



Received:
CITY CLERK'S OFFICE
2020 MAR 23 A 10:03

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

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 Liquor Beer and Wine Optional Premises
- Retail Liquor Store* 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): Nicco 2, Inc. & 7-Eleven, Inc.	
2. Trade Name (DBA): 7-Eleven Store 38759A	
3. Premises Address: City, State, Zip: 6482 N. Academy Blvd., CSC 80918	Location Phone: (719) 661-1048
Property Tax Schedule No. : 6317116110	Zoning: PBC HS
4. Mailing Address: City, State, Zip: Attn: 7-Eleven Licensing, PO Box 219088, Dallas, TX 75221	Alt Phone: 972-828-0711
Primary Contact Name And Title: Betrilla Dees-Johnson, Licensing Coordinator	Email: betrilla.dees-johnson@7-11.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
None	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
Nicco 2, Inc.:	Franchisee	
Michelle Niccoli	Pres, Sec'y, Treas, Dir	100%
7-Eleven, Inc.	Franchisor	100%
State master file - see attached re master file officers		

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
Nicco, Inc. (7-Eleven Store 13071B)* *Michelle Niccoli, Sole Owner, 5 Widefield Blvd., Widefield, CO 80911	7-Eleven Open Acct	\$ 33,000
JP Morgan Chase 11555 Meridian Market View, Falcon, CO 80831	IRA	\$ 65,000
7-Eleven, Inc. 3200 Hackberry Rd., Irving, TX 75063	Loan	\$ 182,000
TOTAL INVESTMENT IN BUSINESS:		\$ 280,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Jillian Dreyer

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

If leased, provide the terms: START DATE: 06/30/2020 END DATE: 06/30/2035

DIMENSIONS OF PREMISES: 70'-2" x 43'-7" TOTAL SQUARE FOOTAGE: 3062

Is there a patio area? Yes No --- If yes, provide dimensions N/A

Anticipated number of employees: 10 Anticipated opening date: 03/31/2020

Will training be offered or required? Yes No --- If yes, through what agency? 7-11 Come of Age

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. See Attached

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? See Attached

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
7-Eleven Store 13071B 5 Widefield Blvd., Widefield, CO 80911	Nicco, Inc.	Franchisee	07/18 - Present
7-Eleven Store (multiple locations) See attached store list same list as provided at question #10	7-Eleven, Inc.	Owner & Franchisor	Various

ATTACHMENT
COLORADO SPRINGS FERMENTED MALT BEVERAGE LICENSE APPLICATION
NICCO 2, INC. & 7-ELEVEN, INC. DBA 7-ELEVEN STORE 38759A
RE: QUESTION #6

6. 7-Eleven, Inc. holds a master file with State Liquor Enforcement. Attached is a list of officers that have been approved by State for that master file.

7-Eleven, Inc. Directors and Officers

Directors:

Toshifumi Suzuki	Chairman of the Board
Joseph M. DePinto*	Director
Ryuichi Isaka	Director
Jay W. Chai	Director
Masaaki Kamata	Director
Nobutake Sato	Director

*designated director for licensing – U.S. resident

State Master File Approved Officers:

Joseph M. DePinto	President and Chief Executive Officer
Rankin L. Gasaway	Senior Vice President, General Counsel, Secretary
Stanley W. Reynolds	Executive Vice President and Chief Financial Officer

7-Eleven, Inc. Master File Approved Officers:

Name	Home Address	Date of Birth	Position	% Owned 7-Eleven, Inc.
Joseph DePinto	150 E. Continental Blvd. Southlake, TX 76092	11/03/62	Pres., CEO & Dir.	-0-
Rankin Gasaway	6619 Dupper Ct. Dallas, TX 75252	06/18/63	Sr. Vice Pres., Sec'y & General Counsel	-0-
Stanley Reynolds	1308 Fanning St. Southlake, TX 76092	03/04/65	Exec. Vice Pres. & CFO	-0-

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COLORADO SPRINGS FERMENTED MALT BEVERAGE LICENSE APPLICATION
NICCO 2, INC. & 7-ELEVEN, INC. DBA 7-ELEVEN STORE 38759A
RE: QUESTION #10/INTERESTS

10.

Nicco 2, Inc.:

Michelle Niccoli, sole officer and director of Nicco 2, Inc., the franchisee and joint applicant, currently has an interest in the following alcohol beverage license in Colorado:

Licensee	Trade Name	Address	License Type
Nicco, Inc. & 7-Eleven, Inc.	7-Eleven Store 13071B	5 Widefield Blvd. Widefield, CO	FMB Off Premises

7-Eleven, Inc.:

7-Eleven, Inc. has interests in multiple fermented malt beverage off premises licenses as licensee and joint licensee in the State of Colorado. Please refer to the attached list of Colorado licensed outlets.

ATTACHMENT
COLORADO SPRINGS FERMENTED MALT BEVERAGE LICENSE APPLICATION
NICCO 2, INC. & 7-ELEVEN, INC. DBA 7-ELEVEN STORE 38759A
RE: QUESTION #11

11. 7-Eleven, Inc. has been cited with alcohol beverage license violations. Please refer to the attached list of suspensions for the past three (3) years.

7-Eleven, Inc. Suspensions (Last 3 years - Colorado Only)

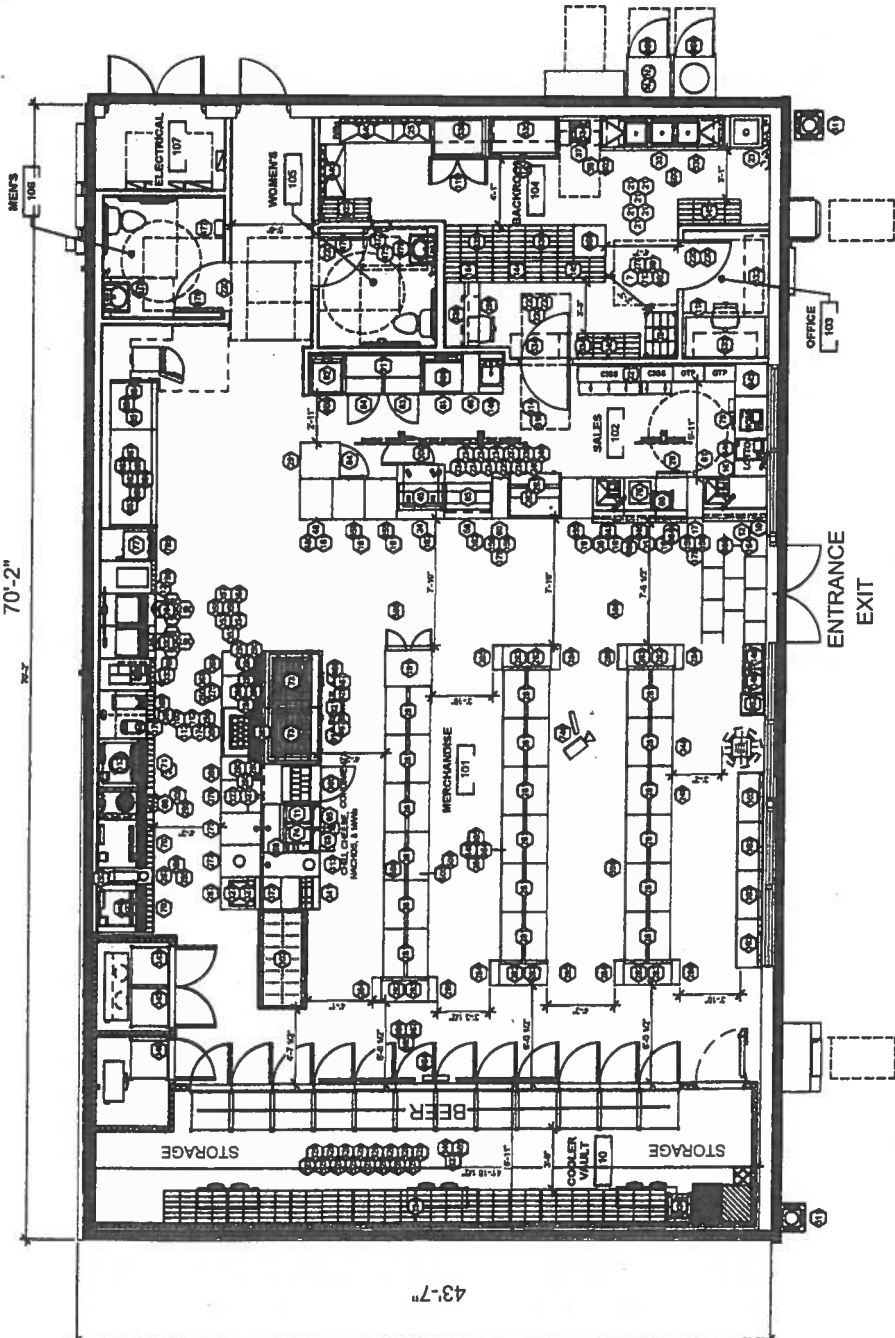
STORE	CITY/COUNTY	TYPE	DATE	DISCIPLINARY ACTION
34442A	Denver	Sale to Minor	03/24/17	14 days suspension, 10 days held in abeyance for one year; 4 days served by closure of alcohol operations 7/19/17 through 7/22/17.
27141A	Denver	Sale to Minor	04/01/17	14 days suspension, 10 days held in abeyance for one year, 4 days served with fine in lieu of suspension (\$200).
13169A	Brighton	Sale to Minor	04/19/17	7 days suspension, 4 days held in abeyance for one year, 3 days served with fine in lieu of suspension (\$200). Responsible vendor training required.
13197A	Denver	Sale to Minor	05/01/17	30 days suspension, 0 days held in abeyance, 30 days served.
27429B	Denver	Sale to Minor	05/01/17	30 days suspension, 0 days held in abeyance, 30 days served.
34442A	Denver	Sale to Minor	06/01/17	14 days suspension, 10 days held in abeyance for one year, 4 days served with fine in lieu of suspension (\$200).
34741A	Denver	Sale to Minor	06/01/17	14 days suspension, 10 days held in abeyance for one year, 4 days served.
18589	Granby	Sale to Minor	06/23/17	10 days suspension, 5 days held in abeyance for one year, 5 days served with fine in lieu of suspension (\$200).
37562A	Broomfield	Sale to Minor	09/22/17	10 days suspension, 5 days held in abeyance for one year, 5 days served with fine in lieu of suspension. Proof of training required.
27238A	Westminster	Sale to Minor	10/01/17	14 days suspension, 12 days held in abeyance for one year, 2 days served.
32357A	Westminster	Sale to Minor	10/01/17	Written Warning; Proof of Training required.
32809B	Westminster	Sale to Minor	10/01/17	57 days suspension, 0 days held in abeyance, 57 days served. Proof of training required.
39834A	Lone Tree	Sale to Minor	07/17/17	3 days suspension, 2 days held in abeyance for one year, 1 day served. Responsible Vendor Training required.
35069A	Boulder	Sale to Minor	11/01/17	16 days suspension, 10 days held in abeyance for one year, 6 days served.
39211A	Castle Rock	Sale to Minor	11/02/17	15 days suspension, 8 days held in abeyance for one year, 7 days served with fine in lieu of suspension (\$200).
34442A	Denver	Sale to Minor	12/22/17	2nd Violation in 1 yr. 20 days held in abeyance for one year, 14 days suspension (4 + 10 for prior violation).
22684B	Colorado Springs	Sale to Minor	02/01/18	10 days suspension, 5 days held in abeyance for one year, 5 days served with fine in lieu of suspension (\$200).
35534A	Colorado Springs	Sale to Minor	02/01/18	10 days suspension, 5 days held in abeyance for one year, 5 days served

7-Eleven, Inc. Suspensions (Last 3 years - Colorado Only)

STORE	CITY/COUNTY	TYPE	DATE	DISCIPLINARY ACTION
18556A	Thornton	Sale to Minor	02/07/18	6 days suspension, 5 days held in abeyance for one year, 1 day served
35069A	Boulder	Sale to Minor	04/06/18	3rd violation (2nd Violation in 1 yr.) 50 days suspension, 30 days held in abeyance for one year, 20 days served
39733A	Lone Tree	Sale to Minor	04/18/18	3 days suspension, 2 days held in abeyance for one year, 1 day served. Responsible Vendor Training required.
37562A	Broomfield	Sale to Minor	08/13/18	15 days suspension, 10 days held in abeyance for one year, 5 days served with fine in lieu of suspension, plus an additional 5 days suspension served from 09/22/17 violation. Proof of training required.
39733A	Lone Tree	Sale to Minor	10/11/18	15 days suspension, 10 days held in abeyance for one year, 5 days served with fine in lieu of suspension (\$200). Responsible Vendor training required. 2 days suspension held in abeyance from prior violation served.
37562A	Broomfield	Sale to Minor	04/06/19	20 days suspension, 10 days served concurrently with imposed suspension from 08/2018 violation, 10 days served with fine in lieu of suspension. Proof of training required.
35506J	Fort Collins	Sale to Minor	05/29/19	15 days suspension, 10 days held in abeyance for one year, 5 days served with fine in lieu of suspension (\$200). Proof of training required.
27429B	Denver	Sale to Minor	06/21/19	21 days suspension, 15 days held in abeyance for one year, 6 days served with fine in lieu of active suspension (\$200). Completion of transfer of ownership by 1/31/20 required.
18418B	Arvada	Sale to Minor	07/01/19	10 days suspension, 5 days held in abeyance for one year, 5 days served with fine in lieu of active suspension (\$200)
25325A	Westminster	Sale to Minor	07/23/19	Written warning. Proof of training required within 90 days.
36019A	Denver	Sale to Minor	07/26/19	14 days suspension, 10 days held in abeyance for one year, 5 days served with fine in lieu of active suspension
37141B	Denver	Sale to Minor	08/10/19	10 day suspension, 5 days held in abeyance for one year, 5 days served with fine in lieu of active suspension (\$200) - state violation.
23172D	Denver	Sale to Minor	08/23/19	14 days suspension, 10 days held in abeyance for one year, 4 days served with fine in lieu of active suspension (\$317.82)
22358A	Denver	Sale of Alcohol without a License	09/17/19	Warning letter (State)
39078B	Larimer County	Sale to Minor	09/23/19	15 days suspension, 7 days held in abeyance for one year, 8 days served. Quarterly proof of training required.

7-Eleven, Inc. Suspensions (Last 3 years - Colorado Only)

STORE	CITY/COUNTY	TYPE	DATE	DISCIPLINARY ACTION
13171A	Fort Collins	Sale to Minor	09/23/19	15 days suspension, 10 days held in abeyance for one year, 5 days served with fine in lieu of active suspension. Proof of training required.
35536B	Denver	Sale to Minor	09/27/19	14 days suspension, 10 days held in abeyance for one year, 4 days served with fine in lieu of active suspension.
29420A	Denver	Sale to Minor	11/01/19	10 days suspension, 5 days held abeyance for one year, 5 days served with fine in lieu of active suspension (\$378).
35880A	Fort Collins	Sale to Minor	11/01/19	10 days suspension, 5 days held in abeyance for one year, 5 days actively served.
23546B	Colorado Springs	Sale to Minor	11/01/19	5 days suspension, 5 days held in abeyance for one year, 0 days served.
26803C	Fort Collins	Sale to Minor	01/15/20	15 days suspension, 10 days held in abeyance for one year, 5 days served with fine in lieu of active suspension. Proof of training required.



LAYOUT INFORMATION

- ROLLER GRILLS 2 (SELF SERVE)
- SANDWICH CASE 9
- VAULT DOORS 12
- LOW TEMP DOORS 2
- ICE MERCHANT DOORS 1
- NOVELTY CASE 1 (LG)
- BAKERY CASE 1
- SLURPEE BARRELS 8
- GONDOLA UNITS (60"H) 36
- END CAPS (60"H) 05
- POWER WINGS (09) - NOT IN TOTAL 04
- LOW WALLS (36"H) 00
- HIGH WALLS (72"H) 45
- TOTAL 45

TOTAL SQ FT = 3,062 SF
 SALES FLOOR AREA = 1,970 SF

GAS: YES LIQUOR: NO
 BEER: YES WINE: NO

OCCUPANCY LOAD (>49) = 62
 TRAVEL DISTANCE (<200) = 76'
 COMMON PATH OF TRAVEL (<75) = 48'
 RESTROOMS REQUIRED = 2
 EXITS REQUIRED = 2

OVERHEAD SHELVES = 36 FT
 FLOOR SHELVES = 30 FT

WALL TYPE LEGEND

- EXISTING WALL
- EXISTING COLUMN
- NEW WALL
- NEW PARTIAL HEIGHT WALL
- NEW COOLER WALL

OCCUPANCY CALCULATION

MERCHANDISE	1870 SF	/	30	=	56 PEOPLE
KITCHEN / SALES	300 SF	/	200	=	2 PEOPLE
STORAGE/ BACK ROOM	833 SF	/	300	=	3 PEOPLE
OFFICE	52 SF	/	100	=	1 PERSON
RESTROOM	207 SF	/	N/A	=	0 PEOPLE
TOTAL				=	62 PEOPLE



1044669 - Colorado Springs CO - LAYOUT 3

6492 N Academy Blvd
 Colorado Springs, CO

SCALE: 1/4"=1'-0"

APPROVED: YES NO
 12/06/18

12/06/18



SHEET:

Job#: 2018112.38
 Scale: AS NOTED
 Date: 12/8/18
 Checked By:
 Drawn By:



7-EVEN, INC.
 3200 Hackberry Rd., Irving, Texas 75038
 402 N. Academy Blvd.
 Colorado Springs
 7-11 #1044669

Rev. # Date Description

**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: 00

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Nicco 2, Inc. & 7-Eleven, Inc.
d/b/a **7-Eleven Store 38759A**
6482 N. Academy Boulevard
Colorado Springs, CO 80918
Mailing Address:
Licensing PO Box 219088
Dallas, TX 75221

Application No: N-37079

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 Nicco 2, Inc. & 7-Eleven, Inc. d/b/a 7-Eleven Store 38759A ("Applicant") application for a new Fermented Malt Beverage Off Premises License at 6482 N. Academy Boulevard, Colorado Springs, CO 80918. **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 23, 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.

IX. The location of the premises to be licensed appears to be in compliance with the distance restriction in regard to any licensed Retail Liquor Store, pursuant to C.R.S. §44-3-301(12)(a.5)

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

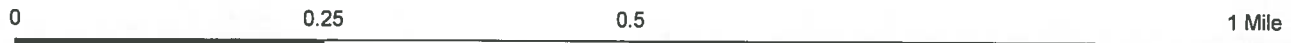
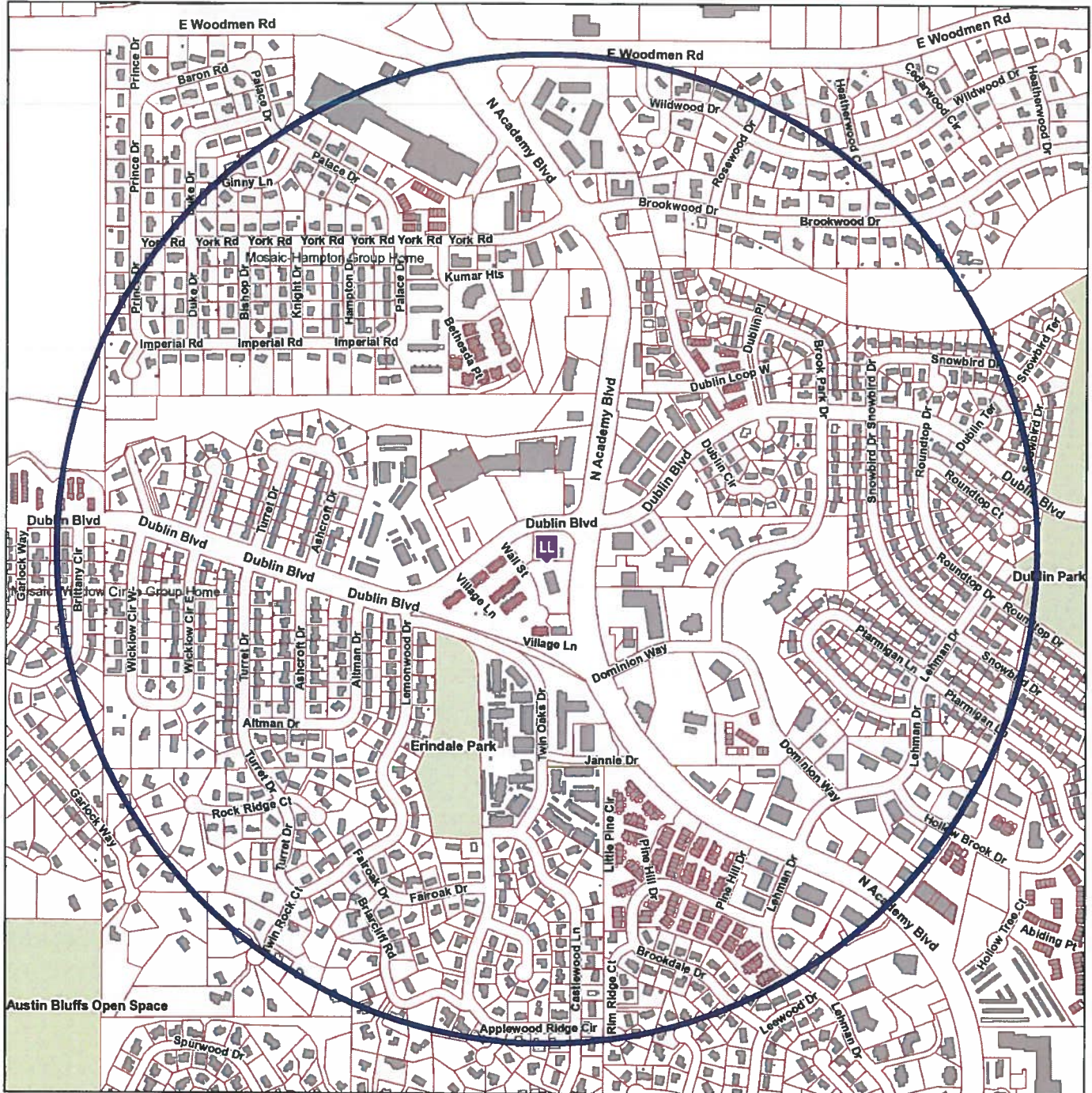
Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

Liquor Survey Boundaries

NICCO 2, INC & 7-ELEVEN, INC.
 d/b/a 7-ELEVEN STORE 38759A
 6482 N ACADEMY BLVD



OFFICE OF THE CITY CLERK
 License ID: 37079



The survey boundary is 0.5 miles from the establishment

Map Prepared: 5/14/2020 10:27 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 37079

NICCO 2, INC & 7-ELEVEN, INC.

d/b/a 7-ELEVEN STORE 38759A

6482 N ACADEMY BLVD

COLORADO SPRINGS, CO 80918

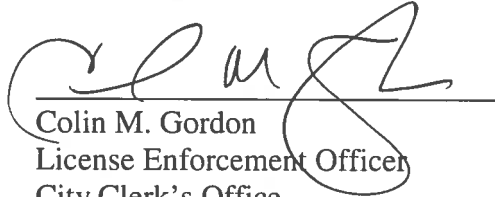
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) CLASSIC LIQUORS	1712 DUBLIN BLVD	Retail Liquor Store	565.00 ft
2) NORTH ACADEMY CONOCO	6740 N ACADEMY BLVD	Fermented Malt Beverage Off Premises	1,652.22 ft
3) KING SOOPERS DIV NO 53	6930 N ACADEMY BLVD	Fermented Malt Beverage Off Premises	2,204.46 ft
4) CROWN WINE & LIQUOR	6932 N ACADEMY BLVD	Retail Liquor Store	2,301.57 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:

Nicco 2, Inc. & 7-Eleven, Inc.
d/b/a 7-Eleven Store 38759A
Licensing PO Box 219088
Dallas, TX 75221



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

CC: kcoates@dillanddill.com
rspencer@dillanddill.com
betrilla.dees-johnson@7-11.com