



OFFICE OF THE CITY CLERK

Received:

**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               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):  
T-Bird Southwest Restaurant Group, LLC

2. Trade Name (DBA): *Outback Steakhouse*

3. Premises Address:  
City, State, Zip: 7065 Commerce Center Dr., Colorado Springs, CO 80919-2651      Location Phone: 719-590-6283  
Property Tax Schedule No. : 6307-03-009      Zoning: Planned Business Center Hillside

4. Mailing Address:  
City, State, Zip: 1250 Prospect St., Suite 305, La Jolla, CA 92037      Alt Phone: 732-727-5030

Primary Contact  
Name And Title: Sharon Skene, Paralegal      Email: sskene@skenelawfirm.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
Outback Steakhouse #612	42925160016	Hotel and Restaurant	8/30/2017

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
Elliot Maluth	Director, President	0
Michael Wong	Vice President, CFO & Secretary	0
T-Bird Restaurant Group Holdings, Inc.	Shareholder	100

**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
Goldman Sachs Specialty Lending Group, LP 6611 Connection Drive, Irving, TX 75039	Loan	\$31,075,000.00
TOTAL INVESTMENT IN BUSINESS:		\$31,075,000.00

**Section C: PREMISES / LOCATION INFORMATION**

8. Registered Manager Name: Mallory Cullen

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

If leased, provide the terms: START DATE: 2017 END DATE: 2022

DIMENSIONS OF PREMISES: 65' 4" x 87' 4" TOTAL SQUARE FOOTAGE: 6,115

Is there a patio area?  Yes  No -- If yes, provide dimensions \_\_\_\_\_

Anticipated number of employees: 60-65 Anticipated opening date: 2/15/2017

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

**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 rider.			

### 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 26 day of Jan, 2017.

**Seller:**

Outback Steakhouse of Florida LLC 42925160016  
Licensee & License Number

Outback Steakhouse #612  
Trade name

[Signature]  
Signature  
Executive Vice President  
Position

Joseph J. Medow  
Print Name

**Buyer:**

T-Bird Southwest Restaurant Group, LLC  
Applicant

Outback Steakhouse  
Trade name

[Signature]  
Signature  
CFO, VP & Secretary  
Position

Michael Wong  
Print Name



<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 JUN 27 A 6:21</p>
<p>IN THE MATTER OF:</p> <p>T-Bird Southwest Restaurant Group, LLC d/b/a  <b>Outback Steakhouse</b>  7065 Commerce Center Drive  Colorado Springs, CO 80919  Mailing Address:  1250 Prospect Street, #305  La Jolla, CA 92037</p>	<p>▲ BOARD USE ONLY ▲</p>
	<p>Application No: T-725846</p>
<p><b>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</b></p>	

**NOTICE OF HEARING**

This matter comes before the Board for hearing on **Friday, July 21, 2017 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon T-Bird Southwest Restaurant Group, LLC d/b/a Outback Steakhouse ("Applicant") application for a transfer of the Hotel and Restaurant Liquor License currently issued to Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse #612 at 7065 Commerce Center Drive, Colorado Springs, CO 80919.

At this meeting, the Board will consider the factors outlined in Rule No. 9.08 and 16.00 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, July 11, 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, July 18, 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 April 20, 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.

**ON BEHALF OF THE LOCAL LICENSING AUTHORITY done June 27, 2017.**

FOR THE CITY OF COLORADO  
SPRINGS LIQUOR AND BEER  
LICENSING BOARD



By: Sarah B. Johnson  
City Clerk

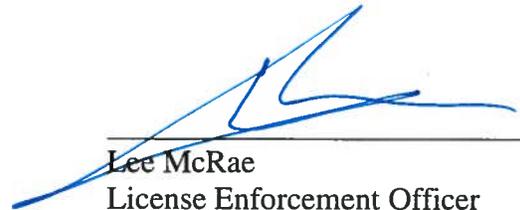
Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

**CERTIFICATE OF MAILING**

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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 June 27, 2017 to the following address of record:

T-Bird Southwest Restaurant Group, LLC  
dba Outback Steakhouse  
1250 Prospect Street, #305  
La Jolla, CA 92037



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

CC: sskene@skenelawfirm.com  
Ginnissa Pettinger <ginnissapettinger@colo-law.com>