



Has the applicant previously been issued a liquor or beer license (include any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)?  yes  no

If yes, identify the business and any current or former financial interest in said business including any loans to or from a licensee.

Name of Business	Address	Type/amt. of Interest
List attached		

**PREMISES/ESTABLISHMENT**

Terms of legal possession of the premises for which the application is made?  own  lease

If leased provide terms: Start date 4/30/15 End date 4/30/2025

Dimensions of premises 93' 1" x 33' Square footage 2990 Seating Capacity 99 inside

Is there a patio area?  yes  no -- If yes, provide dimensions 28' 3 3/4" x 31' 1.5"

Anticipated number of employees? 30

Will training be offered or required?  yes  no -- If yes, through what agency? Internal

Has the applicant or manager in Colorado, or any other State (include any of the partners, if a partnership members or manager if a limited liability company; or officers, stockholders or directors if a corporation), ever:	YES	NO
Been denied an alcohol beverage license?		<input checked="" type="checkbox"/>
Had an alcohol beverage license suspended or revoked?	<input checked="" type="checkbox"/>	
Had interest in another entity where an alcohol beverage license was suspended or revoked?		<input checked="" type="checkbox"/>
Ever been charged or convicted of a crime, received a suspended sentence, a deferred sentence, or have charges pending?		<input checked="" type="checkbox"/>
If yes, provide explanation, date(s) and location(s).		
<u>Attached</u>		

Has the applicant ever received a violation notice, suspension, or revocation for any liquor law violation, have charges pending; or has the applicant applied for and been denied a liquor or beer license anywhere in the United States?

Yes  No

If yes, provide explanation, date(s) and location(s):

Attached

I declare under the 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 understand that any falsehood or omission will jeopardize the application as such falsehood or omission constitutes evidence regarding the character of the applicant.

State of Colorado County of Denver

SOPHIA M BEALL  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20104033021  
MY COMMISSION EXPIRES AUGUST 24, 2018

Signature: Rita McCoy  
Title: Managing member

Subscribed and sworn to before me this 17th day of July, 2015.

My Commission Expires: August 24, 2018

Notary Public: Sophia M Beall

<b>Investor</b>	<b>Ownership %</b>
Abalone Cove, LLLP	0.2620%
Accord du Lac, LLLP	0.8045%
Apache Capital, LLC	10.0808% Facundo Bacardi
APEZE, LLC	0.1965%
Theodore W. Auman	0.3446%
Gray Beauchamp	0.1747%
Michael Berman	0.3930%
Alexander Bernstein	0.1965%
Justin B. Borus	1.2450%
Brandon J. Calano Trust	0.4323%
James Calano	1.2488%
Conscious Investments, LLC	0.1965%
Cheryl and Joseph Della Rosa	1.0297%
Diamond in Rough, LLC	0.1965%
John Eisenhard	0.2358%
ethos architecture, LLC	0.2678%
Farm Fresh Investment LLC	1.7465%
John S. Fischer	0.3838%
Lee Flanagan and Anthony DiCaprio	0.1965%
Jeffrey S. Friedstein	0.6150%
Zachary M. Frisch	0.0000%
Daphe P. Harris	0.2183%
J. Cole Harris	0.2183%
Brett Heinrichs	0.1747%
Haven Heinrichs	0.1747%
J&J Hazen Trust	0.1965%
JCRS Acquisitions LLC	0.6986%
David C. Johnsen	0.9214%
Kennedy Holdings, LLC	0.0803%
Leyva Capital LLC	0.1965%
Matterhorn Trust	1.5719%
McColgan Investment, LLC	1.0770% Rob McColgan
MD Mod LLC	0.1965%
Robert J. and Eileen B. McColgan	0.4204%
ME Investments, LLC	2.2548%
Robert E. Miller	0.7787%
Mt. Audobon Associates, LLC	0.1965%
Daniel J. Murphy	0.3930%
Northwestern Engineering Company	0.3422%
Jacob Organek	0.0873%
Robert E. Pease	1.5165%

Pigliacampo Investment, LLC	1.1263% Anthony Pigliacampo
Aleta W. Pigliacampo	1.3937%
Rishi Nangalia Holdings, Inc.	1.0553%
Attila Safari	0.1965%
Jacob Sands	0.1747%
Noah Waldera	0.2620%
Walwitz Investments, LLC	0.1965%
Peter Watkins	0.6265%
WCI-Modmarket LLC	4.6221%
Andy Weiss	0.3930%
John and Deborah Weller	1.1830%
Westminster Associates A, LLP	0.1747%
Wendall W. & Sharon L. Williams	2.9754%
Aldra K. Wilson	1.0266%
Samuel Zaitz	0.2644%
Alan Budel Zuckerman	0.5852%
BDC Capital, LLC	14.3529% Win Stewart
Aaron Kennedy	0.2947%

**Managers**

TOLO Food Management, LLC	37.1359% 50/50 Rob McColgan and Anthony Pigi
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Modmarket, LLC holds and beer and wine license # 42-70212-0000 for the Modmarket restaurant located at 1600 28th St., Unit 1212 in Boulder, CO 80301.

Issued: 8/2009

Modmarket, LLC holds and beer and wine license # 42-70212-0002 for the Modmarket restaurant located at 1000 S. Colorado Blvd., Unit 101 in Glendale, CO 80246.

Issued: 12/2010

Modmarket, LLC holds and beer and wine license # 42-70212-0003 for the Modmarket restaurant located at 8575 E. Arapahoe Rd., Unit F in Greenwood Village, CO 80112.

Issued: 10/2011

Modmarket, LLC holds and beer and wine license # 42-70212-0004 for the Modmarket restaurant located at 14630 W. Colfax Ave., Unit 130 in Lakewood, CO 80401.

Issued: 01/2013

Modmarket, LLC holds and beer and wine license # 42-70212-0005 for the Modmarket restaurant located at 3475 S. University Blvd., Suite A in Englewood, CO 80113

Issued: 07/2013

Modmarket, LLC holds and beer and wine license # 42-70212-0006 for the Modmarket restaurant located at 700 Ken Pratt Blvd, Suite 100 in Longmont, CO 80501

Issued: 09/2013

Modmarket, LLC holds and beer and wine license # 42-70212-0007 for the Modmarket restaurant located at 900 16th St. Mall Unit A in Denver, CO 80202

Issued: 01/2014

Modmarket, LLC holds and beer and wine license # 42-70212-0008 for the Modmarket restaurant located at 537 W. Highlands Ranch Pkwy, Unit 108 Highlands Ranch, CO 80129

Issued: 03/2014

Modmarket's Boulder location (License # 42-70212-0000) had its beer/wine license suspended for five days after violating a liquor license sting operation. The incident occurred on February 2nd, 2013 when one of our cashiers checked the birthdate on an underage driver's license but did the math incorrectly, and served him a beer. The suspension was completed from 3/25 - 3/29 without incident. The stipulation and agreement from the Beverage Licensing Authority of Boulder is also attached.

**BEVERAGE LICENSING AUTHORITY, CITY OF BOULDER, COLORADO**

**STIPULATION OF FACTS**

**IN RE:**

**BEER AND WINE TYPE LIQUOR LICENSE # 42-70212-0000  
OF MODMARKET, LLC.  
D/B/A MODMARKET  
1600 28TH ST. #2F216  
BOULDER, COLORADO 80302**

The above Licensee, by and through its representative, Rob McColgan, and the City of Boulder, by and through its Assistant City Attorney, Mike Whitney, hereby stipulate and agree as follows:

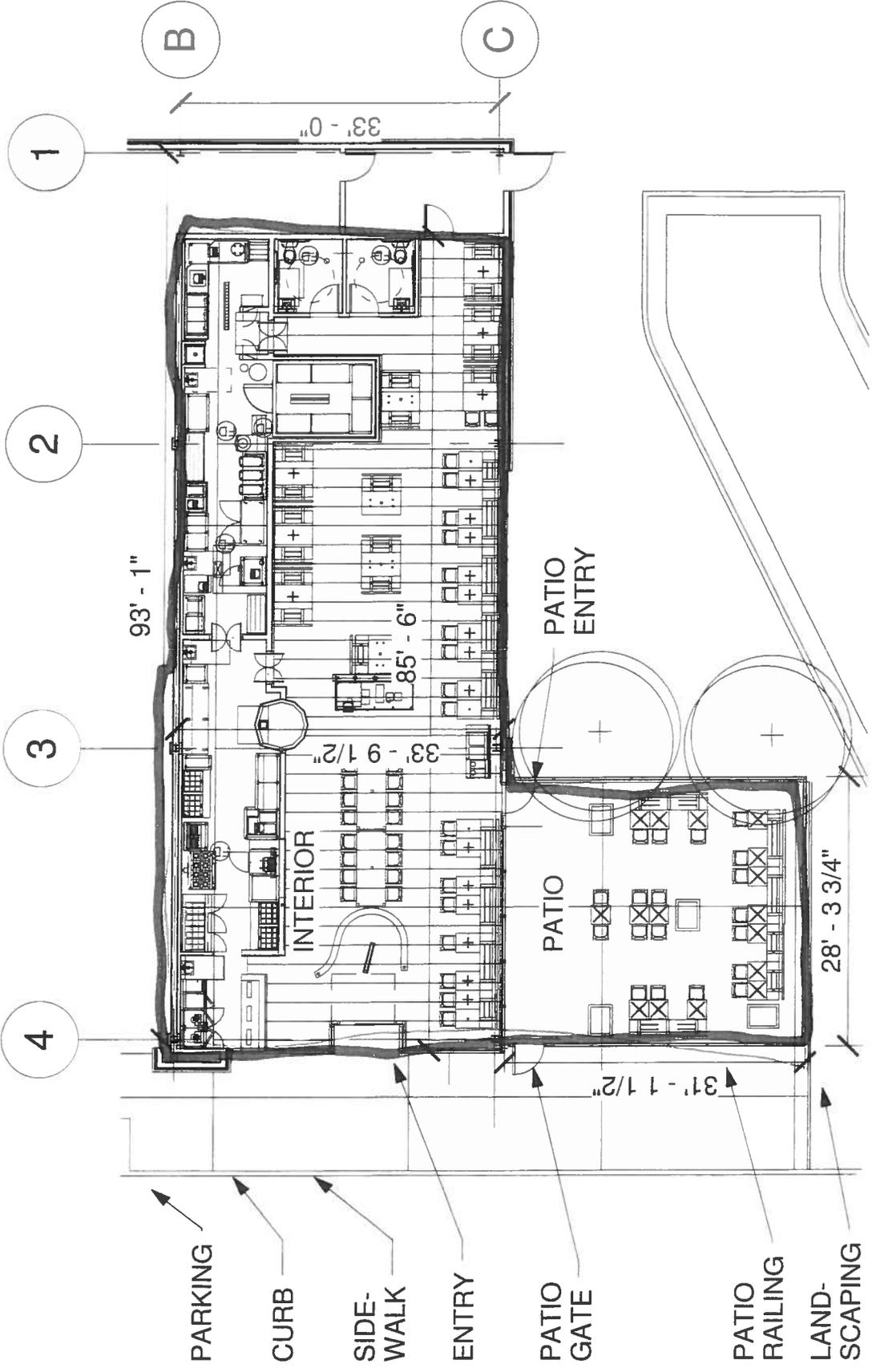
1. That the Beverage Licensing Authority of the City of Boulder, Colorado, hereinafter referred to as "the Authority," found probable cause that the above Licensee had violated certain laws, and therefore issued and caused to be served upon said Licensee a Notice of Hearing and Order to Show Cause.
2. That a hearing concerning the violation is scheduled to be held on March 20, 2012, in the Municipal Building at 1777 Broadway, Boulder, Colo., at which time said Licensee will be ordered to show cause why License # 42-70212-0000 should not be suspended or revoked, as provided by law.
3. That this stipulation shall not be effective unless and until it is approved by a majority vote of the attending members of the Authority on the scheduled hearing date.
4. That Licensee employed Torae Reid on February 2, 2013. On that date, Ms. Reid sold alcoholic beverages – a Single Track beer – to two persons who were under 21 years of age. The buyers both presented identification of age that stated they were under 21 years of age.
5. That the violation was investigated or detected using persons under 21 years of age to purchase alcoholic beverages, during a compliance check conducted by Officer Carlene Hofmann of the Boulder Police Department.
6. That the sale of the alcoholic beverages was a violation of sections 12-47-901(1)(a.5) and 12-47-901(5)(a)(I), C.R.S.

7. That Licensee acknowledges the violation by its admission and elects not to contest the underlying facts. Licensee waives its right to a public hearing to contest the facts of the violation charged.
8. That both parties, Licensee and City of Boulder, expressly reserve the right under 1 C.C.R. 203-2, Reg. 47-600, to present evidence in explanation and mitigation or in aggravation of the violation.
9. That License # 42-70212-0000 has not been suspended or revoked during the previous two years. Nor has Licensee paid a fine in lieu of suspension during the previous two years.
10. That Licensee has read and understood the terms in this stipulation. Licensee understands the right to due process in this matter. Licensee understands that it is waiving the right to appeal the decision of the Authority in this matter to a court. Licensee is not under the influence of alcohol or any intoxicant. Licensee enters into this stipulation knowingly, intelligently, and voluntarily.

DATED this 1 day of March, 20.

Signatures:

Licensee / Attorney for Licensee <i>Robert McEgan</i> <span style="border: 1px solid black; display: inline-block; width: 100%; height: 1em; vertical-align: middle;"></span> <small>Robert McEgan, Managing Member, MedMarket LLC</small>	Date <span style="border: 1px solid black; padding: 2px;">03/20/15</span>
Michael Whitney / Assistant City Attorney City of Boulder	Date



1 LIQUOR LICENSE - ASI 1  
 1/16" = 1'-0"

TOTAL COUNT IS 131.  
 INDOOR OCCUPANCY IS 99.  
 PATIO SEATING COUNT IS 32



August 27, 2015

Certified Mail # 7014 3490 0001 5234 0346

Modmarket, LLC  
dba Modmarket  
910 16<sup>th</sup> Street, #610  
Denver, CO 80202

Dear Applicant:

Pursuant to 12-47-312 of the Colorado Revised Statutes and Rule No. 7 of the Local Rules of procedure, I have the following report to make concerning the results of my investigation of the application you have filed for a new Beer and Wine License at Modmarket, LLC dba Modmarket, 1765 Briargate Parkway, Colorado Springs, Colorado. Your application was filed on July 22, 2015, and within a two (2) year period prior to this date, the Local Licensing Authority was not denied an application at said location for the reason that the reasonable requirements of the neighborhood were satisfied by existing outlets.

It appears that you will be entitled to possession of the premises for which the application is made, and at this time, the premises you desire to license does not appear to be in violation of any Zoning Ordinances of the City of Colorado Springs, Colorado.

To date, the Police Department has not reported any objections to this application, and here are no schools within the limits as prohibited by law.

Pursuant to Rule 6.01, neighborhood boundaries have been established, and a listing of existing licenses of a similar type that are within the established boundary area for the proposed establishment is attached. A boundary map has also been enclosed for your convenience.

A public hearing will be held on your application at the meeting of the Liquor and Beer Licensing Board, commencing at **9:00 A.M., on September 18, 2015** in the Council Chamber of City Hall at 107 N. Nevada Avenue, and you must be present at that meeting. At this meeting, the Board will consider the factors outlined in Rule No. 9.08 of the Local Rules of Procedure, and it is your burden to provide the necessary evidence to satisfy the Board.

A public notice poster has been prepared for you to pick up from the City Clerk's Office. This notice poster must be posted by you at the proposed premises in a manner that is visible and conspicuous to the public no later than Tuesday, September 8, 2015.

If you have any questions, please contact Lee McRae at (719) 385-5106.

Sincerely,

Sarah B. Johnson  
City Clerk



**CERTIFIED LETTER ATTACHMENT**

License ID: 29599

MODMARKET, LLC  
d/b/a MODMARKET  
1765 BRIARGATE PKWY  
COLORADO SPRINGS, CO 80920

**EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA**

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) BIAGGI'S RISTORANTE ITALIANO	1805 BRIARGATE PKWY	Hotel & Restaurant	166.03 ft
2) P.F. CHANG'S CHINA BISTRO	1725 BRIARGATE PKWY	Hotel & Restaurant	172.61 ft
3) QDOBA MEXICAN GRILL #2105	1605 BRIARGATE PKWY	Hotel & Restaurant	640.78 ft
4) HILTON GARDEN INN COLORADO SPRINGS	1810 BRIARGATE PKWY	Hotel & Restaurant	672.41 ft
5) CALIFORNIA PIZZA KITCHEN	1645 BRIARGATE PKWY	Hotel & Restaurant	681.95 ft
6) BIRD DOG BBQ	1645 BRIARGATE PKWY	Hotel & Restaurant	692.66 ft
7) HOMEWOOD SUITES COLO SPRINGS NORTH	9130 EXPLORER DR	Hotel & Restaurant	708.74 ft
8) TED'S MONTANA GRILL	1685 BRIARGATE PKWY	Hotel & Restaurant	905.84 ft

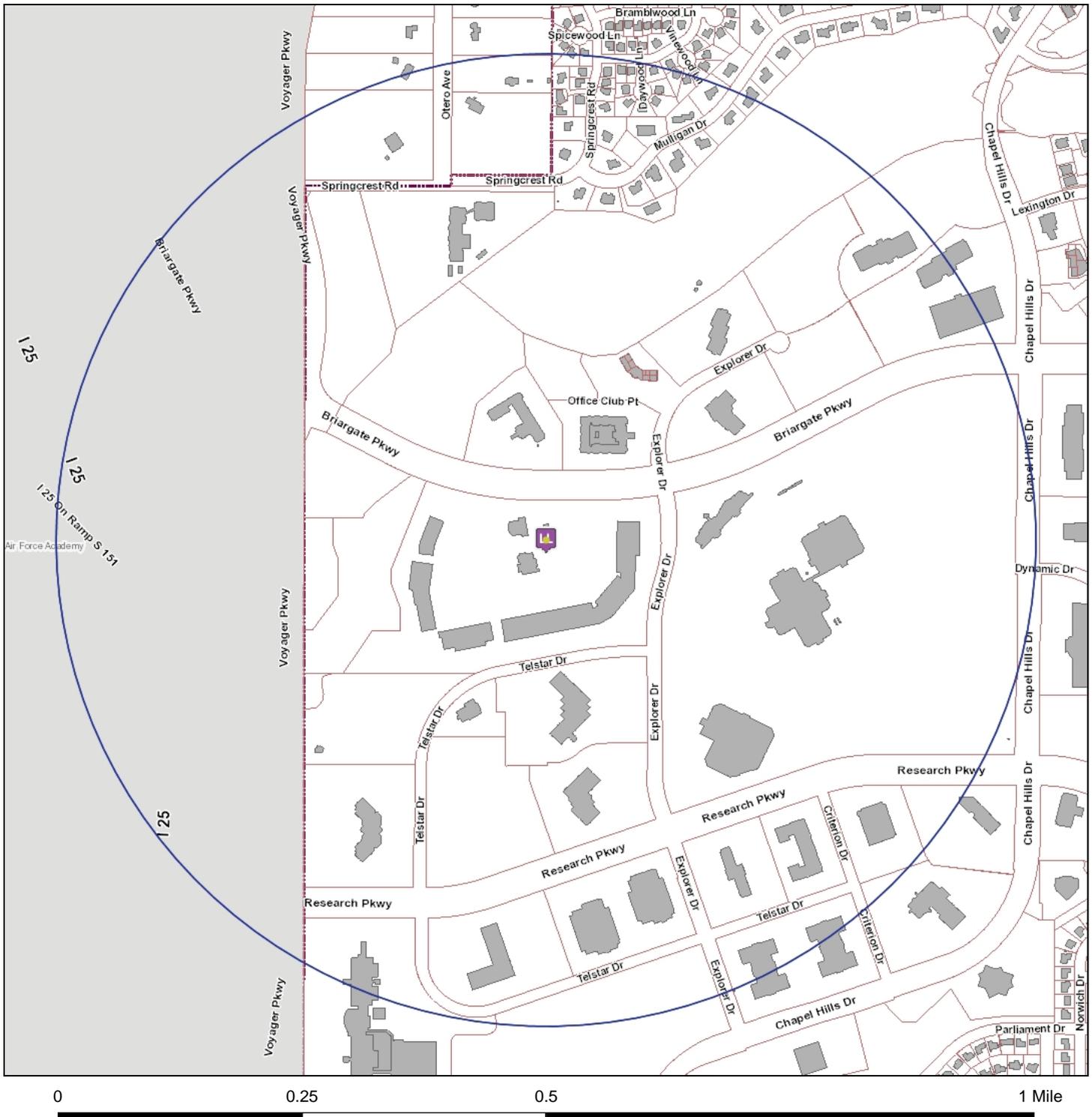
# Liquor Survey Boundaries



CITY OF COLORADO SPRINGS  
OFFICE OF THE CITY CLERK

MODMARKET, LLC  
d/b/a MODMARKET  
1765 BRIARGATE PKWY

License ID: 29599



The survey boundary is 0.5 miles from the establishment

Map Prepared: 8/11/2015 10:06 AM

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