



**LIQUOR LICENSE OR FERMENTED MALT
BEVERAGE LICENSE (ALCOHOL BEVERAGE)
APPLICATION**

OFFICE OF THE CITY CLERK

Received:

Rec. 3/26/2020

It shall be unlawful for any person to knowingly make any false statement or omit any pertinent information on any application for a license. In the event any person knowingly makes any false statement or omits any pertinent information on any application, that act or omission shall, in addition to all other remedies, be grounds for denial of the license or for suspension or revocation of any license issued upon the basis of the false statement. City Code §2.1.404.

THIS APPLICATION MUST BE FULLY COMPLETE, WITH APPLICABLE FEES AND ALL REQUIRED ATTACHMENTS.
Return fully completed applications to the City Clerk's Office, 30 S. Nevada Avenue, Suite 101, 80903.

☒ **NEW LICENSE** ☐ **TRANSFER OF OWNERSHIP**

Type of License applying for (Check One)

- ☐ Hotel/Restaurant (includes Resort & Campus Complex) ☐ Hotel/Restaurant w/Optional ☐ Tavern
☐ Brew Pub ☐ Distillery Pub ☐ Vintner's Restaurant ☒ Beer and Wine
☐ Optional Premises ☐ Retail Liquor Store* ☐ Liquor Licensed Drugstore* ☐ Racetrack
☐ Arts ☐ Lodging & Entertainment ☐ FMB (Beer) On Premises ☐ FMB (Beer) Off Premises

* New Retail Liquor Store (RLS) and Liquor Licensed Drugstore (LLD) applications may not be within 1500' of an existing RLS or LLD location.

Section A: APPLICANT/LICENSEE INFORMATION

1. Name of Applicant/Licensee (list Corporation/LLC/Partnership/Association/Sole Proprietor): Tusca Enterprises LLC	
2. Trade Name (DBA): Duca's Neapolitan Pizza	
3. Premises Address: 5660 Barnes Rd Suite 100 City, State, Zip: Colorado Springs, Colorado 80917	Location Phone:
Property Tax Schedule No.: 6325106035	Zoning: PBC AO
4. Mailing Address: PO Box 3284 City, State, Zip: Monument, CO, 80132	Alt Phone: 7193306908
Primary Contact Name And Title: Anthony Duca, Owner	Email: tonyangelad@msn.com

5. IF THIS IS A TRANSFER OF AN EXISTING LICENSE - THE FOLLOWING MUST BE ANSWERED:			
Present trade name of establishment (dba)	Present State License No.	Present Class of License	Present Expiration Date

6. If the applicant is: a Corporation, Limited Liability Company, Partnership or Association, list all officers, directors, general partners and managing members, position held and percentage owned. Attach supplemental pages as needed. **NOTE: ATTACH ONE AFFIRMATION AND CONSENT (page 3), and ONE APPLICANT INTERVIEW (page 4), FOR EACH NAME LISTED.		
NAME	POSITION HELD	%OWNED
Anthony Duca	Owner	50%
Joseph Duca	Owner	50%

Section B: FINANCIAL INFORMATION

7. Source(s) of funds invested for total purchase, startup, and inventory costs (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other). Attach supplemental pages as needed.

THE FOLLOWING INFORMATION MUST REFLECT THE ENTIRE SOURCE OF FUNDS INVESTED. NO OTHER PERSON OR PARTIES MAY HAVE A FINANCIAL INTEREST IN THE BUSINESS FOR WHICH THIS APPLICATION IS SUBMITTED.

NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
5Star Bank	SBA Loan #33675870-04	\$286,000
104 S. Cascade Ave Ste 102		
Colorado Springs CO 80903		
TOTAL INVESTMENT IN BUSINESS:		\$286,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Anthony Duca

9. Terms of legal possession for which application is made: ☐ OWN ☒ LEASE ☐ OTHER

If leased, provide the terms: START DATE: April 4, 2018 END DATE: April 4, 2023

DIMENSIONS OF PREMISES: 38'x69' TOTAL SQUARE FOOTAGE: 2622

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions 48'x12'

Anticipated number of employees: 12-15 Anticipated opening date: 4/15/2020

Will training be offered or required? ☒ Yes ☐ No --- If yes, through what agency? Ownership

Section D: BACKGROUND INFORMATION

10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?

☒ Yes ☐ No IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.

11. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever received a violation notice, suspension, or revocation for any alcohol beverage license law violation, have charges pending, or been denied any alcohol beverage license anywhere in the United States?

☒ Yes ☐ No IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?

☐ Yes ☒ No IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).

13. List every individual applicant's prior experience in the sale of alcoholic beverages. Attach supplement as needed.

Business Name & Address	Applicant's Name	Experience/Position	Dates
Duca's Neapolitan Pizza	Anthony Duca	Manager	2014 - 2020
236 E Cheyenne Mtn Blvd			
Duca's Neapolitan Pizza	Anthony Duca	Manager	2016 - 2020
12229 Voyager Parkway ste 170			

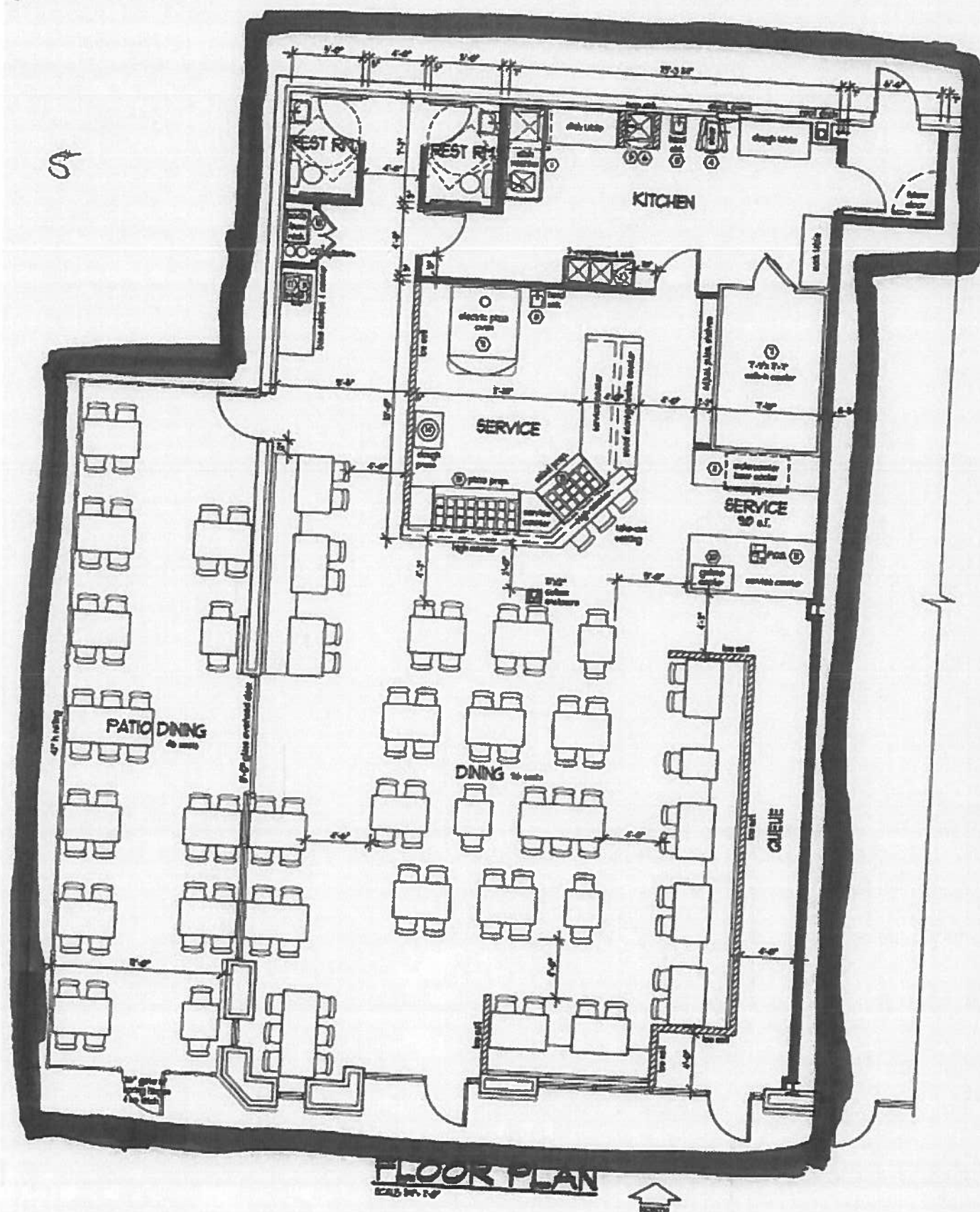
TUSCA ENTERPRISES LLC supplemental responses:

City Application

Section D, #10: Both applicants currently have liquor licenses for the other Duca's Neapolitan Pizza locations. 236 E. Cheyenne Mountain Blvd, 2014 to the present; and 12229 Voyager Pkwy, 2016 to the present

Section D, #11: The only liquor license violation at any of the Duca's Neapolitan Pizza locations occurred at 236 E. Cheyenne Mountain Blvd. In July 2018, the organization was found to have sold to a minor, and they received a 5 day suspension, with 5 days held in abeyance for a period of one year. A "Stipulation" regarding this incident was provided with the application materials.

Section D, #12: That should be marked "No" as neither of the applicants have ever been convicted of a crime, received a suspended sentence, a deferred sentence, or have charges pending.



**BEFORE THE LOCAL LIQUOR AND BEER
LICENSING AUTHORITY,
CITY OF COLORADO SPRINGS,
STATE OF COLORADO**

Address: 30 South Nevada Avenue, Suite 101
Colorado Springs, CO 80903
Telephone: (719) 385-5901
Fax Number: (719) 385-5114
Email: cityclerk@springsgov.com

CITY CLERK'S OFFICE
2020 MAY 14 P 12:01

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Tusca Enterprises, LLC
d/b/a **Duca's Neapolitan Pizza**
5660 Barnes Road, #100
Colorado Springs, CO 80922
Mailing Address:
PO Box 3284
Monument, CO 80132

Application No: N-37178

NOTICE OF HEARING AND INITIAL FINDINGS OF FACT

NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, June 5, 2020 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Tusca Enterprises, LLC d/b/a Duca's Neapolitan Pizza ("Applicant") application for a new Beer and Wine License at 5660 Barnes Road, #100, Colorado Springs, CO 80922. **Additional information related to appearance, remote participation, and public comment for this public hearing will be provided as soon as possible, but not later than Tuesday, June 2, 2020.**

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 9.08 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"), and it is the Applicant's burden to provide the necessary evidence to satisfy the Local Licensing Authority.

A public notice poster has been prepared for the Applicant to pick up from the City Clerk's Office at 30 S. Nevada Avenue, Suite 101. Please contact the City Clerk's Office as soon as possible to make arrangements for picking up the poster. This notice poster must be posted by the Applicant at the proposed premises in a manner that is visible and conspicuous to the public no later than **Tuesday, May 26, 2020**. Any applicable needs and desires petitions, remonstrances, and other reports or statements in writing must be filed with the City Clerk's Office by 12:00 P.M. on Tuesday, June 2, 2020.

Pursuant to C.R.S. §44-3-312 and City Rule No. 7, the Local Licensing Authority, through the Office of the City Clerk, has conducted an investigation into Applicant's application. NOW THEREFORE these Initial Findings of Fact are presented.

INITIAL FINDINGS OF FACT

- I. Applicant's application was filed on March 26, 2020, and within a two (2) year period prior to this date, the Local Licensing Authority has not denied an application at the above referenced location for the reason that the reasonable requirements of the neighborhood were satisfied by existing outlets, pursuant to C.R.S. §44-3-313(1)(a)(I) and City Rule 7.00(A)(1).
- II. Applicant will be entitled to possession of the premises for which the application is made pursuant to a lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership thereof as evidence by the possession documents submitted by Applicant and contained in the administrative file, pursuant to C.R.S. §44-3-313(1)(b) and City Rule 7.00(A)(2).
- III. The location of the premises to be licensed appears to be in compliance with the Zoning Ordinances of the City of Colorado Springs as evidenced by the Land use review report submitted by the Planning and Development Department of the City of Colorado Springs, pursuant to C.R.S. §44-3-313(1)(c) and City Rule 7.00(A)(3).
- IV. The location of the premises to be licensed appears to be in compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university or seminary, pursuant to C.R.S. §44-3-313(1)(d) and City Rule 7.00(A)(4).
- V. Pursuant to C.R.S. §44-3-307(1)(a)(VI), the Colorado Springs Police Department has conducted a background investigation into Applicant and there are no objections to Applicant at this time.
- VI. A review of Applicant's finances did not disclose any unlawful financial assistance as prohibited in C.R.S. §44-3-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §44-3-307.
- VIII. Pursuant to City 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 and boundary map are attached.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done May 14, 2020.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

Liquor Survey Boundaries

TUSCA ENTERPRISES LLC

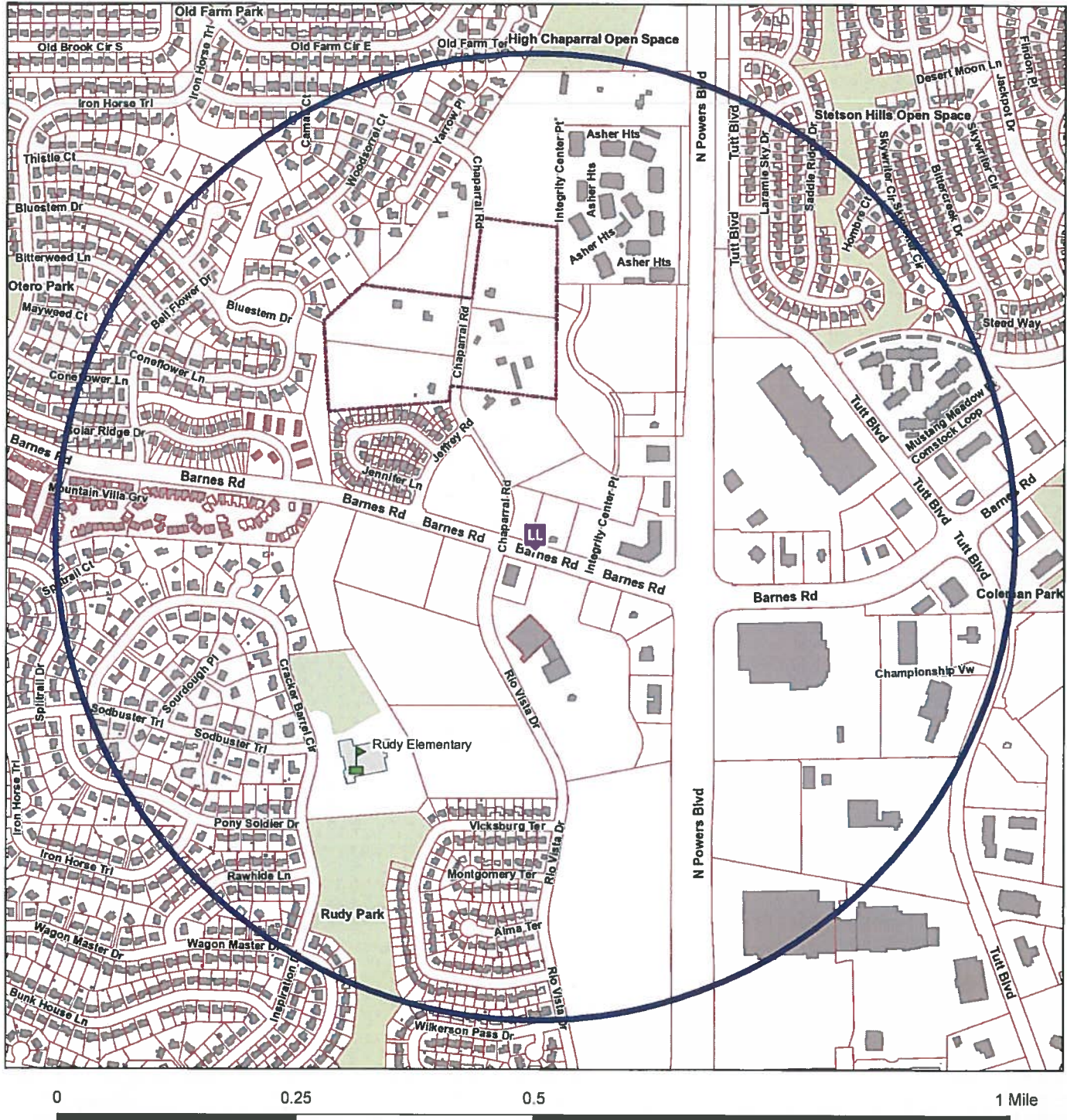
d/b/a DUCA'S NEAPOLITAN PIZZA

5660 BARNES RD #100



OFFICE OF THE CITY CLERK

License ID: 37178



The survey boundary is 0.5 miles from the establishment

Map Prepared: 5/14/2020 9:55 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 37178

TUSCA ENTERPRISES LLC

d/b/a DUCA'S NEAPOLITAN PIZZA

5660 BARNES RD #100

COLORADO SPRINGS, CO 80917

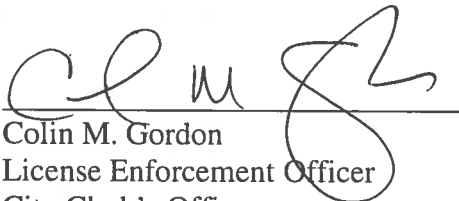
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) RHINO'S SPORTS & SPIRITS	4307 INTEGRITY CENTER PT	Tavern	485.51 ft
2) ZOE'S KITCHEN	5697 BARNES RD	Beer & Wine	501.42 ft
3) SUSHI AIKI	4359 INTEGRITY CENTER PT	Beer & Wine	654.78 ft
4) VILLA SALON	5627 BARNES RD	Lodging & Entertainment	730.86 ft
5) LONGHORN STEAKHOUSE #5568	5707 BARNES RD	Hotel & Restaurant	884.34 ft
6) PARRY'S SLICERIA & TAPS	5697 BARNES RD	Hotel & Restaurant	1,048.51 ft
7) TOKYO JOE'S	5697 BARNES RD	Beer & Wine	1,108.78 ft
8) ON THE BORDER MEXICAN GRILL & CANTINA	5832 BARNES RD	Hotel & Restaurant	1,212.97 ft
9) CLEATS BAR & GRILL	6120 BARNES RD	Hotel & Restaurant	2,283.89 ft

CERTIFICATE OF MAILING

I, Colin M. Gordon, hereby certify that I have mailed a true copy of the foregoing **NOTICE OF HEARING AND INITIAL FINDINGS OF FACT** by United States mail, first class postage paid, on May 14, 2020 to the following address of record:

Tusca Enterprises, LLC
d/b/a Duca's Neapolitan Pizza
PO Box 3284
Monument, CO 80132



Colin M. Gordon
License Enforcement Officer
City Clerk's Office
30 S. Nevada Avenue, Suite 101
Colorado Springs, CO 80903

CC: mobernesser@gmail.com
tonyangelad@msn.com