconut crusted baked plantains served with a side of dipping sauce

Fruit Empanado seasonal fruit empanada served with side of dipping sauce

Dessert dipping sauce

Dolce de leche

Ancho Chili Chocolate Sauce

Papaya preserve

Sides

Side Salad

Beans and Rice

Chips and gausacaca and salsa red and green

Salsa red or green

Papas Fritas

Mixed vegetables

Fried Plantains

Sour Cream

BLORX

DC



D1

D2

D3

D1

D3

D1

D3

CAM7

CAM8

D: RECORD
 P: Pre RECORD
 C: Continuous
 M: Motion
 A: Alarm

05/13/2013 02:11:17 PM R CW

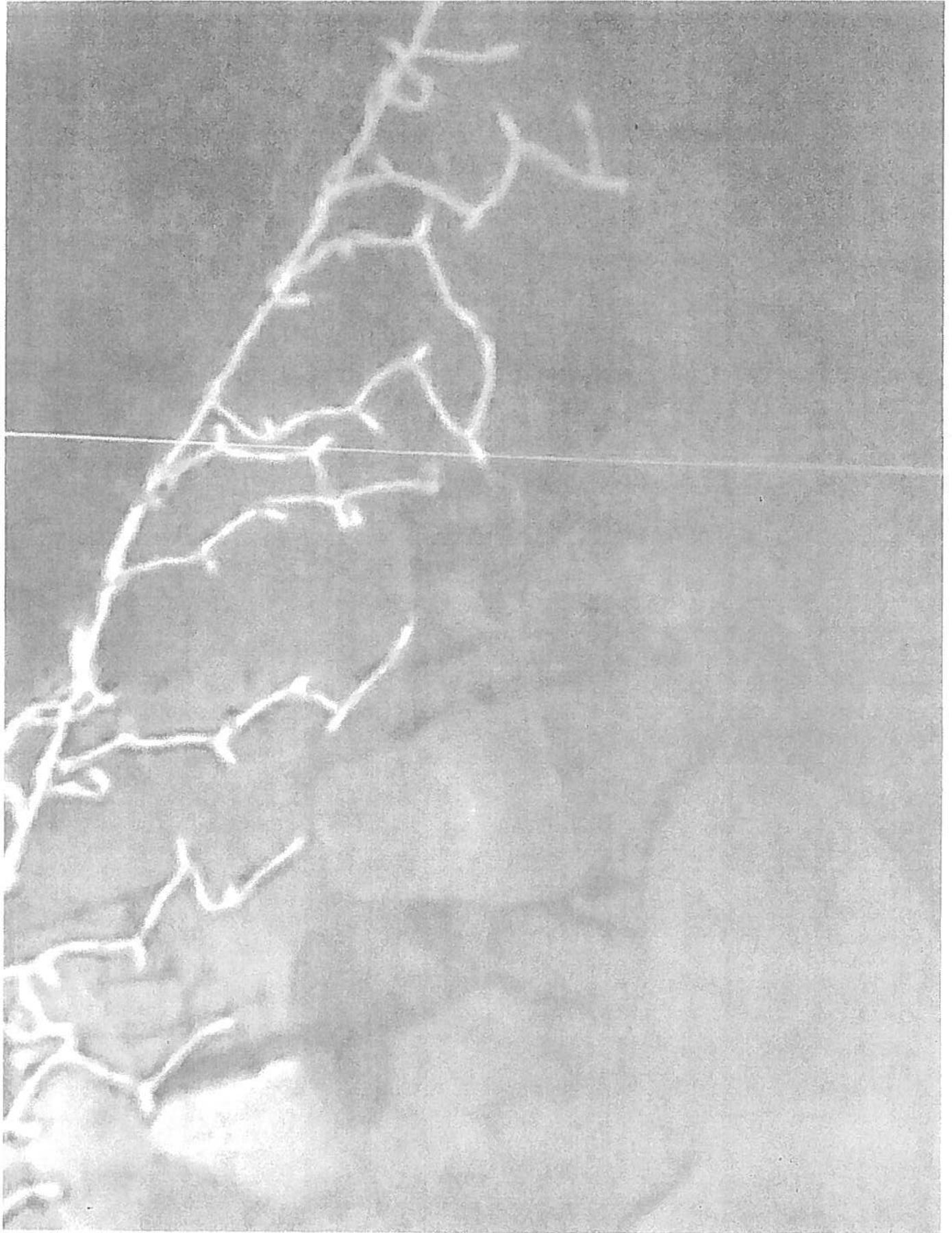


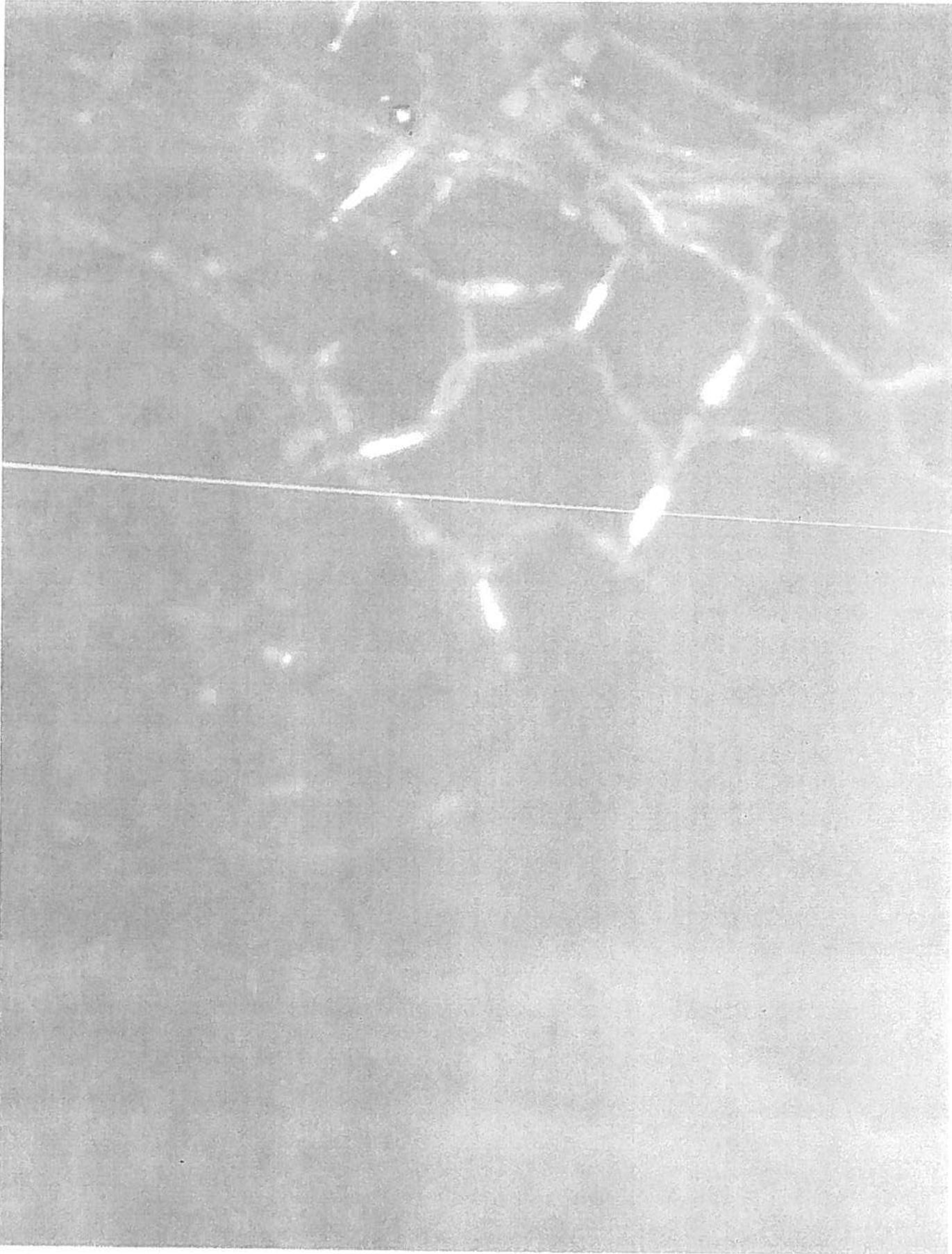


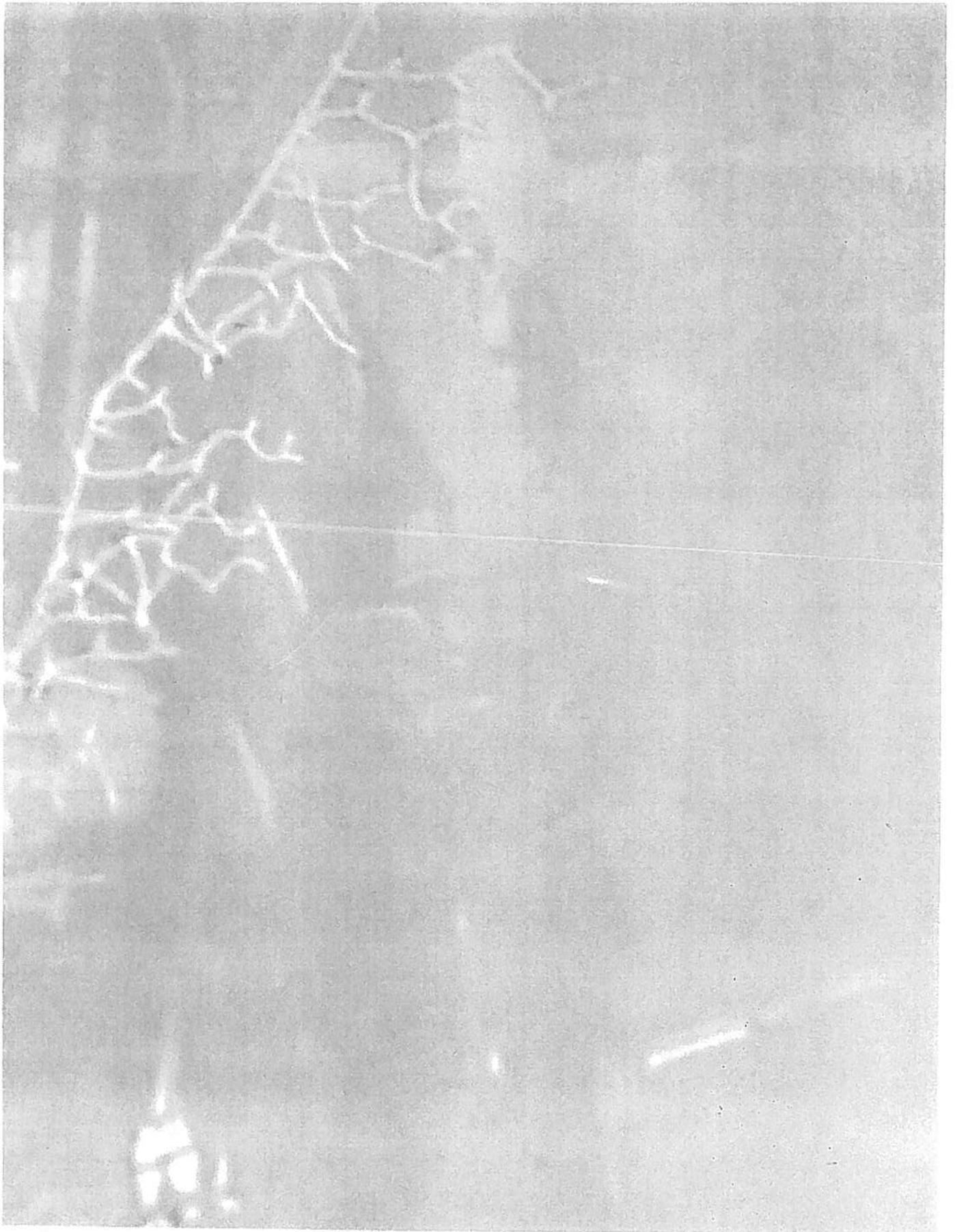


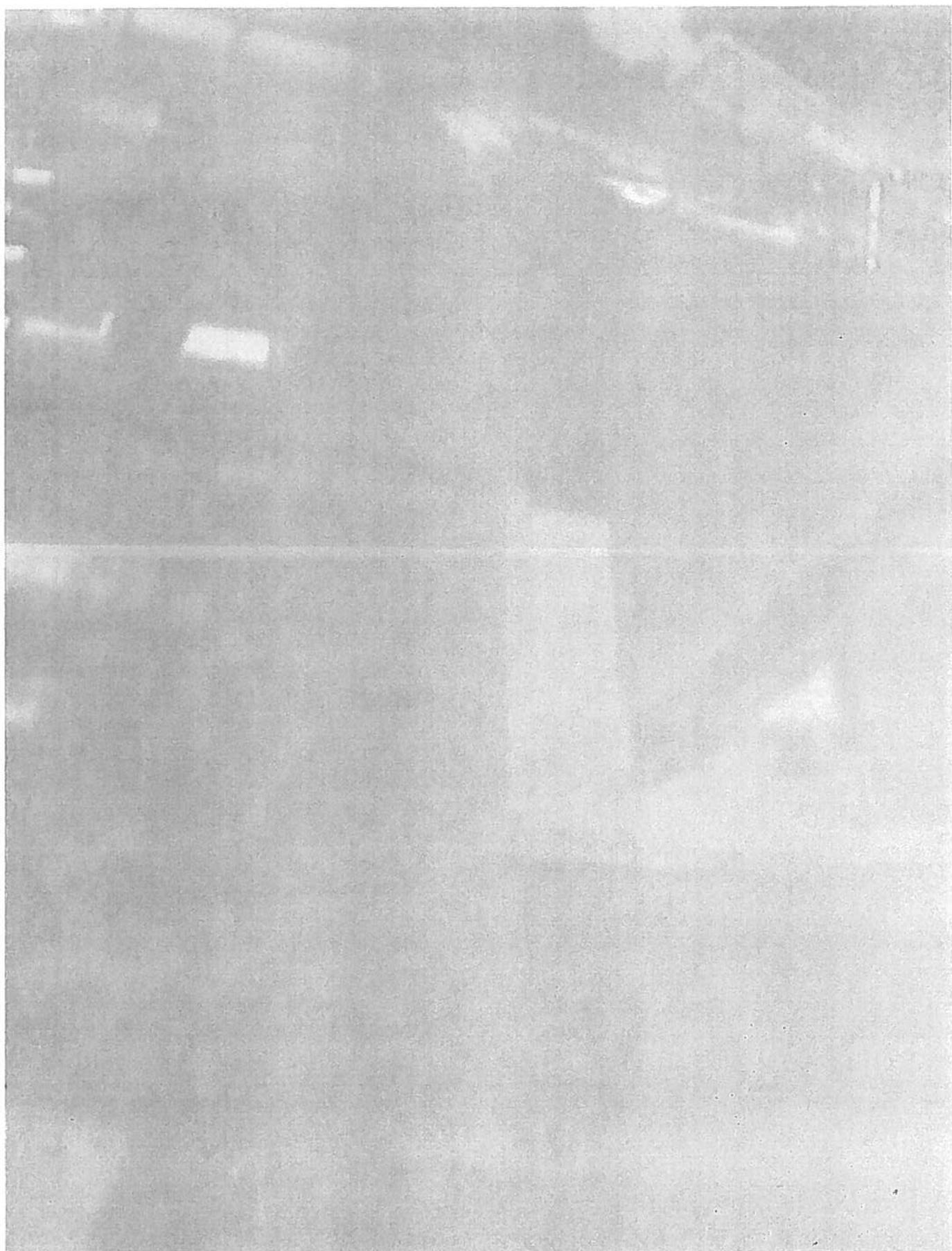






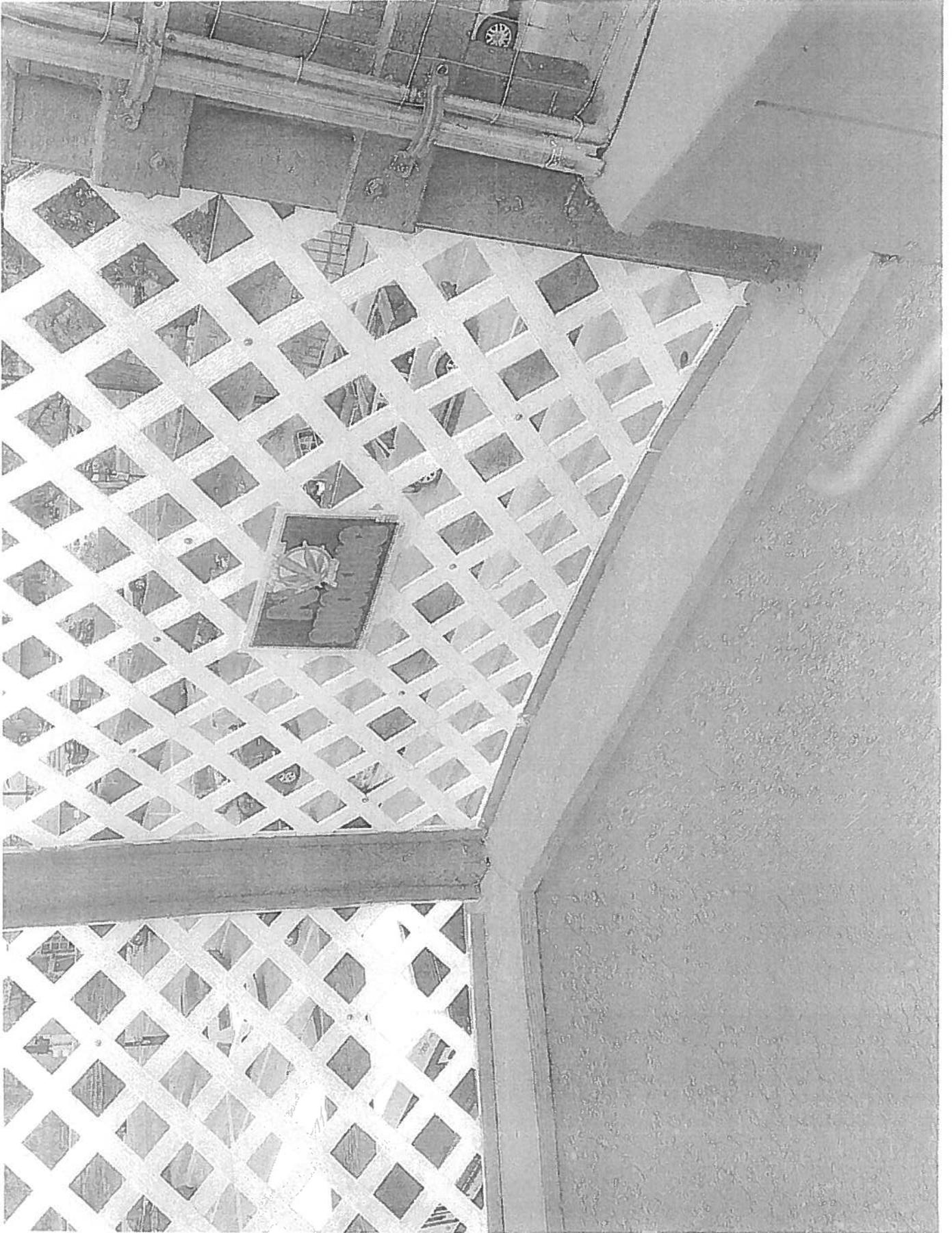






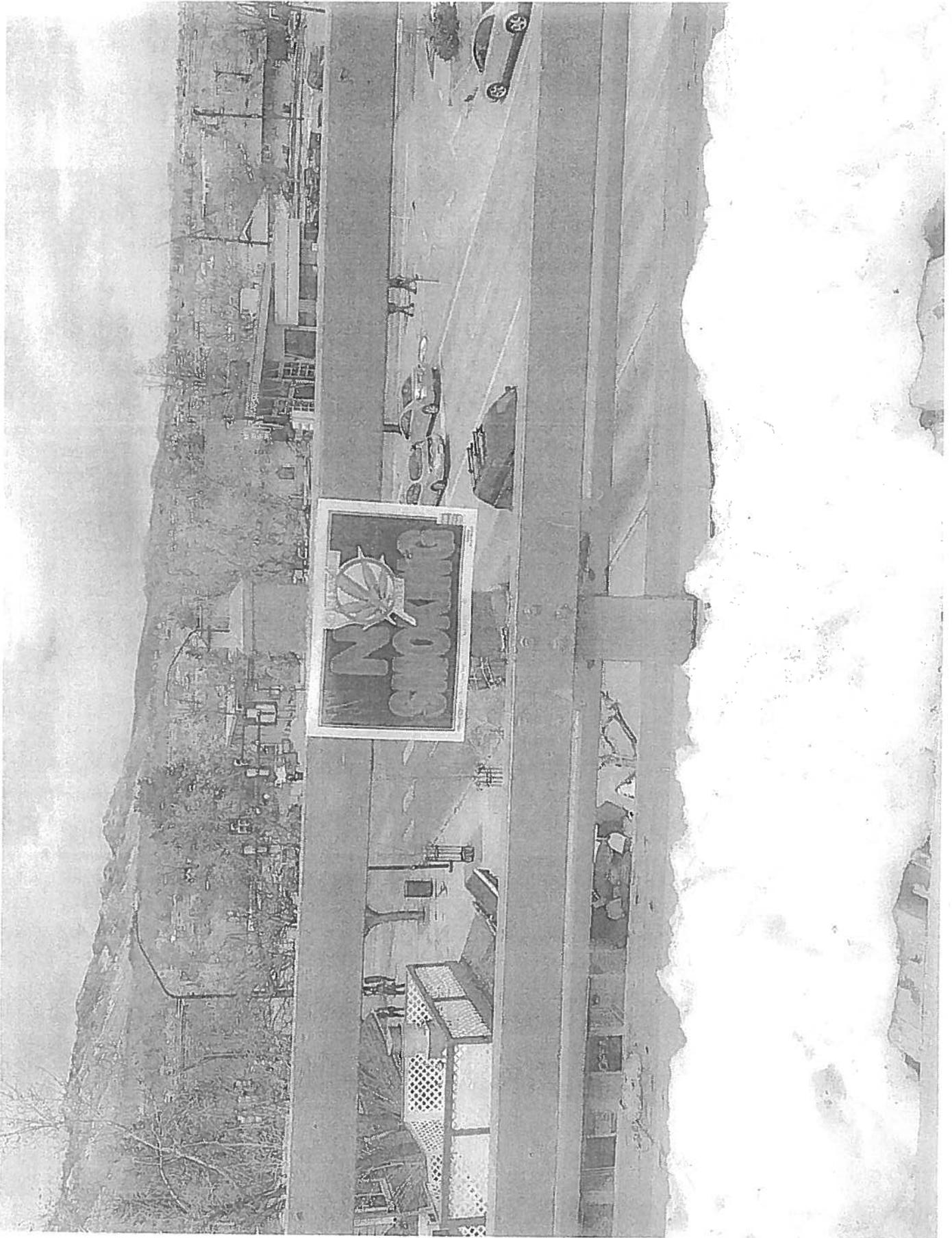




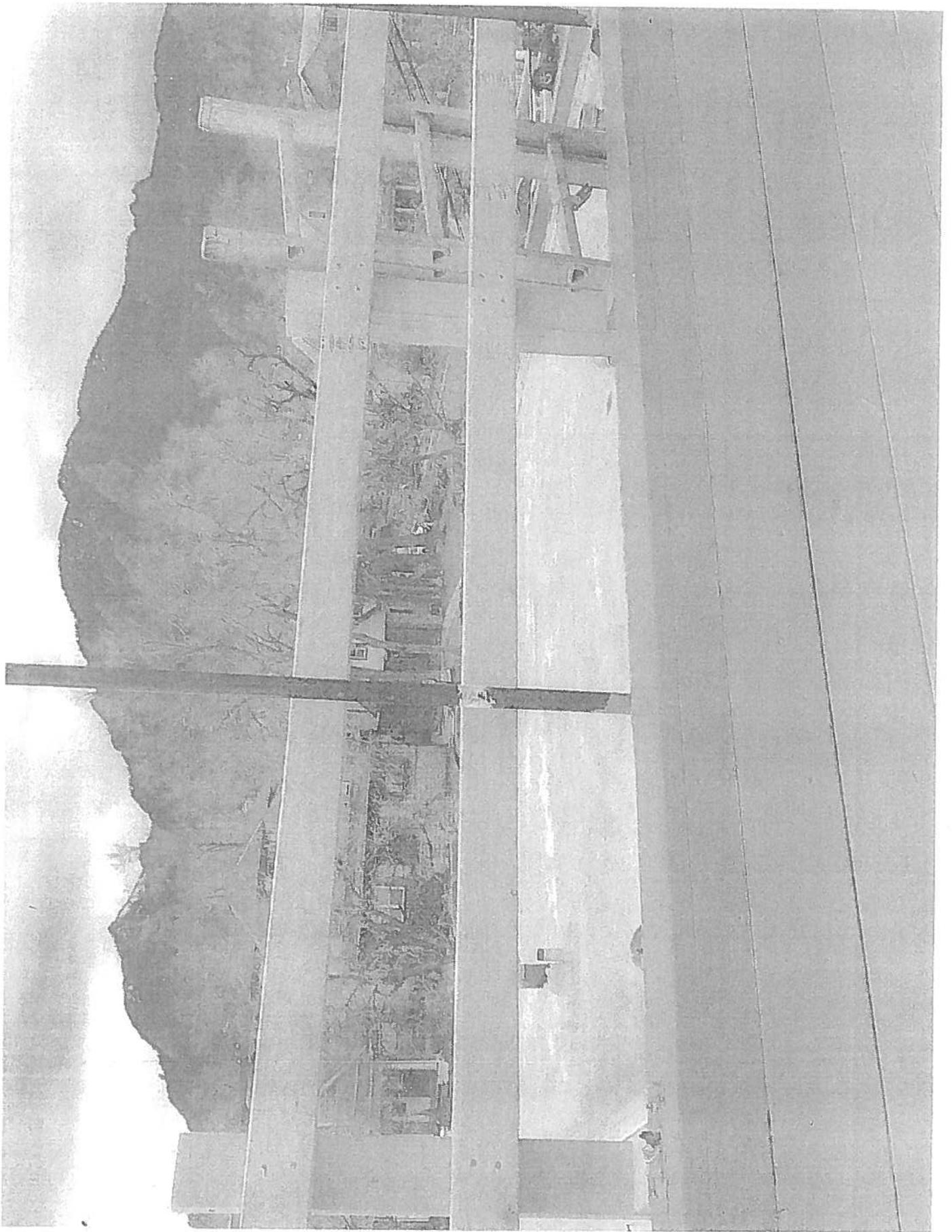












NOTICE
PURSUANT TO THE LAWS OF THE STATE OF
COLORADO AND THE CITY OF BOULDER
LINKER LIMITED dba NOBLENDA,
1325 BROADWAY, UNIT 201, BOULDER, CO 80503
KYLE MCNAMARA, 100% OWNER & REGISTERED
MANAGER, WITH A BUSINESS MAILING ADDRESS
OF 8025 GRAMERE DRIVE, BOULDER, CO
80301
HAS MADE APPLICATION TO THE LICENSING
OFFICIALS OF THE CITY OF BOULDER FOR A
TRANSFER OF OWNERSHIP OF A HOTEL-
RESTAURANT TYPE LIQUOR LICENSE
HEARING ON THE APPLICATION TO BE HELD
AT COUNCIL CHAMBERS, MUNICIPAL
BUILDING AT 1777 BROADWAY
HEARING TIME AND DATE: WEDNESDAY, MAY 15, 2013, 4:30p
DATE OF APPLICATION: MAY 15, 2013
BY ORDER OF THE CHAIR OF THE BOULDER
BEVERAGE LICENSING AUTHORITY

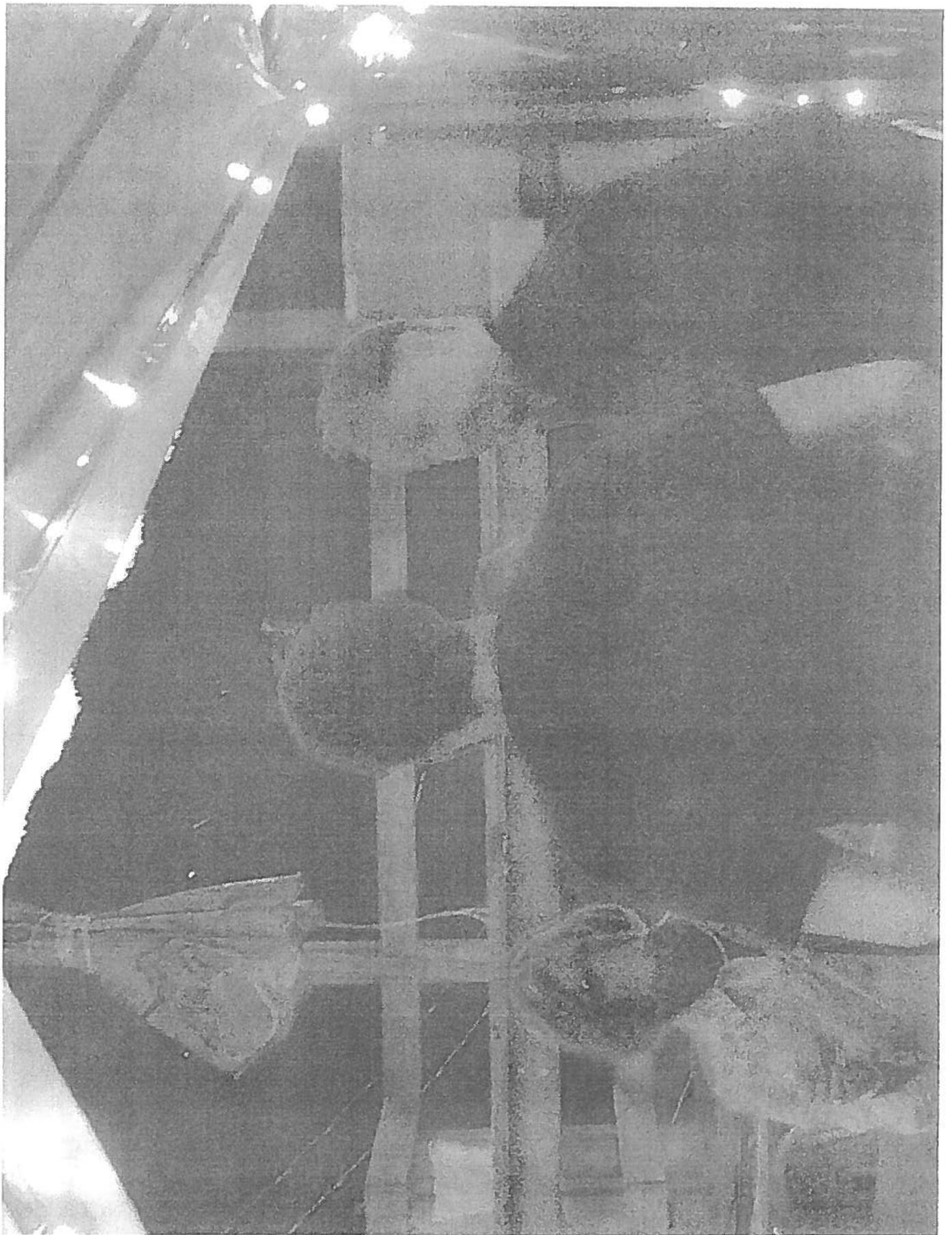
Spacejunk!
Follow us on twitter
@nothin4real

NOTICE
PURSUANT TO THE LAWS OF THE STATE OF
COLORADO AND THE CITY OF BOULDER
LINKBERR LIMITED AND M. B. HENDRICK
1325 BROADWAY, SUITE 201, BOULDER, CO 80502
KYLE MCNAMARA, DOOR MANAGER, TELEPHONE
MANGER, WITH A BUSINESS ADDRESS
OF 8025 GRASMEER DRIVE, BOULDER, CO
80501
HAS MADE APPLICATION TO THE LICENSING
OFFICIALS OF THE CITY OF BOULDER FOR A
TRANSFER OF POSSESSION OF A HOTEL
ESTABLISHMENT TO THE LIQUOR LICENSE
HEARING ON THE APPLICATION TO BE HELD
AT COUNCIL CHAMBERS, MUNICIPAL
BUILDING AT 1777 BROADWAY,
BOWLING GREEN, BOULDER, CO, ON
DATE AND DATE WEDNESDAY, MAY 12, 1983
BY ORDER OF THE CHAIR OF THE BOULDER
BEVERAGE LICENSING AUTHORITY

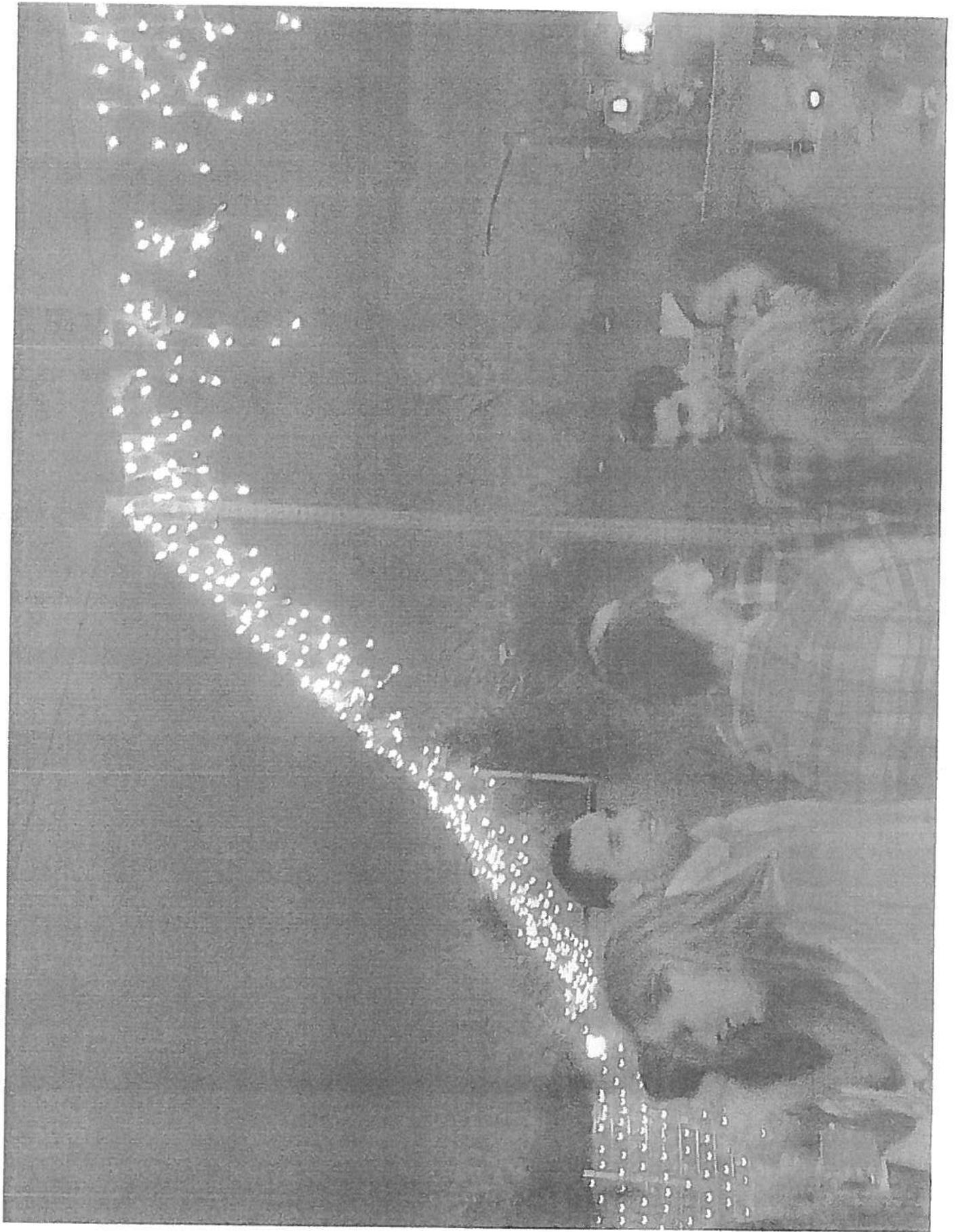
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! Must be provided by
! Spangulnik!











**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
PRELIMINARY FINDINGS AND REPORT**

IN THE MATTER OF THE APPLICATION FROM

Innkeeper Limited
d/b/a No Entiendo
8025 Grasmere Drive
Boulder CO 80301
Attention: Kyle McNamara

Premise Location: 1325 Broadway Unit 201, Boulder, CO 80302

FOR A

Transfer of Ownership of a Hotel-Restaurant type liquor license

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;

GREETINGS:

Pursuant to C.R.S. 12-47-312(1) and the below referenced State laws and the city of Boulder Beverages Licensing Authority (BLA) Rules of Procedure, you are hereby advised that with regard to the application for a **Transfer of Ownership of a Hotel-Restaurant type liquor license**, an investigation has been made and based on the results thereof the following has been determined:

1. APPLICATION PACKET

Responsive to C.R.S. §12-47-311(1) and BLA Rules of Procedure Section 4-3, the applicant, as stated above, submitted an application packet, which was substantially complete, to the City Clerk's Office on **March 15, 2013**.

2. PREVIOUS DENIALS AT THE SAME LOCATION

Responsive to C.R.S. §12-47-313 (1)a et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

3. POSSESSION OF PREMISES

Responsive to C.R.S. §12-47-313 (1)b and BLA Rules of Procedure, Subsection 5-1-1 (B), it appears from the evidence submitted that the applicant is entitled to possession of the premises where the license is proposed to be exercised until **February 28, 2018**.

4. ZONING AND HEALTH DEPARTMENT REGULATIONS COMPLIANCE

Responsive to C.R.S. §12-47-313 (1)c and BLA Rules of Procedure, Subsection 5-1-1 (C), selling alcohol in the manner proposed in the application is **not** in violation of any zoning

laws of the City of Boulder and the use is consistent with the location's permissible planning conditions and zoning district. The applicant must meet all applicable laws, rules and regulations of the City's Planning Department as to construction and building safety requirements at the premise, and if applicable, the Boulder County Health Department and the State Board of Health for food preparation and service.

5. PROXIMITY TO SCHOOLS

Responsive to C.R.S. §12-47-313 (1)d et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

6. EXISTING OUTLETS IN DESIGNATED NEIGHBORHOOD

Responsive to C.R.S. §12-47-312 (2) and BLA Rules of Procedure Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

7. BACKGROUND INFORMATION

Responsive to C.R.S. §12-47-307 and BLA Rules of Procedure Subsection 5-1-1 (F), the following criminal history information has been discovered or brought to the attention of the Authority:

Applicant (including partners, officers, directors over 10% stockholders):

Kyle McNamara, 100% Owner and Proposed Registered Manager.

CBI Results – 7 arrests as follows:

1. Arrested 8/31/01, Charge DUI Liquor/Drugs, Misdemeanor; DUI Liquor Per Se Misdemeanor.
2. Arrested 4/20/02, Charge FTA Mis Theft Under \$100, Misdemeanor; Larceny Theft Over \$100, Misdemeanor; MIP, Misdemeanor.
3. Arrested 6/9/02, MIP, Misdemeanor; Larceny, Misdemeanor.
4. Arrested 7/29/02, Contempt of Court, Trespass, Misdemeanor; Failure to Appear, Theft Misdemeanor; Failure to Appear, MIP Misdemeanor.
5. Arrested 10/18/03, Traffic offense, Misdemeanor; DUI Misdemeanor; Reckless driving, Misdemeanor; DUI, Misdemeanor.
6. Arrested 7/11/06, Traffic offense, Misdemeanor; Failure to Appear Driving While Impaired, Misdemeanor.
7. Arrested 9/27/06, Failure to Appear, DUI, Misdemeanor; Failure to Appear DUR, Misdemeanor.

Source of information: **Individual History Report (IHR) self check.**

FBI Results: Same as Above. Additional arrest not on CBI or FBI reports reported by Kyle McNamara on IHR form: Arrested 8/1/01 Theft Under \$100.

Additionally: Driver's License revoked for DUIs. Kyle doesn't remember the dates but

says he has fulfilled all requirements and regained his driving privileges.

Proof of Rehabilitation: Kyle has submitted numerous documents to demonstrate Proof of Rehabilitation, copies of which will be provided in the Authority hearing packet.

Prior Administration and Operational Characteristics:

Kyle McNamara disclosed that he was a Bar Manager of K's China from July 2005 to present. During that time, there was a 15 day emergency suspension related to renewal hearing with a hearing date of 6/20/2012. Also during that time, there was a show cause violation pertaining to license renewal conditions as to checking IDs and marking hands of underage persons with a hearing date of 1/16/13 for which K's China also received a 3 day suspension.

8. APPLICANT FINANCIAL INTEREST

Responsive to C.R.S. §12-47-308 and BLA Rules of Procedure Subsection 5-1-1 (G), the applicant's financial interest and associated parties disclosures are to be found in the submitted city of Boulder BLA Financial Statement with attachments, the submitted Colorado Liquor Retail License Application or Colorado Fermented Malt Beverage (3.2% Beer) License Application with attachments, and the submitted Individual History Record with attachments. A copy of each of these mentioned documents should have been retained by the applicant at the time of application and a copy of these mentioned documents will be provided to the BLA for purposes of local licensing authority deliberations.

9. PUBLIC HEARING INFORMATION

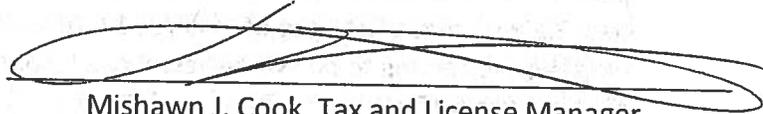
Responsive to C.R.S. §12-47-311 and BLA Rules of Procedure Section 5-1, you are hereby notified that the public hearing on this application will be held on **Wednesday, May 15, 2013, at 3:00 pm**, in the Council Chambers, 2nd Floor of the Municipal Building, 1777 Broadway, Boulder, Colorado. At said hearing, you will have the opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

You are advised to obtain a copy of the State Laws, Rules, and Regulations pertinent to the license class for which you are applying. In addition, you are advised to obtain a copy of the applicable "Rules of Procedures" adopted by the Beverages Licensing Authority of the City of Boulder for use and guidance in holding hearings on liquor license applications. These Rules are available at:

<http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf> or a public copy is made available for review at the Licensing Clerk's Office.

April 24, 2013

BEVERAGE LICENSING AUTHORITY
CITY OF BOULDER, COLORADO



Mishawn J. Cook, Tax and License Manager
and Board Secretary



**CITY OF BOULDER
LIQUOR LICENSE APPLICATION**

This application must be filed in duplicate with the Office of the City Clerk, City of Boulder, 1777 Broadway, P. O. Box 791, Boulder, Colorado 80306. ALL INFORMATION MUST BE PRINTED LEGIBLY IN INK OR TYPEWRITTEN.

Name of Applicant(s): Innkeeper Limited

Trade Name: No Entiendo

Phone No: 720-338-8072

Contact Person: Kyle McNamara

Business Address: 1325 Broadway Boulder, CO 80302

Mailing address: 8025 Grasmore Dr. Boulder, CO 80301

Property Owner: Jamie St. John Phone Number (local): 303-339-0792

Property Manager: Jamie St. John Phone Number (local): 303-339-0792

Property Manager's Mailing Address: 8471 Turnpike Dr. Westminster, CO 80031

General Manager: Kyle McNamara Phone Number (local): 720-338-8072

The applicant(s) hereby applies to the City of Boulder Beverages Licensing Authority for the following local license and tenders the following fees:

Type of Application (fee):

- | | |
|--|--|
| <input type="checkbox"/> New License (\$1,000.00) | <input checked="" type="checkbox"/> Transfer of Ownership (\$750.00) |
| <input type="checkbox"/> Change in Location (\$750.00) | <input type="checkbox"/> Temporary Permit (\$100.00) |
| <input type="checkbox"/> Change in Class (\$750.00) | |

Type of License (fee):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Hotel-Restaurant (\$75.00) | <input type="checkbox"/> Tavern (\$75.00) |
| <input type="checkbox"/> Hotel-Restaurant w/Optional Premises (\$75.00) | <input type="checkbox"/> Retail Liquor Store (\$22.50) |
| <input type="checkbox"/> Beer and Wine (\$48.75) | <input type="checkbox"/> Brew Pub (75.00) |
| <input type="checkbox"/> 3.2% Beer On & Off Premises (\$3.75) | <input type="checkbox"/> Liquor Licensed Drug Store (\$22.50) |
| <input type="checkbox"/> Club (\$41.25) | <input type="checkbox"/> Arts (\$41.25) |
| <input type="checkbox"/> Race Track (\$75.00) | |
| <input type="checkbox"/> Bed and Breakfast Permit (\$125.00 Total) | <input type="checkbox"/> Art Gallery Permit (\$103.75 Total) |
| <input type="checkbox"/> Manager Registration – If separate from owners (H&R & Tavern - \$75.00) | |

TOTAL FEES: \$ 825

[Fees effective as of July 1, 2010]

APPLICANTS DO NOT FILL THIS AREA OUT

STATEMENT OF THE NEIGHBORHOOD. (Not applicable to applications for Transfer of Ownership or applications for Club license.). **NEIGHBORHOOD BOUNDARIES WILL BE SET BY THE AUTHORITY AT THEIR MEETING ON _____.**

The Authority sets the following geographical area as the designated neighborhood which will be served by the license applied for:

North
Boundary _____

South
Boundary _____

East
Boundary _____

West
Boundary _____

ALL APPLICANT'S MUST ANSWER THESE QUESTIONS

CITY QUESTIONNAIRE: On a separate sheet of paper please answer the following questions for the Beverages Licensing Authority (BLA).

- 1) Describe the nature of the proposed establishment and the target market (i.e., restaurant, tavern, sports bar, families, college students, etc.). Please attach a menu for BLA.
- 2) What are the proposed hours and days of operation for this establishment?
- 3) What is the seating capacity of the establishment?
- 4) Have you applied for an "occupant load" for the interior and exterior seating from the Boulder Fire Department?
- 5) Do you have an emergency plan for your business (exit locations, fire protection system(s), etc.)? (yes or no)
- 6) How many individuals will be employed at this proposed establishment and how many will be full-time versus part-time? Please provide responsibilities, (i.e., manager, assistant manager, bartender, waitstaff, etc.).
- 7) Describe your past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 8) Describe your proposed General Manager's past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 9) Besides the state-certified Responsible Vendor classes, what other types of training are proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

- 10) What policies & procedures do you have in place to determine a patron's level of intoxication?
- 11) What policies & procedures do you have in place to refuse service to a patron?
- 12) Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment?
- 13) What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)
- 14) What types of entertainment will be offered, if any, at this proposed establishment (i.e., music, pool, darts, etc.)?
- 15) Do you plan to have any exterior amplified sound?
- 16) What types of security, if any, will be provided at this proposed establishment?
- 17) What time will your kitchen close each night? Describe your food service plans after your kitchen closes.
- 18) What is the estimated ratio of food to alcohol beverage sales at this establishment?
- 19) If you plan on hosting a "Private Party," what extra measures will you take regarding security, staffing and communications with the Boulder Police Department?
A private party is defined as: "An event where there is a single contact person who represents a group of people who are gathering for social and/or business reasons, the event will be held after 10:00 p.m., there will be both underage and of-age people present and there will be enough people to constitute an occupancy capacity of 75% or greater."

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.



 Authorized Signature

1-30-13

 Date

Kyle McNamara Managing Member

 Print Name & Title

- 1- Describe the nature of the proposed establishment and the target market (i.e., restaurant, tavern, sports bar, families, college students, etc.) please attach a menu for BLA**

NoEntiendo will be a South American themed restaurant that will cater to the college students, the young professionals, and the permanent residents of Boulder. NoEntiendo will be a casual dining experience, with a laid back atmosphere, good food, and a professional staff. While the menu will remain Chinese temporarily until we can fully re-conceptualize ourselves, it will eventually be modified to include different foods from all over Central and South America; these will include items like empanadas (Chili), saldagos (Brazil), and even paches (Guatemala).

- 2- What are the proposed days and hours of operation for the establishment?**

NoEntiendo will be open seven days a week, from 9 am until 2 am; we will serve brunch, lunch, and dinner.

- 3- What is the seating capacity of the establishment?**

The seating capacity of the establishment is 176 (96 inside and 80 on the patio).

- 4- Have you applied for occupancy load for the interior and exterior seating for the fire department?**

I have applied for occupancy load for the interior and exterior seating from the Boulder Fire Department.

- 5- Do you have an emergency plan for your business? (Exit locations, fire protection systems, etc.)**

We have a fully implemented emergency plan that I will continue to use and improve upon; our plan includes Fire Department approved fire extinguishers, emergency exits and fire exit maps.

- 6- How many individuals will be employed at the proposed establishment and how many will be full time vs. part time? Please provide responsibilities (i.e., manager, assistant manager, bartender, wait staff, etc.)**

There will be about 15 individuals employed at NoEntiendo, this includes a general manager, an assistant manager, a kitchen manager, a bar manager, five bartenders, three barback, five security people, and two cooks. This adds up to nineteen individuals, with some employees performing multiple job functions.

- 7- Describe your past training/experience in the service/sale of alcohol beverages, include any special or certified training received**

I have spent over half my life in the service industry, at age fifteen I started my first restaurant job at Two Bitts Restaurant in Boulder, I also worked at Dagabi Cucina, and BJs Restaurant all of which involved dealing with the regulation and service of alcohol. I received my first official training through the Boulder Police Department on the service and sale of alcohol at twenty one years old while working security at The Players Club. Since then I have been retrained through TIPS courses in Boulder four times and continued working in the service industry the entire time. I have also attended the fake ID class put on by the RHG twice and I attended the Colorado State Sellers class. I have been sober for nearly four years and I have spent much of that time studying the negative effects of the overconsumption of alcohol while constantly sharing information with other people in the service industry on the newest and best practices in the areas of selling alcohol and checking IDs.

8- Describe your proposed general manager's past training and experience in the sale/service of alcohol beverages, include any special or certified training received

I will also be the general manager.

9- Besides the state certified responsible vendor classes, what other types of training are proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

All of my employees that handle alcohol, deal with customers, or check IDs are required to be TIPS certified, they must attend the RHG's fake ID seminar, they are also trained in using our fake ID scanner, I will hold monthly meetings to discuss rules surrounding the sale of alcohol, prevention of overservice, and the new trends in fake IDs. Finally, I encourage all of my staff to keep lines of communication open with neighboring bar and restaurant staff so that they and I will always be aware of intoxicated patrons, underage drinkers, and anything else dangerous to the community.

10- What policies & procedures do you have in place to determine a patron's level of intoxication?

Either I or my assistant manager will always be on premise, walking around, talking to patrons to watch for signs of intoxication. As I stated earlier all of my staff is also trained to watch for signs of intoxication and we have signs posted listing the signs of intoxication including, but not limited to; slow and/or slurred speech, bloodshot watery eyes, slow reaction time, forgetfulness, staggering, and rapid consumption of alcohol. We offer free beverages and snacks to patrons to prevent over-intoxication. If my employees do discover an intoxicated person they are trained to find at least one of their friends and have them escort them to a cab, we will even call one for them. If we cannot find a friend of theirs we will walk them home, drive them home or put them in a cab once we ensure their physical well-being. If we worry that they are too intoxicated we will not think twice about calling an ambulance, but this should never be an issue with our strict guidelines and structure.

11- What policies & procedures do you have in place to refuse service to a patron?

Similarly to above we will refuse service if they have any of the signs mentioned above, we will offer them food and non-alcoholic beverages, and attempt to find their friends to take care him or her. We

will not ask them to leave unless they have a safe way home. My employees are taught to use non-threatening language such as "can I offer you a free soda instead," as opposed to "you're cut off" to avoid confrontation.

12- Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment?

Due to the rooftop nature of the establishment my employees are trained to use a decibel meter to ensure our noise levels do not disturb the neighbors or violate the city noise ordinance. There will always be an employee monitoring the edge of the roof to avoid anything being thrown off (although we are already developing plans to build a Plexiglas barrier). My employees are also well versed in the liquor code, watching for underage or intoxicated patrons, cleaning the bar and kitchen, and diffusing potentially violent situations.

13- What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)

As a said above, my employees are required to attend many training classes, but on top of this we utilize an electronic ID scanner and we stamp our patrons hands to show that their IDs have been checked. When it is slow during the day the bartender will check identification at the bar upon attempt to purchase alcohol and when it is busy at night the doorman will remain at the door and check the ID of everyone entering the establishment.

14- What types of entertainment will be offered, if any, at this proposed establishment (i.e., music, pool, darts, etc.)?

We will offer pool, shuffleboard, darts, arcade games, pinball, and live music.

15- Do you plan to have any exterior amplified sound?

We plan to have speakers on the roof, but they will be at ground level and we will be constructing Plexiglas barriers around the roof to keep sound in, we will also have someone in charge of volume control and we will have a built in limiter on our stereo system.

16- What types of security, if any, will be provided at this proposed establishment?

We have a 16 camera security system as well as a well-trained security staff. On top of the security staff all of the barbacks and bartenders will also be trained in the best and safest methods of security. We are going above and beyond the building code requirements to ensure safety of patrons and neighbors while still offering fun time.

17- What time will your kitchen close each night? Describe your food service plans after your kitchen closes.

I plan on keeping my kitchen open until two am, but if it does close I will have pre-made empanadas and similar food that can be cooked by me or one of the barstaff easily. We will also always have bar nuts or something similar that we can offer patrons for free.

18- What is the estimated ratio of food to alcohol beverage sales at this establishment?

Although I expect it to differ throughout the year, I never expect the food percentage to drop below 30 percent during the summer and will be close to 90 percent during some of the winter. In the past it has averaged through the year to be about 50 percent of total sales.

19- If you plan on hosting a "Private Party," what extra measures will you take regarding security, staffing and communications with the Boulder Police Department?

When hosting private parties we will always notify the BPD, we will only work with groups that cooperate with the BPD. When we have sorority or fraternity parties, we/they utilize Boulder Private Security, or something similar. We will also use bracelets for patrons over 21 and double X's for people under. We will have extra, specially trained security, different cups for alcoholic and non-alcoholic beverages, signed contracts saying the host will not allow underage consumption, and most importantly we will attempt to avoid private parties that have people underage in the first place.



Kyle McNamara <kmac4614@gmail.com>

TIPS Training - K's China

2 messages

B. Jonathan Balliet <bjballiet@hotmail.com>

Tue, Jul 3, 2012 at 8:06 AM

To: Mishawn Cook <cookm@bouldercolorado.gov>

Cc: Kyle mcnamara <kmac4614@gmail.com>

This letter is to verify that **the following employees K's China participated & completed a TIPS ON-Premise class held 7/2/12 with myself as instructor.** Results are pending and will be provided to the participants after normal processing time of 3 to 4 weeks.

**Kyle McNamara
Lucas Lile
Sarah Conway
Bryan Noonan
John Waida
Christopher Ebling
Ruben Ciau
Phillip Hengemuhle
Casey Crowder
Greg Gargaro**

If you have any questions or concerns, please feel free to contact me.

Thanks!

JB

B Jonathan Balliet
Certified TIPS Instructor
jb@tipscolorado.com
303-210-1351
www.tipscolorado.com

Kyle mcnamara <kmac4614@gmail.com>

To: "bomai2@gmail.com" <bomai2@gmail.com>

Tue, Jul 3, 2012 at 3:32 PM

[Quoted text hidden]

AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

Pursuant to the requirements of 12-47-303(3)(b), Colorado Revised Statutes, Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- Paid in full. There are no outstanding accounts with any Colorado Wholesalers.
- Licensee hereby certifies that the following is a complete list of accounts for alcohol beverages that are unpaid:

Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the: Licensee Applicant

- Licensee unavailable to certify disposition of accounts for alcohol beverages - Inventory list attached. Transfer by operation of law - Regulation 47-304.
- Applicant will assume full responsibility for payment of the outstanding accounts as listed above.
- No alcohol beverage inventory transferred or sold.

Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its agent, or a company, corporation, partnership or other business entity to be formed by the Applicant.

Dated this 20 day of Feb, ²⁰¹³ 2013.

Seller:

Changbe, Inc. 41-71962-0000
Licensee & License Number

K's China
Trade name

[Signature]
Signature

president
Position

Bo Mai
Print Name

Buyer:

InnKeeper Limited
Applicant

No Entiendo
Trade name

[Signature]
Signature

Managing Member
Position

Kyle McNamara
Print Name

K'S China Liquor Inventory 2013-A

Juice / Syrup	Pack	Price	S / Bil	In bar	SSS	In house	SSS
CO2 20#	20LB	17.00		3.00	51.00		
Nitrogen Blend 20#	20LB	23.00		2.00	46.00		
Coke Classic 5GAL	5 GL	69.30			-		
Diet Coke 5GAL	5 GL	69.30			-		
Sprite 5GAL	5 GL	69.30		1.00	18.00		
Sweet & Sour 5 GAL	5 GL	66.40			-		
M.P. Tonic 2.5 GAL	2.5GL	35.40		1.00	35.40		
MM Lem. 5GAL	5 GL	67.18			-		
Roaring Lion	2 GL	164.50			-		
Gingenal	2 GL	35.40		1.00	35.40		
Orange Juice	2 GL	56.50			-		
Cranbery Juice	2 GL	6.99		2.00	13.98		
Total					199.78		

Beer	Pack	Price	S / Bil	In bar	SSS	In house	SSS
Coors Light	1/2 Keg	88.00			-		
Angry Orchard	1/2 Keg	109.00		1.00	109.00		
Blue Moon	1/2 Keg	104.00		1.00	104.00		
IPA	1/2 Keg	101.00			-		
New Castle	1/2 Keg	110.00		1.00	110.00		
Pacifico	1/2 Keg	110.00		1.00	110.00		
PBR	1/2 Keg	67.00		2.00	134.00		
Saw Tooth	1/2 Keg	101.00			-		
Sunshine	1/2 Keg	106.00			-		
Coors Light	24/16	19.95	0.83		-		
Bud Lite	24/16	20.10	0.84		-		
Bud Lite Plastic	24/16	27.30	1.14	4.00	109.20		
Bud weiser	24/16	20.10	0.84		-		
Bud weiser Plastic	24/16	27.30	1.14	4.00	109.20		

Corona	24/12	25.95	1.08		-		
Pacifico	24/12	25.95	1.08		-		
Total					785.40		

Liquor / Wine	Pack	Price	\$ / Btl	In bar	\$\$\$	In house	\$\$\$
Well Bourbon Kentucky Beau	12/1L	90.00	7.50		-	-	
Well Conq. Tequila Gold	12/1L	77.88	6.49	9.00	58.41		
Well Cruzen 151	12/1L	222.00	18.50	2.00	37.00	21.00	388.50
Well Jim Beam Bourbon	12/1L	138.88	11.57	14.00	162.03	3.00	34.72
Well McCormick Gin	12/1L	77.70	6.48	15.00	97.13		
Well McCormick Vodka	12/1L	74.00	6.17	23.00	141.83		
Well Rico Bay Rum Whit	12/1L	74.00	6.17	15.00	92.50	12.00	74.00
Well Rico Bay Rum Gld	12/1L	73.85	6.15	18.00	110.77	12.00	73.85
Well Walker 3 Sec	12/1L	68.30	5.69	7.00	39.84	36.00	204.90
Well Walker Banana Creame	12/1L	112.35	9.36	8.00	74.90	3.00	28.09
Well Total					814.41		804.06
Call Liquor							
1800	6/1L	163.00	27.17	0.80	21.73	4.00	108.67
Absolute	12/1L	308.25	25.69	1.00	25.69	18.00	462.38
Absolute Flavors	12/1L	308.25	25.69	13.30	341.64	28.00	719.25
Absolute Mango	12/1L	308.25	25.69	-		12.00	308.25
Amaretto	12/1L	142.00	11.83	1.60	18.93	23.00	272.17
Avion Teq	6/750ml	364.00	60.67	-	-	1.00	60.67
Bacardi Limon	6/1L	218.00	36.33	1.30	47.23	12.00	436.00
Bacardi Orange	6/1L	218.00	36.33	1.20	43.60	4.00	145.33
Bacardi Rum Gold	12/1L	198.50	16.54	1.80	29.78	12.00	198.50
Bacardi Rum Light	12/1L	247.00	20.58	0.80	16.47	30.00	617.50
Bailey's	12/1L	322.64	26.89	-	-	-	
Bombay Dry Gin	12/1L	357.72	29.81	-	-	1.00	29.81
Bombay Sapphire	12/1L	357.72	29.81	0.60	17.89	-	-
Burnetts Vodka Vanilla	12/1L	185.00	15.42	-	-	13.00	200.42

Bushmills	12/1L	342.60	28.55	0.90	25.70		
Canadian Club	12/1L	205.34	17.11	-	-	2.00	34.22
Captain Morgan	12/1L	245.88	20.49	-	-		
Carolans Irish Cream	12/1L	208.00	17.33	4.00	69.33	8.00	138.67
Campari						1.00	
Chambord						2.00	
Courvoisier	12/1L	623.00	51.92	-	-	1.00	51.92
Crown Royal	12/1L	479.90	39.99	-	-	5.00	199.96
Cruzan Spiced						2.00	
Deware's	12/1L	346.90	28.91	0.20	5.78		
Fireball				5.00			
Ginuss Can	12/1L		-	1.00	-	8.00	-
GoldSchlurge	12/1L	292.73	24.39	-	-	11.00	268.34
Grand Marnier	12/1L		-	1.30		2.00	-
Grey Goose	6/1L	224.00	37.33	2.00	74.67	3.00	112.00
Grey Goose Flavor	6/1L	224.00	37.33	1.50	56.00		
Homitos Teq	12/1L	311.78	25.98	-	-	1.00	25.98
Hypnotiq Harmony						3.00	
Jack Daniels BLK	12/1L	309.12	25.76	-	-		
Jagermeister	12/1L	249.00	20.75	-	-	38.00	788.50
Jameson 80	12/1L	350.00	29.17	1.20	35.00		-
Jin Bean Black	12/1L	225.00	18.75	0.80	15.00	2.00	37.50
Jose Cuervo Gold	12/1L	228.99	19.08	0.20	3.82	21.00	400.74
Jose Cuervo Silver	12/1L	228.99	19.08	-	-	6.00	114.50
Kahlua	12/1L	290.00	24.17	-	-	11.00	265.83
Kettle One	12/1L	344.19	28.68	-	-	10.00	286.82
Kettle One Flavor	12/1L	344.19	28.68	-	-	3.00	86.05
Maker's Mark	12/1L	400.75	33.40	1.00	33.40	3.00	100.19
Malibu Coconut	12/1L	213.20	17.77	-	-	9.00	159.90
Midori	12/1L	249.96	20.83	-	-	1.00	20.83
Myer's Rum	12/1L	250.00	20.83	1.10	22.92	1.00	20.83
Lukislovia				0.40			

Patron Silver	12/750ml	450.17	37.51	0.20	7.50	3.00	112.51
Patron XO Cafe	6/750ml	109.00	18.17	1.00	18.17	2.00	36.33
Patron Repesado						1.00	
Patron Citronege				11.60		5.00	
Pucker Blue Curacao	12/1L	112.35	9.36	1.50	14.04	8.00	74.90
Pucker Cream de Cacao	12/1L	112.35	9.36	1.70	15.92	8.00	74.90
Pucker Cream de menthe				1.00			
Pucker Grape	12/1L	128.75	10.73	1.70	18.24	10.00	107.29
Pucker Hot Damn	12/1L	112.00	9.33	1.30	12.13	1.00	9.33
Pucker Melon	12/1L	120.75	10.06	0.80	8.05	4.00	40.25
Pucker Peachtree	12/1L	128.75	10.73	0.40	4.29	2.00	21.46
Pucker Pear Schnapps	12/1L	174.80	14.57	-	-	1.00	14.57
Pucker Pomegranate	12/1L	174.80	14.57	0.50	7.28	1.00	14.57
Pucker Sour Apple	12/1L	160.23	13.35	1.20	16.02	7.00	93.47
Pucker Special Flvr	12/1L	174.80	14.57	11.00	160.23	3.00	43.70
Pucker Strawberry	12/1L	128.75	10.73	0.20	2.15	-	
Pucker Water Melon	12/1L	128.75	10.73	1.20	12.87	7.00	75.10
Pucker x flavors	12/1L	174.80	14.57	-	-	-	
Pyrat	6/750ml	149.99	25.00	-	-	2.00	50.00
Red Stag	12/1L	272.00	22.67	1.00	22.67	6.00	136.00
Roses Grenadine	12/1L	48.85	4.07	-	-	6.00	21.43
Roses Lime Juice	12/1L	63.60	5.30	4.00	21.20	-	
Rumple Minze	12/1L	350.28	29.19	-	-	6.00	175.14
Segrans 7	12/1L	204.48	17.04	-	-	2.00	31.05
Slow Gin				-	-	4.00	
Smimoff	12/1L	182.70	15.23	-	-	10.00	152.25
Southern Comfort	12/1L	212.21	17.68	0.70	12.38	9.00	159.16
Stoli	12/1L	316.20	26.35	1.80	47.43	6.00	158.10
Stoli Blueberry	12/1L	316.20	26.35	-	-	1.00	26.35
Stoli Citron	12/1L	316.20	26.35	1.00	26.35	3.00	79.05
Stoli Flavor	12/1L	316.20	26.35	1.80	47.43	11.00	289.85
Tangrey	12/1L	263.71	21.98	1.00	21.98	-	

Tequila Rose	12/1L		-	-	-	3.00	-
Three Olives Orange	12/1L		-	-	-	1.00	-
Titos Vodka	12/1L	260.00	21.67	-	-	12.00	260.00
UV Blue	12/1L	119.88	9.99	2.80	27.97	5.00	19.95
UV Flavor	12/1L	119.88	9.99	4.00	39.96	9.00	89.91
Vermouth				2.00			
Walker Black	12/1L	467.88	38.99	-	-	1.00	38.99
Walker Red	12/1L	322.00	26.83	-	-	1.00	26.83
Wild Turkey	12/1L	342.00	28.50	-	-	1.00	28.50
Wild Turkey American Honey	12/1L		-	0.20	-	5.00	-
Wine Canemel	12/1L		-	-	-	5.00	-
Wine Chardonnay	12/1L		-	-	-	5.00	-
Wine Whitezinf	12/1L		-	-	-	11.00	-
	12/1L		-	-			-
	12/1L		-				-
Call Total					1,468.83		9,168.70
Total Bar Inventory					3,268.2		9,972.76



**CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ACKNOWLEDGEMENT OF TRANSFER OF LICENSE SUBJECT TO
PAST, PENDING, OR POSSIBLE FUTURE DISCIPLINARY ACTION**

I, Kyle McNamara (Person's Name) on behalf of Inn Keeper Limited (Business Applicant Name) am the applicant for transfer of the liquor license currently issued to Change Lee Inc. at the licensed premise location of 1325 Broadway #205 Boulder, CO 80302

I understand and agree that if the transfer of the license is approved, the license may continue to be subject to any restrictions and conditions currently on the license. I understand that if there are any days of suspension currently held in abeyance against the license, the license may continue to be subject to those days in abeyance even after the transfer.

I further understand that if any incidents, which could subject the license to disciplinary action, have either occurred or will occur on the licensed premise prior to approval of the transfer, the license may still be subject to possible disciplinary actions that could affect the license, even after the transfer, only where myself, my agents(s) and/or my employees either knew or should have known of the incidents.

I understand that it is my sole responsibility to inquire and investigate all possible sources of information to learn of any past, ongoing or possible future disciplinary actions that could result in any revocation, suspension, or fines being imposed. These sources include, but are not limited to the inquiry and investigation of the current licensee, manager(s), employees of the licensed premise, and the review of the public records of the Colorado Department of Revenue, the Boulder City Licensing Division, the Boulder Police Department, the Boulder District Court, the Boulder Municipal Court, and/or the Boulder County Court Criminal Divisions.

I also understand that I have the option to withdraw the application for the transfer of the license and file an application for the issuance of a new liquor license. Should a new liquor license be issued, that license would NOT be subject to any disciplinary action based upon incidents prior to the issuance of the new license.

Inn Keeper Limited
Applicant

[Signature]
Authorized Signature

No Entiendo
Trade Name

Kyle McNamara, Managing Member,
Print Name, Title, and Date

1-30-13

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked? If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>												
8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input checked="" type="checkbox"/> <input type="checkbox"/>												
9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<input type="checkbox"/> <input checked="" type="checkbox"/>												
10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises for at least 1 year from the date that this license will be issued by virtue of ownership, lease or other arrangement? <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____	<input checked="" type="checkbox"/> <input type="checkbox"/>												
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%; padding: 2px;">Landlord Jamie St. John</td> <td style="width:35%; padding: 2px;">Tenant Inn Keeper Limited</td> <td style="width:30%; padding: 2px;">Expires 2-28-2018</td> </tr> </table>	Landlord Jamie St. John	Tenant Inn Keeper Limited	Expires 2-28-2018										
Landlord Jamie St. John	Tenant Inn Keeper Limited	Expires 2-28-2018											
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)													
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:15%;">DATE OF BIRTH</th> <th style="width:15%;">FEIN OR SSN</th> <th style="width:35%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td>Bo Mai</td> <td>3/1/78</td> <td>123-45-6789</td> <td>loan</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST	Bo Mai	3/1/78	123-45-6789	loan					
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST										
Bo Mai	3/1/78	123-45-6789	loan										
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.													
13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Has a local ordinance or resolution authorizing optional premises been adopted?		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>											
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)		N/A											
14. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>											
15. Club Liquor License applicants answer the following and attach: (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? (c) How long has the club been incorporated? _____ (Three years required) (d) How long has applicant occupied the premises to be licensed as a club? (Three years required) _____		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> N/A <input type="checkbox"/> <input type="checkbox"/>											
16. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>											
17a. Name of Manager (for all on-premises applicants) <u>Kyle McNamara</u> (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-1).)		Date of Birth _____											
17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>											
18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>											

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Kyle McNamara			Managing Member	100

*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable) Kyle McNamara Address for Service 8025 Gasmane Dr. Boulder, CO 80301

OATH OF APPLICANT

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.

Authorized Signature [Signature] Title Managing Member Date 1-30-13

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority _____ Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S. _____

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-1 (Individual History Record) has: Yes No
- Been fingerprinted
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license
- (Check One)
- Date of Inspection or Anticipated Date _____
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

City of Boulder



Temporary Liquor License

2013
Year

27-70668-4000
License Number

Finance Department,
Tax and License Division
Municipal Building
Boulder, Colorado

Issue Date		
Month	Day	Year
3	15	2013

Type of License
Hotel-Restaurant Liquor
Expiration Date: July 13, 2013

COPY

Trade Name: **NOENTIENDO**
 Business Location: **1325 Broadway Unit 201**
 Applicant: **Innkeeper Limited**
 Mailing Address: **8025 Grasmere Drive**
Boulder, CO 80301

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Article 47 of Title 12, Colorado Revised Statutes, as amended and the Ordinances of the City of Boulder, insofar as the same may be applicable. Unless this license is revoked sooner or suspended during its term as provided by law, this license is valid from the issue date until the expiration date.

Conditions:

Non-administrative renewal for 2013 and subject to local liquor license conditions on file with city licensing office. CITY TEMPORARY LICENSES ARE VALID FOR 120 DAYS FROM ISSUED DATE UNLESS EARLIER REVOKED OR SUSPENDED IN ACCORDANCE WITH LAWS AND RULES

Tax and License Manager, City of Boulder



CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
FINANCIAL STATEMENT

The applicant hereby agrees that any knowingly false or incomplete answer to the following questions shall constitute cause for the suspension or revocation of the license applied for:

Name of Applicant(s): Innkeeper Limited

Trade Name: No Entiendo

Business Address: 1325 Broadway #205 Boulder, CO 80302

Phone No: 720-338-8072 Contact Person: Kyle McNamara

Mailing address: Boulder, CO 80301

Other Liquor Licensed Establishments that principals or managers of Applicant(s) now holds:
None

If applicant is a corporation or LP or LLC, names of persons purchasing stock or membership units:
Kyle McNamara

Is this a new or existing business: existing

If **new business**, state approximate investment amount: \$ _____

Where will these funds come from? _____

If **existing business**, state purchase price including inventory: \$ 165,000 + 9,973 = 174,973

Where will these funds come from? loans + Personal Investment (inventory)

If cash is to be invested, please complete the following:
(If you need additional space, please attach additional pages)

Person or business investing: N/A
Address of Investor: N/A
Amount of Investment: N/A
Source of Investment: N/A
(Checking, Savings, Bonds, etc.)

If loans are to be obtained, please complete the following:
(If you need additional space, please attach additional pages)

Name of Lender: Bo Mai
Address of Lender: Centennial, CO 80112
Type of Loan: Owner Finance
Amount of Loan: \$140,000
Security: K's China
Term of Obligation: 3 year

Business Bank Account Information

What bank will the business account be maintained at? Wells Fargo
What name will the account be under? Inn Keeper Limited
Who will be authorized to sign on the account? Kyle McNamara

Applicant hereby agrees to notify the Beverages Licensing Authority of the City of Boulder of any changes in the financing of this business should such changes occur during the period for which this license is issued.

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.



Authorized Signature

1-30-13

Date

Kyle McNamara, Managing Member

Print Name & Title

Asset Purchase AGREEMENT

Changlee, Inc. (the "Seller"), of 1325 Broadway, Boulder, Colorado 80302, does hereby agree to sell to InnKeeper Limited (the "Buyer"), of Boulder, CO 80301, the following property.

Property Name: K's China at 1325 Broadway Suite #205 and #201, Boulder, Colorado 80302.

Total Amount: \$170,000.00 Which includes:

Security Deposit:	\$ 10,000.00
Down Payment:	\$ 15,000.00
Financing from Seller:	\$140,000.00
Interest for Seller:	\$ 5,000.00

The \$10,000.00 Security was given to Seller on February 2, 2013;

The \$15,000.00 Down Payment will be given when the agreement is signed;

The \$145,000.00 Loan and Interest will be paid to the Seller as defined in Clause 6.

Transfer Date: Before March 16, 2013

Items Included in This Sale:

1. Ownership of all the improvements, bar and the restaurant, collectively known as K'S China;
2. All the personal property and tangible items such as the kitchen and bar equipment stored in the restaurant and used in the daily operations;
3. All the intangible items necessary for the operations such as the trademark, recipes, licenses, all management and financial information;
4. All pre-purchased inventory stored in the restaurant.

Payment Schedule and Additional Conditions for Buyer

5. The Buyer will purchase the inventory and equipment stored in the Seller's house and will pay the full amount not later than April 25, 2013;
 - a. The inventory means all the liquor, juice and cooking ingredients, which will be paid at the supplier's prices;
 - b. The equipment includes emergency freezer, sewage snake machine and other devices which will be paid at prices agreed by both sides;
6. The Buyer will pay the principal and the interest in 3 years (Year 2013, 2014 and 2015), with 8 payments each year as follows (each of the 8 payments will be made during the months of March-October)
 - a. \$40,000.00 principal plus no interest for 2013, which equals to \$5,000.00/month X 8 times;
 - b. \$50,000.00 principal plus 5% interest for 2014, which equals to \$6,562.50/month X 8 times;
 - c. \$50,000.00 principal plus 5% interest for 2015, which equals to \$6,562.50/month X 8 times;
 - d. The other terms of the loan payment are as follows:
 - i. The deadline of each monthly payment will be the last date of the month. The payment shall be mailed to the Seller's address or shall be picked up by Seller at K'S China before the last day of each payment month.

- ii. If the total of the yearly payments does not meet the yearly required amount, the remaining balance is subject to 8% interest which includes the 5% regular interest and 3% late fee each month.
 - iii. If the Buyer pays extra principal in advance of schedule, there will be no interest on that amount of the principal.
- 7. The Buyer cannot sell K'S China without the Seller's consent before the loan is fully paid off. Under the following conditions, the Seller is authorized to take back the ownership of the restaurant and the bar with all the items mentioned above:
 - a. If the Buyer's total yearly payment is 20% less than the required yearly payment amount;
 - b. If the Buyer violates the liquor laws and loses the liquor license;
 - c. If the Buyer declares bankruptcy and gives up the management.The Buyer will be responsible for all the liabilities incurred in the period of his management if he returns the ownership back to the Seller.
- 8. The Buyer agrees to start taking over the Restaurant before March 16, 2013. Both sides will split evenly the following February expenses :
 - a. The February rent and utilities;
 - b. The February telephone and Comcast bills;Both sides will pay the February expenses incurred in the period of their own management.

Additional Conditions for Seller:

- 9. The Seller will pay any outstanding payables and debt including wages, rent, lawyer fee, and any money owed to suppliers up before transfer day;
- 10. The Seller will be responsible for any commitment or liability incurred before the ownership transfer, including, taxes, legal obligations, or financial debts;
- 11. The Seller will not transfer to the buyer any obligations, liabilities, or duties from any contracts or agreements entered before the date of ownership transfer. The Seller shall retain all cost or expenses for the Seller's liabilities and commitments defined bellow:
 - a. All liabilities included, but not limited to: obligations, expenses, debt, claims, losses, damages, deficiencies, endorsements, or commitments, in each case whether accrued, absolute, contingent, asserted, matured, immature, secured or unsecured.
- 12. The Seller explicitly declares and the Buyer is relying on the following representations:
 - a. Bo Mai and Xiaoguang Xu ("Bo and Xu") are the true and sole owners of K'S China;
 - b. Bo and Xu are holding a lease for the premise which expires on April 30, 2014;
 - c. Bo and Xu are the licensees of valid liquor licenses from both the state and the city;
 - d. Bo and Xu have a valid food service license;
 - e. K'S China has passed the fire inspection and health inspection.
 - f. There are no liens, loans, or other interested parties being transferred to the Buyer in the sale.

Contingent Clauses

13. The Buyer can withdraw without penalty from this Agreement before March 1, 2013, if any of the following conditions happens:
- a. The Buyer fails to obtain a Lease from the Landlord;
 - b. The Buyer fails to obtain a food service license;
 - c. The restaurant fails to pass the fire inspection or health inspection.
 - d. If the buyer fails to obtain a temporary liquor license.

The Seller will take back the ownership of K'S China and return the \$25,000.00 of the Security Deposit and the Down Payment to the Buyer within 7 days if any of the above situations happen.

14. The Buyer can withdraw without other penalty from this Agreement before June 1, 2013, if he fails to obtain a liquor license from the Boulder Licensing Authority at the hearing of April 17 or May 15, 2013.
- a. The Seller will not return the \$25,000.00 Security Deposit and the Down Payment;
 - b. The Buyer will give the Seller \$10,000.00 to cover the re-establishment of business;
 - c. The Buyer will not claim any return of investment he makes in the business.

15. In any of the situations mentioned above in Paragraph 13 and 14, the Buyer will be responsible for all the liabilities incurred in the period of his management.

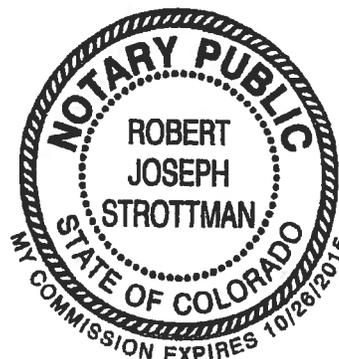
16. In the case that the Buyer is required to serve the 12 days in abeyance incurred by the Seller, the principle due for loan repayment on the month of the days served shall be delayed to a later day which shall be mutually agreed upon by the Seller and the Buyer with no penalty to the Buyer.

Signature: [Signature] (Bo Mai) Date: 2-26-2013
Seller

Signature: [Signature] (Xiaoguang Xu) Date: 2-26-2013
Seller

Signature: [Signature] (Kyle McNamara) Date: 2-26-2013
Buyer

State of Colorado County of Boulder
Subscribed and sworn before me on 2/26/2013
(Date)
[Signature]
(Notary Signature)



INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business
 Innkeeper Limited No Entiendo

2. Your Full Name (last, first, middle)
 McNamara, Kyle, Christopher

3. List any other names you have used.
 None

4. Mailing address (if different from residence)
 8025 Grasmere Dr. Boulder, CO 80301

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	Boulder, CO, 80302	Aug. 2012	Present
Previous	see attached		

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
K's China	1325 Broadway #205 ^{Boulder, CO} 80302	Bar Manager	July 2007	Present
Heart of Boulder	PO Box 2007 ^{Boulder, CO} 80306	Maintenance	Aug 2009	Aug 2010

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
NONE			

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.
 Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.
 Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

see attached

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

See attached

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Boulder, CO		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where N/A			f. When N/A		g. Name of District Court N/A		
h. Naturalization Certificate Number N/A		i. Date of Certification N/A		j. If an Alien, Give Alien's Registration Card Number N/A		k. Permanent Residence Card Number N/A	
l. Height 6'2"	m. Weight 169	n. Hair Color BRO	o. Eye Color HAZ	p. Sex M	q. Race WHITE	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ 165,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ -0-

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ -0-

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

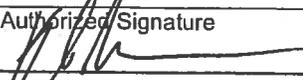
Type: Cash, Services or Equipment	Source	Amount
CASH - Wells Fargo	SAVINGS	\$25,000

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
Bo Mai	Centennial, CO 80112	3 year	K's China	\$140,000

Oath of Applicant

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

Authorized Signature 	Title Managing Member	Date 1-30-13
--	--------------------------	-----------------

Kyle McNamara

10.

8-1-2001:

Theft Under \$100 (not on CBI record)

I was arrested for a theft at Albertsons for \$4 worth of food and completed a deferred sentence with 8 hours of community service.

08/31/2001

Diving Under the Influence Liquor

I plead guilty to driving while ability impaired and completed 18 months of probation, 24 hours of community service, and Rehabilitation at Cornerstone in Westminster.

04/20/2002

Failure to appear

Larceny Theft \$100-\$400

Liquor - Underage Possess

I was sleeping at a friend's dorm and slept walked into the adjoining room, I received a trespassing charge (not on CBI report), theft for the cost of the room, and I admitted to drinking the night before. I completed 12 months of probation, 40 hours of community service, and 8 days jail time.

06/09/2002

Liquor - Underage Possess

Theft under \$100

I attempted to steal \$20 worth of food from Safeway and was caught and arrested. All of my convictions have been alcohol related and the last one was over 10 years ago. As a result of the problems I have had due to alcohol I enrolled myself in Rehabilitation for alcohol at Harmony in Estes Park for 28 days, I have now been sober for almost 4 years.

Kyle McNamara

10. continued

07/29/2002

Contempt of court

Failure to appear

At this point in time I had been in a lot of legal trouble and I felt as though my life was spinning out of control. I was afraid to face my problems and didn't go to court, eventually I couldn't handle it anymore and I turned myself in and served eight days in Boulder County Jail.

10/18/2003

Driving Under Influence Liquor

Reckless Driving

I received a DUI and completed level II alcohol therapy, probation, 24 hours community service, house arrest, and had a breathalyzer installed in my car. This was my final alcohol related mistake; I spent nearly four years paying for this one. This is the mistake that motivated me to get sober and eventually lead to my role in volunteering for the restorative justice program at CU.

07/11/2006

Drove Vehicle when License suspended

Failure to appear

I was pulled over while delivery driving, my license had been suspended do to not completing probation. It had been a clerical error on my part and once I was made aware of it I took care of it.

9/27/2006

Failure to appear

This was part of fixing the mistake I had made above, I turned myself into court to quash the warrant I had that was associated with not completing probation. Once I finished probation I never got in any other trouble and never will.

Kyle McNamara

12.

I did have my driver's license revoked due to my DWAls, I do not recall the specific dates, but I fulfilled all the requirements asked of me and regained my driving privileges.

Individual History Record: Proof of Rehabilitation

List of attached documents:

1-Harmony-Treatment Plan for McNamara, Kyle C.

2-Harmony-Men's Program Weekly Schedule

3-Harmony-Negative

4-Harmony-I Declare

5-Bridge-Certificite

6-CU Boulder-Financial Aid Award Summary

7-Undergraduate Scholars Research Conference-Paper response email

8-CU Boulder-Deans List

9-CU Boulder-Peace and Conflict Studies Certificate Program

10-CU Boulder-Commencement Email

My name is Kyle McNamara, I am from Boulder, CO, and I have spent much of the last 15 years trying to give back to the beautiful city I live in. I have always tried to be a good person but I have made some mistakes along the way. I was raised in a very loving, religious family; I have always been very privileged to have two parents that could spend a lot of time with me growing up. Both of my parents were teachers and they raised me to be as morally upstanding as they were; I learned to be selfless, responsible, caring, and to always think through my decisions. As I approached the end of high school and the beginning of college I ran into some hard times, hard times that did not end until my late twenties. When I was 17 years old I got in a terrible car accident that changed me in many ways. I started to get into a lot of trouble due to drinking and couldn't seem to stop, but I never gave up getting an education, although I would not be successful in doing so while I was still drinking. When I was twenty seven years old I lost my father to Leukemia, at this point I had no choice but to quit drinking, to do so I chose to go to an alcohol rehabilitation center and there I got sober. In the four years since I quit drinking I graduated college, earned two certificates, and accomplished many other things. I would never have been able to accomplish any of my goals if I had still been drinking.

My problems with alcohol all started when I got in a head-on collision on Thanksgiving when I was only 17 years old. My Brother and I were driving home from my grandparent's house when someone driving from the other direction attempted to pass on freshly painted double yellow lines, through an intersection, over a hill. I almost died that day, but even worse I almost lost my brother. My brother and I spent two weeks in the Boulder Community Hospital with massive injuries, including severe closed head injuries. We were lucky to have survived that day, I couldn't imagine how the guy who had hit us must have felt, but I had to make it better; I was only 18 years old at the time of the young man's court date. I showed up outside the courtroom after he had finished court and introduced myself, all I remember was looking him in the eyes and telling him I forgave him. This is a memory that will always stay with me, he made a mistake, but he did not deserve to carry that kind of guilt around with him. I later found out that the closed head injury that I received that day had been some sort of a trigger for my abuse of alcohol.

A few months after my car accident I entered the Mechanical Engineering School at CU. I had a really hard time with my drinking and balancing it with school. I got a few stupid little tickets due to my drinking and my grades suffered at the same time. Eventually I got a couple DUIs and got kicked out of CU. I knew it was time to straighten up my act. I managed to temper my drinking and stop breaking laws. I started to mature and think through my decisions better, but I still did not have my drinking under control, I only thought I did. I continued through life for a few years fighting this inner demon, I went in and out of CU, I received a certificate in photovoltaic installation, but I could not seem to do what I really wanted, graduate college. I had always wanted to become an engineer and invent things, I was always good at math and I had always looked up to my father for his masters in math. My father was my idol, he was the most generous, intelligent, caring person I had ever known and I just wanted to follow in his footsteps.

When I was 26 years old, on Father's Day, the unthinkable happened; my father was diagnosed with Leukemia. I moved back in with my parents to help take care of my mother and him. I knew I wouldn't be much help while drinking and finally I was successful in giving it up for Lent. My Father's

disease had its ups and downs, but towards the end of February that year he got much worse. On March 5th, 2009 my father passed away in my arms. Once Lent ended and we had gotten through my Dad's memorial and everything else I started to drink again. I was lost, depressed, and a waste to everyone around me. In June of that year I enrolled myself into Harmony, an alcohol rehabilitation center in Estes Park, Colorado. After 28 days I came out feeling like a whole new person. I included a couple artifacts from Harmony to show my time there (#1-4). I left Harmony sober and have been since. Once sober I was finally able to take care of my family, take care of myself, and had taken the first step towards becoming the a man I could be proud of, a man like my father. With sobriety and the tools I learned at Harmony I was able to go out into the world and help other people. People started to look up to me and come to me when they needed help quitting drinking, among other things. To this day I have helped to get nearly 30 people sober, I have played a part in saving nearly 30 lives, including about half the people that I work with.

Everything in my life seemed to be turning around; I was finally achieving everything I was hoping to achieve. I spent time in Brazil getting my Teaching English as a Foreign Language Certificate and volunteering in teaching English to people that couldn't afford it (#5). I eventually returned to Colorado and re-enrolled at The University of Colorado. I entered CU in the School of Communication where I felt like I could make a bigger difference. I put everything I had into school, I started to learn how I could help to change the world, and I started to feel like I had a purpose. In the fall of 2012 I graduated from the School of Communication at CU (#10). Not only did I graduate, but I made the Dean's list with a 3.95 GPA (#8), I also got a paper I wrote about the drinking problem in Boulder accepted into the Western Communications Journal's Undergraduate Research Conference (#7). This semester I decided to complete a certificate in Peace and Conflict Studies at CU (#9) using a scholarship I received for turning my lie around (#6). With this certificate I hope to continue to pursue my life's goal of making a positive difference in the world, starting with the people closest to me.

I know I have a checkered past, but I have spent many years fixing that past. I made some mistakes when I was young, mistakes that I would never repeat. I have gone through serious rehabilitation through quitting drinking and through perusing an education. I hope I have done a decent job explaining my individual history, for my history is what had made me who I am today, thank you for reading it.

**Treatment Plan
for
McNamara, Kyle C.**

Staff Nash, Nancy	Date 06/19/2009	End Date 07/17/2009
Discharge Criteria Expected Understanding of the first 5 steps of the 12 step program		Discharge Criteria Minimum Step 1
Overall Treatment Focus Develop skills necessary for ongoing recovery		

Plan

1. Substance Abuse

GOAL: To get back to college and graduate

1.1 To Detox safely Target Date: 06/24/2009

2. Wellness monitor

GOAL: Make lifestyle changes to maintain abstinence

2.1 Help the client determine how to arrange a daily schedule that incorporates the new health care regimen, taking pills, me:

Client

McNamara, Kyle C. _____ Date _____

Team Members

_____ Date _____

WELL - MEN'S PROGRAM

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6:30-7:15	Wake-up/Chores	Wake-up/Chores	Wake-up/Chores	Wake-up/Chores	Wake-up/Chores	Wake-up/Chores	Wake-up/Chores
7:15-7:30	Morning Meditation	Morning Meditation	Morning Meditation	Morning Meditation	Morning Meditation	Morning Meditation	Morning Meditation
7:45-8:15	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
8:15-8:45	Peer Eval Prep Study/Break	Peer Eval Prep Study/Break	Peer Eval Prep Study/Break	Peer Eval Prep Study/Break	Peer Eval Prep Study/Break	Housekeeping/Chores	Housekeeping/Chores
9:00-10:00	Process Groups	Process Groups	Process Groups: Cross Addiction	Process Groups (Wk 1 Nutrition 9:00)	Process Groups	9:00am Group	9:00am Higher Power Group
10:15-11:15	Peer Eval/Assignment Group	Peer Eval/Assignment Group	Peer Eval/Assignment Group	Peer Eval/Assignment Group	Peer Eval/Assignment Group	10:15am Sober Living	10:15am Exercise
12:00-1:00	Lunch/Study	Lunch/Study	Lunch/Study	Lunch/Study	Lunch/Study	11:15 Grad. Feedback	Lunch (12:30)
1:15-2:15	Acupuncture	Family Weekend Orientation	Acupuncture/Rec.	Phoenix Multisport (Week 3)	Acupuncture/Rec.	Lunch (12:30)	Lunch (12:30)
2:30-3:30	Sober Living Groups	Sober Living Groups	Sober Living Groups	Sober Living Groups	Sober Living Groups	1:30pm Exercise/Rec.	Visitation Time Family/Friends 12pm - 4:30pm
3:30-4:30	1x1's/Dyadics	1x1's/Dyadics	Step One Presentations	1x1's/Dyadics	Step One Presentations	4:00pm Study	Step One Presentations
EXERCISE	4:30 Group A&B	4:30 Group A&B	4:30 Group A&B	4:30 Group A&B	4:30 Group A&B	Free Time	Dinner
4:30-5:30	4:55 Group C&D	4:55 Group C&D	4:55 Group C&D	4:55 Group C&D	4:55 Group C&D	Free Time	6:15 Planning Mtg.
5:30-6:00	Dinner	Dinner	Dinner	Dinner	Dinner	Free Time	7:00-8:00 AA Mtg
6:30-7:30	Step One Presentations	Step One Presentations	7:00 Outside AA Meeting/ Wed PM Activity	Step One Presentations	NA Meeting	5:45pm Dinner	8:15pm Relaxation
7:30-9:00	Monday Activity	7:30 12-Step Meeting	Wed PM Activity	7:30 12-Step Meeting	7:45 Evening Reflections/	Free Time	Go to Cabins
9:00-10:00	Evening Reflections	Evening Reflections	Evening Reflections	Evening Reflections	8:30 Activity	7:30 12 Step Mtg.	Go to Cabins
10:00	Go to Cabins	Go to Cabins	Go to Cabins	Go to Cabins	Go to Cabins	8:40 Graduation Ceremony	Go to Cabins

- ~ Towels will be exchanged on Mondays and Towels and Linens will be exchanged on Thursdays 11:30-12:30
- ~ Orientation: Orientation will be held during your first week of treatment -- You will be contacted
- ~ 4th & 5th Step Prep: You will be contacted when your treatment indicates readiness for 4th & 5th
- ~ During free time, you can participate in activities of your choice. You are responsible for your homework.
- ~ Any time not scheduled on schedule is considered free time
- ~ Family weekend experience is arranged with primary counselor. On Saturday and Sunday from 9:00 to 12:15 PM, you will participate in groups with your family. Follow regular schedule remainder of weekend.

MORNING MEDICATION TIMES ARE: Group A: 7:15am, Group B: 7:30am, Group C: 8:15am, Group D: 8:30am

Revised 5/29/09 mh

Negative

The first negative thing I can think of to come from drinking is the way I made my parents worry about me, my dad even died still worried. I feel terrible that that had to be on his mind while he was fighting for his life.

Putting my brother & sister through me and my mom fighting and my mom being upset because I wasn't around is terrible. My brother always had to deal with my mom because I wasn't there all the time.

I have gotten in a lot of legal trouble for drinking; between DUIs, jail time, probation, community service, losing my license, house arrest, and financial problems I have spent a lot of the last ten years dealing with it.

Drinking has been the cause of me losing one of my girlfriends, ~~and~~ the girl I have always loved the most. Drinking has also played a major role in me not only alternating myself from another girl after we broke up but also causing me to lose other friends at the same time. I have also caused other friends to stop hanging out with me for extended periods of time because of the mean things I have said to them or

actions I have done to hurt them. Even my own brother doesn't want me to drink with him because he thinks I will embarrass him.

I have also been kicked out of school multiple times and never finished my Engineering degree, which is what I wanted to do since I am a member, because of alcohol. I've always wanted to finish school and move to California and invent things and because of alcohol I haven't.

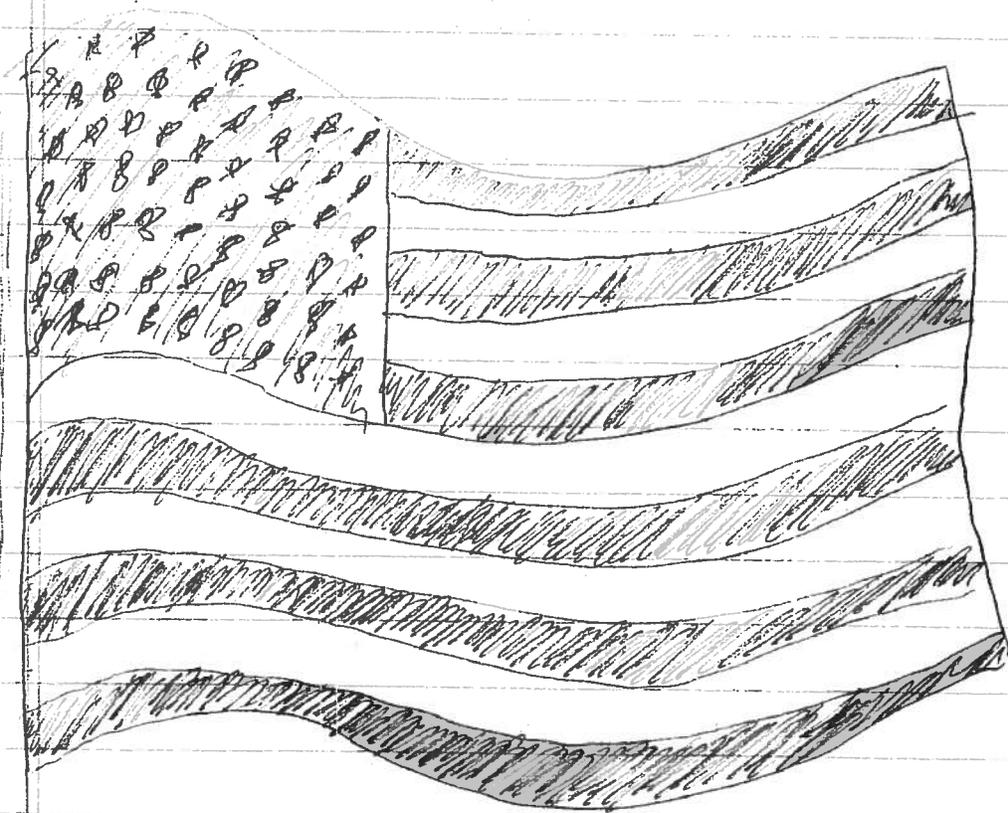
At work I have messed up on a number of occasions, I have put the business in jeopardy, which really upsets me because my bosses are like family to me. Not only does it upset me that I have put them in jeopardy but it also upsets me that I have lost their respect and caused them to worry about me.

I have seen about 12 of my closest friends die because of drugs or alcohol in one way or another. It always makes me wonder, what if I had been sober enough to help them get sober or help them to get help.

One of the biggest negatives I think that I have experienced from drinking, that is probably an underlying cause for the rest of these things is that I feel like it has started to change me as a person. I feel like I have become more self-centered and more egotistical. I've started to care more about myself and what other people than about being myself and caring about others. I don't feel like I am meeting high quality girls because I am not myself and I am putting my own needs before those of my family and other loved ones.

I declare

I don't need alcohol anymore to have a fun and full life. I can deal with both my bad times and good without the crutch of booze. I can look within myself, to my peers, or to God to find strength that previously I would have sought in alcohol. I am free to do whatever I want now that I am independent of the restraints of drinking.





BridgeTM

Language, Education & Travel

INTERNATIONAL DIPLOMA IN ENGLISH LANGUAGE TEACHING (IDELTTM)

THIS IS TO CERTIFY THAT
KYLE McNAMARA

HAS BEEN AWARDED THE GRADE OF
GOOD

IN THE
IDELTTM

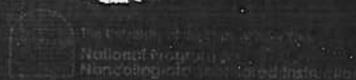
DATE OF COMPLETION:	28 FEBRUARY 2011
LOCATION:	RIO DE JANEIRO, BRAZIL
MODERATED BY:	BRIDGETEFL, USA
CREDIT EQUIVALENCY:	6 GRADUATE; 9 UNDERGRADUATE

CERTIFICATE NUMBER:



LISA ROONEY, DIRECTOR BRIDGETEFL

WWW.BRIDGE.EDU



Kyle Mc Namara

go to ...  

CU Boulder Financial Aid

Award Summary

Financial Aid Year 2012-2013

Academic Year			
Award Description	Category	Offered	Accepted
CE-REAP CU Complete Schlp	Grant	500.00	500.00
Academic Year Totals		500.00	500.00

Currency used is US Dollar.

[Financial Aid Summary](#)

[ACCEPT/DECLINE AWARDS](#)

Terms

Spring 2013 UC Boulder

Award Description	Category	Offered	Accepted
CE-REAP CU Complete Schlp	Grant	500.00	500.00
Term Totals		500.00	500.00

Currency used is US Dollar.

Your financial aid award is determined from the information provided on your financial aid application. If there is no financial aid displayed your application may be in progress.

Please check back in a few days.

[Financial Aid Summary](#)

[ACCEPT/DECLINE AWARDS](#)

[Return to Aid Year Selection](#)

go to ...  

Kyle Christopher Mc Namara

Date: Mon, 14 Jan 2013 09:45:51 -0700

From: Christina Yoshimura <wscasecondvp2012@gmail.com>

Subject: Re: Undergraduate Scholars Research Conference

To: Kyle Christopher Mc Namara <mcnamark@colorado.edu>

I have received all the reviews for the paper you submitted for consideration at the Western States Communication Association's (WSCA) Undergraduate Scholars Research Conference (USRC). I am delighted to inform you that your paper has been selected for presentation at the USRC. Congratulations to you! Acceptance to this conference is both a wonderful opportunity and a great honor.

The full conference runs from February 15-19, and the USRC will take place on Saturday, February 16th. I hope you will make every effort to attend. You will present on a panel with two-three other undergraduate scholars on Saturday. Please plan for a 10 minute presentation. Our panels run for an hour and the full USRC takes place from 8:45-1:45 on Saturday. Because acquiring audiovisual equipment (such as laptops, projectors, or DVD players) at conference presentations is difficult and expensive, you should prepare a presentation that does not require the use of such equipment. A professor will serve as a respondent for your panel and will provide feedback to you following the panel. I will provide the respondent with your paper. You may revise your paper in minor ways before the presentation but you do not want to present a version much different from the one submitted as this will place the respondent in a difficult position.

If you are interested in pursuing graduate studies in communication, please plan to attend these two additional events: the Graduate Student Workshop—Saturday, February 16, 2:00-3:30 p.m. and the Graduate Programs Open House—Saturday, February 16, 3:40-5:00 p.m.. Both events allow prospective graduate students to learn about graduate programs and prepare for graduate studies at a wide range of institutions in the western states.

Shortly, I will notify the chair of your communication department regarding your acceptance to the USRC. Be sure to let your instructor(s) or mentor(s) who guided you in your writing process know that your paper has been selected. Feel free to invite and encourage your instructor(s) or mentor(s) to attend the USRC. I am sure they will be proud to witness your accomplishment.

Please email me by January 17th to confirm your commitment to attend and present at the USRC. Within a few weeks, I will send more information about the conference including the time and room for your presentation. If you want general information about WSCA, the conference in Reno, NV, or the hotel, please go to the WSCA website at: <http://www.westcomm.org>

As you make plans to attend the conference, keep the following in mind: If you are flying, tickets are often more affordable the earlier they are purchased. For those who will need a hotel room, WSCA encourages you to stay at

the conference host hotel—the Nugget, in Reno NV. Information about prices is available at:
<http://www.westcomm.org>.

Finally, when you arrive, you will need to register for the WSCA conference. As part of its ongoing commitment to supporting undergraduate communication scholarship, WSCA absorbs the \$15 conference registration fee for USRC participants. The registration fee entitles you to attend panels and programs, and many other conference activities.

If you have any questions, please feel free to ask. Again, congratulations!

Christina G. Yoshimura, Ph.D.

Second Vice President, WSCA

Some, but not all reviewers included comments to authors. If available comments on your paper are listed below. You may use them to frame your presentation and minor revisions if you wish, but if you plan to make substantive changes to your paper after reading these reviews please wait until after February, as responding to a substantially different paper than the one submitted is difficult for respondents at our conference!

Comments: What I most appreciate about this paper is your creation of a deliberative-democratic scale for evaluating public discourse and the range of data you included. If only the city of Boulder could hire you as a consultant to increase the quality of it's public deliberation processes! Your paper as a whole needs more work to reach a wider audience, and I would like to see more papers on deliberative democracy at our conferences. With this goal in mind, here are some critical comments. I appreciate your honesty, but you have not convinced me that your bias doesn't affect your paper. For example, you haven't discussed any reasons for the hyper-concern with underage drinking in Boulder when CU student death-by-alcohol poisoning and student riots on the hill have received national media attention. There are claims in your introduction and your conclusion that have no references. I wondered where you got this information. The introduction also needs more specificity. I was wondering, where is this paper headed? Is there going to be a connection to the prohibition era, the women's movement, etc. When I actually got to the body of the paper and found the discussion of deliberative democracy, then I thought, aha, here is the author's point in writing this paper! Get to it sooner. Finally, the conflict itself might be more aptly contextualize as another incidence of the town-gown conflicts plaguing college towns across the nation rather than a vestige of the prohibition era.

On Fri, Dec 14, 2012 at 2:08 PM, Christina Yoshimura <wscasecondvp2012@gmail.com> wrote:

I have received your submission to the Western States Communication Association Undergraduate Scholars Research Conference. I was able to open your files successfully, and have sent your paper out for review. Plan to hear back from me by January 12th regarding the outcome of your submission.

Thank you!
Christina

Christina G. Yoshimura, Ph.D.
Associate Professor, Department of Communication Studies, The University of Montana
Second Vice President, Western States Communication Association
(406) 243-4244

On Thu, Dec 13, 2012 at 10:22 PM, Kyle Christopher Mc Namara <mcnamark@colorado.edu> wrote:

To Whom it May Concern,

My name is Kyle McNamara and I am a senior Communication scholar at the University of Colorado. I apologize for the late submission was not aware of the December 12th deadline, but I was wondering if I could still submit my paper to the Undergraduate Scholar Research Conference? I have attached it and I appreciate your consideration.

Thank You,

Kyle McNamara
mcnamark@colorado.edu
720-338-8072

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Christina G. Yoshimura, Ph.D.
Associate Professor, Department of Communication Studies, The University of Montana
Second Vice President, Western States Communication Association
(406) 243-4244

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Christina G. Yoshimura, Ph.D.
Associate Professor, Department of Communication Studies, The University of Montana
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(406) 243-4244

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- Maag, Lark Olivia
- Macdonald, Tracey Lynn
- MacIsaac, Drew
- Macrae, Cameron Patrick
- Maddock, Meagan Kristine
- Madinger, Dilara R
- Magaril, Regina Aleksandrovna
- Magdalinski, Emille Delphine
- Magee, Shelby Elizabeth
- Mahler, Abigail Sung
- Maksimovic, Nikola
- Malinina, Tatyana
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- Mallon, Kelly Elizabeth
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- Maroon, Maggie Joy
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- Marshall, Kathleen
- Marshall, Caroline Eugenia
- Marshall, Crystal Marie
- Martella, Amedee Marchand
- Martin, Taylor Rose
- Martin, Peter
- Martinez, Alexander Swain
- Martinez, Jacob Thomas
- Martoglio, Richard Charles
- Martone, Amanda Michelle
- Mashburn, Candice Ann
- Masiach, Jamie Diana
- Masterson, Maria Monica
- Matatal, Elise Kimmell
- Mathisen, Drew Adele
- Mattoon, Geneva Loulse
- May, Conor
- Mayberry, Colln James
- Mayberry, Garrett Lee
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- Mc Clure, Ruth Elizabeth
- Mc Fadyen, Claire Katherine
- Mc Gulre, Meredith Erin
- Mc Intosh, Anna Marie
- Mc Laughlin, Allison Jordan
- Mc Laughlin, Nicole Lynn
- Mc Manus, Danielle Marie
- Mc Namara, Kyle Christopher
- Mc Neil, Eric Maxwell
- Mc Quiggan, Rosemary Grace
- Mc Swiggen, David Trombley
- McCaffrey, Kylie Nicole
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- Mentry, Grace Lee
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- Mermel, Kevin
- Merrick, Cera Ariel
- Merritt, Alexander
- Mesa, Tyler
- Messer, Rachel Lauren
- Meyer, Laura Grace
- Meyer, Amy Louise
- Meyers, Scott
- Mlan, Noreen
- Michael, Nicole Claire
- Michaelson, Victoria Jennie
- Milby, Zachariah Montana
- Miles, Laura Makenzie
- Mill, Howard Kenneth
- Miller, Ashley
- Miller, Elise Christine
- Miller, Iain Michael
- Miller, Jordan Elizabeth
- Miller, Benjamin
- Miller, Chelsea Lenore
- Miller, Austin James
- Miller, Adela Maria
- Miller, Rebecca L
- Milliner, Kearby Grace
- Millon, Julia Sleeper
- Mills, Taylor Scott
- Millsbaugh, Lindsay
- Milman, Daniel Robert
- Miner, Rachel
- Mirabito, Stephen Joseph
- Miranda, Jordan James
- Miranda, Sean
- Mirhossaini, Roya Brooke
- Mitchell, Allison Marie
- Mitchell, Anna
- Mitchell, Morgan Marie
- Mitchell, Margaret Whiting
- Mix, Jennilee Ellen
- Moench, Hannah Elita Caspari
- Mogel, Eli A
- Mogensen, Bendik Granhelm
- Moghe, Ravi Dhawal
- Mohammadloun, John O
- Moher-Crook, Casey Patrick
- Mohseni, Layla Emily
- Mohseni, Bahauurah Tanya
- Molnare, Mitchell D
- Molton, Gabriel Friedland
- Monson, Lucas Andrew
- Montgomery, Catherine Ann
- Montoya, Richard Anthony
- Moog, Charles Montgan
- Moore, Jacob Benjamin
- Moore, Kevin Harrison
- Moore, Galen Michael
- Moore, Maddison Kristie
- Moore, Simone Michelle
- Morales, Bryn Marguerite
- Moreng, Bridget
- Morgan, Emily

- McCown, Mariel Karinne
- McCoy, Bryan L
- McDermott, Ivy So-hee
- McElroy, Erin Kathleen
- McFarland, Meghan Kiele
- McGinness, Kirbi Colleen
- McInerney, Laurelle Ashleigh
- McKenna, Meredith Kathleen
- McKenna, Dylan
- McKinnell, Sarah Lynne
- McManus, Katherine Charlotte
- McMillan, Jeff
- McMillin, Piper Rose
- McMurtry, Ryan
- McNally, Michael Colln
- McNulty, Lindsey Jean
- McPhee, James
- McWhirter, Laura Jane-Helen
- Morgan, Kyleigh Elizabeth
- Morgenthaler, Megan Michelle
- Moriarty, Sheila Danaher
- Morof, Alexts Madison
- Morris, Erin Michelle
- Morris, Megan Cass
- Mothersbaugh, James Forest
- Mowery, Paige
- Mowry, Adrienne Joy
- Mulford, Sarah Marguerite
- Muntean, Kristina Diane
- Murillo, Maria Gabriela
- Murphy, Maura Brynclare
- Muslimovic, Sabina
- Mustin, William Henry
- Muth, Traci
- Myers, Lawrence

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275 UCB, Boulder, CO 80309

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PEACE AND CONFLICT STUDIES CERTIFICATE PROGRAM
COLLEGE OF ARTS AND SCIENCES
UNIVERSITY OF COLORADO AT BOULDER

PROGRAM OF STUDY APPROVAL FORM

This form should be submitted to the PACS Director when a major is declared.

The program of study approval form should list the courses you wish to apply toward fulfillment of the PACS Certificate course requirements. When completing this form, please list only "Approved PACS Courses" (a current list of approved courses can be found at www.colorado.edu/peacestudies). Courses not on the approved course list may be used to satisfy PACS Certificate requirements only if approved in advance by the PACS Office Coordinator or the PACS Program Director.

REQUIREMENTS:

1. Completion of a major in any discipline in the University of Colorado.
2. 24 hours of acceptable course work (C or better with at least 15 upper division hours) at the University of Colorado that include:
 - 6 hours of PACS core courses including PACS 2500: Introduction to Peace and Conflict Studies and PACS 4500: Senior Seminar in Peace and Conflict Studies.
 - 9 hours of courses in the student's major department that are related to the field of peace and conflict studies (see the approved list of courses or obtain approval from the PACS director).*
 - 9 hours of courses outside the student's major department or in a second major* that are related to the field of peace and conflict studies (see the approved list of courses or obtain approval from the PACS director).

Important: Please submit a Certificate Completion Form just prior to graduation.

*In the event a major department does not have 9 hours of relevant courses, the PACS director may allow for substitutions with PACS approved courses outside the major department.

Submit this Program of Study Approval Form to:

Stan Deetz, PACS Director, Norlin S427, Stanley.Deetz@colorado.edu

PROPOSED PROGRAM OF STUDY

Student Name Kyle Date _____

Student ID Number _____ Major _____

Anticipated Graduation Date _____

PACS 2500 Semester Completed: _____ Spring 13 _____

PACS 4500 Semester to be Completed: _____ Spring 13 _____
(usually Spring of graduation year)

Three PACS Approved Courses in Major:

Course #	Course Title
_____ COMM 3410 _____	_____
_____ COMM 3000 or 4220 _____	_____ Did you complete? _____
_____ COMM 4600 _____	_____

Three PACS Approved Courses Outside Major:

Course #	Course Title
_____ SOCY 1004 _____	_____
_____ GEOG 1982 _____	_____
_____ WRTG 3020 _____	_____

For PACS Office use only:

PACS Director or Office Coordinator: _____

Approval Date: _____

Kyle Christopher Mc Namara

Date: Mon, 03 Dec 2012 12:04:06 -0700

From: commtac <Commtac@Colorado.EDU>

Subject: Communication Dept. Graduation Ceremony

To: commtac <commtac@colorado.edu>

Cc: Mary Meyer-Scully <mary.meyer-scully@colorado.edu>

Hi Senior,

Congratulations on your upcoming graduation from the Department of Communication!

We are finalizing our plans for the Communication Department Graduation Recognition Event for you and your guests, to be held on **Thursday, December 20**, from **3:00 PM to 5:30 PM**.

We have an important request to make. Please follow the link below to let us know the number of guests you will bring and to also help us with the slide show where you can deliver a fun message to your guests as they wait for the ceremony to begin.

<https://comm.colorado.edu/grad-slideshow/>

If you have questions about the event, please see our website for more information.

Thank you so much,
The staff and faculty of the Department of Communication

--- PLEASE DO NOT REPLY TO THIS MESSAGE ---

LAWFUL PRESENCE AFFIDAVIT

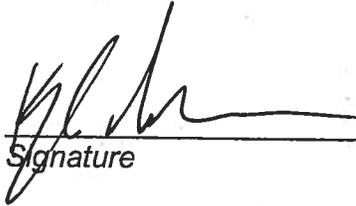
I, Kyle McNamara, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

I am a United States citizen, or

I am a Permanent Resident of the United States, or

I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.



Signature

1-30-13
Date



CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ZONING / PLANNING CONFIRMATION PRIOR TO LICENSE APPLICATION

Liquor License Applicant Completes Top Portion:

Applicant: innkeeper Limited Trade Name: No. Esteindo
Applicant Phone: 720-338-8072 Applicant Email: kmac4614@gmail.com
Premise Address: 1325 Broadway #205 Boulder, CO 80302
Indoor Premise Square Footage: 2,358 feet² Outdoor Patio Square Footage: 1,543 feet²
Approved Indoor Premise: 96, and Outdoor Patio: 80 Occupancy Load/Seating Capacity.
Hours of Operation: 9:00 am - 2:00 am
 New Transfer Modification; Liquor License Type: Hotel & Restaurant
Applicant's Signature: [Signature] Applicant's Printed Name: Kyle McNamara

Responsive to C.R.S. 12-47-313(1) and (1)c which states in pertinent part, "(1) No application for the issuance of any license... shall be received or acted upon ... (c) For a location in an area where the sale of alcohol beverages as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county..." and Beverage Licensing Authority Rules of Procedure, Subsection 5-1-1 (c) available at: <http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure.pdf>

Applicant should bring this sheet AND PROPOSED PREMISE DIAGRAM complying with BLA Rule Section 3-3 et seq. to Licensing Clerk for the use of Boulder Planning and Zoning at 1739 Broadway-Park Central Building, 3rd Floor, 303-441-1880 to address the four below questions. NOTE: This review is for zoning purposes only and is not approval for any change of occupancy or use pertaining to the building code. A separate building permit is required for building modifications, including a change of use or occupancy.

Planning and Zoning Department Completes Bottom Portion:

Yes Is the Use at the Site Allowed?
YES/NO Comments/Limitations: Consistent with past documented occupancy
Yes Does the Use Require a Use Review or Site Review?
YES/NO Comments: Any change or expansion would require new use review
Yes If Use/Site Review is required has a Use Review/Site Review been approved?
YES/NO Comments (such as Case Number/ Date of Approval): Per Title 9-1-4(e) BRC, 1981
No Are there any zoning restrictions or conditions of approval on the property that would prevent this property from being open from the hours of 7:00 am to 2:00 am?
YES/NO Comments/Limitations: _____

[Signature]
Planner's Signature
Project Specialist
Planner's Title

CHRIS TOERE
Planner's Printed Name
3-26-13
Planner's Signature Date

K's CHINA

From: Jay Dunlap
To: Oster, Sonya
Date: 03/07/03 3 01 PM
Subject: Occupancies

Terry/Corey Schmidt said you needed this info There is no need for more exits if the occupancies are under 300 people per the building code

Allowable Occupancy Loads:

1124 Pearl 236 people

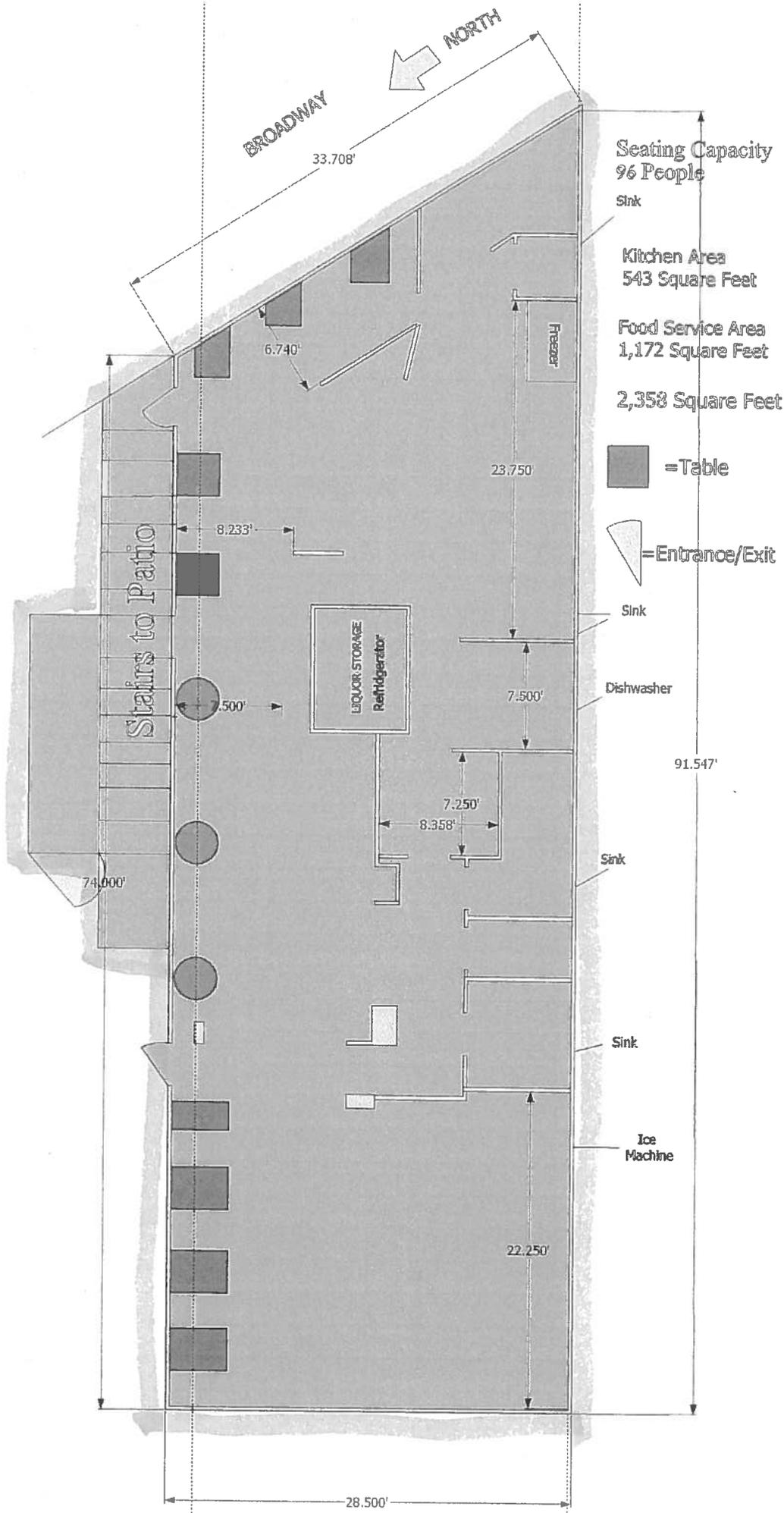
1130 Pearl 100 people

1325 Broadway K's China 96 people inside and 80 people on the deck

I hope this is what you were asking for.

Jay

CC: Schmidt, Corey



BROADWAY ← NORTH

34.223'

26.163'

40' Tall Planter

48' Tall Wall

53.84'

36' Tall Railing

Stairs Downstairs

40' Tall Planter

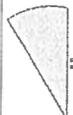
48' Tall Wall

Seating Capacity
80 People

1,543 Square Feet
(Food Service)



= Table



= Entrance/Exit

44.946'



= Stairs

PATIO

BAR

21.506'



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF TRAINING**

The applicant hereby states that he/she understands the importance of being familiar with and complying with the Liquor and Fermented Malt Beverage Codes of the State of Colorado.

Therefore, with respect to applicant(s), management and all other employees who will have any connection or involvement with liquor or fermented malt beverages on the subject premises of this application, the applicant(s) state(s) the following:

All employees involved in the service of alcohol, including, without limitation, managers, clerks, bartenders, and waitpersons, shall attend a state-certified Responsible Vendor alcohol service class within six months from the approval of this license. New employees shall take a class within six months of their hire. Any employee participating in a Tastings must have already completed a state-certified Responsible Vendor alcohol service class. Training Certification is valid for a 3 year term from training date.

The applicant agrees that the above mentioned training shall be a continuing condition of the license if the Authority approves this application.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

Innkeeper Limited

Applicant

[Handwritten Signature]
Authorized Signature

No Entiendo

Trade Name

Kyle McNamara,
Managing Member, 1-30-13
Print Name, Title & Date



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF FOOD SERVICE**

Pursuant to Section 12-47-411, C.R.S., as amended, the applicant hereby certifies that they have read and fully understand the following excerpts:

Hotel-Restaurant license

“Restaurants shall sell malt, vinous, and spirituous liquors as provided in this section only to customers of such restaurant and only if meals are actually and regularly served and provide not less than twenty-five percent (25%) of the gross income from sales of food and drink of the business of the licensed premises. It is the intent of this section to require hotel and restaurant licensees to maintain a bona fide restaurant business and not a mere pretext of such for obtaining a hotel and restaurant license.”

Brew-Pub license

“A brew pub licensee shall sell malt, vinous, and spirituous liquors for on-premises consumption only if at least fifteen percent (15%) of the gross on-premises food and drink income of the business of the licensed premises is from the sale of food.”

Pursuant to Regulation 47-418, the applicant certifies that he/she shall at all times, when meals are required to be served, maintain on the premises adequate personnel, foodstuffs and other necessary facilities, equipment and supplies for the preparation and serving of meals as defined by 12-47-103(20) C.R.S., as amended.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provision of the Colorado Liquor or Beer Code and all City of Boulder rules, regulations and codes which affect my license.

Innkeeper Limited

Applicant

[Signature]
Authorized Signature

No Entiendo

Trade Name

Kyle McNamara, Managing Member, 1-30-13
Print Name, Title & Date

Agenda Item 5

**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
PRELIMINARY FINDINGS AND REPORT**

IN THE MATTER OF THE APPLICATION FROM

Zdenek Srom
3395 Case Circle
Boulder CO 80305
Attention: Zdenek Srom

Re: Bohemian Biergarten

Premise Location: 2017 13th Street, Boulder, CO 80302

FOR A

Transfer of Ownership of a Hotel-Restaurant type liquor license

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;

GREETINGS:

Pursuant to C.R.S. 12-47-312(1) and the below referenced State laws and the city of Boulder Beverages Licensing Authority (BLA) Rules of Procedure, you are hereby advised that with regard to the application for a **Transfer of Ownership of a Hotel-Restaurant type liquor license**, an investigation has been made and based on the results thereof the following has been determined:

1. APPLICATION PACKET

Responsive to C.R.S. §12-47-311(1) and BLA Rules of Procedure Section 4-3, the applicant, as stated above, submitted an application packet, which was substantially complete, to the City Clerk's Office on **March 29, 2013**.

2. PREVIOUS DENIALS AT THE SAME LOCATION

Responsive to C.R.S. §12-47-313 (1)a et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

3. POSSESSION OF PREMISES

Responsive to C.R.S. §12-47-313 (1)b and BLA Rules of Procedure, Subsection 5-1-1 (B), it appears from the evidence submitted that the applicant is entitled to possession of the premises where the license is proposed to be exercised until **December 31, 2023**.

4. ZONING AND HEALTH DEPARTMENT REGULATIONS COMPLIANCE

Responsive to C.R.S. §12-47-313 (1)c and BLA Rules of Procedure, Subsection 5-1-1 (C), selling alcohol in the manner proposed in the application is **not** in violation of any zoning laws of the City of Boulder and the use is consistent with the location's permissible planning conditions and zoning district. The applicant must meet all applicable laws, rules and regulations of the City's Planning Department as to construction and building safety requirements at the premise, and if applicable, the Boulder County Health Department and the State Board of Health for food preparation and service.

5. PROXIMITY TO SCHOOLS

Responsive to C.R.S. §12-47-313 (1)d et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

6. EXISTING OUTLETS IN DESIGNATED NEIGHBORHOOD

Responsive to C.R.S. §12-47-312 (2) and BLA Rules of Procedure Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

7. BACKGROUND INFORMATION

Responsive to C.R.S. §12-47-307 and BLA Rules of Procedure Subsection 5-1-1 (F), the following criminal history information has been discovered or brought to the attention of the Authority:

Applicant (including partners, officers, directors over 10% stockholders):

Zdenek Srom, 100% Owner and Proposed Registered Manager.

CBI Results – No Colorado Record of arrest has been located based on information provided.

Source of information: **Individual History Report (IHR) self check & CBI results. Still awaiting FBI results.**

8. APPLICANT FINANCIAL INTEREST

Responsive to C.R.S. §12-47-308 and BLA Rules of Procedure Subsection 5-1-1 (G), the applicant's financial interest and associated parties disclosures are to be found in the submitted city of Boulder BLA Financial Statement with attachments, the submitted Colorado Liquor Retail License Application or Colorado Fermented Malt Beverage (3.2% Beer) License Application with attachments, and the submitted Individual History Record with attachments. A copy of each of these mentioned documents should have been retained by the applicant at the time of application and a copy of these mentioned documents will be provided to the BLA for purposes of local licensing authority deliberations.

9. PUBLIC HEARING INFORMATION

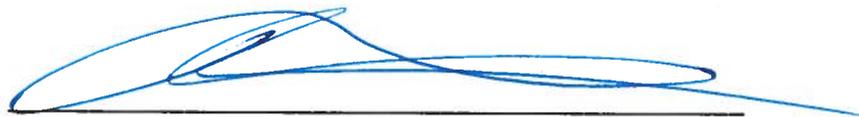
Responsive to C.R.S. §12-47-311 and BLA Rules of Procedure Section 5-1, you are hereby notified that the public hearing on this application will be held on **Wednesday, June 19, 2013, at 3:00 pm**, in the Council Chambers, 2nd Floor of the Municipal Building, 1777 Broadway, Boulder, Colorado. At said hearing, you will have the opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

You are advised to obtain a copy of the State Laws, Rules, and Regulations pertinent to the license class for which you are applying. In addition, you are advised to obtain a copy of the applicable "Rules of Procedures" adopted by the Beverages Licensing Authority of the City of Boulder for use and guidance in holding hearings on liquor license applications. These Rules are available at:

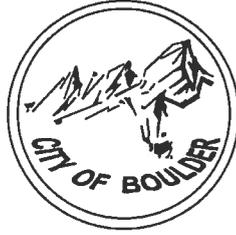
<http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf> or a public copy is made available for review at the Licensing Clerk's Office.

June 11, 2013

BEVERAGE LICENSING AUTHORITY
CITY OF BOULDER, COLORADO



Mishawn J. Cook, Tax and License Manager
and Board Secretary



**CITY OF BOULDER
LIQUOR LICENSE APPLICATION**

This application must be filed in duplicate with the Office of the City Clerk, City of Boulder, 1777 Broadway, P. O. Box 791, Boulder, Colorado 80306. ALL INFORMATION MUST BE PRINTED LEGIBLY IN INK OR TYPEWRITTEN.

Name of Applicant(s): Bohemian Biergarten, Inc.

Trade Name: Bohemian Biergarten

Phone No: 720-328-8328 Contact Person: Zdenek Srom

Business Address: 2017 13th Street, Boulder, CO 80302

Mailing address: _____

Property Owner: Tebo/Karakehian, LLC Phone Number (local): 303-447-8326

Property Manager: Tebo/Karakehian, LLC Phone Number (local): _____

Property Manager's Mailing Address: PO BOX T, BOULDER, CO 80306

General Manager: Zdenek Srom Phone Number (local): 720-328-8328

The applicant(s) hereby applies to the City of Boulder Beverages Licensing Authority for the following local license and tenders the following fees:

Type of Application (fee):

- | | |
|--|--|
| <input type="checkbox"/> New License (\$1,000.00) | <input checked="" type="checkbox"/> Transfer of Ownership (\$750.00) |
| <input type="checkbox"/> Change in Location (\$750.00) | <input checked="" type="checkbox"/> Temporary Permit (\$100.00) |
| <input type="checkbox"/> Change in Class (\$750.00) | |

Type of License (fee):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hotel-Restaurant (\$75.00) | <input type="checkbox"/> Tavern (\$75.00) |
| <input type="checkbox"/> Hotel-Restaurant w/Optional Premises (\$75.00) | <input type="checkbox"/> Retail Liquor Store (\$22.50) |
| <input type="checkbox"/> Beer and Wine (\$48.75) | <input type="checkbox"/> Brew Pub (75.00) |
| <input type="checkbox"/> 3.2% Beer On & Off Premises (\$3.75) | <input type="checkbox"/> Liquor Licensed Drug Store (\$22.50) |
| <input type="checkbox"/> Club (\$41.25) | <input type="checkbox"/> Arts (\$41.25) |
| <input type="checkbox"/> Race Track (\$75.00) | |
| <input type="checkbox"/> Bed and Breakfast Permit (\$125.00 Total) | <input type="checkbox"/> Art Gallery Permit (\$103.75 Total) |
| <input type="checkbox"/> Manager Registration – If separate from owners (H&R, Brewpub & Tavern - \$75.00) | |

TOTAL FEES: \$ 925.00 _ _ _ _ _

[Fees effective as of July 1, 2010]

APPLICANTS DO NOT FILL THIS AREA OUT

STATEMENT OF THE NEIGHBORHOOD. (Not applicable to applications for Transfer of Ownership or applications for Club license.). **NEIGHBORHOOD BOUNDARIES WILL BE SET BY THE AUTHORITY AT THEIR MEETING ON _____.**

The Authority sets the following geographical area as the designated neighborhood which will be served by the license applied for:

North
Boundary_____

South
Boundary_____

East
Boundary_____

West
Boundary_____

ALL APPLICANT'S MUST ANSWER THESE QUESTIONS

CITY QUESTIONNAIRE: On a separate sheet of paper please answer the following questions for the Beverages Licensing Authority (BLA).

- 1) Describe the nature of the proposed establishment and the target market (i.e., restaurant, tavern, sports bar, families, college students, etc.). Please attach a menu for BLA.
- 2) What are the proposed hours and days of operation for this establishment?
- 3) What is the seating capacity of the establishment?
- 4) Have you applied for an "occupant load" for the interior and exterior seating from the Boulder Fire Department?
- 5) Do you have an emergency plan for your business (exit locations, fire protection system(s), etc.)? (yes or no)
- 6) How many individuals will be employed at this proposed establishment and how many will be full-time versus part-time? Please provide responsibilities, (i.e., manager, assistant manager, bartender, waitstaff, etc.).
- 7) Describe your past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 8) Describe your proposed General Manager's past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 9) Besides the state-certified Responsible Vendor classes, what other types of training are proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

- 10) What policies & procedures do you have in place to determine a patron's level of intoxication?
- 11) What policies & procedures do you have in place to refuse service to a patron?
- 12) Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment?
- 13) What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)
- 14) What types of entertainment will be offered, if any, at this proposed establishment (i.e., music, pool, darts, etc.)?
- 15) Do you plan to have any exterior amplified sound?
- 16) What types of security, if any, will be provided at this proposed establishment?
- 17) What time will your kitchen close each night? Describe your food service plans after your kitchen closes.
- 18) What is the estimated ratio of food to alcohol beverage sales at this establishment?
- 19) If you plan on hosting a "Private Party," what extra measures will you take regarding security, staffing and communications with the Boulder Police Department?
A private party is defined as: "An event where there is a single contact person who represents a group of people who are gathering for social and/or business reasons, the event will be held after 10:00 p.m., there will be both underage and of-age people present and there will be enough people to constitute an occupancy capacity of 75% or greater."

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.


29-03-2013

 Authorized Signature Date



 Print Name & Title

1. Bohemian Biergarten is a restaurant bar and gathering place marketed anywhere from young professional people, students, families with kids, it is also educational place bringing back traditions of our European ancestors.

2. Bohemian Biergarten will be open 7 days a week from 11 am to 2 am.

3. Seating capacity is 144.

4. Yes

5. Yes

6. 20 full time, and about 15 part time

- owner, general manager

- operational manager

- front of the house manager

- chef, back of the house manager + sous chef, 4 line cooks, 2 grill cooks, and 2 dishwasher/prep cooks

7. None, will finish TIPS before we open.

8. Training for intervention procedures (TIPS)

9. We will provide each employee with summary of the laws regarding alcohol sales

- require employee to sign an alcohol sales and service agreement

inform EVERY employee that any alcohol sale to minors will result in a disciplinary action

teach employee how to read birth dates

have a highly trained door staff with stamp

10. We will have a manager on duty at all times to make proper decisions and take action

11. Zero tolerance policy. We will use written refusal of service to drunk patrons.

12. Daily meetings, shift meetings, and updates on existing laws.

13. Visually check everyone's ID. We will stamp patrons with our custom made BBG Logo Stamp, fluorescent type ink on a top of hand. There will always be a doorman on premises or a manager.

14. Live music (free) on the weekends.

15. Yes

16. Doorman or 2 on busy days and weekends

17. Kitchen will close at 11 pm, we will have a grill service with sausages and some cold cuts on our bar menu.

18. 50% -50%.

19. We will staff extra security on doors, extra management.

Bohemian Biergarten

Small Plates & Share Platters

Small Plates

Signature Bratwurst with Mashed Potatoes & Sauerkraut	5
Currywurst with Hand-cut Frites & Caramelized Onions	
Weisswurst with Mashed Potatoes & Red Cabbage with Apple Beer & Onion Soup with Gruyere Crouton	
Cesnecka Garlic Beef Broth Soup with Bacon-fried Rye Bread	
Swiss Raclette & Kirsch Cheese Dip with Pretzel Dippers	
Vegetable Pierogi with Onion Marmalade	
Giant Pretzel with House-made Mustards	
Biergarten Salad with Beets, Radish & Blue Cheese Crumbles	6
Czech Brewers Lamb Goulash with Horseradish & Pretzel Dumpling	
Vegetable Strudel with Mixed Leaf & Herb Salad	
Whole Deep-fried Duck Egg with Bacon & Arugula Salad	
Hungarian Beef Goulash with Herb Dumpling & Sour Cream	
Smoked Pork Stuffed Pretzel Dumpling with House-made Pickles	
Duck-fat Potato Wedges with Speck & Herb Garnish	
House-made Headcheese with Cucumber Salad and Red Onion Pickle	
Beer Batter Mackerel with Rosti Potato & Sauce Tartare	7
Roast Pork Loin in Speck with Potato Pancakes, Red Cabbage & Kraut	
Warm Potato Salad with Blood Sausage & Quail Egg	
Biergarten Hotdog with Kraut, Pickles, Onions & Raclette Fondue	
3 bite Schnitzels – Veal with Lemon-Caper garnish	
Chicken with Fried Quail Egg	
Pork with Apple Compote	
Served with Potato Salad & Cucumber Salad garnish	

Sausages 7

Choose any sausage from the grill

Served with Sauerkraut, Bread and Mustard

Check the board for seasonal specialty sausages

Sharing Platters 14

Charcuterie Plate – Speck, Headcheese, Pate & Landjager Sausage

Served with Bread, House-made Pickles & Mustard

Cheese Plate – A selection of Four Artisanal Cheeses

Served with Bread, House-made Pickles & Mustard

Sausage Platter – Bratwurst, Smoked Sausage & Weisswurst

Served with Mashed Potatoes, Red Cabbage with Apple and Pickles

Roast Chicken – Roasted Organic ½ Chicken with Lemon & Herbs

Served with Frites & Mixed Leaf & Herb Salad

Side Dishes 4

Our Signature Butter Mashed Potatoes

Hand-cut Double Cooked Frites

House-cured 28 Day Juniper Sauerkraut

Warm Breads and House-cured Pickles

Bohemian Biergarten

Lunch Menu

Soups

4/6

Served with Bread & House Pickles

Lentil & Wild Mushroom Soup with Speck

Beer & Onion Soup with Gruyere Crouton

Cesnecka Garlic Beef Broth Soup with Bacon-fried Rye Bread

Soup de Jour – check with your server for details

Sandwiches

8

Served with Paprika Chips & Salad (sub Frites

- \$1.00)

House-cured Beef Brisket Reuben with Swiss & Kraut on Rye

Single-grind Flame-grilled Hamburger on Pretzel Bun (add Swiss - \$0.50)

Biergarten Hotdog with Kraut, Onions, Pickles & Raclette

Portobello Mushroom, Swiss Cheese & Sweet Onion Melt on Baguette

Salads

8

‘The Biergarten Caesar’ – Romaine Lettuce Hearts with Shaved Parmesan,
Pretzel Croutons & Mustard-Beer Dressing

‘The Biergarten Market’ – Roasted Beets with Radishes & Mixed Leaves,
Blue Cheese Crumbles & Honey Vinaigrette

Bohemian Biergarten

Lunch Menu

Sausage Platters¹⁰

Choose from any of our artisan sausages

Served with your choice of

Buttery Mashed Potatoes,
Boiled Potatoes with Butter & Fresh Herbs,
or Hand-cut Frites

Then add House-cured 28 day Sauerkraut or Braised Red Cabbage with Apple

Check our board for seasonal specialty sausages

Add a second sausage for just \$4.50

Bohemian Biergarten

Bohemian Kinder

Single-grind Slider-sized Hamburger (add cheese - \$0.50)
5

Smoked Polish-style Mini-Hotdog
5

Chicken Schnitzel Strips
6

Portobello Mushroom & Swiss Cheese Mini-Melt
4.5

Grilled Cheese Sandwich & Soup
5

Paprika Chips
2.5

Hand-cut Frites
2.5

Kinder Garden Salad with Mixed Leaves, Vegetables & Quinoa
4

Fruit Salad – Freshly cut seasonal fruits & berries with Yoghurt
4

House-made Ice Cream Scoop – Seasonal flavors (ask your server)
3

Bohemian Biergarten

Dessert Menu

Hot Desserts 6

House-made Apple-Walnut Strudel with Crème Anglaise

Palacinky – Traditional Czech Pancakes with Seasonal Berries

Vanilla Bean Rice Pudding with House-made Fruit Compote

Semmel Baba – Traditional Bread Pudding with Kirsch-soaked Fruits & Meringue

Cold Desserts 6

Traditional Raspberry-Almond Linzertorte

Classic Viennese Sachertorte

Bavarian Black Forest Gateau

Trio of Seasonal House-made Sorbets & Ice Creams (add Schnapps \$2.00)

Bohemian Biergarten

Bar Menu

From the Grill 7.5

Signature Bratwurst

Bludwurst

Currywurst

Weisswurst

Polish Hotdog

Served with Bread, House Sauerkraut and Mustard

Check the board for seasonal specialty sausages...

Platters 12.5

Charcuterie Plate – Speck, Headcheese & Landjager Sausage

Served with Bread, House-made Pickles & Mustard

Cheese Plate – A trio of Artisanal Cheeses

Served with Bread, House-made Pickles & Mustard

Side Dishes 4

Our Signature Butter Mashed Potatoes

House-cured 28 Day Juniper Sauerkraut

Warm Breads and House-cured Pickles

Giant Pretzel with Mustard & Horseradish



**CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ACKNOWLEDGEMENT OF TRANSFER OF LICENSE SUBJECT TO
PAST, PENDING, OR POSSIBLE FUTURE DISCIPLINARY ACTION**

I, Zdenek Srom (Person's Name) on behalf of Bohemian Biergarten, Inc. (Business Applicant Name) am the applicant for transfer of the liquor license currently issued to Tebo/Karakehian, LLC at the licensed premise location of 2017 13th Street, Boulder CO 80302.

I understand and agree that if the transfer of the license is approved, the license may continue to be subject to any restrictions and conditions currently on the license. I understand that if there are any days of suspension currently held in abeyance against the license, the license may continue to be subject to those days in abeyance even after the transfer.

I further understand that if any incidents, which could subject the license to disciplinary action, have either occurred or will occur on the licensed premise prior to approval of the transfer, the license may still be subject to possible disciplinary actions that could affect the license, even after the transfer, only where myself, my agents(s) and/or my employees either knew or should have known of the incidents.

I understand that it is my sole responsibility to inquire and investigate all possible sources of information to learn of any past, ongoing or possible future disciplinary actions that could result in any revocation, suspension, or fines being imposed. These sources include, but are not limited to the inquiry and investigation of the current licensee, manager(s), employees of the licensed premise, and the review of the public records of the Colorado Department of Revenue, the Boulder City Licensing Division, the Boulder Police Department, the Boulder District Court, the Boulder Municipal Court, and/or the Boulder County Court Criminal Divisions.

I also understand that I have the option to withdraw the application for the transfer of the license and file an application for the issuance of a new liquor license. Should a new liquor license be issued, that license would NOT be subject to any disciplinary action based upon incidents prior to the issuance of the new license.

Bohemian Biergarten, Inc.
Applicant

Bohemian Biergarten
Trade Name


Authorized Signature

Zdenek Srom, Owner
Print Name, Title, and Date

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. **All** documents must be properly signed and correspond with the name of the applicant exactly. **All** documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord Tebo/Karakehian, LLC	Tenant Bohemian Biergarten, Inc.	Expires 12/31/23
--------------------------------------	---	-------------------------

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
Neil Dykes			unsecured 4 year term
Vladimir Zika			unsecured 4 year term

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No

 Has a local ordinance or resolution authorizing optional premises been adopted?
 Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following:
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED. Yes No

15. **Club Liquor License** applicants answer the following and attach:
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? Yes No

 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (Three years required)
 (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following:
 (a) Has the applicant received or applied for a Federal Permit? Yes No

 (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** Zdenek Srom (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-1). Date of Birth

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. Yes No

City of Boulder



Temporary Liquor License

2013

Year

27-64558-8000

License Number

Issue Date		
Month	Day	Year
4	1	2013

Finance Department,
Tax and License Division.

Municipal Building
Boulder, Colorado

Type of License
Hotel-Restaurant Liquor
Expiration Date: July 30, 2013

Trade Name: **BOHEMIAN BIERGARTEN**
Business Location: **2017 13th St**
Applicant: **Bohemian Biergarten Inc.**
Mailing Address: **2017 13th Street**
Boulder, CO 80302

COPY

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Article 47 of Title 12, Colorado Revised Statutes, as amended and the Ordinances of the City of Boulder, insofar as the same may be applicable. Unless this license is revoked sooner or suspended during its term as provided by law, this license is valid from the issue date until the expiration date.

Tax and License Manager, City of Boulder



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
FINANCIAL STATEMENT**

The applicant hereby agrees that any knowingly false or incomplete answer to the following questions shall constitute cause for the suspension or revocation of the license applied for:

Name of Applicant(s): Bohemian Biergarten, Inc.

Trade Name: Bohemian Biergarten

Business Address: 2017 13th Street, Boulder, CO 80302

Phone No: 720-328-8328 Contact Person: Zdenek Srom

Mailing address: _____

Other Liquor Licensed Establishments that principals or managers of Applicant(s) now holds:
none

If applicant is a corporation or LP or LLC, names of persons purchasing stock or membership units:

Zdenek Srom 100%

Is this a new or existing business: new

If new business, state approximate investment amount: \$ 400,000

Where will these funds come from? Loans (see promissory notes)

If existing business, state purchase price including inventory: \$ _____

Where will these funds come from? _____

**If cash is to be invested, please complete the following:
(If you need additional space, please attach additional pages)**

Person or business investing: _____

Address of Investor: _____

Amount of Investment: _____

Source of Investment: _____
(Checking, Savings, Bonds, etc.)

**If loans are to be obtained, please complete the following:
(If you need additional space, please attach additional pages)**

Name of Lender: Neil Dykes

Address of Lender: 1140 Highway 287 Suite 400-290, Broomfield, CO 80020

Type of Loan: 20% annually

Amount of Loan: 200,000.00

Security: unsecured

Term of Obligation: 4 years

See Attachment for more
Business Bank Account Information

What bank will the business account be maintained at? Wells Fargo

What name will the account be under? Bohemian Biergarten

Who will be authorized to sign on the account? Zdenek Strom

Applicant hereby agrees to notify the Beverages Licensing Authority of the City of Boulder of any changes in the financing of this business should such changes occur during the period for which this license is issued.

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.



29-03-13

Authorized Signature

Date

ZDENEK SEON / OWNER

Print Name & Title

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business Bohemian Biergarten, Inc.				
2. Your Full Name (last, first, middle) Zdenek Srom			3. List any other names you have used.	
4. Mailing address (if different from residence)				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current		Boulder, CO 80305	July 2011	Present
Previous		Boulder, CO 80305	2007	July 2011
3695 Darley Avenue				
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Profouch Finishing	6681 Araphoe Road, Boulder CO 80303	Owner	00	Present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)
 Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)
 Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Czech Republic		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where Colorado				f. When		g. Name of District Court Denver	
h. Naturalization Certificate Number		i. Date of Certification 11/15/2007		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 5'11	m. Weight 165	n. Hair Color Brn	o. Eye Color Brn	p. Sex M	q. Race White	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.
 a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 400,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 400,000

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Management of Construction & Restaurant		

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
Neil Dykes		4 years	unsecured	200,000
Valdamir Zika	P.O. Box 6013 Vail, Co 81658	4 years	unsecured	200,000

Oath of Applicant

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

Authorized Signature 	Title Owner	Date 29-03-2013
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**CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ZONING / PLANNING CONFIRMATION PRIOR TO LICENSE APPLICATION**

Liquor License Applicant Completes Top Portion:

Applicant: Bohemian Biergarten, Inc. Trade Name: Bohemian Biergarten
 Applicant Phone: 720-328-8328 Applicant Email: protouchfinishing@yahoo.com
 Premise Address: 2017 13th street, Boulder, CO 80302

Indoor Premise Square Footage: 4160 Outdoor Patio Square Footage: 145

Approved Indoor Premise: 128, and Outdoor Patio: 16 Occupancy Load Seating Capacity:

Hours of Operation: 11 am to 2 pm

New Transfer Modification; Liquor License Type: Hotel Restaurant

Applicant's Signature: [Signature] Applicant's Printed Name: Zdenek Srom

Responsive to C.R.S. 12-47-313(1) and (1)c which states in pertinent part, "(1) No application for the issuance of any license... shall be received or acted upon ... (c) For a location in an area where the sale of alcohol beverages as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county..." and Beverage Licensing Authority Rules of Procedure, Subsection 5-1-1 (c) available at: <http://www.bouldercolorado.gov/file/Clerk/Licensing/Rules%20of%20Procedure.pdf>

Applicant should bring this sheet AND PROPOSED PREMISE DIAGRAM complying with B.L.A Rule Section 3-3 et seq. to Licensing Clerk for the use of Boulder Planning and Zoning at 1739 Broadway-Park Central Building, 3rd Floor, 303-441-1880 to address the four below questions, NOTE: This review is for zoning purposes only and is not approval for any change of occupancy or use pertaining to the building code. A separate building permit is required for building modifications, including a change of use or occupancy.

Planning and Zoning Department Completes Bottom Portion:

Yes Is the Use at the Site Allowed?
 YES/NO Comments/Limitations: Down town 4 zoning (patio less than 300 s.f.)

No Does the Use Require a Use Review or Site Review?
 YES/NO Comments: Patio less than 300 s.f.

N/A If Use/Site Review is required has a Use Review/Site Review been approved?
 YES/NO Comments (such as Case Number/ Date of Approval):

No Are there any zoning restrictions or conditions of approval on the property
 YES/NO that would prevent this property from being open from the hours of 7:00 am to 2:00 am?
 Comments/ Limitations:

[Signature]
 Planner's Signature

Chris Toebe
 Planner's Printed Name

Project Specialist
 Planner's Title

4-16-13
 Planner's Signature Date

Lamb, Michele

From: Toebe, Chris
Sent: Friday, April 19, 2013 8:45 AM
To: Lamb, Michele
Cc: Cook, Mishawn; Toebe, Chris
Subject: RE: Bohemian Biergarten, Inc. - Transfer of Liquor License
Attachments: 2017 13th St. (Bohemian Biergarten).pdf

Hi Michelle,

Here's the last of the four zoning confirmation forms sent over. The Bohemian Biergarten is ok since their patio is less than 300 s.f. in size.

Again, let me know if you have any questions.

Have a great weekend.

Chris

-----Original Message-----

From: Lamb, Michele
Sent: Monday, April 15, 2013 5:23 PM
To: Toebe, Chris
Cc: Cook, Mishawn
Subject: Bohemian Biergarten, Inc. - Transfer of Liquor License

Chris,

Attached are documents for the zoning review for a transfer of a liquor license. The applicant is Bohemian Biergarten, Inc. If possible, we would appreciate your response by Wednesday, April 24, as Mishawn will be out of the office the end of April. She would like to prepare the agenda for May's meeting prior to her departure.

Thank you,

Michele Lamb

-----Original Message-----

From: Print-to-Email@bouldercolorado.gov [mailto:Print-to-Email@bouldercolorado.gov]
Sent: Monday, April 15, 2013 5:18 PM
To: Lamb, Michele
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: machine location not set
Device Name: Muni1stFlrSTX

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF TRAINING**

The applicant hereby states that he/she understands the importance of being familiar with and complying with the Liquor and Fermented Malt Beverage Codes of the State of Colorado.

Therefore, with respect to applicant(s), management and all other employees who will have any connection or involvement with liquor or fermented malt beverages on the subject premises of this application, the applicant(s) state(s) the following:

All employees involved in the service of alcohol, including, without limitation, managers, clerks, bartenders, and waitpersons, shall attend a state-certified Responsible Vendor alcohol service class within six months from the approval of this license. New employees shall take a class within six months of their hire. Any employee participating in a Tastings must have already completed a state-certified Responsible Vendor alcohol service class. Training Certification is valid for a 3 year term from training date.

The applicant agrees that the above mentioned training shall be a continuing condition of the license if the Authority approves this application.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

Bohemian Biergarten, Inc.

Applicant


Authorized Signature

Bohemian Biergarten

Trade Name

Zdenek Srom, Owner
Print Name, Title & Date



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF FOOD SERVICE**

Pursuant to Section 12-47-411, C.R.S., as amended, the applicant hereby certifies that they have read and fully understand the following excerpts:

Hotel-Restaurant license

“Restaurants shall sell malt, vinous, and spirituous liquors as provided in this section only to customers of such restaurant and only if meals are actually and regularly served and provide not less than twenty-five percent (25%) of the gross income from sales of food and drink of the business of the licensed premises. It is the intent of this section to require hotel and restaurant licensees to maintain a bona fide restaurant business and not a mere pretext of such for obtaining a hotel and restaurant license.”

Brew-Pub license

“A brew pub licensee shall sell malt, vinous, and spirituous liquors for on-premises consumption only if at least fifteen percent (15%) of the gross on-premises food and drink income of the business of the licensed premises is from the sale of food.”

Pursuant to Regulation 47-418, the applicant certifies that he/she shall at all times, when meals are required to be served, maintain on the premises adequate personnel, foodstuffs and other necessary facilities, equipment and supplies for the preparation and serving of meals as defined by 12-47-103(20) C.R.S., as amended.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

Bohemian Biergarten, Inc.
Applicant


Authorized Signature

Bohemian Biergarten
Trade Name

Zdenek Srom, Owner
Print Name, Title & Date

Agenda Item 6

**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
PRELIMINARY FINDINGS AND REPORT**

IN THE MATTER OF THE APPLICATION FROM

Robert Pinchuck
1149 13th Street
Boulder CO 80302
Attention: Robert Pinchuck

Re: Mamacitas

Premise Location: 1149 13th Street, Boulder, CO 80302

FOR A

Transfer of Ownership of a Hotel-Restaurant type liquor license

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;

GREETINGS:

Pursuant to C.R.S. 12-47-312(1) and the below referenced State laws and the city of Boulder Beverages Licensing Authority (BLA) Rules of Procedure, you are hereby advised that with regard to the application for a **Transfer of Ownership of a Hotel-Restaurant type liquor license**, an investigation has been made and based on the results thereof the following has been determined:

1. APPLICATION PACKET

Responsive to C.R.S. §12-47-311(1) and BLA Rules of Procedure Section 4-3, the applicant, as stated above, submitted an application packet, which was substantially complete, to the City Clerk's Office on **April 8, 2013**.

2. PREVIOUS DENIALS AT THE SAME LOCATION

Responsive to C.R.S. §12-47-313 (1)a et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

3. POSSESSION OF PREMISES

Responsive to C.R.S. §12-47-313 (1)b and BLA Rules of Procedure, Subsection 5-1-1 (B), it appears from the evidence submitted that the applicant is entitled to possession of the premises where the license is proposed to be exercised until **April 14, 2018**.

4. ZONING AND HEALTH DEPARTMENT REGULATIONS COMPLIANCE

Responsive to C.R.S. §12-47-313 (1)c and BLA Rules of Procedure, Subsection 5-1-1 (C), selling alcohol in the manner proposed in the application is **not** in violation of any zoning laws of the City of Boulder and the use is consistent with the location's permissible planning conditions and zoning district. The applicant must meet all applicable laws, rules and regulations of the City's Planning Department as to construction and building safety requirements at the premise, and if applicable, the Boulder County Health Department and the State Board of Health for food preparation and service.

5. PROXIMITY TO SCHOOLS

Responsive to C.R.S. §12-47-313 (1)d et seq. and BLA Rules of Procedure, Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

6. EXISTING OUTLETS IN DESIGNATED NEIGHBORHOOD

Responsive to C.R.S. §12-47-312 (2) and BLA Rules of Procedure Subsection 5-1-2, this topic was intentionally omitted from investigation by Licensing Clerk.

7. BACKGROUND INFORMATION

Responsive to C.R.S. §12-47-307 and BLA Rules of Procedure Subsection 5-1-1 (F), the following criminal history information has been discovered or brought to the attention of the Authority:

Applicant (including partners, officers, directors over 10% stockholders):

Robert Owen Pinchuck, Registered Manager and 33.3% Partner – No Colorado Record of arrest has been located based on information provided.

Micah Tobias Nushawg, 33.3% Partner - No Colorado Record of arrest has been located based on information provided.

Alan Bradley Bonsett, 33.3% Partner, CBI Results – 2 arrests as follows:

1. Arrested 12/27/2001, Charge DUI Liquor/Drugs, Misdemeanor
2. Arrested 06/07/2002, Charge Moving Traffic Violation, Drivers License Viol, Compulsary Insurance, Expire Plate Display, Misdemeanors

Source of information: **Individual History Report (IHR) self check and CBI results. Still awaiting FBI results.**

8. APPLICANT FINANCIAL INTEREST

Responsive to C.R.S. §12-47-308 and BLA Rules of Procedure Subsection 5-1-1 (G), the applicant's financial interest and associated parties disclosures are to be found in the submitted city of Boulder BLA Financial Statement with attachments, the submitted

Colorado Liquor Retail License Application or Colorado Fermented Malt Beverage (3.2% Beer) License Application with attachments, and the submitted Individual History Record with attachments. A copy of each of these mentioned documents should have been retained by the applicant at the time of application and a copy of these mentioned documents will be provided to the BLA for purposes of local licensing authority deliberations.

9. PUBLIC HEARING INFORMATION

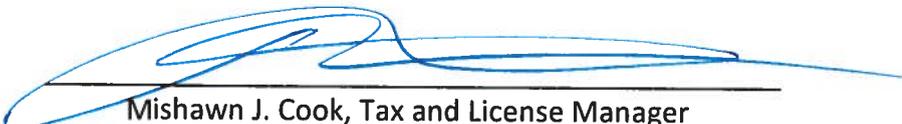
Responsive to C.R.S. §12-47-311 and BLA Rules of Procedure Section 5-1, you are hereby notified that the public hearing on this application will be held on **Wednesday, June 19, 2013, at 3:00 pm**, in the Council Chambers, 2nd Floor of the Municipal Building, 1777 Broadway, Boulder, Colorado. At said hearing, you will have the opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

You are advised to obtain a copy of the State Laws, Rules, and Regulations pertinent to the license class for which you are applying. In addition, you are advised to obtain a copy of the applicable "Rules of Procedures" adopted by the Beverages Licensing Authority of the City of Boulder for use and guidance in holding hearings on liquor license applications. These Rules are available at:

<http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf> or a public copy is made available for review at the Licensing Clerk's Office.

June 11, 2013

BEVERAGE LICENSING AUTHORITY
CITY OF BOULDER, COLORADO



Mishawn J. Cook, Tax and License Manager
and Board Secretary



**CITY OF BOULDER
LIQUOR LICENSE APPLICATION**

This application must be filed in duplicate with the Office of the City Clerk, City of Boulder, 1777 Broadway, P. O. Box 791, Boulder, Colorado 80306. ALL INFORMATION MUST BE PRINTED LEGIBLY IN INK OR TYPEWRITTEN.

Name of Applicant(s): Tres Hombres, a limited liability company

Trade Name: Mamacitas Restaurante y Cantina

Phone No: 303-443-2300 Contact Person: Robert Pinchuck

Business Address: 1149 13th St Boulder CO 80302

Mailing address: 1149 13th St Boulder CO 80302

Property Owner: Carmen Epstein Phone Number (local): 303-898-7562

Property Manager: Joy Epstein Phone Number (local): 303-898-7562

Property Manager's Mailing Address: _____

General Manager: Robert Pinchuck Phone Number (local): 720-328-5440

The applicant(s) hereby applies to the City of Boulder Beverages Licensing Authority for the following local license and tenders the following fees: cell 516-886-2145

Type of Application (fee):

- | | |
|--|--|
| <input type="checkbox"/> New License (\$1,000.00) | <input checked="" type="checkbox"/> Transfer of Ownership (\$750.00) |
| <input type="checkbox"/> Change in Location (\$750.00) | <input type="checkbox"/> Temporary Permit (\$100.00) |
| <input type="checkbox"/> Change in Class (\$750.00) | |

Type of License (fee):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hotel-Restaurant (\$75.00) | <input type="checkbox"/> Tavern (\$75.00) |
| <input type="checkbox"/> Hotel-Restaurant w/Optional Premises (\$75.00) | <input type="checkbox"/> Retail Liquor Store (\$22.50) |
| <input type="checkbox"/> Beer and Wine (\$48.75) | <input type="checkbox"/> Brew Pub (75.00) |
| <input type="checkbox"/> 3.2% Beer On & Off Premises (\$3.75) | <input type="checkbox"/> Liquor Licensed Drug Store (\$22.50) |
| <input type="checkbox"/> Club (\$41.25) | <input type="checkbox"/> Arts (\$41.25) |
| <input type="checkbox"/> Race Track (\$75.00) | |
| <input type="checkbox"/> Bed and Breakfast Permit (\$125.00 Total) | <input type="checkbox"/> Art Gallery Permit (\$103.75 Total) |
| <input type="checkbox"/> Manager Registration – If separate from owners (H&R, Brewpub & Tavern - \$75.00) | |

TOTAL FEES: \$ 825.00

[Fees effective as of July 1, 2010]

APPLICANTS DO NOT FILL THIS AREA OUT

STATEMENT OF THE NEIGHBORHOOD. (Not applicable to applications for Transfer of Ownership or applications for Club license.). **NEIGHBORHOOD BOUNDARIES WILL BE SET BY THE AUTHORITY AT THEIR MEETING ON _____.**

The Authority sets the following geographical area as the designated neighborhood which will be served by the license applied for:

North
Boundary _____

South
Boundary _____

East
Boundary _____

West
Boundary _____

ALL APPLICANT'S MUST ANSWER THESE QUESTIONS

CITY QUESTIONNAIRE: On a separate sheet of paper please answer the following questions for the Beverages Licensing Authority (BLA).

- 1) Describe the nature of the proposed establishment and the target market (i.e., restaurant, tavern, sports bar, families, college students, etc.). Please attach a menu for BLA.
- 2) What are the proposed hours and days of operation for this establishment?
- 3) What is the seating capacity of the establishment?
- 4) Have you applied for an "occupant load" for the interior and exterior seating from the Boulder Fire Department?
- 5) Do you have an emergency plan for your business (exit locations, fire protection system(s), etc.)? (yes or no)
- 6) How many individuals will be employed at this proposed establishment and how many will be full-time versus part-time? Please provide responsibilities, (i.e., manager, assistant manager, bartender, waitstaff, etc.).
- 7) Describe your past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 8) Describe your proposed General Manager's past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 9) Besides the state-certified Responsible Vendor classes, what other types of training are proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

- 10) What policies & procedures do you have in place to determine a patron's level of intoxication?
- 11) What policies & procedures do you have in place to refuse service to a patron?
- 12) Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment?
- 13) What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)
- 14) What types of entertainment will be offered, if any, at this proposed establishment (i.e., music, pool, darts, etc.)?
- 15) Do you plan to have any exterior amplified sound?
- 16) What types of security, if any, will be provided at this proposed establishment?
- 17) What time will your kitchen close each night? Describe your food service plans after your kitchen closes.
- 18) What is the estimated ratio of food to alcohol beverage sales at this establishment?
- 19) If you plan on hosting a "Private Party," what extra measures will you take regarding security, staffing and communications with the Boulder Police Department?
A private party is defined as: "An event where there is a single contact person who represents a group of people who are gathering for social and/or business reasons, the event will be held after 10:00 p.m., there will be both underage and of-age people present and there will be enough people to constitute an occupancy capacity of 75% or greater."

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.


3/27/2013

 Authorized Signature Date

Robert Pinchuck

 Print Name & Title

#1 The proposed establishment is a Mexican Restaurant and Cantina featuring authentic Latin cuisine. The concept is a casual dining restaurant and bar marketed towards local business owners, employees, residents and students.

#2 The proposed hours of operation are 11am - 2am, 6 days a week.
-Standard hours will be Sunday-Wednesday 11am-12 midnight with expanded hours of 2am for concerts and special events.
-Thursday-Saturday 11am-2am

#3 The seating capacity including a small patio and bar area is 44 seats.

#4 No

#5 Our emergency plan consists of clearly marked exits both front and back, emergency lighting, fire extinguishers, an ansul system above the hoods and a back door in the dish/prep area.
-Staff will be required to read & review guidelines from The Boulder County Public Health website

#6 Mamacitas will employ 17 individuals: 9 full time & 8 part time.
General Manager, Executive Chef, Bar Manager, 2 Managing Partners, 4 servers, 2 bartenders, 2 bouncers, 2 line cooks, 2 dishwashers.

#7 Micah Nushawg is TIPs certified and has 16 years of responsible alcohol service.
Robert Pinchuck has worked security in night clubs and owned a music club.

#8 Micha Nushawg: I have been in the hospitality industry for over 16 years, holding the title of General Manager for 5 highly acclaimed restaurants in the Boulder area. I have encountered almost every situation possible and am a firm believer in training. My staff is always TIPs certified and trained to involve management in all situations pertaining to over service or rude/hostile attitudes. It is always easier to take a moment to defuse a situation before a conflict arrives.

Robert Pinchuch: Grew up working at various restaurants that his friends and family owned as a cook , waiter and bar tender. He also worked as security at 2 different night clubs in Orlando and Gainesville Florida. Robert, started and owned cafe California in Fort Myers Florida and also started and owned a music club Chicago blues in Boca Raton Florida. Robert has many years of managing other businesses with many employees. Robert is scheduled to attend April, 20.

Alan Bonsett: Has worked in the Real Estate Industry for close to 20 years. He has managed employees in companies as large as 10 people. Alan's role will be in cleaning and painting the restaurant and then managing 1-2 slow nights per week once the staff is trained.

#9 Other forms of safe alcohol service include YouTube videos and an orientation from a member of the police department.

#10 A door man will be present after 10pm to monitor our guest activity, clearly posted signs indicating our right to refuse service, all staff will be trained in alcohol awareness, focusing on signs of slurred speech, aggressive/impulsiveness and/or confusion. Staff will communicate with one another and a manager before asking a guest to leave.

#11 Our number one policy against over service is to not allow visibly intoxicated patrons entrance to the restaurant. If a guest is clearly intoxicated the best approach is to be honest with them and offer a glass of water or to present them with a menu. We will then explain that we can

not/will not serve them any more but we would love to see them tomorrow. The next step would be to escort them out.

#12 All staff will also be trained in food preparation and food borne illness.
-Staff will read & reviews guidelines from The Boulder County Public Health website
-Kitchen members to be Food Handler certified.

#13 Staff will be TIPs certified to identify fake IDs, security will be in place after 10pm, hand stamps will be used for adults & ID books will be used. Minors will not be allowed in after 10pm and if underage individuals are present they will obtain an distinguishing mark.

#14 Seasonal sporting events will be hosted via TV.

#15 The building has 2 existing exterior speakers which we plan to keep.

#16 The building is pre-wired with an alarm system, motion detectors and we plan to update the system with cameras.

#17 The kitchen will serve our full menu until 10pm and a limited menu until close.

#18 Our estimated sales ratio is 40% food to 60% alcohol.

#19 In the event of a private party or buyout of the restaurant, management will increase security, staff levels and management presence. We will also notify the Boulder County Police Department if the event is within 75 % of our stated maximum occupancy. We will have a direct conversation with the client stating we prefer only adults over the age of 21 and a zero tolerance policy towards underage drinking. In the event of a minor's presence, they will receive a black X on the back of one or both hands and legal adults will receive wristbands.

AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

Pursuant to the requirements of 12-47-303(3)(b), Colorado Revised Statutes, Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- Paid in full. There are no outstanding accounts with any Colorado Wholesalers.
- Licensee hereby certifies that the following is a complete list of accounts for alcohol beverages that are unpaid:

Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the: Licensee Applicant

- Licensee unavailable to certify disposition of accounts for alcohol beverages - Inventory list attached. Transfer by operation of law - Regulation 47-304.
- Applicant will assume full responsibility for payment of the outstanding accounts as listed above.
- No alcohol beverage inventory transferred or sold.

Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its agent, or a company, corporation, partnership or other business entity to be formed by the Applicant.

Dated this 16 day of March, 2013.

Seller: Mamacitas Restaurante y Cantina, Inc. **Buyer:**

Mamacitas Restaurante y Cantina
Licensee & License Number 09-80358-0000

Tres Hombres, a limited liability
Applicant Company

Mamacitas Restaurante y Cantina
Trade name

Mamacitas Restaurante y cant
Trade name

[Signature]
Signature

[Signature]
Signature

Vice President
Position

Co-owner
Position

Gabriel Casas
Print Name

Robert Pinchuck
Print Name



**CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ACKNOWLEDGEMENT OF TRANSFER OF LICENSE SUBJECT TO
PAST, PENDING, OR POSSIBLE FUTURE DISCIPLINARY ACTION**

I, Tres Hambress
Robert Pinchuck (Person's Name) on behalf of a limited liability company (Business Applicant Name) am the applicant for transfer of the liquor license currently issued to Mamcitas Restaurante y Cantina at the licensed premise location of 1149 13th St, Boulder CO 80302.

I understand and agree that if the transfer of the license is approved, the license may continue to be subject to any restrictions and conditions currently on the license. I understand that if there are any days of suspension currently held in abeyance against the license, the license may continue to be subject to those days in abeyance even after the transfer.

I further understand that if any incidents, which could subject the license to disciplinary action, have either occurred or will occur on the licensed premise prior to approval of the transfer, the license may still be subject to possible disciplinary actions that could affect the license, even after the transfer, only where myself, my agents(s) and/or my employees either knew or should have known of the incidents.

I understand that it is my sole responsibility to inquire and investigate all possible sources of information to learn of any past, ongoing or possible future disciplinary actions that could result in any revocation, suspension, or fines being imposed. These sources include, but are not limited to the inquiry and investigation of the current licensee, manager(s), employees of the licensed premise, and the review of the public records of the Colorado Department of Revenue, the Boulder City Licensing Division, the Boulder Police Department, the Boulder District Court, the Boulder Municipal Court, and/or the Boulder County Court Criminal Divisions.

I also understand that I have the option to withdraw the application for the transfer of the license and file an application for the issuance of a new liquor license. Should a new liquor license be issued, that license would NOT be subject to any disciplinary action based upon incidents prior to the issuance of the new license.

Tres Hambress a limited liability company Applicant
Mamcitas Restaurante y Cantina Trade Name
Robert Pinchuck, co-owner, 3, Print Name, Title, and Date
[Signature] Authorized Signature

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>												
7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? <input type="checkbox"/> <input checked="" type="checkbox"/> (b) had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/> (c) had interest in another entity that had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/> If you answered yes to 7a, b or c, explain in detail on a separate sheet.													
8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail. <input type="checkbox"/> <input checked="" type="checkbox"/>													
9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? Local Waiver <input checked="" type="checkbox"/> <input type="checkbox"/>													
10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. <input type="checkbox"/> <input checked="" type="checkbox"/>													
11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement? <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) <input checked="" type="checkbox"/> <input type="checkbox"/>													
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">Landlord Carmen Epstein holding</td> <td style="width:33%; padding: 2px;">Tenant Tres Hombres, a limited liability company</td> <td style="width:34%; padding: 2px;">Expires 04/14/2018</td> </tr> </table>	Landlord Carmen Epstein holding	Tenant Tres Hombres, a limited liability company	Expires 04/14/2018										
Landlord Carmen Epstein holding	Tenant Tres Hombres, a limited liability company	Expires 04/14/2018											
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)													
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:15%;">DATE OF BIRTH</th> <th style="width:20%;">FEIN OR SSN</th> <th style="width:30%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td>Gabe Casas</td> <td></td> <td></td> <td>note for \$7,500</td> </tr> <tr> <td>Carmen Epstein</td> <td></td> <td></td> <td>note for \$7,500</td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST	Gabe Casas			note for \$7,500	Carmen Epstein			note for \$7,500	
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST										
Gabe Casas			note for \$7,500										
Carmen Epstein			note for \$7,500										
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.													
13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Has a local ordinance or resolution authorizing optional premises been adopted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>													
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)													
14. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>													
15. Club Liquor License applicants answer the following and attach: (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (c) How long has the club been incorporated? _____ (Three years required) (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above? <input type="checkbox"/> <input checked="" type="checkbox"/>													
16. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Copy of permit or application must be attached)													
17a. Name of Manager (for all on-premises applicants) <u>Robert Pinchuck</u> _____ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-1)).	Date of Birth _____												
17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>													
18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide an explanation and include copies of any payment agreements.													

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Robert Pinchuck			partner	33.3
Alan Bonsett			partner	33.3
Micah Nushawg			partner	33.3

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable) Alan Bonsett	Address for Service
--	---------------------

OATH OF APPLICANT

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.

Authorized Signature 	Title Partner/owner	Date 3/28/13
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
---	---

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-1 (Individual History Record) has: Yes No
- Been fingerprinted
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license
- (Check One)
- Date of Inspection or Anticipated Date _____
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

City of Boulder



Temporary Liquor License

2013 Year 27-55292-0000
License Number

Issue Date		
Month	Day	Year
4	17	2013

Finance Department,
Tax and License Division,
Municipal Building
Boulder, Colorado

Type of License
Hotel-Restaurant Liquor
Expiration Date: August 15, 2013

Trade Name: **MAMACITAS RESTORANTE Y CANTINA**
 Business Location: **1149 13th St**
 Applicant: **Tres Hombres a limited liability company**
 Mailing Address: **1149 13th Street**
Boulder, CO 80302

COPY

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Article 47 of Title 12, Colorado Revised Statutes, as amended and the Ordinances of the City of Boulder, insofar as the same may be applicable. Unless this license is revoked sooner or suspended during its term as provided by law, this license is valid from the issue date until the expiration date.

Conditions:

CITY TEMPORARY LIQUOR LICENSES ARE VALID FOR 120 DAYS FROM THE ISSUED DATE UNLESS EARLIER REVOKED OR SUSPENDED IN ACCORDANCE WITH LAWS, RULES, REGULATIONS OR ORDINANCES

Tax and License Manager, City of Boulder



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
FINANCIAL STATEMENT**

The applicant hereby agrees that any knowingly false or incomplete answer to the following questions shall constitute cause for the suspension or revocation of the license applied for:

Name of Applicant(s): Tres Hambros, a limited liability company

Trade Name: Mamacitas Restaurante y Cantina

Business Address: 1149 13th Street Boulder

Phone No: 303-619-9304 Contact Person: Alan Bonsett

Mailing address: 1149 13th Street Boulder CO 80302

Other Liquor Licensed Establishments that principals or managers of Applicant(s) now holds:
none

If applicant is a corporation or LP or LLC, names of persons purchasing stock or membership units:

Alan Bonsett, Robert Pinchuck, Micah Nushawg

Is this a new or existing business: existing

If **new business**, state approximate investment amount: \$ _____

Where will these funds come from? _____

If **existing business**, state purchase price including inventory: \$ 90,000

Where will these funds come from? LLC members personal funds and a note

If cash is to be invested, please complete the following:
(If you need additional space, please attach additional pages)

Person or business investing: see attached

Address of Investor: _____

Amount of Investment: _____

Source of Investment: _____
(Checking, Savings, Bonds, etc.)

If loans are to be obtained, please complete the following:
(If you need additional space, please attach additional pages)

Name of Lender: Gabe Cases and Carmen Epstein

Address of Lender: see attached

Type of Loan: Promissory Note

Amount of Loan: 15,000

Security: UCC1 Financing Statement filed w/ the state

Term of Obligation: 16 months

Business Bank Account Information

What bank will the business account be maintained at? Chase Bank

What name will the account be under? Tres Hambres a limited liability company

Who will be authorized to sign on the account? Alan Basset, Robert Pinchuck, micah nushwaig

Applicant hereby agrees to notify the Beverages Licensing Authority of the City of Boulder of any changes in the financing of this business should such changes occur during the period for which this license is issued.

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.


Authorized Signature

3/27/2013
Date

Robert Pinchuck General Manager
Print Name & Title

All of the Members of Tres Hombres LLC Investments are as follows:

Alan Bonsett

Lyons CO 80540

Investment 30,000

Money market account from Premier Members' credit union

Robert Pinchuck

Boulder CO 80304

30,000

Money market account, from citi bank

Micah Nushawg

Boulder CO 80301

15,000 savings account Chase

Note to LLC for 15,000 from Gabe Casas and Carmen Epstien

Note from Gabe Casas and Carmen Epstein addresses are as follows:

Gabe Casas

Longmont CO 80503

Carmen Epstein

Boulder CO 80305

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business

2. Your Full Name (last, first, middle)

Pinchuck, Owen, Robert

3. List any other names you have used.

4. Mailing address (if different from residence)

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current		Boulder Colorado 80304	Feb 1, 2011	MARCH 2013
Previous	25 ...	Boca Raton FL 33429	JAN 2009	JAN 2011

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Columbia Financial	5255 North Federal Hwy 2nd Floor Boca Raton FL 33487	Gen Manager		

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.

Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth New York		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 6	m. Weight 240	n. Hair Color Brown	o. Eye Color Brown	p. Sex M	q. Race White	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ 90,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 30,000

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

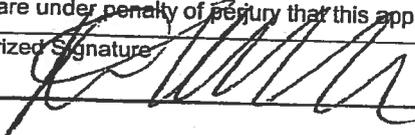
Type: Cash, Services or Equipment	Source	Amount
Money market account	From Citibank	30,000

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature 	Title manager/owner	Date 4/8/13
---	------------------------	----------------

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business
 Momacita's (Tres Hombres, a limited liability company)

2. Your Full Name (last, first, middle) 3. List any other names you have used.
 Bonsett, Alan Bradley

4. Mailing address (if different from residence)

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	Lyons CO. 80540	10/09	present
Previous	Broomfield CO. 80020	11/06	10/09

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Alan Bonsett (self employed)	122 Peregrine lane Lyons CO. 80540	Self employed real estate	98	present

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.
 Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.
 Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Louisville Ky		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 6'	m. Weight 180	n. Hair Color Brown	o. Eye Color blue	p. Sex M	q. Race white	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ 90,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid: 30,000

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
liquid funds / Premier members	Alan Bonsett Money market account	30,000

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature <u>Al B</u>	Title owner	Date 3/18/13
-------------------------------------	----------------	-----------------

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business <i>Tres Hombres, a Limited Liability Co</i>				
2. Your Full Name (last, first, middle) <i>Nushawg, Tobias, Micah</i>			3. List any other names you have used.	
4. Mailing address (if different from residence)				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current		<i>Boulder, CO. 80301</i>	<i>May 2010</i>	<i>Current</i>
Previous		<i>Boulder, CO. 80302</i>	<i>August 1995</i>	<i>May 2010</i>
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
<i>B's Restaurant</i>	<i>2115 13th Boulder, CO. 80302</i>	<i>GM</i>	<i>8/12</i>	
<i>SALT Bistro</i>	<i>1047 Pearl St. Boulder, CO. 80302</i>	<i>Managing Partner</i>	<i>9/9</i>	<i>8/12</i>
<i>Colterra Food & Wine</i>	<i>210 Franklin St. N. Mt. CO. 80504</i>	<i>Managing Partner</i>	<i>10/6</i>	<i>8/12</i>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
<i>NA</i>				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)
 Yes No
11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)
 Yes No
12. Have you ever had any professional license suspended, revoked, or denied? (if yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth <i>Lincoln, Nebraska</i>		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number			i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number
l. Height <i>6'3"</i>	m. Weight <i>190</i>	n. Hair Color <i>Black</i>	o. Eye Color <i>Brown</i>	p. Sex <i>M</i>	q. Race <i>White</i>	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.
a. Total purchase price \$ ~~30~~ *90,000* (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ *30,000*

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
<i>Savings account chase</i>	<i>personal funds</i>	<i>15,000</i>
<i>Note</i>	<i>Gabe Casas + Carmen Epstein</i>	<i>15,000</i>

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature <i>Micah T. Newberry</i>	Title <i>General Manager</i>	Date <i>3/15/13</i>
--	---------------------------------	------------------------



**CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ZONING / PLANNING CONFIRMATION PRIOR TO LICENSE APPLICATION**

Liquor License Applicant Completes Top Portion:

Applicant: Tres Hombres a limited liability company Trade Name: Mamacitas
 Applicant Phone: 303-619-9304 Applicant Email: alanbanse11@hotmail.com
 Premise Address: 1149 13th St, Boulder CO 80302
 Indoor Premise Square Footage: 2080¹²²² sq ft Outdoor Patio Square Footage: 100¹¹⁰ sq ft
 Approved Indoor Premise: 34, and Outdoor Patio: 12 Occupancy Load/Seating Capacity
 Hours of Operation: 11:00 am - 2:00 am

New Transfer Modification; Liquor License Type: Hotel/Restaurant

Applicant's Signature: Michah T. Nushawag Applicant's Printed Name: Michah T Nushawag

Responsive to C.R.S. 12-47-313(1) and (1)c which states in pertinent part, "(1) No application for the issuance of any license... shall be received or acted upon ... (c) For a location in an area where the sale of alcohol beverages as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county..." and Beverage Licensing Authority Rules of Procedure, Subsection 5-1-1 (c) available at: <http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure.pdf>

Applicant should bring this sheet AND PROPOSED PREMISE DIAGRAM complying with BLA Rule Section 3-3 et seq. to Licensing Clerk for the use of Boulder Planning and Zoning at 1739 Broadway-Park Central Building, 3rd Floor, 303-441-1880 to address the four below questions. NOTE: This review is for zoning purposes only and is not approval for any change of occupancy or use pertaining to the building code. A separate building permit is required for building modifications, including a change of use or occupancy.

Planning and Zoning Department Completes Bottom Portion:

Yes Is the Use at the Site Allowed?
 YES/NO Comments/Limitations: New Reversible lease required for patio

Yes Does the Use Require a Use Review or Site Review?
 YES/NO Comments: New owner substitution under LUR 2005-00062

Yes If Use/Site Review is required has a Use Review/Site Review been approved?
 YES/NO Comments (such as Case Number/ Date of Approval): LUR 2005-00062 - 4-28-06

Yes Are there any zoning restrictions or conditions of approval on the property that would prevent this property from being open from the hours of 7:00 am to 2:00 am?
 YES/NO Comments/Limitations: Floor plan identical to approved. Discrepancy in floor area, see corrections
Approved hours 11am - 2am no outdoor music or amplified sound on patio after 11 pm

CA
 Planner's Signature

Chris Toebe
 Planner's Printed Name

Project Specialist
 Planner's Title

4-16-13
 Planner's Signature Date



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web boulderplandevlop.net

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-4, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVAL, WITH CONDITIONS**
PROJECT NAME: **MAMACITAS OUTDOOR PATIO**
DESCRIPTION: **USE REVIEW: Mamacitas is an existing restaurant at 1149 13th Street. The applicant has filed a Use Review application to add an outdoor patio with up to 12 seats. Hours of operation of 11:00 a.m. to 2:00 a.m. daily are not proposed to change.**
LOCATION: **1149 13TH ST**
COOR: **N02W06**
LEGAL DESCRIPTION: **Lot 30, Block 5, Subdivision UNIVERSITY TERRACE
City of Boulder, County of Boulder, Colorado**
APPLICANT / OWNER: **CARMEN H EPSTEIN**
APPLICATION: **Use Review, LUR2005-00062**
ZONING: **BMS-X (Business Main Street - Redeveloping)**
CASE MANAGER: **Liz Hanson**

VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-4-12, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: _____

Date

By: _____

Peter Pollock, Planning Director

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: _____

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED MYLAR PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE MYLAR PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN SIXTY (60) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Address: 1149 13TH ST

Pursuant to Section 9-4-8 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-4-8) the development within three years shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall operate the business in accordance with the Mamacitas revised management plan dated December 7, 2005, on file with the City of Boulder. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The outdoor patio area shall be limited to 12 seats.
 - b. The outdoor patio shall have no outdoor music or amplified sound after 11 P.M.
 - c. Hours of operation for the restaurant shall be from 11:00 A.M. to 2:00 A.M. daily.
2. The Applicant shall not expand or modify the approved use, except pursuant to Section 9-4-9(g), B.R.C. 1981.
3. Any changes in restaurant tenant shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the restaurant in compliance with the terms of this approval.
4. The proposed outdoor patio area projects into the public right-of-way and requires a revocable right-of-way lease pursuant to Section 8-6-6, B.R.C. 1981, prior to the issuance of a building permit. This use review approval shall not be construed as an approval of such encroachment.

Address: 1149 13TH ST

Lamb, Michele

From: Toebe, Chris
Sent: Friday, April 19, 2013 8:39 AM
To: Lamb, Michele
Cc: Cook, Mishawn; Toebe, Chris
Subject: RE: Tres Hombres, LLC - Transfer of a Liquor License
Attachments: 1149 13th St (Mamacitas 2).pdf

Hi Michelle,

Attached is the zoning confirmation for Mamacitas. Of note on this one, I have approved it as the floorplan matches previous approvals, but the interior and patio square footage listed does not match either past liquor license approvals or the 2005 Use Review approval. I have corrected the numbers to match the Use Review approval. Again the floorplan is a match, and I have spoken with the applicant in the recent past and he indicated that he was operating the facility as it was approved with no changes in area.

Let me know if you have any questions.

Chris

-----Original Message-----

From: Lamb, Michele
Sent: Monday, April 15, 2013 5:22 PM
To: Toebe, Chris
Cc: Cook, Mishawn
Subject: Tres Hombres, LLC - Transfer of a Liquor License

Chris,

Attached are documents for the zoning review for a transfer of a liquor license. The applicant is Tres Hombres, LLC. If possible, we would appreciate your response by Wednesday, April 24, as Mishawn will be out of the office the end of April. She would like to prepare the agenda for May's meeting prior to her departure.

Thank you,

Michele Lamb

-----Original Message-----

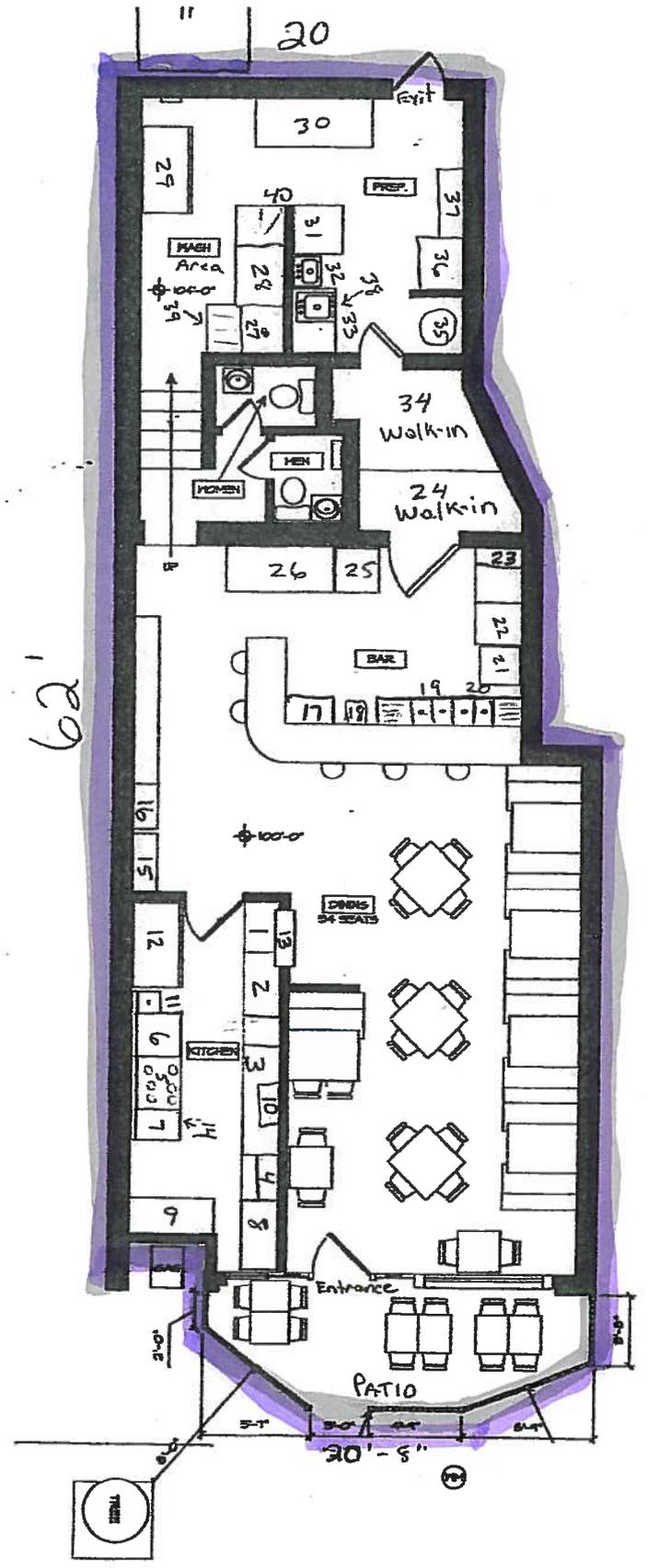
From: Print-to-Email@bouldercolorado.gov [<mailto:Print-to-Email@bouldercolorado.gov>]
Sent: Monday, April 15, 2013 5:19 PM
To: Lamb, Michele
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: machine location not set
Device Name: Muni1stFlrSTX

- ① Chip Warmer
- ② Cold Table
- ③ Steam Table
- ④ Microwave
- ⑤ Stove
- ⑥ Griddle
- ⑦ Deep Fryer
- ⑧ Shelving Unit
- ⑨ Prep Table
- ⑩ Cheese Melter
- ⑪ Hand Sink
- ⑫ Reach in Fridge
- ⑬ Server Window
- ⑭ Hood
- ⑮ Register
- ⑯ Waiter Station
- ⑰ Soda Dispenser
- ⑱ Floor Sink
- ⑲ 4-Compartment Sink
- ⑳ Hand Sink
- ㉑ Ice Chest
- ㉒ Frozen Marg. Machine
- ㉓ Beer Taps
- ㉔ Walk-in Cooler
- ㉕ Beverage Cooler
- ㉖ Shelving/Employee Storage
- ㉗ Pre-Rinse Sprayer/Dirty Drain Board
- ㉘ Dish Machine
- ㉙ Reach in Freezer
- ㉚ Prep Table
- ㉛ Ice Machine
- ㉜ Hand Sink
- ㉝ Prep Sink
- ㉞ Walk-in Cooler
- ㉟ Water Heater
- ㊱ Table
- ㊲ Soda/Syrup Rack
- ㊳ Floor Sink
- ㊴ Chemical Storage
- ㊵ Clean Drain Board
- ㊶ Dry Storage



2 PROPOSED FLOOR PLAN
SCALE 1/4" = 1'-0"





**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF TRAINING**

The applicant hereby states that he/she understands the importance of being familiar with and complying with the Liquor and Fermented Malt Beverage Codes of the State of Colorado.

Therefore, with respect to applicant(s), management and all other employees who will have any connection or involvement with liquor or fermented malt beverages on the subject premises of this application, the applicant(s) state(s) the following:

All employees involved in the service of alcohol, including, without limitation, managers, clerks, bartenders, and waitpersons, shall attend a state-certified Responsible Vendor alcohol service class within six months from the approval of this license. New employees shall take a class within six months of their hire. Any employee participating in a Tastings must have already completed a state-certified Responsible Vendor alcohol service class. Training Certification is valid for a 3 year term from training date.

The applicant agrees that the above mentioned training shall be a continuing condition of the license if the Authority approves this application.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

Mamacita's Restaurante y Cantina
Applicant

[Handwritten Signature]
Authorized Signature

Tres Hombres, a limited liability com
Trade Name

Micha Nushawq Owner 3/
Print Name, Title & Date



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF FOOD SERVICE**

Pursuant to Section 12-47-411, C.R.S., as amended, the applicant hereby certifies that they have read and fully understand the following excerpts:

Hotel-Restaurant license

“Restaurants shall sell malt, vinous, and spirituous liquors as provided in this section only to customers of such restaurant and only if meals are actually and regularly served and provide not less than twenty-five percent (25%) of the gross income from sales of food and drink of the business of the licensed premises. It is the intent of this section to require hotel and restaurant licensees to maintain a bona fide restaurant business and not a mere pretext of such for obtaining a hotel and restaurant license.”

Brew-Pub license

“A brew pub licensee shall sell malt, vinous, and spirituous liquors for on-premises consumption only if at least fifteen percent (15%) of the gross on-premises food and drink income of the business of the licensed premises is from the sale of food.”

Pursuant to Regulation 47-418, the applicant certifies that he/she shall at all times, when meals are required to be served, maintain on the premises adequate personnel, foodstuffs and other necessary facilities, equipment and supplies for the preparation and serving of meals as defined by 12-47-103(20) C.R.S., as amended.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

Mamacitas Restaurant y cantina
Applicant

Micah Nushawg
Authorized Signature

Tres Hambres, a limited liability
Trade Name Company

micah Nushawg 3/30/13
Print Name, Title & Date

Agenda Item 7

**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
PRELIMINARY FINDINGS AND REPORT**

IN THE MATTER OF THE APPLICATION FROM

Nick Forster
Margo Josephs
1535 Spruce St
Boulder CO 80302
**RE: eTown
d/b/a eTown
License Application**

Proposed Premise Location: 1535 Spruce St, Boulder, CO 80302

FOR A

New Arts type liquor license

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;

GREETINGS:

Pursuant to C.R.S. 12-47-312(1) and the below referenced State laws and the city of Boulder Beverages Licensing Authority (BLA) Rules of Procedure, you are hereby advised that with regard to the application for a **New Arts type liquor license**, an investigation has been made and based on the results thereof the following has been determined:

1. APPLICATION PACKET

Responsive to C.R.S. §12-47-311(1) and BLA Rules of Procedure Section 4-3, the applicant, as stated above, submitted an application packet, which was substantially complete, to the City Clerk's Office on **April 15, 2013**.

2. PREVIOUS DENIALS AT THE SAME LOCATION

Responsive to C.R.S. §12-47-313 (1)a et seq. and BLA Rules of Procedure, Subsection 5-1-1 (A), as this is an application for a malt, vinous, or spirituous liquor license, that within two (2) years, preceding the date of the application, the state or the Authority **have not** denied an application for the same class of license at the same location or within 500 feet of the same location, for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfied by the existing outlets. This requirement is not applicable to applications for Bed and Breakfast Permits.

3. POSSESSION OF PREMISES

Responsive to C.R.S. §12-47-313 (1)b and BLA Rules of Procedure, Subsection 5-1-1 (B), it appears from the evidence submitted that the applicant owns the premises where the license is proposed.

4. ZONING AND HEALTH DEPARTMENT REGULATIONS COMPLIANCE

Responsive to C.R.S. §12-47-313 (1)c and BLA Rules of Procedure, Subsection 5-1-1 (C), selling alcohol in the manner proposed in the application **is not** in violation of any zoning laws of the City of Boulder and the use is consistent with the location's permissible planning conditions and zoning district. The applicant must meet all applicable laws, rules and regulations of the City's Planning Department as to construction and building safety requirements at the premise, and if applicable, the Boulder County Health Department and the State Board of Health for food preparation and service.

5. PROXIMITY TO SCHOOLS

Responsive to C.R.S. §12-47-313 (1)d et seq. and BLA Rules of Procedure, Subsection 5-1-1 (D), the building in which the liquor is to be sold has a local distance waiver enacted or **is not** located within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary. This requirement is not applicable to applications for Bed and Breakfast Permits.

6. EXISTING OUTLETS IN DESIGNATED NEIGHBORHOOD

Responsive to C.R.S. §12-47-312 (2) and BLA Rules of Procedure Subsection 5-1-1 (E), **please see attached detailed map** of the Authority Designated Neighborhood displaying surrounding currently licensed premises.

7. BACKGROUND INFORMATION

Responsive to C.R.S. §12-47-307 and BLA Rules of Procedure Subsection 5-1-1 (F), the following criminal history information has been discovered or brought to the attention of the Authority:

Applicant (including partners, officers, directors over 10% stockholders):

Nicholas Forster, CEO – No Colorado Record of arrest has been located based on information provided.

Sarah Frankel, Operations Manager - No Colorado Record of arrest has been located based on information provided.

Timothy Wolf, Board Chair - No Colorado Record of arrest has been located based on information provided.

Source of information: **Individual History Report (IHR) self check & CBI results.**
Still awaiting FBI results.

8. APPLICANT FINANCIAL INTEREST

Responsive to C.R.S. §12-47-308 and BLA Rules of Procedure Subsection 5-1-1 (G), the applicant's financial interest and associated parties disclosures are to be found in the submitted city of Boulder BLA Financial Statement with attachments, the submitted Colorado Liquor Retail License Application or Colorado Fermented Malt Beverage (3.2% Beer) License Application with attachments, and the submitted Individual History Record with attachments. A copy of each of these mentioned documents should have been retained by the applicant at the time of application and a copy of these mentioned documents will be provided to the BLA for the purposes of local licensing authority deliberations.

9. NEEDS AND DESIRES EVIDENCE

Responsive to C.R.S. § 12-47-312 (2)(a) and (b) and BLA Rules of Procedure Section 4-1 through Section 4-4, the applicant is reminded that they have the burden of proof to provide to the Authority for consideration sufficient evidence confirming that the adult residents and business owners and managers within the prior established boundaries of Authority designated Neighborhood both need and desire the proposed new liquor license in type, manner and location.

10. PUBLIC HEARING INFORMATION

Responsive to C.R.S. §12-47-311 and BLA Rules of Procedure Section 5-1, you are hereby notified that the public hearing on this application will be held on **Wednesday, June 19, 2013 at 3:00 p.m.**, in the Council Chambers, 2nd Floor of the Municipal Building, 1777 Broadway, Boulder, Colorado. At said hearing, you will have the opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

You are advised to obtain a copy of the State Laws, Rules, and Regulations pertinent to the license class for which you are applying. In addition, you are advised to obtain a copy of the applicable "Rules of Procedures" adopted by the Beverages Licensing Authority of the City of Boulder for use and guidance in holding hearings on liquor license applications. These Rules are available at: <http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf> or a public copy is made available for review at the Licensing Clerk's Office.

June 11, 2013

**BEVERAGE LICENSING AUTHORITY
CITY OF BOULDER, COLORADO**

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

**Mishawn J. Cook, Tax and License Manager
And Board Secretary**

copy



**CITY OF BOULDER
LIQUOR LICENSE APPLICATION**

This application must be filed in duplicate with the Office of the City Clerk, City of Boulder, 1777 Broadway, P. O. Box 791, Boulder, Colorado 80306. ALL INFORMATION MUST BE PRINTED LEGIBLY IN INK OR TYPEWRITTEN.

Name of Applicant(s): eTown

Trade Name: eTown

Phone No: (303) 443-8696 Contact Person: margo Josephs

Business Address: 1535 Spruce St., Boulder CO 80302

Mailing address: 1535 Spruce St., Boulder CO 80302

Property Owner: eTown Phone Number (local): 303-443-8696

Property Manager: eTown Phone Number (local): 303-443-8696

Property Manager's Mailing Address: 1535 Spruce St., Boulder CO 80302

General Manager: eTown Phone Number (local): 303-443-8696

The applicant(s) hereby applies to the City of Boulder Beverages Licensing Authority for the following local license and tenders the following fees:

Type of Application (fee):

- | | |
|--|---|
| <input checked="" type="checkbox"/> New License (\$1,000.00) | <input type="checkbox"/> Transfer of Ownership (\$750.00) |
| <input type="checkbox"/> Change in Location (\$750.00) | <input type="checkbox"/> Temporary Permit (\$100.00) |
| <input type="checkbox"/> Change in Class (\$750.00) | |

Type of License (fee):

- | | |
|--|---|
| <input type="checkbox"/> Hotel-Restaurant (\$75.00) | <input type="checkbox"/> Tavern (\$75.00) |
| <input type="checkbox"/> Hotel-Restaurant w/Optional Premises (\$75.00) | <input type="checkbox"/> Retail Liquor Store (\$22.50) |
| <input type="checkbox"/> Beer and Wine (\$48.75) | <input type="checkbox"/> Brew Pub (75.00) |
| <input type="checkbox"/> 3.2% Beer On & Off Premises (\$3.75) | <input type="checkbox"/> Liquor Licensed Drug Store (\$22.50) |
| <input type="checkbox"/> Club (\$41.25) | <input checked="" type="checkbox"/> Arts (\$41.25) |
| <input type="checkbox"/> Race Track (\$75.00) | |
| <input type="checkbox"/> Bed and Breakfast Permit (\$125.00 Total) | <input type="checkbox"/> Art Gallery Permit (\$103.75 Total) |
| <input type="checkbox"/> Manager Registration – If separate from owners (H&R & Tavern - \$75.00) | |

TOTAL FEES: \$ 1,041.25

[Fees effective as of July 1, 2010]

APPLICANTS DO NOT FILL THIS AREA OUT

STATEMENT OF THE NEIGHBORHOOD. (Not applicable to applications for Transfer of Ownership or applications for Club license.). **NEIGHBORHOOD BOUNDARIES WILL BE SET BY THE AUTHORITY AT THEIR MEETING ON _____.**

The Authority sets the following geographical area as the designated neighborhood which will be served by the license applied for:

North
Boundary _____

South
Boundary _____

East
Boundary _____

West
Boundary _____

ALL APPLICANT’S MUST ANSWER THESE QUESTIONS

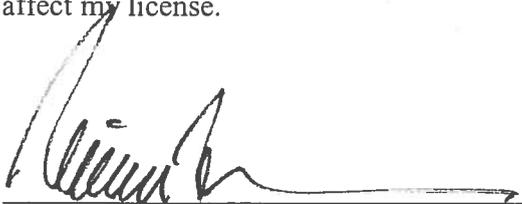
CITY QUESTIONNAIRE: On a separate sheet of paper please answer the following questions for the Beverages Licensing Authority (BLA).

- 1) Describe the nature of the proposed establishment and the target market (i.e., restaurant, tavern, sports bar, families, college students, etc.). Please attach a menu for BLA.
- 2) What are the proposed hours and days of operation for this establishment?
- 3) What is the seating capacity of the establishment?
- 4) Have you applied for an “occupant load” for the interior and exterior seating from the Boulder Fire Department?
- 5) Do you have an emergency plan for your business (exit locations, fire protection system(s), etc.)? (yes or no)
- 6) How many individuals will be employed at this proposed establishment and how many will be full-time versus part-time? Please provide responsibilities, (i.e., manager, assistant manager, bartender, waitstaff, etc.).
- 7) Describe your past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 8) Describe your proposed General Manager’s past training and experience in the sale/service of alcohol beverages, include any special or certified training received.
- 9) Besides the state-certified Responsible Vendor classes, what other types of training are proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

- 10) What policies & procedures do you have in place to determine a patron's level of intoxication?
- 11) What policies & procedures do you have in place to refuse service to a patron?
- 12) Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment?
- 13) What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)
- 14) What types of entertainment will be offered, if any, at this proposed establishment (i.e., music, pool, darts, etc.)?
- 15) Do you plan to have any exterior amplified sound?
- 16) What types of security, if any, will be provided at this proposed establishment?
- 17) What time will your kitchen close each night? Describe your food service plans after your kitchen closes.
- 18) What is the estimated ratio of food to alcohol beverage sales at this establishment?
- 19) If you plan on hosting a "Private Party," what extra measures will you take regarding security, staffing and communications with the Boulder Police Department?
A private party is defined as: *"An event where there is a single contact person who represents a group of people who are gathering for social and/or business reasons, the event will be held after 10:00 p.m., there will be both underage and of-age people present and there will be enough people to constitute an occupancy capacity of 75% or greater."*

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

 4/9/13
Authorized Signature Date

Nick Forster CEO
Print Name & Title

- 1) Describe the nature of the proposed establishment and the target market (i.e., restaurant, tavern, sports bar, families, college students, etc.). Please attach a menu for BLA.

Live concerts with musicians in an intimate, indoor setting. Target market age 35-60- majority local residents of Boulder.

- 2) What are the proposed hours and days of operation for this establishment?

5:00pm – 9:30pm

- 3) What is the seating capacity of the establishment?

Approx. 200 people

- 4) Have you applied for an “occupant load” for the interior and exterior seating from the Boulder Fire Department?

Yes

- 5) Do you have an emergency plan for your business (exit locations, fire protection system(s), etc.)? (yes or no)

Yes

- 6) How many individuals will be employed at this proposed establishment and how many will be full-time versus part-time? Please provide responsibilities, (i.e., manager, assistant manager, bartender, waitstaff, etc.).

1 full time manager, 4 part time bartenders

- 7) Describe your past training and experience in the sale/service of alcohol beverages, include any special or certified training received.

N/A

- . 8) Describe your proposed General Manager's past training and experience in the sale/service of alcohol beverages, include any special or certified training received.

The GM of the bar has been TIPS certified by the state of CO and has experience serving alcohol at music venues in CO.

- . 9) Besides the state-certified Responsible Vendor classes, what other types of training are proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

All bartenders will go through TIPs certification classes

- 10) What policies & procedures do you have in place to determine a patron's level of intoxication?

Number of drinks per hour gender and body size, rate of consumption, visible behaviors such as slurring, lack of coordination, inability to accurately gauge their abilities

- . 11) What policies & procedures do you have in place to refuse service to a patron?

No more than 2 drinks per hour, offer a non alcoholic beverage, offer food, use best judgment and if any question refuse

- . 12) Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment?

Manger will review regulations and procedures prior to bar opening.

- . 13) What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how

will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)

The bartenders will be checking IDs at the bar upon request of an alcoholic beverage. They will receive a hand stamp to indicate that they have been approved as over 21 years old

- . 14) What types of entertainment will be offered, if any, at this proposed establishment (i.e., music, pool, darts, etc.)?

Music, movies and arts performances

- . 15) Do you plan to have any exterior amplified sound?

No

- . 16) What types of security, if any, will be provided at this proposed establishment?

We hire a bonded security crew for each eTown Hall event

- . 17) What time will your kitchen close each night? Describe your food service plans after your kitchen closes.

N/A

- . 18) What is the estimated ratio of food to alcohol beverage sales at this establishment?

4/1 (snacks to alcohol)

- . 19) If you plan on hosting a "Private Party," what extra measures will you take regarding security, staffing and communications with the Boulder Police Department? A private party is defined as: "An event where there is a single contact person who represents a group of people who are gathering for social and/or business reasons, the event will be

held after 10:00 p.m., there will be both underage and of-age people present and there will be enough people to constitute an occupancy capacity of 75% or greater.”

The bar manager will be present at every eTown Hall event, even if it is a “Private Party”, per the contract

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked? If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>												
8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<input type="checkbox"/> <input checked="" type="checkbox"/>												
10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises for at least 1 year from the date that this license will be issued by virtue of ownership, lease or other arrangement? <input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____	<input checked="" type="checkbox"/> <input type="checkbox"/>												
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">Landlord</td> <td style="width:33%; padding: 2px;">Tenant</td> <td style="width:34%; padding: 2px;">Expires</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>	Landlord	Tenant	Expires										
Landlord	Tenant	Expires											
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)													
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:15%;">DATE OF BIRTH</th> <th style="width:20%;">FEIN OR SSN</th> <th style="width:30%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">N/A</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST	N/A								
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST										
N/A													
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.													
13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Has a local ordinance or resolution authorizing optional premises been adopted?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)													
14. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.													
	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
15. Club Liquor License applicants answer the following and attach: (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?													
	<input type="checkbox"/> <input checked="" type="checkbox"/>												
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?													
	<input type="checkbox"/> <input checked="" type="checkbox"/>												
(c) How long has the club been incorporated? _____ (Three years required) (d) How long has applicant occupied the premises to be licensed as a club? (Three years required) _____													
16. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)													
	<input type="checkbox"/> <input checked="" type="checkbox"/>												
17a. Name of Manager (for all on-premises applicants) <u>Sarah Frankel</u> (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I).	Date of Birth _____												
17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.													
	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.													
	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Nicholas Forster			CEO	0
Sarah Frankel			Operations Manager	0
Timothy Wolf			Board Chair	0

*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

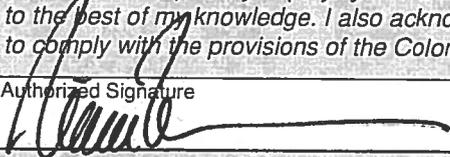
Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service
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OATH OF APPLICANT

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.

Authorized Signature 	Title CEO	Date 3/22/13
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
---	---

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-I (Individual History Record) has:
- | | | |
|---|--------------------------|--------------------------|
| | Yes | No |
| <input type="checkbox"/> Been fingerprinted | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | <input type="checkbox"/> | <input type="checkbox"/> |
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license
- | | | |
|--|--------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|
- (Check One)
- Date of Inspection or Anticipated Date _____
- Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY
		<input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date



CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
FINANCIAL STATEMENT

The applicant hereby agrees that any knowingly false or incomplete answer to the following questions shall constitute cause for the suspension or revocation of the license applied for:

Name of Applicant(s): eTown

Trade Name: eTown

Business Address: 1535 Spruce St. Boulder Co 80302

Phone No: (303) 443-8696 Contact Person: Margo Josephs

Mailing address: 1535 Spruce St. Boulder CO 80302

Other Liquor Licensed Establishments that principals or managers of Applicant(s) now holds:

N/A

If applicant is a corporation or LP or LLC, names of persons purchasing stock or membership units:

N/A

Is this a new or existing business: Existing

If **new business**, state approximate investment amount: \$ N/A

Where will these funds come from? N/A

If **existing business**, state purchase price including inventory: \$ 6,000.

Where will these funds come from? General operating budget

**If cash is to be invested, please complete the following:
(If you need additional space, please attach additional pages)**

Person or business investing: _____

Address of Investor: _____

Amount of Investment: _____

Source of Investment: _____
(Checking, Savings, Bonds, etc.)

**If loans are to be obtained, please complete the following:
(If you need additional space, please attach additional pages)**

Name of Lender: _____

Address of Lender: _____

Type of Loan: _____

Amount of Loan: _____

Security: _____

Term of Obligation: _____

Business Bank Account Information

What bank will the business account be maintained at? J.P. Morgan Chase

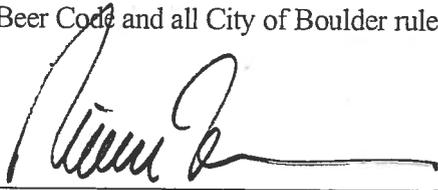
What name will the account be under? CTOWN

Who will be authorized to sign on the account? Nick Forster

Applicant hereby agrees to notify the Beverages Licensing Authority of the City of Boulder of any changes in the financing of this business should such changes occur during the period for which this license is issued.

OATH OF APPLICANT

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 and Beer Code and all City of Boulder rules, regulations and codes which affect my license.



Authorized Signature

4/9/13

Date

Nick Forster

CEO

Print Name & Title

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business eTOWN				
2. Your Full Name (last, first, middle) FRANKEL, SARAH, JAYNE			3. List any other names you have used.	
4. Mailing address (if different from residence)				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current		BOULDER, CO. 80302	9/12	PRESENT
Previous	"-	BEVERLY, MA, 01915	8/11	8/12
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
* SEE ATACHED				
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth <u>BOULDER, CO</u>		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height <u>5'2"</u>	m. Weight <u>120</u>	n. Hair Color <u>BROWN</u>	o. Eye Color <u>HAE</u>	p. Sex <u>F.</u>	q. Race <u>W</u>	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 6,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

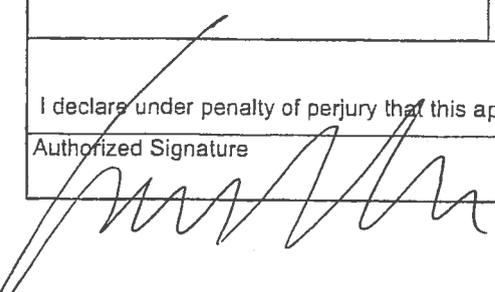
Type: Cash, Services or Equipment	Source	Amount

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature 	Title <u>DIRECTOR OF OPERATIONS + EVENTS</u>	Date <u>4/12/13</u>
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Name of Employer	Address	Position Held	From	To
eTown Hall	1535 18th St., Boulder, CO, 80302	Director of Operations & Events	13-Jan	Present
Independent Contractor	Boulder, CO	Lighting & Exhibit Designer	12-Aug	Present
Available Light, Inc.	10 Derby Sq. #3, Salem, MA, 01970	Assistant Lighting Designer	11-Sep	12-Aug
Argyle Design, Inc.	563 Argyle Rd, Brooklyn, NY, 11230	Assistant Exhibit Designer	11-Jun	11-Sep
Le Poisson Rouge	158 Bleecker St., New York, NY, 10012	Lighting Designer	8-Sep	11-Sep
Independent Contractor	New York, NY	Lighting Designer	6-Aug	11-Sep
Purchase College, Office of Student Life	735 Anderson Hill Rd., Purchase, NY, 10577	Resident Assistant	7-Jun	10-May

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business
eTown

2. Your Full Name (last, first, middle)
Forster, Nicholas Stuyvesant

3. List any other names you have used.

4. Mailing address (if different from residence)
1535 Spruce St., Boulder CO 80302

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	Boulder, CO 80302	1989	Present
Previous			

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
eTown	1535 Spruce St, Boulder, Co 80302	CEO	1991	Present

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
N/A			

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Beirut, Lebanon		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 6'2"	m. Weight 180	n. Hair Color Brn.	o. Eye Color B	p. Sex M	q. Race White	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ N/A (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 6,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

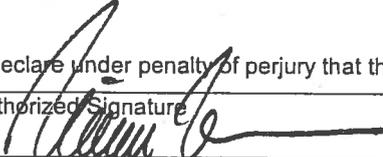
Type: Cash, Services or Equipment	Source	Amount

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature 	Title CEO	Date 4/9/13
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INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business				
2. Your Full Name (last, first, middle) Wolf, Timothy Van de Wint			3. List any other names you have used. Tim	
4. Mailing address (if different from residence) same				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current		Boulder, CO 80301	3/95	Present
Previous				
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
	NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM TO
	Spring 44 Distilling, Inc.	2221 Willow Court Denver, CO 80238	Chairman	12/10 Present
	Wolf Interests, Inc	5311 Waterstone Drive (Peruque investments) Boulder, CO 80301	President	7/10 Present
	MillerCoors Brewing Co	311 10th Street Golden, CO 80401	CIO	7/08 6/10
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
	NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
CFO of Coors + Molson Coors (1995 - 2008); CEO MillerCoors (2008-2010)				
Chairman Spring 44 Distilling Inc (2011 - To Date)				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Washington, D.C. U.S.A		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where N/A				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 6'1"	m. Weight 180	n. Hair Color Brown	o. Eye Color Brown	p. Sex M	q. Race white	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information:

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 6,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

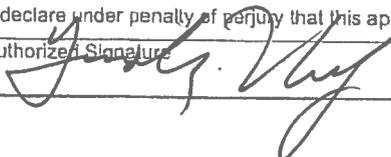
Type: Cash, Services or Equipment	Source	Amount
N/A		

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

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

Authorized Signature 	Title Chad, eTown	Date 8/12/2013
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CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
ZONING / PLANNING CONFIRMATION PRIOR TO LICENSE APPLICATION

Liquor License Applicant Completes Top Portion:

Applicant: eTown Trade Name: eTown
Applicant Phone: (303) 443-8696 Applicant Email: nick @ etown.org
Premise Address: 1535 Spruce St., Boulder CO 80302
Indoor Premise Square Footage: 17,615 sq ft. Outdoor Patio Square Footage: N/A
Approved Indoor Premise: 200, and Outdoor Patio: N/A Occupancy Load/Seating Capacity.
Hours of Operation: ~~5:00 pm - 9:30 pm~~ 5:00 pm - 9:30 pm
 New Transfer Modification; Liquor License Type: Arts License
Applicant's Signature: [Signature] Applicant's Printed Name: Nick Forster

Responsive to C.R.S. 12-47-313(1) and (1)c which states in pertinent part, "(1) No application for the issuance of any license... shall be received or acted upon ... (c) For a location in an area where the sale of alcohol beverages as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county..." and Beverage Licensing Authority Rules of Procedure, Subsection 5-1-1 (c) available at: <http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure.pdf>

Applicant should bring this sheet AND PROPOSED PREMISE DIAGRAM complying with BLA Rule Section 3-3 et seq. to Licensing Clerk for the use of Boulder Planning and Zoning at 1739 Broadway-Park Central Building, 3rd Floor, 303-441-1880 to address the four below questions. NOTE: This review is for zoning purposes only and is not approval for any change of occupancy or use pertaining to the building code. A separate building permit is required for building modifications, including a change of use or occupancy.

Planning and Zoning Department Completes Bottom Portion:

Yes Is the Use at the Site Allowed?
YES/NO Comments/Limitations: _____
Yes Does the Use Require a Use Review or Site Review?
YES/NO Comments: Use Review
Yes If Use/Site Review is required has a Use Review/Site Review been approved?
YES/NO Comments (such as Case Number/ Date of Approval): LUR2012-00099
Yes Are there any zoning restrictions or conditions of approval on the property
YES/NO that would prevent this property from being open from the hours of 7:00 am to 2:00 am?
Comments/Limitations: Use shall end by 9:30 pm

[Signature]
Planner's Signature

Chris Torker
Planner's Printed Name

PROJECT SPECIALIST
Planner's Title

4-18-13
Planner's Signature Date



CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on March 21, 2013 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: APPROVED WITH CONDITIONS
PROJECT NAME: ETOWN HALL NONCONFORMING USE REVIEW
DESCRIPTION: NON-CONFORMING USE REVIEW TO AMEND THE PREVIOUS USE REVIEW APPROVAL FOR ETOWN TO ALLOW HOURS OF OPERATION UNTIL 9:30 PM, TO SERVE LIQUOR, AND TO INCREASE THE NUMBER OF SHOWS PER MONTH FROM 12 TO 18.
LOCATION: 1535 SPRUCE ST
COOR: N03W06
LEGAL DESCRIPTION: LOT 2, SPRUCE SUBDIVISION, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO
APPLICANT: NICK FORSTER
OWNER: ETOWN
APPLICATION: USE REVIEW, LUR2012-00099
ZONING: RH-2
CASE MANAGER: CHANDLER VAN SCHAACK
VESTED PROPERTY RIGHT: NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

This decision may be called up before the City Council on or before **April 22, 2013** If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development within three years shall cause this development approval to expire.

At its public hearing on April 21, 2013 the Planning Board approved the request with the following motion:

On a motion by A. Brockett, seconded by J. Putnam, the Planning Board voted 6-0 (C. Gray recused) to approve LUR2012-00099, incorporating the staff memorandum as findings of fact and subject to the recommended conditions of approval found in the Planning Board packet.

Address: 1535 SPRUCE ST

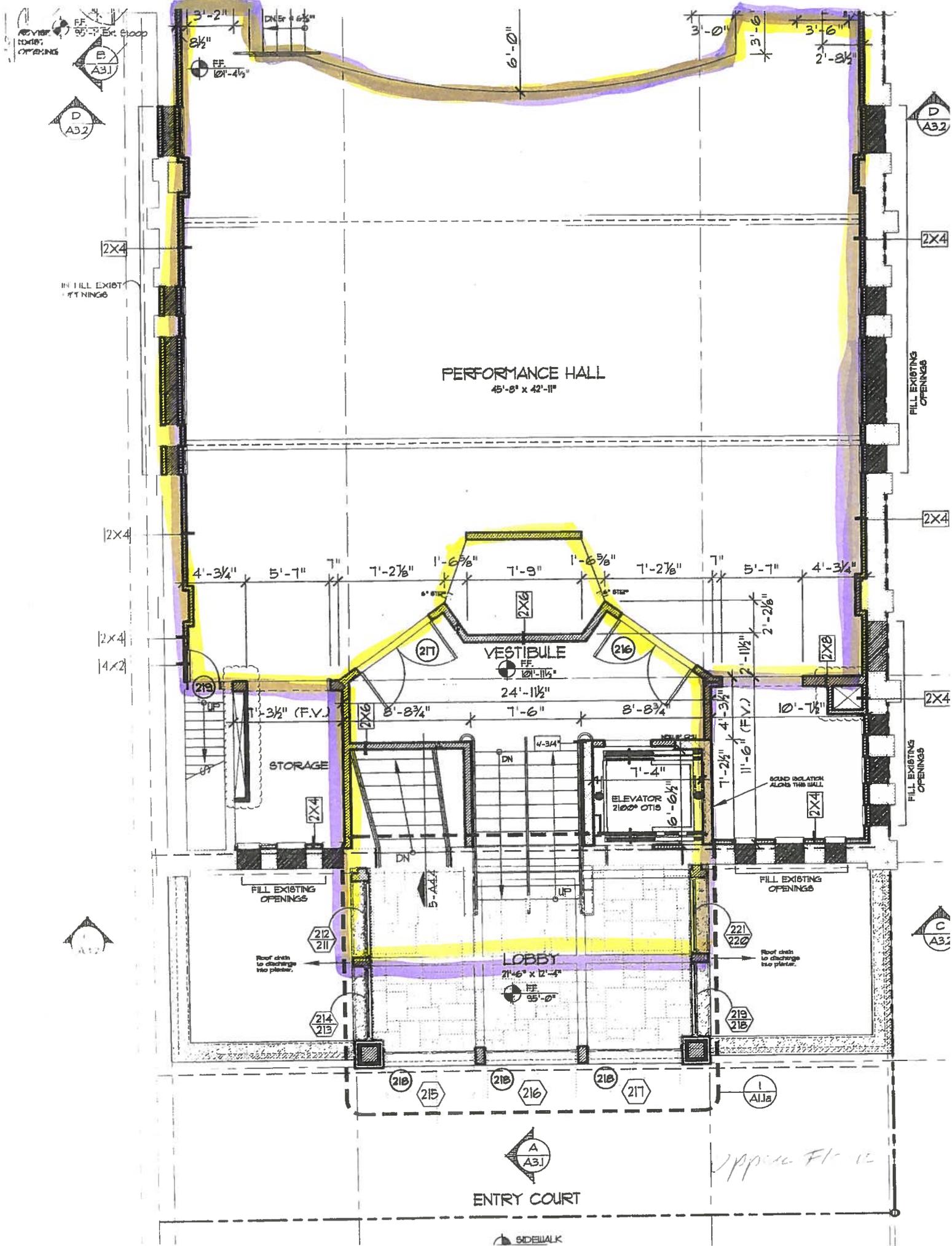
CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all previously approved plans** dated March 9, 2009 and the Management Plan dated February 22, 2013 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. Live performances to include musical performances, lectures, community meetings, workshops, classes and presentations shall be limited to 18 times per month with a maximum of 200 audience members and shall end by 9:30 p.m.
 - b. The Applicant shall submit a Transportation Demand Management Plan (TDM), subject to review and approval by the City Manager, to reduce parking impacts on the neighborhood. The TDM shall include, but not be limited to, compliance with all parking and transportation related conditions of approval of LUR2006-00067, monitoring of parking and its impacts on the surrounding streets, and other long-term measure to reduce any potential adverse parking impacts on the surrounding neighborhood, that could include a voucher program for parking in City of Boulder off-street parking facilities, a voucher program for bus fares, offering purchase of parking coupons for City of Boulder off-street parking facilities through the eTown website and marketing of that option, or temporary bike parking during large events. In the event that the City Manager determines that the use is generating adverse parking impacts on surrounding residential streets, the Applicant shall amend the TDM, subject to review and approval of the City Manager, to mitigate such adverse impacts through implementation of TDM strategies and/or event and schedule management.
2. The Applicant shall **not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - a. City of Boulder Planning Board Notice of Disposition dated August 2, 2007 (#LUR2006-00067 for eTown at 1535 Spruce St.). Said Disposition is attached as Exhibit A to the Development Agreement recorded at Reception No. 2951918 on August 28, 2008 in the records of the Boulder County Clerk and Recorder; and
 - b. City of Boulder Planning Department Notice of Disposition dated March 9, 2009 (#LUR2008-00112), recorded at Reception No. 2992108 on April 15, 2009 in the records of the Boulder County Clerk and Recorder.

By:

David Driskell, Secretary of the Planning Board

Address: 1535 SPRUCE ST



Upper Fl - 12



**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
STATEMENT OF TRAINING**

The applicant hereby states that he/she understands the importance of being familiar with and complying with the Liquor and Fermented Malt Beverage Codes of the State of Colorado.

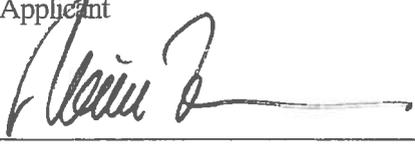
Therefore, with respect to applicant(s), management and all other employees who will have any connection or involvement with liquor or fermented malt beverages on the subject premises of this application, the applicant(s) state(s) the following:

All employees involved in the service of alcohol, including, without limitation, managers, clerks, bartenders, and waitpersons, shall attend a state-certified Responsible Vendor alcohol service class within six months from the approval of this license. New employees shall take a class within six months of their hire. Any employee participating in a Tastings must have already completed a state-certified Responsible Vendor alcohol service class. Training Certification is valid for a 3 year term from training date.

The applicant agrees that the above mentioned training shall be a continuing condition of the license if the Authority approves this application.

Oath of Applicant

I declare under penalty of perjury in the second degree that I acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and all City of Boulder rules, regulations and codes which affect my license.

eTown
Applicant

Authorized Signature

eTown
Trade Name

Nick Forster, CEO, 4/9/13
Print Name, Title & Date

Neighborhood Needs & Desires Petition Summary

Applicant: eTown

Trade Name: eTown

Business Location: 1535 Spruce Street, Boulder, CO 80302

Occupancy: 200 Square Footage: 17,615

Business Description: Live concerts w/musicians in an intimate, indoor setting, target market age 35-60, majority local Boulder residents

Operating Hours: 5:00 pm to 9:30 pm

License Type: New Arts Same # of Licenses in area: One

Date(s) of Petitioning: _____

Defined Neighborhood: North: Maxwell to High to Sunset to Bluff; South: Arapahoe, West: 9th Street, East: Folsom

Total Contacts:

Not at Home:	<u> </u>
Not Qualified:	<u>N/A</u>
Refuse to Sign:	<u>N/A</u>
Needs & Desires Already Met:	<u>N/A</u>
Religious Objection:	<u>N/A</u>
Remained Neutral:	<u> </u>
Alcohol Usage Objections:	<u>N/A</u>
No Reason Given:	<u>N/A</u>

Resident Petition Form

Applicant: eTown Occupancy: 200 Time of Petition: _____
 Trade Name: eTown Square Footage: 17,615 Date of Petition: _____
 Operating Hours: 5:00 pm to 9:30 pm License Type: a New Arts type liquor license
 Business Location [See Map]: 1535 Spruce Street, Boulder CO 80302 Same # Licenses in area: One

Business Description: Live concerts w/musicians in an intimate, indoor setting, target market age 35-60, majority local Boulder residents.

Date & Time of Hearing: Wed. June 19, 2013 @ 3:00 pm Location of Hearing: Municipal Bldg, 1777 Broadway, Boulder, Council Chambers, 2nd fl

I, the undersigned, am aware that a liquor license application has been filed with the City of Boulder. I certify that I am at least 21 years of age and am a resident in the defined neighborhood. I have indicated below, with my signature, my opinion about approval/denial of the above referenced application.

PERSON NAME	ADDRESS	*FAVOR	**OPPOSE	REASON WHY YOU FAVOR OR OPPOSE THIS APPLICATION	SIGNATURE (Please SIGN, do not print)	AGE	TODAY'S DATE
RON GAGER	1905 BLUFF ST. BLVDR 80304	X		E-TOWN IS A GOOD NEIGHBOR!	<i>[Signature]</i>	68	6-11-13
Ellen Cager	1905 Bluff St. Boulder	X		really great neighbors	<i>[Signature]</i>	62	6-11-13
Lyndel Smith	1718 Bluffst.	X		E-Town is awesome.	<i>[Signature]</i>	39	6-11-13
Chris Smith	Boulder 80304	X		Well I love E-Town	<i>[Signature]</i>	39	6-11-13
CAROLYN FARGALLS	1910 BLUFF	X			<i>[Signature]</i>	74	6-11-13
AARON Fargalls	2415 19th St #1B	X		Sounds fun	<i>[Signature]</i>	36	6-11-13
Dia Fargalls	2415 19th St #1	X		good times	<i>[Signature]</i>	40	6-11-13

PETITION ISSUE: [*] If you favor and support this New Arts LIQUOR LICENSE application because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood (see map) are not now being adequately served by existing businesses that hold the same or similar type of license now doing business in the defined neighborhood, and it is your desire that this New Arts LIQUOR LICENSE be issued, please sign and check the [*] FAVOR column to grant the requested license, and please write in your reason why you favor this license application.
 [**] If you oppose and do not support this New Arts LIQUOR LICENSE application, please sign and check the [**] OPPOSE column, and please write in your reason why you oppose this license application.

This petition/opinion poll is being conducted to determine the reasonable requirements, needs and desires of the adult inhabitants of the defined neighborhood per C.R.S. 12-47, the Colorado Beer and Liquor Codes, and per local licensing authority rules/procedures. If you think that you have been unduly influenced by the petition circulator or have questions or comments concerning the proposed application or survey method, please call: MISHAWN J. COOK, CITY OF BOULDER LICENSE MANAGER AT PHONE: 303-441-3010 OR EMAIL: cookm@bouldercolorado.gov

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PERSON NAME	ADDRESS	*FAVOR	**OPPOSE	REASON WHY YOU FAVOR OR OPPOSE THIS APPLICATION	SIGNATURE (Please SIGN, do not print)	AGE	TODAY'S DATE
Zoe Kukis	1740 Dura St.	X			<i>Zoe Kukis</i>	23	11 June 13
Chris Link	1837 Spruce	X			<i>C. Link</i>	57	6/11/13
Bambi Windland	1741 Pine	X			<i>Bambi Windland</i>	51	6/11/13
BRAD BEGIN	1741 PINE	X			<i>Brad Begj</i>	52	6/11/13
KATY FRIEDRICH	1837 MAPLE.	X			<i>K. Friedrich</i>	39	6/11/13
Patricia Vidulich	1845 Maple	X			<i>Patricia Vidulich</i>	71	6/11/13
Lowell Hanson	2315 19 th St.	X			<i>Lowell Hanson</i>	69	6/11/13

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PERSON NAME	ADDRESS	*FAVOR	**OPPOSE	REASON WHY YOU FAVOR OR OPPOSE THIS APPLICATION	SIGNATURE (Please SIGN, do not print)	AGE	TODAY'S DATE
Bruce Edgerly	1734 Pine St, Boulder CO	✓		E-town is a great addition to the neighborhood	<i>[Signature]</i>	53	6/11/13
Brian Cronin	1722 Pine St, Boulder CO	✓		I like it	<i>[Signature]</i>	27	6/11/13
Eben Carsey	2144 17th St Boulder CO	✓		MAKES SENSE	<i>[Signature]</i>	48	6/11/13
KIND GILBERT	2144 17th St Boulder, CO	✓			<i>[Signature]</i>	70	6/11/13

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SARAH FRANKEL	1800 PEARL ST. #20	✓		I LOVE ETOWN!	<i>[Signature]</i>	26	6/11
Carla Boster	1934 18th St #206	✓		"	<i>[Signature]</i>	24	6/11
Kathy Bavin	1974 18th Street #16	✓		great venue	<i>[Signature]</i>	26	6/11
Marisa Lubbeck	1934 18th St #3	✓		Great snow	<i>[Signature]</i>	30	6/11
Gillian Barkman	1934 18th St #8	✓		great venue	<i>[Signature]</i>	26	6/11
Michelle Basso	1920 19th St.	✓		" "	<i>[Signature]</i>	26	6/11
Nathan Scheidenhelm	1920 19th St. #1	✓		" "	<i>[Signature]</i>	25	6/11

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Anna Krueger	1920 19th St #5 Boulder, CO	✓		GREAT VENUE!	<i>[Signature]</i>	23	6/11/13
Meredith Leffer	1921 Walnut St Boulder, CO 80302	✓		WHY NOT?	<i>[Signature]</i>	34	6/11/13
Gena Clive	1921 Walnut #104 Boulder	✓			<i>[Signature]</i>	54	6.11.13
Jessie Creamer	1929 Walnut St #6 Boulder	✓		Booze is good!	<i>[Signature]</i>	28	6/11/13
David Gestner	1927 Walnut #7 Boulder	✓		Why not x2	<i>[Signature]</i>	26	6/11/13
Courtney Feinher	1938 Pearl St #203 Boulder 80302	✓		yes good idon!	<i>[Signature]</i>	31	6/11/13
Kate Nicholson	1949 Pearl #B Boulder 80302	✓			<i>[Signature]</i>	47	6/11/13

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Resident Petition Form

Applicant: eTown Occupancy: 200 Time of Petition: _____
 Trade Name: eTown Square Footage: 17,615 Date of Petition: _____
 Operating Hours: 5:00 pm to 9:30 pm License Type: a New Arts type liquor license
 Business Location [See Map]: 1535 Spruce Street, Boulder CO 80302 Same # Licenses in area: One

Business Description: Live concerts w/musicians in an intimate, indoor setting, target market age 35-60, majority local Boulder residents.

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Norah Charney	2156 Grove Circle W. #8 Boulder, CO 80302	✓		good group + venue		34	6/5/13
William Ljoenen	2156 Grove Circle W #8 Boulder, CO 80302	✓		ALWAYS IN SUPPORT OF E-TOWN		31	6/5/13
ERICK MUELLER	2156 GROVE CIR BOULDER, CO 80302	✓		E-TOWN ROCKS		43	6/5/13
Diedra Gustafson	2156 Grove Circle Apt 6, Boulder CO	✓		Great Venue!		23	6/5/13
Bret Turncliffe	2156 Grove Circle Apt 6 Boulder CO	✓		+ drinking = awesome		23	6/5/13
Matthew Hegarty	2156 Grove Circle Apt #2 Boulder, CO	✓		good venue needs alcohol		23	6/6/13
Griffin Miller	2156 Grove Cir W #2 Boulder, CO	✓		music and drinks go together.		23	6/6/13

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Shelly Dornwater	152A Spruce St #8 Boulder	<input checked="" type="checkbox"/>		I know Nick and team will manage it	<i>[Signature]</i>	49	6/2/13
Tony Robledo	1619 Spruce St Boulder, CO	<input checked="" type="checkbox"/>			<i>[Signature]</i>	51	6/5/13
Lanny Fyfe	1614 Pine St Boulder CO 80302	<input checked="" type="checkbox"/>			<i>[Signature]</i>	52	6/5/13
Cara Luneau	1726 Pine Street Boulder CO 80302	<input checked="" type="checkbox"/>			<i>[Signature]</i>	57	6/5/13
Donna Giardina	1726 Pine St. Bld, CO 80302	<input checked="" type="checkbox"/>			<i>[Signature]</i>	52	6/6/13
Garry Mering	2240 17th Boulder	<input checked="" type="checkbox"/>			<i>[Signature]</i>	66	6/6/13
Cara Luscher	2127 16th St	<input checked="" type="checkbox"/>			<i>[Signature]</i>	27	6/10/13

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Brandia Emerick	1617 Spruce	✓		It's all good.	<i>[Signature]</i>	42	5/30/13
H. Greenendael	1643 Spruce	✓		Great	<i>[Signature]</i>	37	5/30/13
Crystal Gray	1709 Spruce	✓		Because they close @ 10pm	<i>[Signature]</i>	over 21	5/30/13
Lori Hunter	1734 Spruce	✓		town's best neighbor	<i>[Signature]</i>	49	5/30/13
Karen Spury	1728 Spruce	✓		great	<i>[Signature]</i>	48	5/30/13

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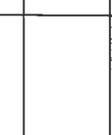
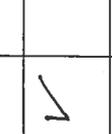
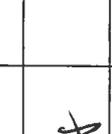
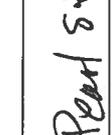
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Barb Zendig	1949 Pearl St	✓					6/11/13
Alyson Fox	1934 18th St APT H	✓					6/11/13
Dan Widner	1932/18th St APT H	✓					6/11/13
Keslie Shaw	1934 18th #24	✓					6/11/13
Louise Brown	1934 18th st. #20	✓				25	6/11/13

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Amy Russell	2127 16th Street	✓		etown rocks!		24	6/12

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RYAN MATTER	2338 14th St. #1 Boulder, CO 80304	X			<i>[Signature]</i>	28	06/11/2013
Debra Fox	2338 14th St #4 Boulder CO 80304	X		I like music & booze	<i>[Signature]</i>	28	6/11/13
Laysa Frodel	2338 14th St #6 Boulder, CO 80304	X		Nice to drink out concerts.	<i>[Signature]</i>	21	6/11/13
Taylor Denn	2334 14th St Boulder, CO, 80302	✓		Venue should have beer.	<i>[Signature]</i>	26	6/11/13

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David Lehdorff	2338 14th St. #2 Boulder CO 80304	✓		Good for everything!	<i>David Lehdorff</i>	25	6/11/13
<i>Heidi / GURU</i>	1040 Spruce St. Apt. A 80302	✓		'Tis a place for some drinking	<i>[Signature]</i>	29	13.4.6
Dan Kaplan	2012 Spruce St Apt B	✓		It's Boulder!	<i>Dan Kaplan</i>	28	6/10/13
<i>Aura King</i>	2000 Spruce St	✓		No Problem!	<i>Aura King</i>	69	6/11/13
Alana Wilson	2127 16th St.	✓		Why not?	<i>Alana Wilson</i>	27	6/11/13

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Mary Deza	1832 Spruce #1	X		Fair	<i>Mary Deza</i>	46	6-11-13
Nancy Coray	2012 Spruce St #5	yes		Fair	<i>Nancy Coray</i>	24	6-11-13
Matt Harby	4930 Quaila Drive	yes		Fair	<i>Matt Harby</i>	28	6-11-13

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Weekends	John Schopbach	1200 Pearl St.	X		<i>[Signature]</i>	Owner	49	6/11/13
Jacobson & Co.	Nicholas Trems	1126 Pearl Str.	X		<i>[Signature]</i>	Floor Supervisor	21	6/11/13
Island Jim	Nika Woyda	1122 Pearl Street	X		<i>[Signature]</i>	Manager	31	6/11/13
Gabriely Smith/Skellern	Debra Smith	1116 East 9 th	X		<i>[Signature]</i>	owner	-	6/11/13
SABBY	<i>[Signature]</i>	1114 Pearl	X		<i>[Signature]</i>	owner	61	6/11/13
The Pub	Romy King	1108 Pearl	X		<i>[Signature]</i>	owner	28	6/11/13
Bonoco	Kyle	1107 Pearl	X		<i>[Signature]</i>	owner	34	6/11/13
Bookroom	naees		X		<i>[Signature]</i>			

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TEA Montana Grill	Lawrence Prescott	1701 Pearl St. Boulder Co. 80302	X	Bring more businesses to Community	<i>Lawrence Prescott</i>	Proprietor		6/11/13
Common Era	Bret Helax	1500 D Pearl St, Boulder CO, 80302	X	Bring more businesses	<i>Bret Helax</i>	Mgr	23	6/11/13
Boulder Creek Market	SASON Strang	1801 13th St #100 BCO 80302	X	Brings more Business	<i>SASON Strang</i>	owner	31	6/11/13
Brewery Market	Jennifer Huey	1918 13th St. BCO 80302	X	why not?	<i>Jennifer Huey</i>	Mgr	32	6/11/13
CONOR BNEILLS	Laura Shultz	1922 15th St.	X	business	<i>Laura Shultz</i>	Mgr	31	6/11/13
Bayleaf	Victoria T. Tracy	1222A Pearl	✓	Music! Business!	<i>Victoria T. Tracy</i>	Mgr	59	6.11.13
Boulder Furniture Arts	Susan Roberson	1200 Pearl #100	✓	Great for business!	<i>Susan Roberson</i>	Mgr	55	6/11/13

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Snooze	Rivers	1617 Pearl	✓	Why not?	<i>[Signature]</i>	AGM	29	6/3/13
Foolish Craig's	Craig	1611 Pearl	✓	1	<i>[Signature]</i>	Owner	44	6/3/13
mountain sun	Alex	1535 Pearl	✓	1	<i>[Signature]</i>	AGM	25	6/3/13
The Gup	Wendy Zell	1521 Pearl	✓		<i>[Signature]</i>	owner	44	6-3-13
POSTERS&SCENE	BRYCE HALL	1505 PEARL	✓		<i>[Signature]</i>	owner	43	6-3-13
MetaSkateboards	John Brandon	1565 Pearl	✓		<i>[Signature]</i>	owner	39	6/3/13
Tilax (Pete)	John Sue-P	1447 Pearl	✓		<i>[Signature]</i>	Manager	32	6/3/13

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ROBICON	Choi Austin	2116 Pearl St	✓		<i>Choi Austin</i>	OWNER	38	8/6/13
Jetty's	Lily Calfee	2116 Pearl St	✓	More music and culture for Boulder!	<i>Lily Calfee</i>	own	24	6/4/13
Cocona	Roberta Wahl	2100 Pearl	✓		<i>RWA</i>	MGT	47	6/11/13
PAVILION	Nancy Banfield	2020 Pearl	✓		<i>Nancy Banfield</i>	MGT	56	6/11/13
Peppercorn	Denne	2014 Pearl	✓		<i>Denne</i>	MGT	54	6-11-13
TOO DEED	Jennifer Thompson	2015 Pearl	✓		<i>Jennifer Thompson</i>	MGR	36	6-11-13
TENZO	Marie Smith	2005 Pearl	✓		<i>Marie Smith</i>	MGR	30	6-11-13

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Dish Gourmet	Colleen Neumann	1918 Pearl	X	Arts Shows	<i>Colleen Neumann</i>	MGR	36	6-11-13
VRooms	Renee Christman	1833 Pearl	X	Why not?	<i>Renee Christman</i>	owner	62	6/11/13
SupportU	Shawn Oshtrom	1825 Pearl	X	Love them	<i>Shawn Oshtrom</i>	owner	35	6/11/13
Full Cycle	KAS GROW HOUS	1795 Pearl	X	Never would cause an issue!	<i>KAS GROW HOUS</i>	owner	41	6/11/13
L'Atelier	Paula	1739 Pearl	X	I'm all in for you big favor	<i>Paula</i>	owner	50	6/6/13
Red Letter Books	Seth Rowland	1737 Pearl	X		<i>Seth Rowland</i>	MGR	33	6-11-13
Christine Marie	Denz Lindner	1721 Pearl	X		<i>Denz Lindner</i>	owner	57	6-11-2013

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RIFFS VEGAN FARE	JOE ASESNAWAK	1115 PEARL ST	X	LOVE ETOWN		MGR	33	6/11
HATA	Ashlee Thompson	1117 Pearl	X	DITTO		MGR	27	6/11
GOLDMINE VINTAGE	Brianne Palato	1123 PEARL	Y	11		MGR	23	6/11
BEN & JENNY'S	TAYLOR KIRK	1203 PEARL	X			MGR	22	6/11
Peppercorn (for Janice)	Shanmn. Hardin	1235 Pearl	X	ditto!		supervisor	51	6/11/13
Peaestrian Shops	Tony Distasi	1425 Pearl	X	good Business		General Manager	34	6/11/13

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Snarfs	Bradley Jorgensen	2128 Pearl Street	Yes	I like to party	<i>Bradley Jorgensen</i>	Mgt	25	6/11/13
MADOLFE	WAGE SOCIA	2000 21st St Boulder, CO	Yes	good for events	<i>WAGE SOCIA</i>	Member/Dancer	38	6/11/13
Unfinished furniture	Sarah Hart	6014 21st Street	Yes	No reason Not to	<i>Sarah Hart</i>	Painter	15	6/11/13
RESTYLE FURNITURES	Ross Neely	2016 2nd St.	Yes	Good neighbor for neighbors	<i>Ross Neely</i>	owner	63	6/11/13
HW HOME	RAY PATTERSON	1941 PEARL ST	Yes	Yes.	<i>RAY PATTERSON</i>	Mar.		6-11-13
Cuba's gourmet	Susan Nelson	1815 Pearl St	Yes		<i>Susan Nelson</i>	Employee	29	6-11-13
3rd & Vine Design			Yes	Why not?	<i>Owner</i>	Employee	25	6-11-13

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Pehle Salon	Kim Muehle	1619 Spruce St.	Yes	Great for business!	Kim Muehle	owner	53	5/30/13
Makeo	DAVID VEANAL	1837 Pearl St.	Yes	Great People!	<i>[Signature]</i>	BARTEND	26	6/3/13
Buffalo exchange	Joshua Tafuya	1813 Pearl	Yes!		<i>[Signature]</i>	manager	27	6/3/13
Pizzeria Local	Dan Bjurstad	1736 Pearl	✓		<i>[Signature]</i>	mgr	28	6/3
Honeycrisp	Leah McCracken	1710 Pearl	yes		Leah McCracken	mgr	22	6/3
Langhorne Good	Tate Lowrey	1709 Pearl	Yes!	makes a better	Tate Lowrey	Barista	30	6/3
Mom's Place	Chen	1621 Pearl St	Yes		<i>[Signature]</i>	owner	42	6/3

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Tithe 9	Olivia McDaniel	1801 Pearl	✓	good for business	<i>[Signature]</i>	Sales Assoc.	30	6/11/13
Colorado Swim Shop	Christine Cortvriendt	1738 Pearl 107C	✓	"	<i>[Signature]</i>	owner	45	6/11/13
Frasca Food & Wine	Allison Anderson	1738 Pearl St. Unit A	✓	We love E-town!	<i>[Signature]</i>	Mgmt.	32	6-11-13
Lilli	Debra Brinkow	1646 Pearl St.	✓	love E-town	<i>[Signature]</i>	Sales	51	6-11-13
Letakorn Saveling	Sherry Brinkow	1600 Pearl	✓		<i>[Signature]</i>		56	6/11/13
ASI	Anthony Mering	1601 Pearl	✓		<i>[Signature]</i>	Mgmt	29	6/11/13

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Rocket Fizz	David	1441 Pearl	✓	Makes Sense	<i>[Signature]</i>	owner	43	6/5/13
Boulder Crafts	Adrienne Arnst	1421 Pearl	✓	" "	<i>[Signature]</i>	manager	41	6/3/13
The Lazy Dog	Chris VanVleet	1346 Pearl	✓	To be nice	<i>[Signature]</i>	manager	30	6/3/13
where the Buffalo Roam	Tim McCormick	1320 Pearl	✓	make sense	<i>[Signature]</i>	manager	28	6/3/13
salt	Ryan	1027 Pearl	✓	love Etown	<i>[Signature]</i>	manager	35	6/3
Dak at Fourteenth	Sarah Iverson	1400 Pearl St.	✓	Help Fellow Businesses	<i>[Signature]</i>	manager	32	6/3/13

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Affidavit of Circulator

I, Danna Clayton, do hereby certify that I was the Circulator of the attached petitions and further, that I personally witnessed each signature appearing on the petitions. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understood its meaning. All of the undersigned were shown the map and list provided by the City of Boulder's licensing department. I also affirm that no premises, threats or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was given freely and voluntarily.

Circulators' Name: Danna Clayton Danna Clayton 6/11/13
Circulators' Address: 1776 Antero Drive, Longmont CO 80504

State of Colorado)

)

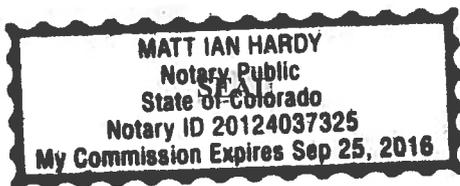
ss.

County of Boulder)

Subscribe and sworn to before me this 11th day of June, 2013.



Notary Public



My Commission Expires: SEP 25, 2016

Affidavit of Circulator

I, Margo Josephs, do hereby certify that I was the Circulator of the attached petitions and further, that I personally witnessed each signature appearing on the petitions. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understood its meaning. All of the undersigned were shown the map and list provided by the City of Boulder's licensing department. I also affirm that no premises, threats or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was given freely and voluntarily.

Circulators' Name: Margo Josephs Margo Josephs 5/31/13
Circulators' Address: 642 University Ave, Boulder CO 80302

State of Colorado)

) ss.

County of Boulder)

Subscribe and sworn to before me this 31st day of May, 2013.

M. Matha

Notary Public

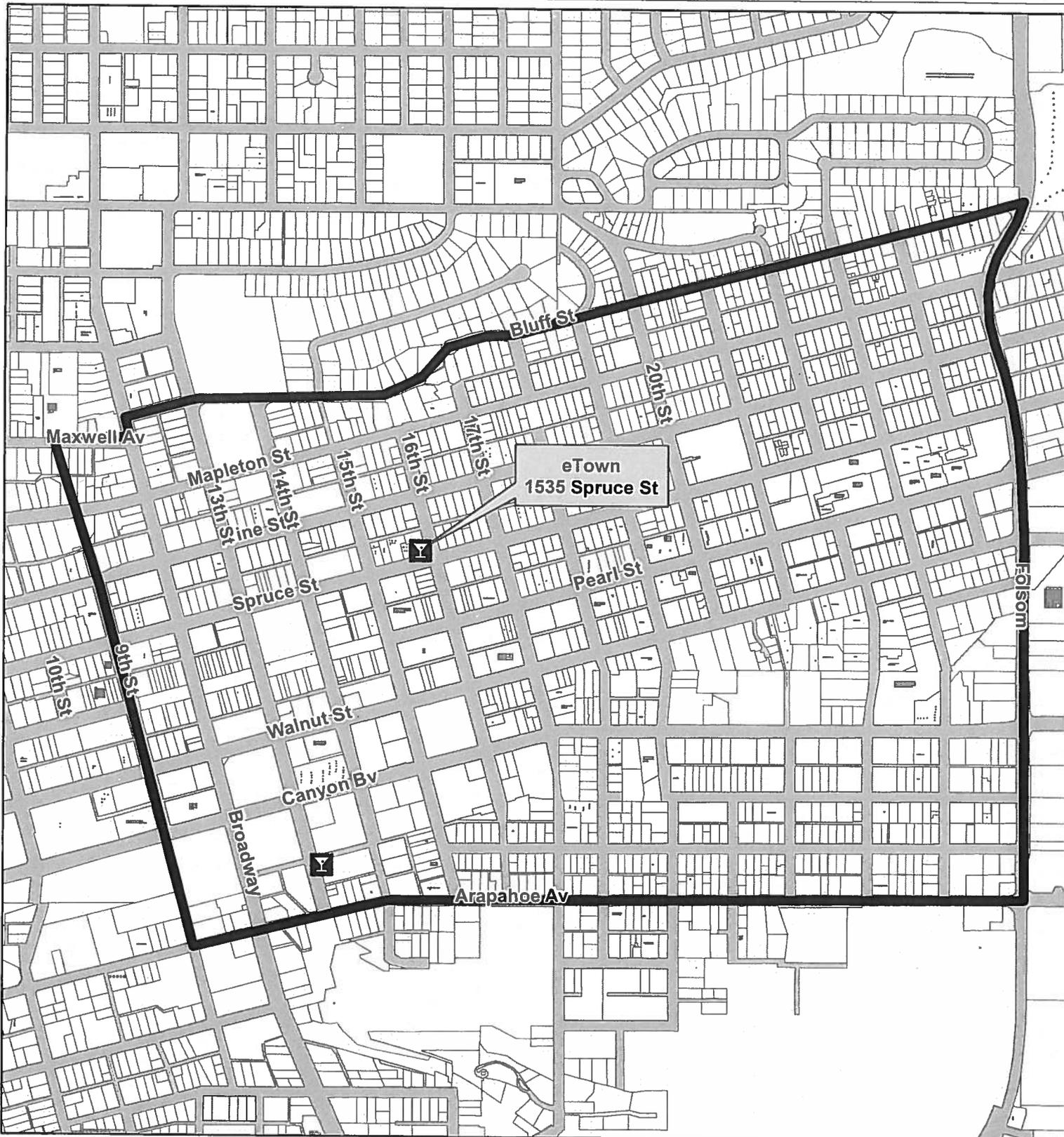
SEAL



My Commission Expires: 11-13-2015

Arts Liquor License Neighborhood Map

eTown 1535 Spruce Street



Applicant: eTown

Trade Name: eTown

Location: 1535 Spruce Street

**License Type: A New Arts type
liquor license**



NORTH

1 inch = 775 feet

City of 
Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

OBJECTID	LOCATIONID	NUMBER_	ISSUEDATE	EXPDATE	YEAR	TYPE	TRADENAME	LOCATION
385	414	10-31037-0000	2/13/2013	2/22/2014	2013	Arts Liquor	Boulder Museum Of Contemporary Art	1750 13th St

Boulder Neighborhood Needs & Desire Petitioning

After you have completed your application and submitted it for consideration, the Licensing Office will set hearing dates for your neighborhood boundaries and for your application public hearing.

The neighborhood boundaries set are typically not less than 1/2 mile radius from the site proposed for a liquor license. The public hearing date will be not less than thirty (30) days from the date of receipt of your complete application by the Licensing Office.

The Beverages Licensing Authority (the "Authority") will set your neighborhood boundaries, usually at the hearing the month before your public hearing. You are welcome to attend your boundary setting hearing or to submit suggested boundaries, but you are not required to do so.

Before approving a liquor license application, the Authority must consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, supporting witnesses or other evidence submitted by the applicant and by residents and business owners/managers of the designated neighborhood. In person witness testimony may be given at the hearing. Letters in favor or opposed to the application should be submitted prior to the hearing.

Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented. Signatures obtained from door to door petitioning must be from residents and business owners/managers of the Authority defined neighborhood. Please note that only door to door petitions will be considered by the Beverage Licensing Authority. For the resident petitions, all persons signing must be at least 21 years of age and reside in the neighborhood. For the business petitions, all persons signing must be at least 21 years of age and own and/or manage a business in the defined neighborhood. You must provide the Authority with sufficient evidence to support its findings that: 1) the reasonable requirements of the neighborhood establish a need for the issuance of the requested license, and 2) that the desires of the adult inhabitants dictate the issuance of the license. The Authority will also be looking to assure that a good sampling of the designated neighborhood was taken.

If you choose to use the petitioning method for proving neighborhood needs and desires, the "Resident Petition Form" and the "Business Petition Form" created by the Licensing Office must be used in this process. Each door to door petitioner must carry and show at the door a copy of the "Designated Neighborhood Map" and the "Existing Licenses List" provided by the Licensing Office. The prepared "Petition Results Summary" should also be included with your petition signature pages to summarize the results.

Each petitioner who has collected petition results door to door must include a signed "Affidavit of Circulator" that is notarized indicating that he/she personally witnessed each signature appearing on the petition and that, to the best of his/her knowledge, each signature is the signature of the person whose name it purports to be and that the address given opposite the person's name is the true residential or business address of the person signing the petition. Failure to affix a completed affidavit of circulator, including notarization, may cause petition invalidity concerns to be raised by the Authority.

There are professional petitioning firms that you may contract with; however, the decision to use any such firm is entirely yours. If you choose a professional petitioning firm, they must also use the prepared petition forms and results summary. This information is meant only as a guideline provided as a courtesy by the City of Boulder. Applicants are encouraged to consult a private attorney for answers to legal questions or concerns.

Neighborhood Needs & Desires Petition Summary

Applicant: eTown

Trade Name: eTown

Business Location: 1535 Spruce Street, Boulder, CO 80302

Occupancy: 200 Square Footage: 17,615

Business Description: Live concerts w/musicians in an intimate, indoor setting, target market age 35-60, majority local Boulder residents

Operating Hours: 5:00 pm to 9:30 pm

License Type: New Arts Same # of Licenses in area: One

Date(s) of Petitioning: _____

Defined Neighborhood: North: Maxwell to High to Sunset to Bluff; South: Arapahoe, West: 9th Street, East: Folsom

Total Contacts:

Not at Home: _____

Not Qualified: _____

Refuse to Sign: _____

Needs & Desires Already Met: _____

Religious Objection: _____

Remained Neutral: _____

Alcohol Usage Objections: _____

No Reason Given: _____

Agenda Item 8

Agenda Item 9

MATTERS FROM THE LICENSING CLERK 

NEIGHBORHOOD BOUNDARIES HEARING ON JUNE 19, 2013
TO DESIGNATE NEEDS AND DESIRES BOUNDARIES
FOR BEVERAGE LICENSING AUTHORITY PUBLIC HEARING ON JULY 17, 2013 FOR
SUBJECT APPLICATION.

June 12, 2013

SENT VIA FIRST CLASS MAIL

You may attend the above neighborhood boundary hearing on June 19, 2013 at 3pm and/or provide written neighborhood boundary recommendations to Boulder Beverages Licensing Authority by Monday, June 17, 2013 if you wish, but you are not required to do so. An additional copy of this letter, with the Designated Neighborhood Boundaries included and supplemental deliberation materials provided by Licensing Clerk to the Authority will be mailed to you at your below mailing address shortly after the neighborhood boundary hearing (per BLA Rules of Procedure Section 4.1 available at:

<http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf>, such materials are to include, without limitation: suggested boundaries for an area of not less than a one-half (1/2) mile radius around the proposed establishment, zoning boundaries, land use designations, traffic flow, access roads, demographics, size of establishment, natural and human-made barriers, and consideration of other similar licenses in the area proposed). As a reminder, Needs and Desires Evidence, such as petitions, are due to the Clerk by **Monday July 8, 2013.**

Boulder DT, LLC
d/b/a/ The Corner
c/o Dill Dill Carr Stonbraker & Hutchin
455 Sherman Street, Ste. 300
Denver CO 80203
Attention: Kelley Kiesling

Applicant: **Boulder DT, LLC**
Trade Name: **The Corner**
Location: **1100 13th Street, Boulder, CO, 80302**
License Type: **A New Hotel-Restaurant type liquor license**

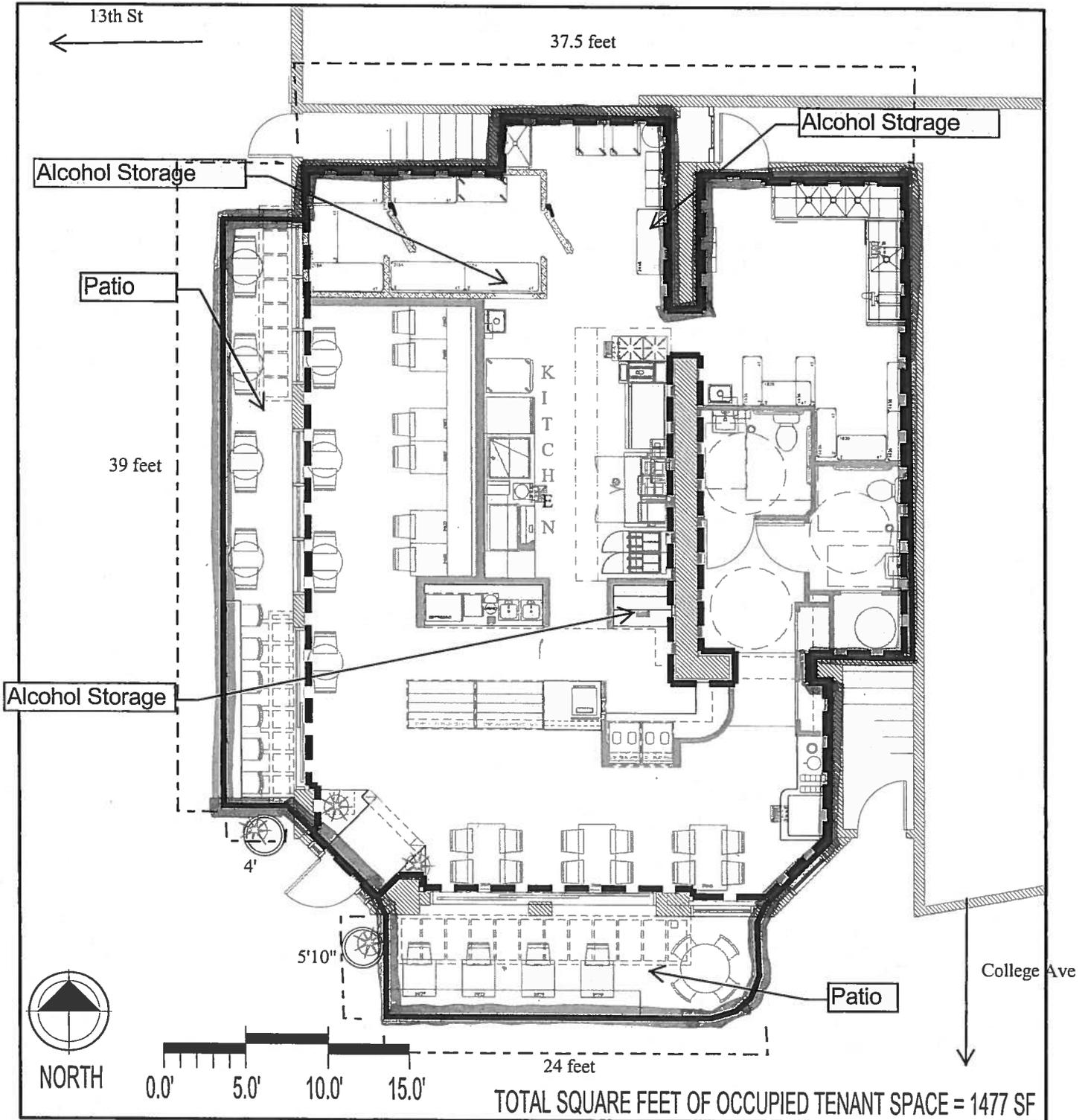
Designated Neighborhood Boundaries

North Boundary:

South Boundary:

West Boundary:

East Boundary:



the
corner

The Corner
1100 13TH STREET
BOULDER, CO 80302

REVISION	DATE
LIQUOR LICENSE DIAGRAM	05.14.13

CONTACT:

Peter Carey

720-636-6371

peter@uparch.net



5305 spine road suite f, boulder CO 80301

Application: Boulder DT, LLC d/b/a The Corner for a New Hotel-Restaurant liquor license at 1100 13th St, Boulder CO, 80302

Total Indoor Sq. Ft.: 1477

Patio Sq. Ft.: 299

Total Premise Sq. Ft.: 1776

Max. Indoor Seating: 34

Max. Patio Seating: 28

Total Premise Seating: 62

Hours of Operation: 7:00 AM to 11:00 PM Mon to Sun.

MATTERS FROM THE LICENSING CLERK *mor*

NEIGHBORHOOD BOUNDARIES HEARING ON JUNE 19, 2013
TO DESIGNATE NEEDS AND DESIRES BOUNDARIES
FOR BEVERAGE LICENSING AUTHORITY PUBLIC HEARING ON JULY 17, 2013 FOR
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<http://www.bouldercolorado.gov/files/Clerk/Licensing/Rules%20of%20Procedure%2007.pdf>, such materials are to include, without limitation: suggested boundaries for an area of not less than a one-half (1/2) mile radius around the proposed establishment, zoning boundaries, land use designations, traffic flow, access roads, demographics, size of establishment, natural and human-made barriers, and consideration of other similar licenses in the area proposed). As a reminder, Needs and Desires Evidence, such as petitions, are due to the Clerk by **Monday July 8, 2013**.

Zinfinity LLC
d/b/a/ SIP
c/o James R Penfold
4202 Monroe Dr #C
Boulder CO 80303
Attention: James R Penfold

Applicant: **Zinfinity LLC**
Trade Name: **SIP**
Location: **2810 East College Ave #3, Boulder, CO, 80303**
License Type: **A New Beer & Wine type liquor license**

Designated Neighborhood Boundaries

North Boundary:

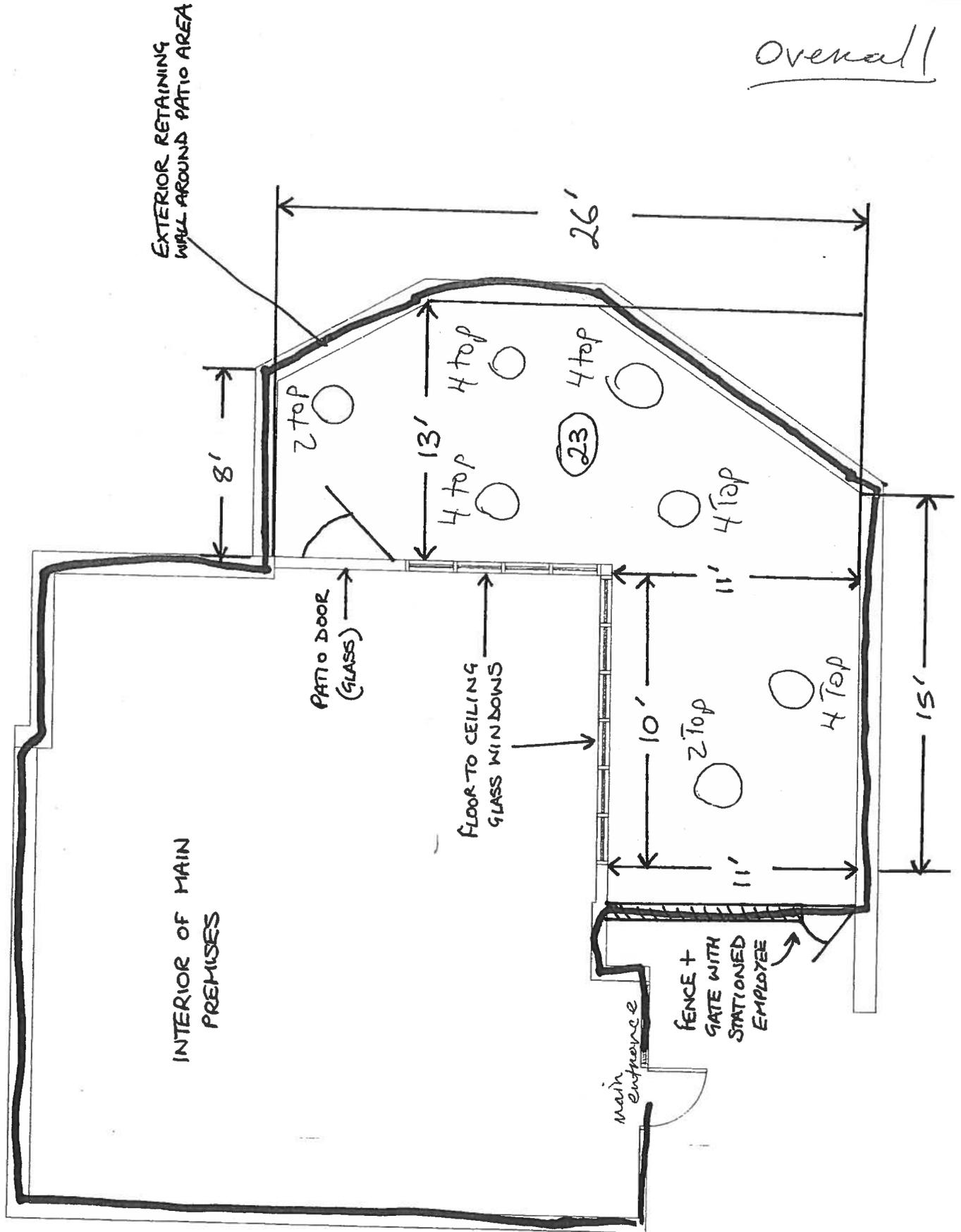
South Boundary:

West Boundary:

East Boundary:

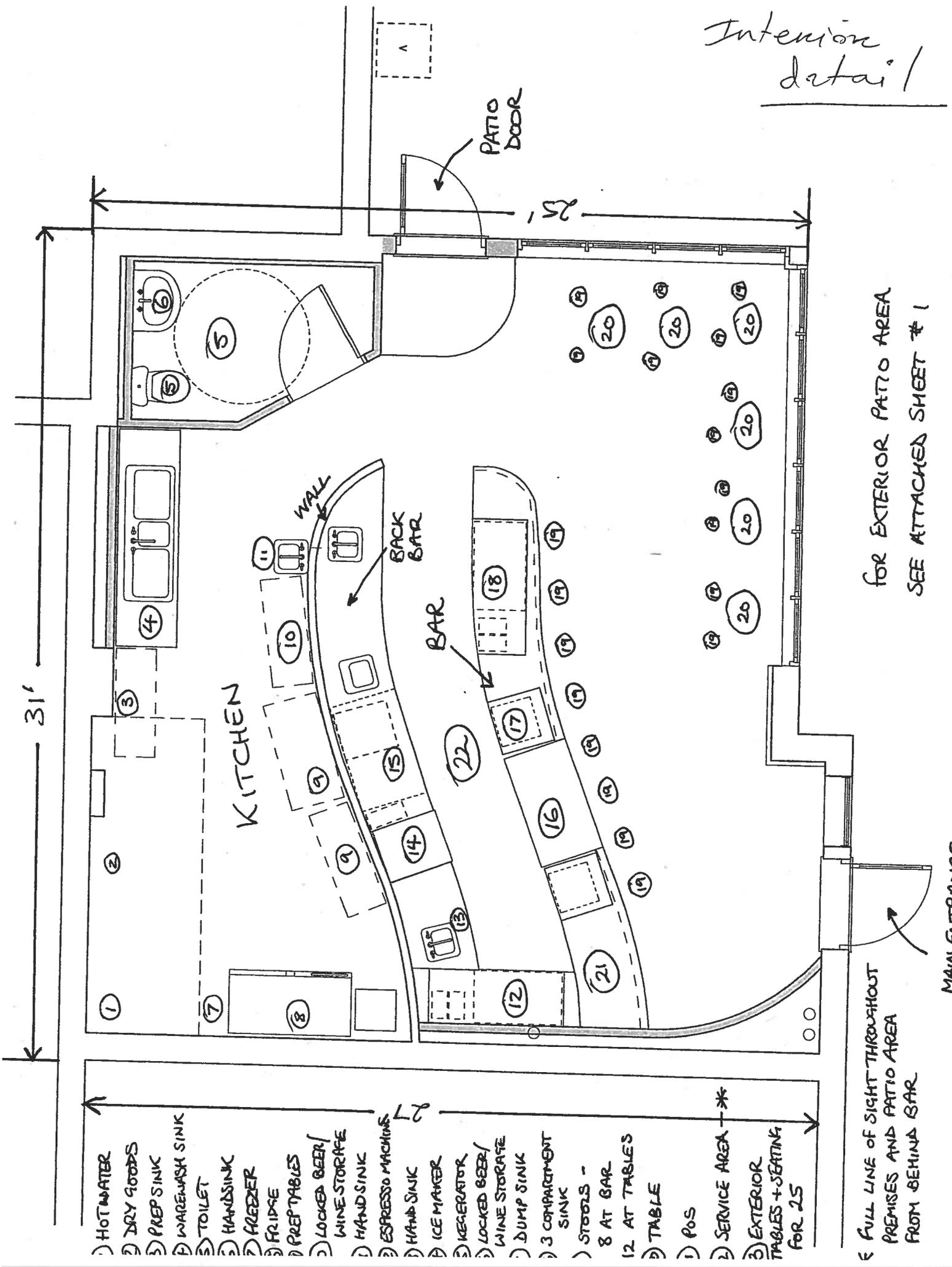
EXTERIOR PATIO AREA - ATTACHED SHEET #1

Overall



Application: Zinfinity LLC d/b/a SIP for a New Beer & Wine liquor license at 2810 East College Ave #3, Boulder CO 80303		
Total Indoor Sq. Ft.: 818	Patio Sq. Ft.: 273	Total Premise Sq. Ft.: 1091
Max. Indoor Seating: 20	Max. Patio Seating: 25	Total Premise Seating: 45
Hours of Operation: 7AM to 9PM Mon to Wed. 7AM to 10PM Tues to Fri. 9AM-10PM Sat. 9AM-4PM Sun.		

Intention detail

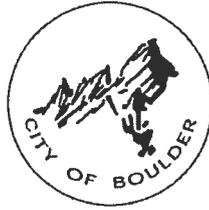


- 1) HOT WATER
- 2) DRY GOODS
- 3) PREP SINK
- 4) WAREWASH SINK
- 5) TOILET
- 6) HANDSINK
- 7) FREEZER
- 8) FRIDGE
- 9) PREP TABLES
- 10) LOCKED BEER/ WINE STORAGE
- 11) HANDSINK
- 12) ESPRESSO MACHINES
- 13) HANDSINK
- 14) ICE MAKER
- 15) REFRIGERATOR
- 16) LOCKED BEER/ WINE STORAGE
- 17) DUMP SINK
- 18) 3 COMPARTMENT SINK
- 19) STOOLS - 8 AT BAR
- 20) 12 AT TABLES
- 21) TABLE
- 22) POS
- 23) SERVICE AREA - *
- 24) EXTERIOR TABLES + SEATING FOR 25

FOR EXTERIOR PATIO AREA
SEE ATTACHED SHEET # 1

* FULL LINE OF SIGHT THROUGHOUT PREMISES AND PATIO AREA FROM BEHIND BAR

MAIN ENTRANCE



**CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY**

MEETING DATE: April 17, 2013

AGENDA TITLE: Proposed Change of Beverage Licensing Authority Structure for Suspension/ Revocation Proceedings

PRESENTERS:

Tom Carr, City Attorney
Sandra Llanes, Assistant City Attorney III
Karl Guiler, Planner II/Zoning Code Amendment Specialist
Joanna Crean, Public Works Project Coordinator
Mishawn Cook, Licensing and Collections Manager

Background

On February 19, 2013, the City Council considered a proposed action plan to reduce community impacts from overconsumption of alcohol. Staff proposed the action plan in response to community input regarding potential land use and licensing code changes. A copy of the memorandum for the February 19 council meeting can be found at the following link: www.bouldercolorado.gov/alcohol.

Through public outreach, it became clear that much of the community believes that land use code changes alone may not solve the city's problems with alcohol and that a more comprehensive, multi-faceted effort would be required. If there was any consensus among the various groups, it was that the city would benefit from more effective use of existing laws, rather than enacting new ones. It also became clear that it would be difficult to implement new land use laws that did not 1) shift the problem around; 2) impair economic vitality; or 3) create unintended consequences.

At the Feb. 19, 2013 public hearing, City Council received public input, evaluated the proposed action plan, and authorized city staff to move forward with the plan with the following key elements:

- Enhance data sharing across city departments;
- Focus enforcement resources on "problem" liquor-licensed establishments and "problem" residential rental properties;
- Pilot joint inspection teams for review of licensees;
- Increase support to Beverage Licensing Authority (BLA) and change the structure for suspension/ revocation proceedings;
- Draft new land use definitions to differentiate between low- and high-intensity uses;
- Draft language on the 500-foot rule;
- Explore late-night business licenses; and
- Evaluate impacts of policy changes.

As discussed below, each of these elements would likely progress on divergent timelines and some will require more holistic consideration, feedback and research before moving forward.

Proposed Action Plan

Staff considered the community feedback in the form of an ad hoc group composed of community stakeholders and a community survey (among other outreach methods), looked at current approaches, and developed the action plan for an improved response in the community. Staff recommended that council provide direction on the implementation of this plan before considering any additional land use code or licensing code changes (listed separately under Other Land Use and Licensing Considerations section on page 8 Agenda Item 5A of the February 19, 2013 council meeting agenda referenced in the hyperlink above).

Based on City Council's direction, staff is moving forward with the action plan. This includes implementing an enforcement approach that focuses on "problem" establishments during the first quarter 2013 and is exploring the proposed BLA changes discussed within this memorandum. Staff is also drafting new land use definitions for council consideration during the second quarter 2013. The joint inspection team pilot will begin in third quarter 2013 along with implementation of standard reports. A proposal related to a revised 500 foot rule will be presented to council during the fourth quarter of 2013. A proposal related to the evaluation of the new late-night business licenses will be presented to council in the future based on other work priorities, likely in 2014.

Change Structure for Suspension/ Revocation Proceedings –

One of the challenges to effective alcohol enforcement is adjudicating violations and revocation proceedings. The Beverage Licensing Authority (BLA) is a five member volunteer community board that has the responsibility of granting, denying, suspending, and revoking liquor licenses. Suspension or revocation requires what is essentially a trial, with the BLA sitting in the role of a judge. Under Colorado law, liquor licenses can be issued, renewed, or revoked by a local licensing authority. The local licensing authority is the City Council or any authority designated by city ordinance. The City Council has delegated this authority to the BLA.

A liquor license is a property right. Deprivation of any property right requires due process of law. While the government has plenary authority over liquor licensing, it still must respect a

licensee's due process rights. The BLA as the local licensing authority is required to apply state law to liquor license applications, suspensions and revocations to adjudicate whether an applicant receives, retains or loses this property right. The question is whether it is time to move toward a more professionally trained system of adjudicating these rights.

Historically, lay judges were quite common. Today, it is rare for non-lawyers to adjudicate the rights of others. One of the rights that King Richard guaranteed in the Magna Carta was the assurance that he would not appoint judges without legal training. Legal training is important to understand what is and is not appropriate when addressing a party's due process rights.

The BLA is in a unique position in that it acts as the adjudicative body for liquor violations. In its quasi-judicial role, the BLA must consider evidence, decide on the legal admissibility of evidence, and rule on legal objections. There is no other city board placed in this position. The Planning Board, Landmarks Board and the Board of Zoning Appeals all hear applications, but none sits as a trial court. Only the BLA is required to conduct hearings on violations of law.

Based on our research, there are three typical liquor licensing structures.¹ Liquor licensing is either handled by (1) a hearing officer (2) city council/board or (3) bifurcation of responsibilities between a hearing officer and council/board.

Many jurisdictions in Colorado use a hearing officer to administer all aspects of liquor licensing. These include Longmont, Greeley, Loveland, Fort Collins, Golden, Grand Junction, Erie, and Denver. The town of Lone Tree and Rifle have a bifurcated liquor licensing structure in which a hearing officer handles violations and renewals and the city council handles all other matters related to licensing. Under this model, a hearing officer, who can be the municipal court judge² or a licensed attorney under contract with the city, conducts hearings to consider evidence and make determinations on suspensions and revocations of violations and renewals.³

Replacing the BLA with a hearing officer would also promote efficiency. Other jurisdictions have found that hearings do not last as long when they are conducted by a professional hearing officer. Currently BLA meetings require a significant staff commitment. The licensing clerk prepares the board's packet and provides other staff support before, during, and after all hearings. The city attorney's office provides two attorneys to staff the board. Sandra Llanes provides legal advice and support to the board, while Michael Whitney acts as the prosecutor with regard to violations and contested renewals. A hearing officer would require significantly less legal staff support.

There is also the question of fairness. The BLA turns over completely every five years. There is no requirement that board members have any legal training. Results can change from year to year as the board's composition changes. Reliable enforcement requires predictability of results.

¹ See attachment A

² Judge Cooke is very active in collaborative community issues related to alcohol. While not technically a conflict, it would provide a clearer separation if council decided to take the approach that Judge Cahn be appointed as the hearing officer.

³ Typically, renewals are handled administratively by the city clerk unless there are issues with the existing license that require a hearing.

This is a challenging aspect for a five member board. While this board works hard to achieve consistent results, this has not always been the case and may not be so in the future.

Staff recommends that the BLA recommend a model that uses a hearing officer to adjudicate liquor law violations⁴. This is a model that the city uses for medical marijuana establishments and it seems to work well. Maximum efficiency would be achieved if all of the BLA's functions were transferred to a hearing officer. Nevertheless, it would be possible to reserve licensing functions related to new licenses to the BLA, while delegating revocations and suspensions from violations or renewals to a hearing officer.

Staff intends to incorporate the board's recommendation in a report to the City Council.

Options for Consideration

1. Transfer all BLA functions to a hearing officer.
2. Transfer only revocation/suspension hearings to a hearing officer.
3. Maintain the status quo.

⁴ Including contested renewals that are not administratively renewed by the clerk.

Research on Liquor Licensing Authority Models¹

Sole Hearing Officer Model

Fort Collins:

They converted from a citizen board to a hearing officer model in 2001 to provide more consistency and impartiality. Hearings are held on the 1st and 3rd Monday each month at 1pm. The municipal judge is the hearing officer and a salaried employee. Meetings rarely last more than an hour, so a cost savings is realized because of those factors. It was noted that an individual who is knowledgeable about the liquor laws ensures objective decisions that protect the welfare of the public and licensees. The licensees prefer dealing with one person rather than a board. Judge has a consistent set of questions for each type of application, she is well respected; staff doesn't spend as much time explaining information to licensees; easier to get a hold of the judge; the judge knows the rules; staff and licensees have a consistent standard with regard to expectations, makes it easier for police department in presenting cases because they know the precedent and what bar to hit in building a case.

Golden:

They converted from a citizen board to a hearing officer two years ago. An outside contracted attorney serves as the hearing officer. They have experienced cost savings because they don't have to pay staff and police officers overtime for night meetings. The hearing officer is an attorney and knows what she is doing with regard to procedures and the law thereby providing more consistency and neutrality to rulings. It is working smoothly. The hearing officer is not a member of the community and therefore can step back and approach it from a more objective and professional viewpoint. Treatment to licensees and applicants more consistent, hearing officer is firm but professional. There is more flexibility with one person versus five.

Greeley:

They converted from a citizen board to a hearing officer in 2002 because they had problems getting a quorum for meetings. Cost savings were realized in that meetings are scheduled as needed and run at most half an hour. The city clerk's office has administrative authority for many matters. The hearing officer is the municipal judge, is a salaried employee and provides objectivity in considering public welfare and licensee concerns.

Longmont:

They switched from a citizen board to a hearing officer in the late 1990s. The municipal judge is the hearing officer and a salaried employee. Meetings are held once a month and usually don't last more than an hour so there is a cost savings realized. Judge keeps the hearings efficient and impartial.

¹ Research was conducted through interviews with city clerks and previous research conducted by Golden.
c:\users\cookm1\appdata\local\microsoft\windows\temporary internet files\content.outlook\x7c6d1av\research on lla structures-914 (3).doc

Lakewood:

They converted from a citizen board to a hearing officer in 2008 to provide more consistency in decision making and because they had problems getting a quorum for meetings. Meetings are held twice a month and usually last no more than one hour thus providing cost savings. An outside contracted attorney serves as the hearing officer and bills the city for his services. Converting to a hearing officer was viewed as a very positive change supported by council, the outgoing volunteer board, and licensees.

Loveland:

They converted to a hearing officer from a citizen board in 1999 because they were experiencing difficulty in getting members for the Authority. Meetings are held once a month and typically last no more than one hour. The municipal judge is the hearing officer and is a salaried employee.

Denver:

Denver has a pool of 6-7 hearing officers who work part-time as on-call employees. All are licensed attorneys. They rotate based on availability and schedule. Hearing officers conduct new license hearings and provide the Director of Excise and Tax with a hearing summary and recommended decision for approval or denial. The Director of Excise and Tax is the final decision maker. Ninety-five percent of the time the director will follow the hearing officer's recommendation but he has flexibility to reach a different conclusion or make an amendment.

Clerk believes this system is efficient because Denver holds a lot of hearings; on average of 1-2 hearings per day, 95% are liquor hearings. Hearings are held at 9am or 1:30pm and night hearings are only available upon request.

Most disciplinary matters are settled before hearings. City attorney is present at all hearings and attorney's role is not to advocate but to make sure the legal procedures are being followed. Clerk believes it makes sense to have one person running the hearing. Essentially Denver has a two-step process: hearing officer conducts hearings and recommends action, director then reviews and issues final decision.

Bifurcated Model

Lone Tree:

Five years ago they converted from city council as the liquor license authority to the current bifurcated model. City council now handles all new licenses and hearing officer and clerk

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ATTACHMENT A

handles everything else. Previous to this change, everything was decided by city council during regular city council meetings. There were concerns of impartiality by council and the city grew so there were too many liquor violations for them to handle. But council didn't want to fully give up their involvement with licensing so they continue to hear and approve new licenses only.

A hearing officer provides a more uniform approach to violations; reduced length of hearings, show cause hearings are mostly negotiated stipulations, and licensees' take the process more seriously.

Hearing officer provides a more impartial balanced approach. It was difficult for council to hear the violations because they were friends with the licensees and the hearings were conducted during regular city council meetings so time to hear all the cases became an issue.

The municipal judge is the hearing officer, the clerk recommends cases to the hearing officer when she feels she can't administratively approve a liquor license renewal; if the police find a violation, they tell the clerk and the clerk drafts findings of evidence and passes it to the hearing officer for a show cause hearing. It was important for the city to take the process away from council because they frequent the establishments and were neighbors with the licensee. The hearing officer model showcases the importance and severity of cases and legitimizes the process.

Rifle:

City council hears new licenses but show cause hearings are conducted by a hearing officer.

The hearing officer is an attorney with courtroom experience and specialized knowledge. Scheduling is easier to figure out with fewer people.

The city only had the issue raised once from a state compliance check that found violations at 1/3 of licensees; they had 9 show-cause hearing notices sent out all at once; only one went to hearing and others settled.

Council hears new license applications but they found a hearing officer for the show cause hearing. The idea of a hearing officer started with a zoning infraction that went before a hearing officer. After the state compliance issue, the hearing officer idea was recommended to city council. They supported the idea of having liquor licensing violations go in front of a hearing officer.

Alamosa

Cook, Mishawn

From: Judy Egbert [JEgbert@ci.alamosa.co.us]
Sent: Monday, June 03, 2013 3:03 PM
To: Cook, Mishawn; AJENSEN@fcgov.com; Cheryl Aragon; Margy Greer (MarGre@lakewood.org); debrak@gjcity.org; Rhonda Coxon (rcoxon@tosv.com)
Subject: RE: Question from our Beverage Licensing Authority about regular penalty for liquor violations
Attachments: stip ordinance.doc; liquor delegation policy.pdf

Hi everyone! This is a great subject, so I thought I'd share my reply with everyone.

We adopted the attached ordinance as a mechanism to allow pre-hearing stipulations and streamline our process. It has worked wonderfully. Among other things, the ordinance adopted the recommended penalties for compliance checks into our code.

Our Council is our LLA, although they have delegated a pretty broad amount of things to me for administrative approvals (policy attached). They take a pretty strong stance on violations. We've been doing our own compliance checks since 2001 and still find up to 50% failure rate. For a first-time-ever violation, a typical penalty would be 3 days served with 7 in abeyance for one year. A second offense more than a year apart would be 5 days served plus 10 in abeyance. Anything more than three offenses will get the max under the ordinance (15 days served if more than a year has passed). Technically these are still "first offense within one year" categories, but Council clearly wants the penalty to continue to escalate.

Hope this helps!

Judy

Judy A. Egbert
City Clerk
City of Alamosa
POB 419
Alamosa, CO 81101
719/589-2593 main
719/587-2512 direct
719/589-9454 fax
www.cityofalamosa.org

From: Cook, Mishawn [<mailto:cookm@bouldercolorado.gov>]
Sent: Monday, June 03, 2013 2:52 PM
To: Judy Egbert; AJENSEN@fcgov.com; Cheryl Aragon; Margy Greer (MarGre@lakewood.org); debrak@gjcity.org; Rhonda Coxon (rcoxon@tosv.com)
Subject: Question from our Beverage Licensing Authority about regular penalty for liquor violations

Hi All, our city council is currently having a discussion about whether our local licensing authority functions will continue with our five member board, the Boulder Beverage Licensing Authority (BLA), whether they will be split between the BLA and a hearing officer, or whether all functions will be assigned to a hearing officer or municipal judge.

At the last discussion that our BLA held on this topic, they asked for some information about common penalties and suspensions with other cities and towns. That is a pretty big question, so I thought that I would boil it down to be:

- 1) Does your municipality have a written penalty guideline for suspensions (if so, please send a copy)?

- 2) For a first offense, sale to minor charge where the licensee is found guilty and where there are no aggravating factors, what would be the range of penalties that you would expect for this violation? How would expect that such a violation would be handled?

Thanks for the help and hope you are all well! Mishawn

ORDINANCE NO. 02, 2011

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA, COLORADO, TO AMEND LANGUAGE IN SECTION 10-22, AND TO ADD NEW SECTIONS TO ADOPT PENALTY GUIDELINES, DEFINE THE PENALTY PROCESS, ALLOW PAYMENT OF FINE IN LIEU OF SUSPENSION, AND TO RECOVER COSTS ASSOCIATED WITH THE VIOLATION HEARING UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the language in Section 10-22 of the City's *Code of Ordinances* requires revision to more accurately reflect the practice and citation numbers of the Colorado Liquor Code; and

WHEREAS, the City Council of the City of Alamosa, acting as the Liquor Licensing Authority ("Authority") desires to improve customer service for its customers that hold a liquor license; and

WHEREAS, The Authority desires to adopt practices that ensure that violations are penalized in a consistent and efficient manner; and

WHEREAS, The Authority recognizes that there are procedural changes that will reduce the cost to the City of Alamosa and provide a mechanism for recovering costs under certain circumstances; and

WHEREAS, The Authority desires to offer the option of paying a fine in lieu of suspension for certain violations;

NOW THEREFORE BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, acting in its capacity as the Local Licensing Authority under the Colorado Liquor Code:

Section 1. Chapter 10, Article II of the *Code of Ordinances of Alamosa, Colorado* is hereby amended as follows:

Section 10-22 is amended to reflect the changes shown below. Strikeouts represent deleted language, and capital letters reflect new language.

(a) No person shall sell, or keep for sale, any alcoholic beverages within the city without first having obtained a license from the city. The license ~~tax~~ FEE for the sale of alcoholic beverages in the city shall be the sums fixed by the Colorado Beer Code, C.R.S. 12-46-101 et seq. and the Colorado Liquor Code, C.R.S. §12-47-101 et seq.

(b) Licenses shall be granted by the city council **ACTING AS THE LOCAL LICENSING AUTHORITY** only after the payment ~~in cash~~ of such license fee. No such license shall be granted ~~before the applicant has exhibited to the city council proof that he has obtained from the state licensing authority a license to sell alcoholic beverages at the place described in his application.~~ **UNTIL AN UNDERLYING LICENSE FROM THE STATE LICENSING AUTHORITY IS IN PLACE.**

(e) The administration building of Alamosa School District RE-11J, located at 209 Victoria Avenue in the City of Alamosa, is hereby eliminated from the application of any distance restriction established by or pursuant to C.R.S. §12-47-313(1)(d)(III) ~~paragraph (d) of section 12-47-138 (5B C.R.S. 1991),~~ for hotel and restaurant licenses only.

Section 2. Section 10-30 is hereby created as a new section of Chapter 10 Article II.

Section 10-31 Liquor Violation Penalties and Process

(a) Definitions:

“Local Licensing Authority (Authority)” means the Alamosa City Council (Council) sitting in its capacity as the Local Licensing Authority. If the Alamosa City Council chooses to appoint a separate Authority, this section would apply directly to that Authority.

“Licensee” means the person or entity holding an alcohol beverage license of any class, or the person or entity holding an alcohol beverage permit of any type.

(b) Investigation of Cause for Suspension and Revocation of Licenses

An investigation may be commenced upon motion of the Authority, request of the Police Department, request of the City Prosecutor, or upon the City Clerk’s own initiative. If the investigation shows reasonable suspicion to believe that grounds for suspension or revocation exist, Show Cause Hearing proceedings may be initiated.

(c) Pre-Hearing Negotiated Stipulation

For violations as specified in this section, the City Prosecutor is authorized to conduct a pre-hearing negotiation meeting. After considering results of the initial investigation and considering any mitigating or aggravating factors, the Prosecutor may offer a stipulated agreement to the licensee. If the licensee agrees, the stipulation agreement will be presented to the Local Licensing Authority for final action. The range of the City Prosecutor’s discretion is specified in this section. An offer of stipulation is intended to be a lesser penalty than the Local Licensing Authority would reasonably be expected to impose after a hearing.

A stipulated agreement is not required to be offered, and both the City Prosecutor and Police Department reserve the right at their discretion to move directly to Show Cause Hearing.

(d) Penalty Guidelines

Penalties for violation of any provisions of this Chapter, the Colorado Liquor Code, Colorado Beer Code, or Colorado Special Events Code shall be as provided in the guidelines below. Nothing in the following guidelines is meant to restrict the Local Licensing Authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this Code or state law, up to and including suspension or revocation of a liquor license.

When the penalty is a result of a violation that occurred during a compliance check, the guidelines in the Code of Regulations, 1 C.C.R. 203-2, Regulation 47-604 shall apply. The penalties described below reflect this Regulation, and may also be applied to a similar violation that occurs outside of a compliance check.

Violation: Sale to a Minor	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense within one year.	Written warning up to 15 day suspension	Yes	0 to 10 days served with 15 to 5 days held in abeyance for one year	If the employee making the sale has completed a state- approved server training, a written warning is recommended in compliance with Regulation 47-604(A)(2)
Second offense within one year	5 to 30 day suspension	Yes, if fine was not paid or suspension served for first offense and if there are no other offenses within the past two years	10 to 20 days served with 20 to 10 days held in abeyance for up to 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.
Third offense within one year	20 to 45 days suspension	No	30 to 40 days served	Time held in abeyance not allowed. Time held in abeyance from prior offense(s) must be served. May not pay a fine in lieu of.
Fourth offense within two years	45 day suspension to up revocation	No	No stipulation offered	Time held in abeyance not allowed. If not previously served, all time held in abeyance from prior offenses must be served. May not pay a fine in lieu of.

When considering mitigating and aggravating factors, the Authority and/or City Prosecutor shall consider:

- Action taken by the licensee to prevent violations, such as server training.
- Licensee's past history of success or failure with compliance checks.
- Any corrective action taken by the licensee.
- Any corrective action taken for prior violations and the success or failure with the implementation of this action.
- Willfulness or deliberateness of the violation.
- Likelihood of recurrence of the violation.
- Factors which might make the situation unique, such as:
 - Prior notification that the compliance check would be forthcoming.
 - The dress or appearance of the underage operative, i.e. the operative was wearing a high school letter jacket.
 - Licensee or Registered Manager is the violator or directed an employee or other individual to violate the law.

For violations that are not part of a compliance check, the following guidelines apply:

Violation: Procurement of liquor from prohibited source	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense	Written warning up to 10 days suspension	Yes	3 to 7 days served plus 7 to 3 days held in abeyance for one year	
Second offense within one year	5 to 15 days suspension	Yes, if fine was not paid or suspension served for first offense	7 to 12 days served with 8 to 3 days held in abeyance for up to 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.

Violation: Sale to visibly intoxicated person	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense	Written warning up to 15 day suspension	Yes	0 to 10 days served with 15 to 5 days held in abeyance for one year	
Second offense within one year	10 to 30 days suspension	Yes, if fine was not paid or suspension served for first offense	15 to 20 days served with 15 to 10 days held in abeyance for 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.

Violation: Failure to meet food requirements	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense	Written warning up to 10 days suspension	Yes	3 to 7 days served plus 7 to 3 days held in abeyance for one year	
Second offense within one year	5 to 15 days suspension	Yes, if fine was not paid or suspension served for first offense	7 to 12 days served with 8 to 3 days held in abeyance for up to 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.

Violation: Sale, service or consumption outside legal hours	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense	Written warning up to 15 day suspension	Yes	0 to 10 days served with 15 to 5 days held in abeyance for one year	
Second offense within one year	10 to 30 days suspension	Yes, if fine was not paid or suspension served for first offense	15 to 20 days served with 15 to 10 days held in abeyance for 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.

Violation: Failure to report change in Manager, Trade Name, or Entity Structure	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense	Written warning up to 10 days suspension	Yes	3 to 7 days served plus 7 to 3 days held in abeyance for one year	
Second offense within one year	5 to 15 days suspension	Yes, if fine was not paid or suspension served for first offense	7 to 12 days served with 8 to 3 days held in abeyance for up to 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.

Violation: Sale or service by underage employee	Penalty Range	Payment of fine permitted	Negotiated Stipulation Range	Additional Requirements
First offense	Written warning up to 10 days suspension	Yes	3 to 7 days served plus 7 to 3 days held in abeyance for one year	
Second offense within one year	5 to 15 days suspension	Yes, if fine was not paid or suspension served for first offense	7 to 12 days served with 8 to 3 days held in abeyance for up to 18 months	Any time held in abeyance from a prior penalty must be served. May not pay fine in lieu of this portion of the suspension.

(e) Consideration of Payment of Fine in Lieu of Suspension

The City of Alamosa Local Licensing Authority agrees to accept and adopt the optional procedures described in C. R. S. §12-47-601(3) through (6). This shall apply to any licensee who violates or whose employees violate any terms of this Chapter or of Title 12, Articles 46, 47, and 48, or the rules and regulations related thereto.

A fine in lieu of suspension may be considered for suspensions of fourteen days or less. In considering the licensee's petition to pay a fine in lieu of suspension, the Authority shall use the criteria set forth in C. R. S. §12-47-601(3)(a)(I) through (III), which provide that a fine in lieu of suspension may be considered when the authority is satisfied that the following conditions obtain:

(I) That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(II) That the books and records of the licensee are kept in such a manner that the loss of sales of alcohol beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(III) That the licensee has not had his or her license or permit suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license or permit.

The fine shall be determined in accordance with C. R. S. §12-47-601(3) (b) and (c), which provide as follows:

(I) The fine accepted shall be the equivalent to twenty percent of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars nor more than five thousand dollars.

(II) Payment of any fine pursuant to the provisions of this subsection shall be in the form of cash or in the form of a certified check or cashier's check made payable to the state or local licensing authority, whichever is appropriate.

The City Prosecutor is authorized to recommend payment of a fine in lieu of suspension that meets the criteria set forth as part of a stipulated agreement.

(f) Recovery of costs

If a stipulated agreement is offered but not accepted, and the Local Licensing Authority conducts a Show Cause Hearing and determines that the alleged violation did occur, the licensee is required to pay to the City reasonable costs incurred, not to exceed one thousand five hundred dollars (\$1,500). The City shall submit its bill of costs to the Licensee within 45 days of the Show Cause Hearing. These costs are intended to represent actual expenses for legal fees, professional services, or any other direct out-of-pocket expense paid by the City in connection with conducting the hearing. These costs are separate and in addition to any other penalty imposed by either the Local Licensing Authority or Municipal Court.

The licensee shall be notified of this requirement in writing at the time of rejecting a stipulated agreement.

Recovery of costs will not apply if a stipulated agreement is not offered and the violation moves directly to hearing at the request of either the City Prosecutor and/or the Police Department. Recovery of costs will not apply if a stipulated agreement is presented to the Local Licensing Authority but declined for approval.

Failure of a licensee to pay the costs assessed within 30 days of receipt of the bill of costs from the City is punishable as a violation of this Code, and may be considered as a violation of the ongoing requirement that a licensee be of good moral character.

Section 3. Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Effective Date. This ordinance shall take effect ten (10) days after publication following final passage.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

19th day of January 2011 and published as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2nd day of February 2011 at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 2nd day of February 2011.

City of Alamosa Local Licensing Authority Policy

Policy Number	Subject Administrative Licensing Actions Delegated to the City Clerk	Resolution Number	Effective Date	Page
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Background

Acting in its capacity as the Local Licensing Authority (LLA) for liquor and beer licensing actions, City Council has determined that customer service to its liquor license customers could be improved with implementation of a timelier and less burdensome process for routine licensing actions. Toward this end, Council as the LLA formally delegates the administrative actions described in this policy to the City Clerk.

Purpose of Policy

It is the intent of this policy to establish a structure described below for efficient processing of routine liquor and beer licensing and permitting actions. Further, this policy outlines roles and authority levels for each action.

Policy

A. Definitions.

- “City Clerk” means the City Clerk by title or a Deputy Clerk acting in the absence of the City Clerk.
- “LLA” means the Alamosa City Council acting in its role as the Local Licensing Authority pursuant to C.R.S. §12-47-101, et seq., C.R.S. §12-46-101, et seq., and C.R.S. §12-48-101, et seq.
- “Routine actions” are those that have certain criteria defined as a requirement for approval and are neither dependant on subjective opinions nor require a hearing.

B. Authority Delegated and Retained

1. Renewals:

The City Clerk shall have approval authority when the application meets the following criteria:

- The application, including all supporting documentation and fees, is submitted timely and complete.
- The licensee is current with City sales tax payments.
- There have been no prior conditions imposed by the LLA that have not been met.

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The LLA shall retain authority when:

- There is any reason to consider non-renewal.

2. Special Events Permits:

The City Clerk shall have approval authority when the application meets the following criteria:

- The application, including all supporting documentation and fees, is submitted timely and complete.
- No objections are officially filed.
- The event takes place on property not owned by the City.
- The event is non-controversial in nature.

The LLA shall retain authority when:

- The application is for an event to be held on City property.
- There has been an objection filed, either from the public or from law enforcement.

3. Tastings Permits:

The City Clerk shall have approval authority when the application meets the following criteria:

- The application, including all supporting documentation and fees, is submitted timely and complete.
- There is no legal reason to deny the application.

The LLA shall retain authority when:

- There is any reason to consider denial. This includes law enforcement concerns from past permitted events.

4. Bed and Breakfast Permits:

The City Clerk shall have approval authority when the application meets the following criteria:

- The application, including all supporting documentation and fees, is submitted timely and complete.
- There is no legal reason to deny the application.

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The LLA shall retain authority when:

- There is any reason to consider denial.

5. Art Gallery Permits:

The City Clerk shall have approval authority when the application meets the following criteria:

- The application, including all supporting documentation and fees, is submitted timely and complete.
- There is no legal reason to deny the application.

The LLA shall retain authority when:

- There is any reason to consider denial. This includes law enforcement concerns from past permitted events.

6. Temporary Permits:

The City Clerk shall have approval authority when the application meets the following criteria:

- The underlying application, including all supporting documentation and fees, is submitted substantially complete.
- The initial background investigation does not trigger character issues.
- There is no legal reason to deny the application.

Due to the legal requirement that action be taken within five days of application, it is not practical for the LLA to ever take action on a Temporary Permit application.

7. Transfers of Ownership:

The City Clerk shall have approval authority when the application meets the following criteria:

- The application, including all supporting documentation and fees, is submitted timely and complete.
- The initial results of the background investigation do not trigger a character hearing.
- There is no other reason to conduct a hearing.

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The LLA shall retain authority when:

- There is a need for a hearing of any type. This could be a character hearing, or a possession hearing if the transfer is by Operation of Law.

8. New License applications:

The City Clerk shall:

- Accept an application for a new license when the application is fully complete and fees are paid.
- Set the hearing date at the first available City Council (LLA) meeting that meets the legal specifications and is mutually agreeable to the applicant.

The LLA shall:

- Hear any pre-hearing request for consideration to define the neighborhood in a way other than that specified by Resolution.
- Conduct the needs and desires hearing
- Conduct any character hearing
- Issue Findings of Fact and a decision on the application at the meeting following the hearing.

9. Change of Location applications:

The City Clerk shall:

- Accept the application when the application is fully complete and fees are paid.
- Set the hearing date at the first available City Council (LLA) meeting that meets the legal specifications and is mutually agreeable to the applicant.

The LLA shall:

- Hear any pre-hearing request for consideration to define the neighborhood-in a way other than that specified by Resolution.
- Conduct the needs and desires hearing
- Issue Findings of Fact and a decision on the application at the meeting following the hearing.

City of Alamosa Local Licensing Authority Policy

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10. Change of Corporate or LLC Structure:

The City Clerk shall have approval authority when:

- The application is fully complete and fees are paid.
- The initial background check results do not trigger a character hearing.

The LLA shall retain authority when

- There is a need for a character hearing.

11. Change of Name or Trade Name:

The City Clerk shall have approval authority when:

- The application is fully complete and fees are paid.
- There is no reason for non-approval.

The LLA shall retain authority when

- There is a reason to hold a hearing of any type.

12. Modification of Premises:

The City Clerk shall have approval authority when:

- The application is fully complete and fees are paid.
- The modification does not trigger a needs/desires hearing.

The LLA shall retain authority when

- There is a need for a needs/desires hearing. Council has historically chosen not to hold a hearing for most Modifications. The exception would be in a situation where the modification is so substantial that it could bring question as to whether the modification would continue to serve the needs and desires in the same way as the original premises.

13. Change of Registered Manager:

The City Clerk shall have approval authority when:

- The application is fully complete and fees are paid.
- The initial background check results do not trigger a character hearing.

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The LLA shall retain authority when

- There is a need for a character hearing.

C. General standards, checks, balances, and controls.

The City Clerk shall have discretion to bring any action to the LLA that he/she deems appropriate, even if the action is specified as one for which the Clerk has authority.

The LLA retains complete authority for the following:

- Any action requiring a hearing of any type. This always includes the needs and desires hearings for new licenses and Changes of Location, as well as any character hearing need that may arise.
- Any and all actions arising from violations.

The City Clerk shall provide the Mayor or the Mayor's designee with a list of pending actions and the date proposed for final approval. The Mayor may direct the Clerk to bring any or all of these actions to Council (LLA) that he/she deems appropriate. In addition, the City Clerk shall gain the approval of any applicable city department or legal counsel prior to final approval. This may include building/zoning, fire, police, and attorney.

The City Clerk shall include all administrative actions as a component of the departmental monthly report to Council.

Greeley

Cook, Mishawn

From: Cheryl Aragon [Cheryl.Aragon@Greeleygov.com]
Sent: Monday, June 03, 2013 3:05 PM
To: Cook, Mishawn; Judy Egbert; AJENSEN@fcgov.com; Margy Greer (MarGre@lakewood.org); debrak@gjcity.org; Rhonda Coxon (rcoxon@tosv.com)
Subject: RE: Question from our Beverage Licensing Authority about regular penalty for liquor violations
Attachments: Local Liquor Code.doc

Mishawn, the City of Greeley formally adopted the State's Penalty Guidelines within our own Liquor Code several years ago. Here is a copy of our Code and the Penalty Guidelines are found at section 6.16.133.

From: Cook, Mishawn [mailto:cookm@bouldercolorado.gov]
Sent: Monday, June 03, 2013 2:52 PM
To: Judy Egbert; AJENSEN@fcgov.com; Cheryl Aragon; Margy Greer (MarGre@lakewood.org); debrak@gjcity.org; Rhonda Coxon (rcoxon@tosv.com)
Subject: Question from our Beverage Licensing Authority about regular penalty for liquor violations

Hi All, our city council is currently having a discussion about whether our local licensing authority functions will continue with our five member board, the Boulder Beverage Licensing Authority (BLA), whether they will be split between the BLA and a hearing officer, or whether all functions will be assigned to a hearing officer or municipal judge.

At the last discussion that our BLA held on this topic, they asked for some information about common penalties and suspensions with other cities and towns. That is a pretty big question, so I thought that I would boil it down to be:

- 1) Does your municipality have a written penalty guideline for suspensions (if so, please send a copy)?
- 2) For a first offense, sale to minor charge where the licensee is found guilty and where there are no aggravating factors, what would be the range of penalties that you would expect for this violation? How would expect that such a violation would be handled?

Thanks for the help and hope you are all well! Mishawn

Chapter 6.16
Alcohol Beverages

Article I. Local Licensing Authority; Definition

6.16.010 State law applicable.

Title 12, Articles 46, 47 and 48, C.R.S., and the Rules and Regulations of the Executive Director of the Colorado Department of Revenue, as the State Licensing Authority, effective January 1, 2003, with all subsequent supplements thereto, are adopted by the City. A copy of these provisions is on file with the City Clerk and is available for inspection. The same is incorporated and adopted as fully as if set out at length in this Chapter, except as otherwise provided in this Chapter. (Ord. 1, 2003 §1; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.020 Licensing authority established.

(a) There is established a Local Licensing Authority, which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law, and suspend or revoke such licenses for cause in a manner provided by law which shall be a Hearing Officer appointed by the City Council by resolution. Such Authority shall have all of the powers of the local licensing authority, as set forth in Articles 46, 47 and 48, of Title 12, C.R.S.

(b) The Hearing Officer shall be appointed by the City Council by resolution and may be removed with or without cause by a majority vote of the City Council. (Ord. 10, 2001 §1(part); Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.025 Definition.

(a) Certain terms and expressions used herein shall have the following meanings:

Applicant means and includes:

- a. If an individual, that person making an application for a license under this Chapter;
- b. If a partnership, all the partners of the partnership which are making application for a license under this Chapter;
- c. If a corporation, any officer, director, manager or stockholder therein; or
- d. If a limited liability company, any member therein.

Authority or Licensing Authority means the Hearing Officer appointed by the City Council by resolution.

Hearing Officer means the individual, licensed to practice law in Colorado, appointed by the City Council, to carry out the duties as described in Section 6.16.020 and other rules, regulations, policies and procedures as may be established.

Manager means and includes that person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this Chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

(b) All other words and phrases used in this Chapter shall have the meanings attached by the state statutes regulating the sale of liquor and fermented malt beverages, or if not otherwise defined by law, are used in their common, ordinary and accepted sense and meaning. (Ord. 10, 2001 §1(part); Ord. 29, 2000 §1; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

Article II. Licenses

6.16.030 License required.

It is unlawful for any person to sell or to offer for sale at retail within the City any fermented malt beverage or any malt, vinous or spirituous liquors, as those terms are defined by state law, without first having been granted and issued a license to do so by the City. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.040 Secretary of the Authority.

The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Authority, upon receipt of such license fees and taxes as are required by law and this Chapter. The City Clerk shall serve as the official secretary of the Authority and shall designate a person or persons to provide the necessary secretarial and reporting services for the Authority. The City Clerk or his or her designee shall attend the meetings of the Authority. All public notice by publication in a newspaper and by the posting of signs, as required by the Colorado Liquor Code of 1935, as amended, shall be accomplished by the City Clerk. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part)) .

6.16.050 Application.

The applicant shall fully complete an application for license as required by the State Licensing Authority. No application for a new license or for the renewal of an existing license, or for the transfer of location or ownership of an existing license shall be submitted to the City until the applications have been complete in all respects. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.060 Documents to accompany application.

The City Clerk shall accept no application that is not complete in every detail; if any application is deposited with the City Clerk and found upon examination to contain any omission or error, it shall be returned to the applicant for completion or correction without further action either by the City Clerk or the Authority. No application shall be deemed complete unless accompanied by the following:

- (1) All forms required by the State Licensing Authority, complete in every detail;
- (2) Payment in full of the City and state fees;
- (3) Plans and specifications of the existing or proposed building, including points of ingress and egress, storage, bar location, fixed equipment and dimensions of area to be licensed;
- (4) Lease or deed, showing possession of the premises to be licensed for period to cover term of the liquor license; and
- (5) Such other information or evidence as may from time to time be required by the Licensing Authority for the purpose of ensuring that the premises to be licensed will be lawfully operated and that the health, welfare, safety and morals of the community will not be adversely affected should the license be issued. (Ord. 1, 2003 §2; Ord. 4, 1995 §2(part); Ord. 20, 1990 §§1, 2; Ord. 23, 1982 §2(part))

6.16.090 License application hearings; procedure.

The procedures set forth in Title 12, Chapters 46 and 47, C.R.S., and the regulations that may from time to time be adopted by the State Licensing Authority, shall be followed in all liquor license application hearings before the Licensing Authority. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.095 Public hearing notice.

(a) In addition to following the posting and publication requirements included in the Colorado beer and liquor codes, the City will make all reasonable attempts to mail a courtesy notice of any public hearing at which a new, transfer of ownership or change of location application is to be considered to those property owners within five hundred (500) feet, generally, of the proposed site.

(b) The information typically provided in the courtesy letter shall contain the same information as that required for the sign and publication and a statement that additional information about the application is available at the City Clerk's office.

(c) Failure of the City to provide all forms of public notice as provided herein shall not affect the validity of any hearing or determination by the Licensing Authority. (Ord. 1, 2003 §5; Ord. 29, 2000 §3)

6.16.100 Public hearing.

(a) The Licensing Authority may promulgate rules of procedure for the conduct of all hearings on applications for licenses or for revocation or suspension of licenses.

(b) The Licensing Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the Licensing Authority is authorized to conduct. It shall be unlawful for any person to fail to comply with any subpoena issued by the Authority in the proper conduct of its hearings. The Municipal Court shall enforce the subpoenas of the Licensing Authority and, upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records or other evidence, and shall impose penalties or punishment for contempt in case of failure to comply with such orders.

(c) A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Upon failure of any witness to comply with such subpoena, the City Attorney shall, at the direction of the Authority:

(1) Petition any judge of the Municipal Court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the Court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

(2) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.

(d) Any attorney at law who appears before the Licensing Authority at any hearing shall be required to state the names and addresses of all persons whom he or she has been authorized to represent at the hearing. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.120 Fees.

(a) The following fees shall be charged for liquor licenses and shall be paid to the City Clerk prior to consideration by the Licensing Authority:

- (1) Application fee for any class of liquor license: five hundred dollars (\$500.00);
- (2) Application for transfer of location: five hundred dollars (\$500.00);
- (3) Application for transfer of ownership: four hundred fifty dollars (\$450.00);
- (4) Application for renewal of license: fifty dollars (\$50.00);
- (5) Application fee for late renewal: five hundred dollars (\$500.00);
- (6) Application for temporary liquor permit: one hundred dollars (\$100.00);
- (7) Application for manager's registration: seventy-five dollars (\$75.00);
- (8) Application for corporate or limited liability company report of changes: one hundred dollars (\$100.00) if not already collected by State Licensing Authority;
- (9) Application for liquor application packet: twenty-five dollars (\$25.00) deductible from new or transfer of ownership application fee when submitted;
- (10) Fee for duplicate license: fifty dollars (\$50.00);
- (11) Fee for change of trade name: fifty dollars (\$50.00);
- (12) Fee for modification of premises: one hundred fifty dollars (\$150.00);

(13) Annual license and occupation fees:

<i>Type</i>	<i>License Fee</i>	<i>Occupation License Fee</i>
Retail liquor store	\$ 22.50	\$ 500.00
Liquor licensed drugstore	22.50	500.00
Beer & wine	48.75	600.00
Hotel/restaurant	75.00	1,500.00
Tavern	75.00	2,000.00
Club	41.25	500.00
Arts	41.25	500.00
Racetrack	75.00	2,000.00
3.2% beer, on premise	3.75	500.00
3.2% beer, off premise	3.75	250.00
3.2% beer, on & off premise	3.75	500.00
Special event, per day, 3.2% beer	10.00	
Special event, per day, malt, vinous, & spirituous liquor	25.00	
Hotel/ restaurant manager investigation	75.00	
Bed & breakfast permit	25.00	
Optional premises	75.00	2,000.00
Brew pub	75.00	1,500.00
Mini bar	325.00	

(14) All appropriate state annual license fees shall be paid to the City Clerk along with the City fees designated in Subsection (9) above.

(b) No rebate of any fees paid for any license issued hereunder shall be made except upon approval of the Licensing Authority. (Ord. 1, 2003 §7; Ord. 29, 2000 §4; Ord. 56, 1997 §§1, 2; Ord. 42, 1996 §1; Ord. 4, 1996 §§1, 2; Ord. 4, 1995 §2(part); Ord. 20, 1990 §§3, 4; Ord. 51, 1989 §1; Ord. 86, 1985 §1; Ord. 23, 1982 §2(part))

6.16.133 Penalty guidelines.

Violations of any provisions of this Chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the local licensing authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this Code or state law, up to an including suspension of revocation of a liquor license or the imposition of a fine in lieu of suspension as provided under the provisions of Section 12-47-601, C.R.S.

Code Violation	Suspension
<i>Sale to Minor:</i>	
First Incident	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.
<i>Purchase of Liquor from Someone Other Than a Wholesaler</i>	
First Incident	
1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing , pending no further violations.
<i>Sale to Intoxicated Patron:</i>	
First Incident	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above.
<i>Failure to Meet Food Requirement (H & R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply.
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.
<i>Video Poker Gambling:</i>	
First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.

Failure to Maintain Adequate Books/Records:

First Incident 15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations

Second Incident 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Sale After Legal Hours:

First Incident 10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.

Second Incident 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Permitting Disturbances:

First Incident 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Second Incident Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.

Violations on Follow-up Inspections:

For each incident 3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations.

Failure to Report Manager, Corporate, Financial Change:

First Incident 5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations.

Second Incident 10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.

Underage Employee Selling or Serving:

First Incident
1 Charge 7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations.

Underage Employee Selling or Serving:

2 Charges	14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending
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	no further violations.
3 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
<i>Shake a Day (Dice or Dice Cup Pools):</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
<i>Altered Liquor:</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.

(Ord. 1, 2003 §9)

6.16.135 Conditions imposed on suspension or renewal.

The Licensing Authority shall have the power to impose on a licensee as a condition of a period of suspension held in abeyance or as a condition of renewal, any condition(s) reasonably related to the offense(s) leading to the suspension or the conduct of the business with which the license is to be renewed. (Ord. 4, 1995 §2(part))

6.16.138 Violation; penalty.

The standards for payment of a fine in lieu of suspension shall be as provided for in Section 12-47-601, C.R.S., and shall apply to any licensee who violates or whose employees violate any terms of this Chapter or of Title 12, Articles 46, 47 and 48, C.R.S., or the rules and regulations related thereto. Such licensee shall be subject to suspension or revocation of his or her license. (Ord. 1, 2003 §10)

6.16.170 Fees not refundable.

In the event a license is suspended or revoked, as provided in this Article, no part of the fees paid therefor shall be returned to the holder. (Ord. 1, 2003 §1; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.180 Buildings to meet standards.

(a) No license shall be issued, renewed or transferred unless the building in which the business or licensed activity is carried on meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes of the City.

(b) A special event permit allowing alcohol beverages on the premises may be issued under circumstances where the premises do not comply with requirements of the Uniform Fire Code, if the following requirements are satisfied:

(1) The special event permit applicant shall arrange for a fire watch, comprised of a minimum of two (2) persons, to be conducted during the entire time of the special event occurrence. Arrangements for hire and payment of fire watch personnel shall be the responsibility of the applicant.

(2) If the Chief of the Greeley Fire Department, or his or her designee, requires that a fire watch for a particular special event be staffed by more than two (2) persons, the applicant must arrange for a fire watch in accordance with the directions of the Fire Chief or his or her designee.

(3) The fire watch for any special event occurring on premises which are not strictly in compliance with the Uniform Fire Code must be staffed by persons who are state certified fire fighters with direct radio contact with Weld County 911 Emergency Dispatch.

(4) The special event permit applicant must finalize arrangements for the required fire watch prior to issuance of the liquor license. (Ord. 29, 2000 §8; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.190 Continuation of existing licenses.

Any license issued by the Licensing Authority of the City prior to the effective date of the ordinance codified in this Chapter shall remain in full force and effect until the expiration of such license under the former law; provided, however, that any suspension, revocation, renewal or transfer of any such license shall be governed by this Chapter. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.205 Bed and breakfast permits.

(a) Required. It is unlawful for a bed and breakfast establishment to provide, by the drink only, malt beverages or malt, spirituous or vinous liquors, unless such establishment, having no more than twenty (20) sleeping rooms, shall have acquired a permit from the local Licensing Authority for the provision of such beverages, for no more than four (4) hours per day, in accordance with state statutes.

(b) Application; form; handling fee.

(1) The applicant shall fully complete an application for a bed and breakfast permit as required by the State Licensing Authority. Pursuant to authorization of Section 12-47-137(2)(c) of the Colorado Liquor Code, applicants for bed and breakfast permits in the City shall not be required to establish the reasonable requirements of the neighborhood. However, no application for a bed and breakfast permit shall be submitted to the City until the application has been otherwise completed in all respects.

(2) There shall accompany each application a handling fee to defray actual and necessary expenses and the cost of processing the application in the amount provided in Section 6.16.120, together with such other fees as are required by the State Licensing Authority.

(c) Documents to accompany application. Every application for a bed and breakfast permit shall be accompanied by the following:

(1) Name and address of the person(s) and/or entity or entities who are in charge of operation of the bed and breakfast establishment;

(2) Information and diagram picturing and describing the proposed licensed premises, including measurements of floor space, square footage and capacity;

(3) Address of the proposed licensed premises location; and

(4) Such other information or evidence as may, from time to time, be required by the Licensing Authority for the purpose of insuring that the licensed premises will be lawfully operated and conducted and that the health, welfare, safety and morals of the community will not be adversely affected by reason of the operation of the licensed premises within the community. (Ord. 4, 1995 §2(part))

6.16.215 Optional premises licenses.

(a) The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are hereby adopted pursuant to the provisions of Section 12-47-135.5, C.R.S. These standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises will be collectively referred to as "optional premises" in these standards unless otherwise provided.

(b) Eligible facilities. An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in Section 12-47-103, C.R.S. The types of outdoor sports and recreational facilities in the City which may be considered for an outdoor premises license include the following:

(1) Country club;

- (2) Golf courses and driving ranges;
- (3) Ice skating areas;
- (4) Ski areas;
- (5) Swimming pools;
- (6) Parks and arenas.

There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the local Licensing Authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.

(c) Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on his or her outdoor sports or recreational facility. However, any applicant requesting approval of more than one (1) optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

(d) Submittal requirements. When submitting a request for the approval of an optional premises, in addition to meeting the license application requirements of this Chapter 6.16, an applicant shall also submit the following information:

- (1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
- (2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
- (3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.

(e) Advance notification. Pursuant to Section 12-47-135(6) and (7), C.R.S., no alcohol beverages may be served on the optional premises until the licensee has provided written notice to the Police Department Drug and Alcohol Enforcement Division forty-eight (48) hours prior to serving alcohol beverages on the premises, unless notice is waived by the Authority. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than one hundred eighty (180) days from the notice date.

(f) Fees for application and processing of an optional premises license shall be as set forth in Sections 12-47-123(1)(h.2) and 12-47-139(1)(d.2), C.R.S., and Section 6.16.120 of this Code. (Ord. 29, 2000 §8; Ord. 4, 1995 §2(part))

Article III. General Provisions; Unlawful Acts

6.16.220 Licensee to report disorderly conduct.

Each licensee shall conduct his or her establishment in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the sensitivities of the average citizen, or to the residents of the neighborhood in which the establishment is located. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.230 Lighting in licensed premises.

All licensees shall be required to maintain a level of light within the licensed premises which would permit the checking of identification materials without resort to other lighting. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.240 Licensed premises to be open for inspection.

All premises licensed under this Chapter shall be open to inspection by the Police Department, the County Health Department, the State Licensing Authority and any other federal, state, county or City agency which is permitted or required by law to inspect licensed premises. It is unlawful for the licensee, its employees or agents or for any other

person to refuse to permit any such inspection of the licensed premises or to otherwise interfere with any such inspection. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.250 License requirements.

The licensee shall be a resident of the State and, if a corporation, must be incorporated under the laws of the State and duly qualified to do business in the State. If a nonresident corporation, partnership or limited liability company wishes to hold a liquor license within the City pursuant to this Code and the Colorado Revised Statutes, such entity shall be properly registered and licensed to do business within the State by the Secretary of State. (Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.260 Character and reputation requirements.

The licensee shall be of good moral character and reputation. No license shall be issued to or held by any corporation if any of its officers, directors or stockholders holding over ten percent (10%) of the outstanding and issued stock thereof is not of good moral character and reputation.

(1) In determining whether an applicant for a license or a licensee is of good moral character, the Licensing Authority shall be governed by the provisions of Section 24-5-101, C.R.S.

(2) In investigating the character of an applicant or a licensee, the Licensing Authority may have access to criminal record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Licensing Authority takes into consideration information concerning the applicant's criminal history record, the Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those pertaining to the period of time between the applicant's last criminal conviction and the consideration of his or her application for a license.

(3) As used in this Section, *criminal justice agency* means any federal, state or municipal court or any governmental agency or subunit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. (Ord. 4, 1995 §2(part); Ord. 56, 1994 §1; Ord. 23, 1982 §2(part))

6.16.270 Open containers in certain public areas.

(a) It is unlawful for any person to serve, consume or have any open container of liquor or fermented malt beverage when on, in or using, by conveyance or otherwise, any public street, parking lot, alley, park, public place, avenue or sidewalk within the following designated areas in the City: the north boundary of 6th Street on the north, the west boundary of the Union Pacific Railroad tracks on the east, the south boundary of 16th Street on the south, the west boundary of 14th Avenue on the west; and also the Glenmere Park area and adjacent streets, being all of Glenmere Park and of the following streets: all of 14th Avenue from the north side of the intersection of Glenmere Boulevard and 14th Avenue to the south side of the intersection of Lakeside Drive and 14th Avenue, all of Lakeside Drive from the east side of its intersection with 14th Avenue to the west side of its intersection with Glenmere Boulevard, all of Glenmere Boulevard from the west side of its intersection with 17th Avenue to the east side of its intersection with 14th Avenue, all of Duckwalk Lane and all of Prospect.

(b) This Section shall not apply to the purchase or consumption of alcohol beverages from a group or organization holding a special event, which event is occurring on or near a designated public street, avenue, sidewalk, alley, parking lot, park or public place within the City for which a special event permit has been obtained pursuant to Title 12, Article 48, C.R.S.

(c) This Section shall not apply to the serving or consumption of alcohol beverages within the premises of the Union Colony Civic Center, recreation center, senior citizen center, ice center or the museum when the serving or consumption of alcohol beverages is in conjunction with an event under the control of an authorized liquor licensee or at authorized social gatherings (such as banquets, luncheons, wedding receptions) held within the confines of those facilities.

(d) It is unlawful for any person to serve, consume or have an open container of liquor or fermented malt beverage when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center. (Ord. 13, 2004 §1; Ord. 1, 2003 §14; Ord. 29, 2000 §8; Ord. 46, 1998 §1; Ord. 4, 1995 §2(part); Ord. 56, 1994 §1; Ord. 118, 1985, §1; Ord. 89, 1984 §1; Ord. 23, 1982 §2(part))

6.16.272 Restrictions in Lincoln Park for alcohol.

Possession of alcohol restricted

(a) It is unlawful for any person to serve, consume, possess, or have any container or cup of spirituous, vinous or malt liquor or fermented malt beverage in Lincoln Park, located between 7th to 9th street and 9th to 10th avenue.

(b) This section shall not apply to areas contained within the licensed premises of a liquor license issued by the local Liquor Authority.

That a person is a bonafide liquor delivery person on route to make such deliveries would be an absolute defense to a violation of this section.

(c) Notwithstanding any other part of section 6.16, a violation of this specific section 6.16.272 shall be punishable under 1.32. of this Municipal Code. (Ord. 26, 2006)

6.16.275 Restrictions in Island Grove Park.

(a) A person commits a violation of this Section if he or she serves, consumes or possesses any container which contains spirituous, vinous or malt liquor or fermented malt beverage within the area boundaries of Island Grove Park on any calendar day during which the Greeley Independence Stampede or the Greeley Fiesta is being conducted.

(b) This Section shall not apply to areas contained within the licensed premises of a liquor license issued by the local Liquor Authority. (Ord. 1, 2003 §15; Ord. 4, 1995 §2(part))

6.16.290 Elimination of distance requirements.

As authorized by Section 12-47-313(d)(III), C.R.S., the Licensing Authority hereby eliminates the distance restrictions for all classes of licenses. (Ord. 29, 2000 §7; Ord. 4, 1995 §2(part); Ord. 54, 1991 §1)

6.16.295 Teen night/fight night.

(a) No business establishment holding a license of any classification pursuant to the Colorado Beer Code, Section 12-46-101 *et seq.*, C.R.S., or the Colorado Liquor Code, Section 12-47-101 *et seq.*, C.R.S., shall promote, hold, conduct or allow in its premises to be promoted, held or conducted any "teen night" or similar event, in which underage persons are specially solicited, attracted and/or invited by the licensee or anyone recruited by the licensee on the licensee's behalf to the licensed premises during evening hours after 8:00 p.m. of any day during which the establishment is open for business, and during which time adult patrons are present primarily for the purpose of consuming alcohol beverages, except that this Section shall not apply to licensed premises in which multiple facilities are located and at such times as two (2) or more unrelated and otherwise lawful activities or events are taking place simultaneously.

(b) No business establishment holding a license of any classification pursuant to the Colorado Beer Code, Section 12-46-101 *et seq.*, C.R.S., or the Colorado Liquor Code, Section 12-47-101 *et seq.*, C.R.S., shall promote, hold, conduct or allow in its premises to be promoted, held or conducted any "fight night" or similar event, in which persons are engaged, encouraged and/or compensated for fighting in a manner creating a public display and intended or purported to serve as entertainment.

(c) This Section is not intended to prohibit or limit teenage activities which, as otherwise provided and allowed by applicable law(s), may be advertised and/or held in or upon any such licensed establishment which ceases all alcohol sales for the time of such activity, making alcohol unavailable for sale or provision on the premises during that time.

(d) Penalties.

(1) Any person, firm, corporation or other entity who violates any of the provisions of this Section or who allows any provision of this Section to be violated commits a misdemeanor and, upon conviction thereof, may be punished as set forth in Chapter 1.32 of this Code, except that any term of imprisonment imposed shall not exceed ninety (90) days.

(2) The issuance of a charge or summons and complaint hereunder against the owner or licensee of a tavern-licensed establishment shall not foreclose or prevent the issuance of a similar charge or complaint against the individual who actually committed the violation or allowed the violation of this Section to occur.

(e) Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Section which can be given effect

without the invalid provision or application, and to this end the provisions of this Section are declared to be severable. (Ord. 29, 2000 §8; Ord. 18, 1998 §1)

Article IV. Occupational License Fees

6.16.370 Liquor and fermented beverage licensees determined; separate occupation.

The City Council finds, determines and declares that, considering the nature of the business of selling malt, vinous or spirituous liquors and fermented beverages, and the relation of such business to the municipal welfare as well as the relation thereof to the expenditures required of the City and a property, just and equitable distribution of the financial burdens within the City, and all other matters properly to be considered in relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform and nondiscriminating and necessary for a just and proper distribution of financial burdens within the City. (Ord. 4, 1995 §2(part); Ord. 12, 1983 §2; prior code §3-21(a))

6.16.380 Fee levied and assessed.

There is levied and assessed for each year an annual occupational license fee, as set forth in Section 6.16.120, upon the business of selling malt, vinous or spirituous liquors and fermented beverages. (Ord. 4, 1995 §2(part); Ord. 12, 1983 §4; prior code §3-21(b))

6.16.390 Payment of fee; posting of receipt.

The occupational license fee for licenses issued on or after February 1, 1976, shall be due and payable to the Director of Finance of the City at the time a license for a malt, vinous or spirituous liquor license or a fermented beverage license is issued and thereafter when the license is renewed. The full-year occupational license fee shall be coterminous with the license year of each licensee. Upon receipt of the fee, the Director of Finance shall execute and deliver to the licensee paying the fee a receipt showing the name of the licensee, the date of payment, the period for which such license is paid and the place at which the licensee conducts business. All persons licensed under Article II of this Chapter shall at all times post such receipts in a conspicuous place in the place of business stated in the license. (Ord. 4, 1995 §2(part); Ord. 12, 1983 §6; prior code §3-21(c))

6.16.400 Refund of fee on closure of business.

Any licensee who has paid an occupational fee under Section 6.16.380 and who discontinues his or her business prior to the expiration of his or her license shall be entitled to a refund of the fee for that period of the license year during which the business was discontinued. The occupational license fee shall be prorated by months for the purpose of this Section and the licensee shall receive a refund for those months that the licensee's business was discontinued. (Ord. 4, 1995 §2(part); Ord. 12, 1983 §8; Ord. 56, 1980 §12; prior code §3-21(d))

6.16.450 Delinquency not grounds for suspension or revocation.

No delinquency in payment of the occupational license fees provided for in this Article IV shall be grounds for suspension or revocation of any license granted under this Chapter, and in acting as a Licensing Authority the City Council shall exclude from consideration any delinquency in payment of such fees. (Ord. 4, 1995 §2(part); Prior code §3-23(a))

6.16.460 Recovery right of City.

It is unlawful to operate any malt, vinous or spirituous liquor establishment or fermented malt beverage establishment within the City without paying the applicable fee imposed by this Article IV, and any person doing so shall be punished as provided in Chapter 1.32. Each day that the delinquency continues shall constitute a separate violation. In addition, the City shall have the right to recover all sums due under this Article IV by judgment and execution thereon in a civil action in any court of competent jurisdiction. (Ord. 4, 1995 §2(part); Prior code §3-23(b))

Cook, Mishawn

From: Debra Kemp [debrak@ci.grandjct.co.us]
Sent: Monday, June 03, 2013 4:51 PM
To: Cook, Mishawn; Judy Egbert; AJENSEN@fcgov.com; Cheryl Aragon; MargyGreer (MarGre@lakewood.org); Rhonda Coxon (rcoxon@tosv.com)
Subject: Re: Question from our Beverage Licensing Authority about regular penalty for liquor violations

Hi Mishawn,

- 1) The City of Grand Junction does not have written penalty guideline, we follow the Code which indicates that a fine in lieu of is an option for only first time violators.
- 2) On a first time violation, the City generally offers 7 day suspension with 5 held in abeyance - option to pay a fine in lieu of for the remaining 2 days - but, generally depends upon the mitigating factors and the circumstances involved in the incident. Our City Staff Attorney works with the establishment and once an agreement is made, a stipulation is signed by the violator and the City Staff Attorney and presented to the Hearing Officer, and if he agrees with it, it is signed by him.

Hopefully this information is a bit helpful.

From the desk of:
Debbie Kemp, MMC
Deputy City Clerk
City Clerks Office
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501
Phone - (970) 244-1423
Fax - (970) 244-1599
debrak@gjcity.org

>>> "Cook, Mishawn" <cookm@bouldercolorado.gov> 6/3/2013 2:52 PM >>>

Hi All, our city council is currently having a discussion about whether our local licensing authority functions will continue with our five member board, the Boulder Beverage Licensing Authority (BLA), whether they will be split between the BLA and a hearing officer, or whether all functions will be assigned to a hearing officer or municipal judge.

At the last discussion that our BLA held on this topic, they asked for some information about common penalties and suspensions with other cities and towns. That is a pretty big question, so I thought that I would boil it down to be:

- 1) Does your municipality have a written penalty guideline for suspensions (if so, please send a copy)?
- 2) For a first offense, sale to minor charge where the licensee is found guilty and where there are no aggravating factors, what would be the range of penalties that you would expect for this violation? How would expect that such a violation would be handled?

Thanks for the help and hope you are all well! Mishawn

Special Events and Temporary Modifications from June 1 to June 30, 2013

		Application					
Non-Profit name	Event location	Event date	Event time	type	Date File	Sent to state	Date Issued
E Town	Town Hall- 1535 Spruce St.	Sun. May 5, Wens. May 8, Sat. May 18, Sun. May 19, Thurs. May 23, Sun. June 2	SPM to 9:30PM	Special Event Application	3/28/2013		4/25/2013
Boulder County Farmers Market	Civic Plaza- 13th St	Weds. of 2013 on 5/22, 5/29, 6/5, 6/12, 6/19, 6/26, 7/3, 7/10, 7/17, 7/24, 7/31, 8/7, 8/14, 8/21, 8/28	4PM to 8PM	Special Event Application	3/12/2013		4/11/2013
Parenting Place	29th Street	Saturdays of 2013 on 6/1, 6/8, 6/15, 6/22, and 6/29	6:30PM to 10PM	Special Event Application	3/15/2013		4/11/2013
Community Cycles	2805 Wilderness Pl. Ste 1000	Saturday June 15	5 PM to 10PM	Special Event Application	4/15/2013		
1940's Ball NFP	Airport- 3393 Airport Rd.	Sat. June 15 to Sun June 16	4PM to 1AM	Special Event Application	4/25/2013		5/7/2013
Boulder Transportation Connections	29th Street	Wednesday June 26	4:30PM to 8PM	Special Event Application	4/11/2013	Withdrawn on 4/25/13	

Community Cycles	29th Street	Fri. June 28, 13	5PM to 11PM	Special Event Application	2/7/2013		2/21/2013
Davis Pinney Foundation	North Boulder Park	Sunday, June 9, 2013	Beer garden, noon to 6 pm	Special Event Application	5/3/2013		5/22/2013
Your Cause Sports	Boulder Reservoir	Saturday, June 1, 2013	7 AM to Noon	Special Event Application	5/3/2013		5/20/2013
eTown	1535 Spruce St	Saturday, June 8, 2013	5 PM to 9:30 PM	Special Event Application	5/8/2013		5/22/2013
eTown	1535 Spruce St	Monday, June 10; Thursday, June 13; Saturday, June 15; and Monday, June 17, 2013	5PM to 9:30PM	Special Event Application	5/10/2013		5/22/2013
Greater Downtown Boulder	1942 Broadway, Suite 301	Wednesdays June 12, 19, 26, and July 3, 10, 2013	4 PM to 10 PM	Special Event Application	5/10/2013		5/22/2013
One World Running	PO BOX 2223, Boulder 80306	Sundays, June 16, July 14, and August 4, 2013	8 AM to 4 PM	Special Event Application	5/10/2013		5/22/2013
Starfish Greathearts Foundation	Boulder Reservoir	Saturday, June 15,	9 AM to Noon	Special Event Application	5/16/2013		5/30/2013
Boulder Historical Society	Boulder History Museum	Thursday, June 20, July 18, August 8	5:30 PM to 7:30 PM	Special Event Application	5/17/2013		

Boulder Community Broadcast Association, Inc.	Moosejaw Store, 1755 29th St. Mall, Boulder CO 80301	Saturday, June 22, 2013	2 PM to 6 PM	Special Event Application	5/22/2013		
Your Cause Sports	Boulder Reservoir	Sunday, June 23, 2013	7 AM to 2 PM	Special Event Application	5/20/2013		
Emergency Family Assistance Association	Rembrandt Yard, 1301 Spruce St, Boulder CO 80301	Wednesday, June 26, 2013	5:30 PM to 7:30 PM	Special Event Application	5/22/2013		

Liquor License Notices Sent

Notices were sent to these licensees

Trade Name/Applicant:	Location/Mailing Address:	Number:	License Type:	Expires:	Deadline:
ALFALFA'S MARKET A-M Holdings, LLC	1655 Broadway St 1645 BROADWAY ST	25-57274-0000	Retail Liquor Store	09/28/2013	08/14/2013
AMANTE UPTOWN Occom Holdings, LLC (Uptown)	4580 Broadway Suite A 1731 15th St., Unit 105	42-71288-0002	Tavern Liquor	09/10/2013	07/27/2013
AMANTE WALNUT Occom Holdings, LLC (Walnut)	1035 Walnut St 1731 15th St., Unit 105	42-71288-0001	Tavern Liquor	09/27/2013	08/13/2013
BACK COUNTRY PIZZA AND TAP HOUSE Back Country Pizza and Tap House, LLC	2319 Arapahoe Ave 2319 Arapahoe Ave	42-85819-0000	Hotel-Restaurant Liquo	09/16/2013	08/02/2013
BOULDER BROKER, THE/RODEWAY INN & S McBride Boulder Broker Inn, LLC	555 30th St PO Box 260248	42-13567-0000	Hotel-Restaurant Liquo	09/21/2013	08/07/2013
BOULDER MARRIOTT BRE Select Hotels Opt LLC & White Lodge	2660 Canyon Blvd 701 East 83rd Ave.	30037468-0000	Hotel-Restaurant Liquo	09/10/2013	07/27/2013
CANTINA LAREDO CRO Development III, LP	1680 29th St 12200 N Stemmons Freeway, Suite 100	28-59548-0000	Hotel-Restaurant Liquo	09/27/2013	08/13/2013
CARELLI'S OF BOULDER Sugarless, Inc	645 30th St 645 30th St	04-95018-0000	Hotel-Restaurant Liquo	09/03/2013	07/20/2013
CHIPOTLE MEXICAN GRILL [28TH] Chipotle Mexican Grill Inc (28th)	1650 28th St Suite 1224 1401 Wynkoop St Suite 500	24-71530-0066	Hotel-Restaurant Liquo	09/20/2013	08/06/2013
FOLSOM FIELD (EAST) - CENTERPLATE Service America Corp	Folsom Field - 372 UCB 1 Independence Point Suite 305	80-10156-0052	Hotel-Restaurant Liquo	09/18/2013	08/04/2013
FOLSOM FIELD (WEST) - CENTERPLATE Service America Corp	Folsom Field - 372 UCB 1 Independence Point Suite 305	80-10156-0053	Hotel-Restaurant Liquo	09/18/2013	08/04/2013
HAPA SUSHI & SAKE The Hapa Group, Inc	1117 Pearl St 1113 Spruce St., Suite 506	06-20170-0001	Hotel-Restaurant Liquo	09/14/2013	07/31/2013
ILLEGAL PETE'S Illegal Pete's, Inc	1447 Pearl St 1601 Arapahoe St 8th Floor	23-90571-0002	Hotel-Restaurant Liquo	09/16/2013	08/02/2013
MOUNTAIN SUN PUB & BREWERY Stash Enterprises LLC (Mountain)	1535 Pearl St 1535 Pearl St	47-00140-0000	Brew Pub Liquor	09/20/2013	08/06/2013
NOODLES & COMPANY 102 The Noodle Shop Co - Colorado, Inc	1245 Alpine St 520 Zang St, Suite D	24-84389-0001	Hotel-Restaurant Liquo	09/30/2013	08/16/2013
PIZZERIA DA LUPO Empire Pizza, LLC	2525 Arapahoe Ave, Unit H-5B 2660 Walnut St	42-85013-0000	Hotel-Restaurant Liquo	09/16/2013	08/02/2013
QDOBA MEXICAN GRILL ZRC Operations Company Inc	1119 13TH ST 9330 Balboa Ave	28-14915-0005	Hotel-Restaurant Liquo	09/16/2013	08/02/2013
RINCON ARGENTINO Rincon Argentino, LLC	2525 Arapahoe Ave Suite A-05 745 Eldorado Blvd # 2311	47-00182-0000	Beer & Wine Liquor	09/13/2013	07/30/2013
SAN FRANCISCO SOUP COMPANY Parker Foods LLC	1600 28th St Suite 1216 PO Box 8409	14-70423-0000	Beer & Wine Liquor	09/22/2013	08/08/2013
SINK, THE Ritz Bros., Inc	1165 13th St 1165 13th St	02-60762-0000	Hotel-Restaurant Liquo	09/21/2013	08/07/2013
SOUTHERN SUN PUB & BREWERY Stash Enterprises LLC (Southern)	627 S Broadway, Suite B-E 1535 Pearl St	47-00138-0000	Brew Pub Liquor	09/20/2013	08/06/2013
UNDER THE SUN EATERY & TAPHOUSE You Eat More Enterprises LLC	627 S Broadway Suite A 1535 Pearl St	47-00383-0000	Hotel-Restaurant Liquo	09/26/2013	08/12/2013

22 licensees receiving notices

Expiring Between 9/1/2013 and 9/30/2013

Liquor License Notices Sent

Notices were NOT sent to these licensees as they are set for non-automatic renewal

<i>Trade Name/Applicant:</i>	<i>Location/Mailing Address:</i>	<i>Number:</i>	<i>License Type:</i>	<i>Expires:</i>	<i>Deadline:</i>
JOHNNY'S CIGARS	1801 13th St, Unit 110	26-58437-0000	Tavern Liquor	09/25/2013	08/11/2013
Johnny's Cigars, Inc	3175 17th St				
LAZY DOG & NAKED FISH	1346 Pearl St	41-50873-0000	Hotel-Restaurant Liquo	09/22/2013	08/08/2013
Imagine Entertainment, LLC	1346 Pearl St.				

2 non-automatic renewal licensees

Innkeeper Limited (Licensee), No Entiendo, (Trade Name),
at: 1325 Broadway, Unit 201, Boulder, CO 80301 (Premise Address)
and with: Hotel-Restaurant liquor license (License Type).

Per Sandra Llanes, Assistant City Attorney, with City Attorney's Office on April 20, 2011:

After reviewing the Open Records Act and the Colorado Liquor Code, both of which are relevant in this circumstance, Ms. Llanes has determined that such financial information can be sealed. In addition, since this licensee has an ongoing obligation to the Beverage Licensing Authority (BLA) [] to submit monthly reports until their next annual renewal, and/or [] have submitted that information for this renewal hearing, such information shall be shared with the BLA but not disclosed to the public.

By way of this legal determination, the city licensing clerk is directed to seal all current submitted monthly reports and previously submitted monthly reports and to provide current and future reports as submitted by the licensee to the BLA for their review without providing such information to the public.

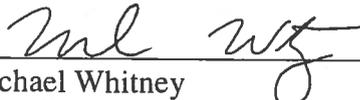
BEVERAGE LICENSING AUTHORITY, CITY OF BOULDER, COLORADO 1777 BROADWAY BOULDER, COLORADO	
IN THE MATTER OF: THE HOTEL/RESTAURANT TYPE LICENSE # 28-73956-0000 OF CITA'S, LLC d/b/a ZANITAS MEXICAN 1352 COLLEGE AVE., SUITE 115 BOULDER, COLORADO	
Attorney Name: Office of the City Attorney Michael Whitney, #41298 Assistant City Attorney Address: P.O. Box 8015 Boulder, CO 80306 Phone Number: (303) 441-3025 Fax Number: (303) 441-1949	
MOTION TO DISMISS	

COMES NOW, the City of Boulder, by and through its duly authorized Assistant City Attorney, Michael N. Whitney, and hereby respectfully moves to dismiss the complaint in this matter.

1. At the April 17, 2013, meeting of the Beverage Licensing Authority, the Authority voted to initiate this matter to require the Licensee, Zanitas Mexican, show cause why License # 28-73956-0000 should not be suspended or revoked.
2. The chief allegation was that the Licensee had failed to maintain possession of the licensed premises. The Authority's stated purpose for voting to schedule a show cause hearing was to swiftly determine the status of the License in light of reliable information that the Licensee had closed its business.
3. The Authority appointed the undersigned counsel as prosecutor for the show cause hearing.
4. The undersigned counsel has learned that the Licensee has filed an affidavit of surrender with the City, relinquishing the License.
5. Because the License has been surrendered and may be immediately terminated by the Authority, the purpose of the show cause hearing has been accomplished and a show cause hearing would be moot. No useful purpose would be served by continuing adjudication of the above-captioned matter.

WHEREFORE, for the reasons above, the City respectfully requests that the Authority dismiss the above-captioned matter.

DATED this 6 day of June, 2013.



Michael Whitney
Assistant City Attorney

CERTIFICATE OF DELIVERY

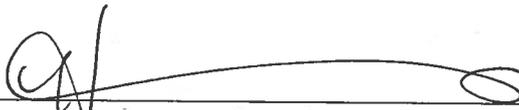
I hereby certify that I have delivered a true and correct copy of the foregoing Motion to:

Robert (Nick) Hayes
9854 Clifton Ct
Highlands Ranch, CO 80126-8605

Email: nick@cahrm.com

U.S. Mail Fax Email Relay

DATED this 6th day of June, 2013.



Legal Assistant



City of Boulder
Finance Department
Tax and License Division

Sales and Use Tax · Community Information · Special Event Liquor ·
Liquor License · Miscellaneous License · Medical Marijuana Business License

June 5, 2013

Liquor Enforcement Division
1881 Pierce St., #108A
Lakewood, CO 80214

COPY

Re: Account #28-73956-0000

Citas LLC d/b/a Zanitas Mexican at 1352 College Avenue, Suite 115, Boulder, CO 80302 with a hotel-restaurant liquor license

Dear State Liquor:

Enclosed please find the State liquor license and an Affidavit of Surrender from this licensee for the above referenced account number. This licensee wants to put both the state and the city on formal notice that they no longer wish to have this liquor license for this location. If you have questions or require additional information, please contact me at the number listed below.

Sincerely yours,

Mishawn J. Cook
Tax and License Manager, CMC
Main: 303-441-4192
Direct: (303) 441-3010
Fax: (303) 441-1919
Email: cookm@bouldercolorado.gov
Website: www.bouldercolorado.gov/licensing

BEFORE THE STATE LICENSING AUTHORITY

STATE OF COLORADO

AFFIDAVIT FOR SURRENDER OF STATE AND CITY LIQUOR LICENSES

IN THE MATTER OF:

Licensee: CITA'S LLC

Tradename: ZANITAS MEXICAN

Address: 1352 College Ave #115

City: Boulder

LICENSE NO.: 28-73956-0000

I, Robert Hayes, an authorized representative of the above-named Licensee hereby voluntarily surrender the Colorado and the City of Boulder liquor licenses and all related licensing privileges. Licensee hereby requests the Liquor Enforcement Division ("Division") of the Colorado Department of Revenue, on behalf of the State Liquor Licensing Authority, and the City of Boulder Licensing Division, on behalf of the City of Boulder Beverage Licensing Authority ("BLA"), to immediately cancel, terminate, and void Licensee's Colorado state liquor license and Boulder city liquor licenses.

Licensee states that this surrender of Licensee's Colorado state liquor license and Boulder city liquor license and licensing privileges is made voluntarily by the Licensee, and that Licensee is not surrendering the aforesaid liquor license(s) and privileges as the result of any threat, promise, or coercion by the Division or any of its agents, representatives or employees or by the City of Boulder or any of its agents, representatives or employees.

Licensee further acknowledges:

- This surrender does not violate any requirements of a Forcible Entry and Detainer (FED) order, or Writ of Restitution requiring the licensee to dispossess the licensed premises.
- That an application to transfer this liquor license has not been filed with the local licensing authority.
- This is not an attempt to avoid prosecution of a violation of the Colorado Liquor Code, and that the Division and the BLA may refuse to accept this affidavit of surrender until after any pending administrative action is complete.
- The Licensee's Colorado and Boulder liquor licenses and related privileges will be canceled, terminated, and voided upon issuance of an order by the Director of the Division accepting this voluntary surrender of licenses.

I affirm under penalty of perjury, I am authorized to surrender this license on behalf of the aforementioned Licensee.

Name ROBERT HAYES

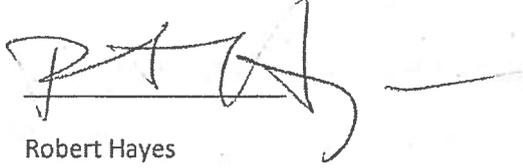
Signature [Handwritten Signature]

Title PRESIDENT

Date 6/5/2013

To whom it may concern:

I no longer have in my possession the original City and State issued licenses.

A handwritten signature in black ink, appearing to read 'R Hayes', is written over a horizontal line. A short horizontal line extends to the right from the end of the signature.

Robert Hayes

Cook, Mishawn

From: cidre@comcast.net
Sent: Tuesday, June 04, 2013 9:19 AM
To: Dave Zessin; Lisa Spalding; timothrmmcmurray@mac.com; Harriet Vincent Barker
Cc: Cook, Mishawn; Llanes, Sandra
Subject: June BLA meeting

I believe the BLA meeting this month is scheduled for June 19th. I have to be in Grand Junction for a clinical training and will be unable to attend. I regret missing so soon after taking office, but my training schedule is prepared months ahead of time, and could not be changed. Thank you, and see you next month.

Dave

David S. Timken, Ph.D, Director
Center for Impaired Driving Research and Evaluation
P.O. Box 17624
Boulder, CO 80308-0624

303-442-5780

Cook, Mishawn

From: Cook, Mishawn
Sent: Tuesday, June 04, 2013 9:20 AM
To: 'harriet barker'; 'david zessin'; 'Lisa Spalding'; 'Timothy M. McMurray'; 'cidre@comcast.net'
Cc: Llanes, Sandra; Lamb, Michele
Subject: BLA June 19th hearing member attendance

BLA members, I received a voice mail today from David Timken to let me know that he will need to be absent from the June 19 BLA hearing. Please do not "reply all" but please reply to me if you as a BLA member will also be absent from this hearing. I am just double checking on quorum. Thank you, Mishawn