



**LIQUOR LICENSE APPLICATION OR
3.2% FERMENTED MALT BEVERAGE
LICENSE APPLICATION (ALCOHOL BEVERAGE)**

Received: CITY CLERK'S OFFICE
2017 AUG 10 A 9:19

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 (or Resort) 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 3.2% Beer On Premises 3.2% Beer Off Premises 3.2% Beer On & 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):
Best Pizza, LLC

2. Trade Name (DBA): MOD Pizza

3. Premises Address: 13461 Bass Pro Drive #100
City, State, Zip: Colorado Springs, Colorado 80921 Location Phone: Pending

Property Tax Schedule No. : 6207202016 Zoning: PUD HR

4. Mailing Address: P.O. Box 2438
City, State, Zip: Ketchum, ID 83340 Alt Phone: 208-806-0730

Primary Contact Name And Title: Kevin Embree Email: kembree@emhllc.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
N/A	N/A	N/A	N/A

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
E&M Holdings, LLC	Parent Company	100%
Kevin Embree	LLC Manager	0%
Robert Merullo	LLC Manager	0%

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
E&M Holding LLC	Checking	300000.00
Zions First National Bank		
800 W. Main St., Ste. 700, Boise, ID 83702		
ABA: 124000054, Account #427012786		
Kevin Embree, Signatory		
TOTAL INVESTMENT IN BUSINESS:		\$ 300000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Kevin Embree

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

If leased, provide the terms: START DATE: 2017 END DATE: 2027

DIMENSIONS OF PREMISES: 60' x 45' TOTAL SQUARE FOOTAGE: 1,807 sf

Is there a patio area? Yes No --- If yes, provide dimensions 60' x 9'

Anticipated number of employees: 35 Anticipated opening date: 10/16/2017

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

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
Please see attached.			

ROBERT MERULLO and KEVIN EMBREE

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?

Best Pizza LLC dba MOD Pizza
23890 E Smokey Hill Rd, Suite 10
Aurora, CO 80016

Pending Beer & Wine Liquor License

Best Pizza, LLC dba MOD Pizza
1013 Centre Avenue
Fort Collins, CO 80526

Pending Beer & Wine Liquor License

Best Pizza, LLC dba MOD Pizza
3622 E Highlands Ranch Pkwy, Ste 101
Highlands Ranch, CO 80126

Beer & Wine Liquor License

Best Pizza, LLC dba MOD Pizza
994 W Dillon Road, Ste 600
Louisville, CO 80027

Beer & Wine Liquor License

Best Pizza, LLC dba MOD Pizza
4989 Factory Shops Blvd, Unit 240
Castle Rock, CO 80104

Beer & Wine Liquor License

Best Pizza, LLC dba MOD Pizza
7447 N Academy Blvd
Colorado Springs, CO 80902

Beer & Wine Liquor License

Best Pizza, LLC dba MOD Pizza
8225 South Chester, Unit 103
Centennial, CO 80122

H&R Liquor License

Red Robin Gourmet Burgers, Inc.
(Red Robin International, Inc.)

Stock owner and former officer in publicly traded company which has liquor licensed establishments in Colorado

<p>BEFORE THE COLORADO SPRINGS LIQUOR AND BEER LICENSING BOARD CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 107 North Nevada Avenue Council Chambers, City Hall Colorado Springs, CO 80903</p>	<p>CITY CLERK'S OFFICE 2017 SEP 18 P 12:01</p>
<p>IN THE MATTER OF:</p> <p>Best Pizza, LLC d/b/a MOD Pizza 13461 Bass Pro Drive, #100 Colorado Springs, CO 80921 Mailing Address: P.O. Box 2438 Ketchum, ID 83340</p>	<p>▲ BOARD USE ONLY ▲</p>
	<p>Application No: N-32797</p>
<p>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</p>	

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, October 6, 2017 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Best Pizza, LLC d/b/a MOD Pizza (“Applicant”) application for a new Beer and Wine License at 13461 Bass Pro Drive, #100, Colorado Springs, CO 80921.

At this meeting, the Board will consider the factors outlined in Rule No. 9.08 of the Local Rules of Procedure, and it is the Applicant’s burden to provide the necessary evidence to satisfy the Board.

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. 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, September 26, 2017.** 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, October 3, 2017.

Pursuant to C.R.S. §12-47-312 and Local 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 August 10, 2017, 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.
- 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.
- 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.
- 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.
- V. 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. §12-47-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §12-47-307.
- VIII. Pursuant to Local 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 September 14, 2017.

FOR THE CITY OF COLORADO
SPRINGS LIQUOR AND BEER
LICENSING BOARD



By: Sarah B. Johnson
City Clerk

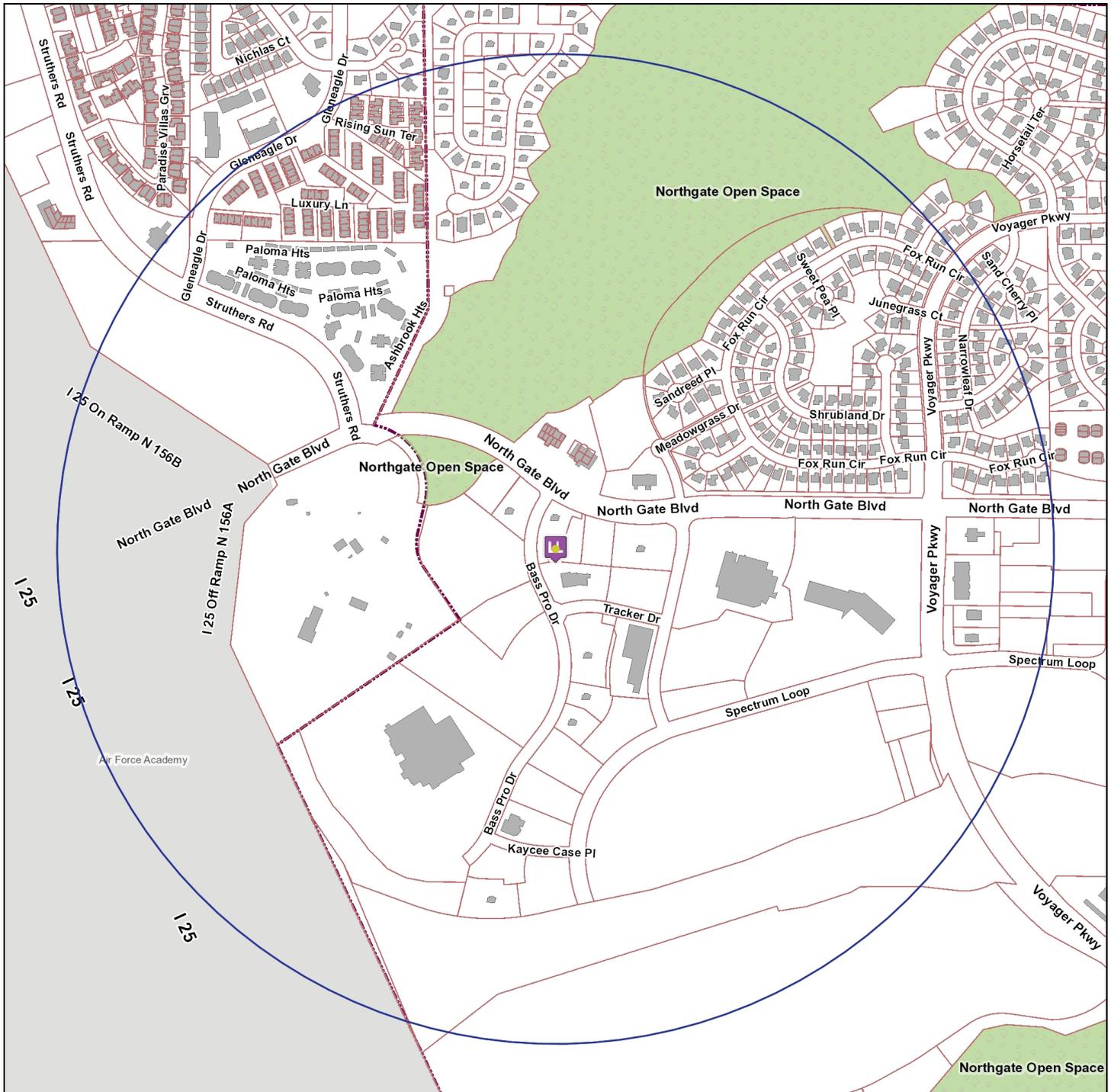
Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

Liquor Survey Boundaries



BEST PIZZA LLC
d/b/a MOD PIZZA
13461 BASS PRO DR #100

OFFICE OF THE CITY CLERK
License ID: 32797



The survey boundary is 0.5 miles from the establishment

Map Prepared: 9/14/2017 10:08 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 32797

BEST PIZZA LLC

d/b/a MOD PIZZA

13461 BASS PRO DR #100

COLORADO SPRINGS, CO 80921

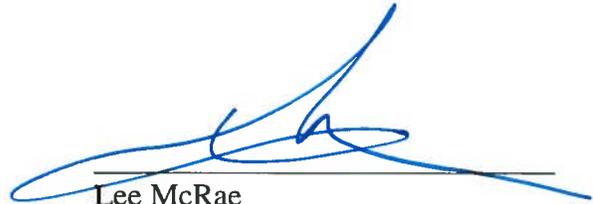
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) THE BRASS TAP	13271 BASS PRO DR	Tavern	477.67 ft
2) DOG HAUS	162 TRACKER DR	Hotel & Restaurant	496.77 ft
3) GROWLER USA	162 TRACKER DR	Hotel & Restaurant	543.24 ft
4) MIKADO ASIAN BISTRO	13141 BASS PRO DR	Hotel & Restaurant	936.86 ft
5) OVERDRIVE RACEWAY	196 SPECTRUM LOOP	Tavern	1,025.39 ft
6) UNCLE BUCK'S FISHBOWL AND GRILL	13012 BASS PRO DR	Hotel & Restaurant	1,279.72 ft
7) BOURBON BROTHERS SMOKEHOUSE AND TAVERN	13021 BASS PRO DR	Hotel & Restaurant	1,479.66 ft
8) CB & POTTS RESTAURANT & TAPROOM	261 KAYCEE CASE PL	Hotel & Restaurant	1,930.13 ft
9) EL PADRINO MEXICANO	13425 VOYAGER PKWY	Hotel & Restaurant	2,158.63 ft

CERTIFICATE OF MAILING

I, Lee McRae, 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 September ¹⁸~~14~~, 2017 to the following address of record:

Best Pizza, LLC
dba MOD Pizza
P.O. Box 2438
Ketchum, ID 83340



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

CC: kembree@emhllc.com
Adam Clark <aclark@dillanddill.com>
Kevin Coates <kcoates@dillanddill.com>