

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

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

CITY CLERK'S OFFICE

2021 FEB 19 A 11: 04

IN THE MATTER OF:

H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines
103 S Wahsatch Ave., #A&B
Colorado Springs, CO 80903
LICENSEE

▲ **CLERK USE ONLY** ▲

License No: 720046

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing February 19, 2021, Hearing Officer Kristen Hoffecker presiding H & H FINE ARTS, INC. d/b/a Downtown Fine Spirits & Wines, 103 S Wahsatch Ave., #A&B Colorado Springs, CO 80903 ("Licensee") was present and the City of Colorado Springs was represented by the City Attorney's Office.

Licensee after being fully advised of the rights that would be waived, and after being given the opportunity to further consultation with counsel, admitted violating provisions of the Colorado Liquor Code, with said violation set out in full in the written Stipulation and Admission of Violation. The Colorado Springs Local Licensing Authority ("LLA"), having received the Stipulation of the parties, and having received testimony and arguments of the parties, makes the following Findings of Fact, Conclusion and Order:

FINDINGS OF FACT

The LLA accepts the admission of Licensee and finds the same to be knowing and voluntary. Based upon this admission, as well as the evidence and arguments presented, the LLA finds that:

- I. On December 11, 2020 Licensee and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years, a Confidential Informant, on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) entitled "Unlawful Acts-exceptions".

CONCLUSION OF LAW AND ORDER

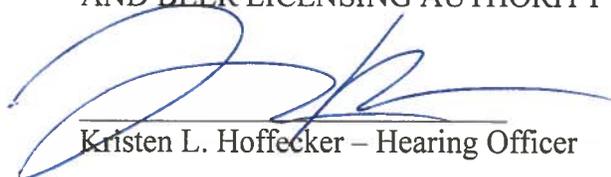
- II. Based on the advisement of rights given to Licensee, and Licensee's written waiver of those rights, the LLA concludes that Licensee's admission is knowingly and voluntarily made.

- III. Pursuant to C.R.S. §44-3-601, the LLA, as the local licensing authority for the City of Colorado Springs has the authority to suspend or revoke any license issued by it for any violation of the Colorado Liquor and Beer Code by the licensee or by any of the agents, servants or employees of such licensee.
 - a. Licensee's Retail Liquor Store License shall be suspended for a period of **fifteen (15) days, eight (8)** of said days to be held in abeyance for a period of **one (1)** year from the date of this ORDER, on the following conditions:
 - i. That Licensee commit no further violations of any of the following:
 - 1. Any violation of Chapter 2, Article 5 of the Code of the City of Colorado Springs, 2001 as amended, or of Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended.
 - 2. Any violation of any local rules adopted by the LLA or of any rules or regulations promulgated pursuant to Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended.
 - ii. Licensee shall have owner and all employees engaged in the sale of alcohol attend and successfully complete a State of Colorado certified Responsible Alcohol Vendor class with proof of completion provided with the Colorado Springs City Clerk's Office within 60 days of February 19, 2021.
 - b. If during the period of **one (1)** year from the date of this ORDER Licensee is in violation of or fails to comply with any of the terms of this ORDER or if the Licensee is in violation of any provision of the Colorado Liquor Code, as determined by either the LLA or the State, then the LLA may, in addition to any other penalty imposed as the result of any other violation of the Colorado Liquor Code, order Licensee to serve any or all days of the suspension presently held in abeyance pursuant to this Stipulation.
 - c. A **seven (7)** day suspension of Licensee's Retail Liquor Store License to take place as follows:
 - i. License to be actively suspended for **seven (7)** days from 12:01 a.m. on March 19, 2021 until 11:59 p.m. on March 25, 2021.

- ii. During any active license suspension, Licensee shall post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2
- IV. Licensee requests pursuant to C.R.S, 44-3-601(3) that Licensee be allowed to pay a fine in lieu of the active suspension set forth in paragraph III(C).
- V. The LLA finds the following:
 - a. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that payment of the fine will achieve the desired disciplinary purposes; and
 - b. That the books and records of the Licensee are kept in such a manner that loss of sales of alcohol beverages which the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy.
- VI. The fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of seven (7) days. The average days' sales for the month of **January 2021** shall be the appropriate measure of said estimated gross revenues. Based upon these records, the amount of the fine has been determined to be **\$9,035.69**.
 - a. Payment of the fine pursuant to this ORDER shall be in the form of a **certified check or a cashier's check** made payable to the City of Colorado Springs. Said fine shall be paid and mailed to the City of Colorado Springs ATTN: City Clerk's Office – Liquor Enforcement, P.O. Box 1575, Mail Code 110, Colorado Springs, CO 80901, on or before **March 12, 2021**.
 - b. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's seven (7) day suspension as set forth in paragraph III(C) shall be deemed automatically permanently stayed.
 - c. If the licensee fails to make payment in a timely manner as detailed in this paragraph, the full seven (7) days suspension shall be served as detailed in paragraph III(C).

IT IS SO ORDERED this 19th day of February, 2021.

CITY OF COLORADO SPRINGS LOCAL LIQUOR
AND BEER LICENSING AUTHORITY



Kristen L. Hoffecker – Hearing Officer

CERTIFICATE OF SERVICE

I, Lee McRae, hereby certify that I have mailed a true copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** by United States mail, first class postage paid, this 19th day of FEBRUARY, 2021 to the following mailing addresses of record:

**H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines
103 S Wahsatch Ave., #A&B
Colorado Springs, CO 80903**

CC: gregor.huesgen@gmail.com



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

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

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

CITY CLERK'S OFFICE

2021 FEB 16 A 10:37

IN THE MATTER OF:

H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines
103 S Wahsatch Ave., #A&B
Colorado Springs, CO 80903
LICENSEE

▲ **CLERK USE ONLY** ▲

Amy Loft, Division Chief - Prosecution
P.O. Box 1575, Mail Code 1540
224 East Kiowa Street, Suite 410
Colorado Springs, CO 80903
Telephone: (719) 385-5925
Fax number: (719) 385-6438
Atty. Reg. # 28590

License No: 720046

STIPULATION AND ADMISSION OF VIOLATION

This Stipulation by and between the City of Colorado Springs ("City") and H & H FINE ARTS, INC. d/b/a Downtown Fine Spirits & Wines, 103 S Wahsatch Ave., #A&B Colorado Springs, CO 80903 ("Licensee"), is offered for the purposes of stipulating to a disposition of the alleged violation described in the Order to Show Cause and Notice of Hearing, issued to Licensee on or about January 07, 2021, which is attached hereto as Exhibit "1", and incorporated herein by reference.

The City and Licensee, for the limited purpose of resolving this matter before the Colorado Springs Local Licensing Authority (the "LLA"), hereby stipulate, submit and agree as follows:

- I. On December 11, 2020 Licensee and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years, a Confidential Informant, on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) entitled "Unlawful Acts-exceptions".
- II. As a result of the voluntary admission in paragraph I above, Licensee waives the following rights:
 - a. The right to a hearing before the LLA for the purpose of determining whether Licensee committed the alleged violation.

- b. The right to confront witnesses presented by the City to establish the said violation and the right to have issued subpoenas requiring the presence of persons or the production of papers, books and records necessary for the determination of all issues to be presented to the LLA.

III. Licensee represents and states the following:

- a. The admission to the alleged violation is made voluntarily and the admission is not the result of any undue influence or coercion on the part of anyone.
- b. Licensee has had the opportunity to fully consider the consequences of this Stipulation and has had the opportunity to seek legal counsel.
- c. Licensee understands that the LLA will not be bound by any representations made to the Licensee by anyone concerning the penalty to be imposed unless those representations are made a part of this written Stipulation.
- d. Licensee understands that, by admitting the alleged violation, the LLA will consider the said factual basis to support the occurrence of the alleged violation does in fact exist and Licensee hereby waives the necessity of establishing any additional facts to support a finding of violation for the charge.

IV. Licensee agrees to the penalty as set forth below as the penalty for its violation of the Colorado Liquor Code as set forth in Paragraph I of the Stipulation. The suspension set forth herein is separate and apart from any investigation and/or enforcement action undertaken by the State of Colorado Department of Revenue ("State"), with regard to this matter.

- a. Licensee agrees that its Retail Liquor Store License shall be suspended for a period of **fifteen (15)** days, **eight (8)** of said days to be held in abeyance for a period of **one (1)** year from the date of the adoption of the Stipulation by the LLA, on the following conditions:
 - i. That Licensee commit no further violations of any of the following:
 - 1. Any violation of Chapter 2, Article 5 of the Code of the City of Colorado Springs, 2001 as amended, or of Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended.
 - 2. Any violation of any local rules adopted by the LLA or of any rules or regulations promulgated pursuant to Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended.
 - ii. Licensee shall have owner and all employees engaged in the sale of alcohol attend and successfully complete a State of Colorado certified

Responsible Alcohol Vendor class with proof of completion provided with the Colorado Springs City Clerk's Office within 60 days of February 19, 2021.

- b. If during the period of **one (1)** year from the date of approval of this Stipulation by the LLA Licensee is in violation of or fails to comply with any of the terms of this Stipulation or if the Licensee is in violation of any provision of the Colorado Liquor Code, as determined by either the LLA or the State, then the LLA may, in addition to any other penalty imposed as the result of any other violation of the Colorado Liquor Code, order Licensee to serve any or all days of the suspension presently held in abeyance pursuant to this Stipulation.
 - c. A **seven (7)** day suspension of Licensee's Retail Liquor Store License to take place as follows:
 - i. License to be actively suspended for **seven (7)** days from 12:01 a.m. on March 19, 2021 until 11:59 p.m. on March 25, 2021.
 - ii. During any active license suspension, Licensee shall post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2
- V. Licensee requests pursuant to C.R.S, 44-3-601(3) that Licensee be allowed to pay a fine in lieu of active suspension set forth in paragraph IV(C)
- VI. The City and Licensee agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of seven (7) days. The parties agree that the average days' sales for the month of **January 2021** shall be the appropriate measure of said estimated gross revenues. Based upon these records, the amount of the fine has been determined to be **\$9,035.69**.
- a. Payment of the fine pursuant to this Stipulation shall be in the form of a **certified check or a cashier's check** made payable to the City of Colorado Springs. Said fine shall be paid and mailed to the City of Colorado Springs ATTN: City Clerk's Office – Liquor Enforcement, P.O. Box 1575, Mail Code 110, Colorado Springs, CO 80901, on or before **March 12, 2021**.
 - b. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's seven (7) day suspension as set forth in paragraph (IV)(C) shall be deemed automatically permanently stayed.
 - c. If the licensee fails to make payment in a timely manner as detailed in this paragraph, the full seven (7) days suspension shall be served as detailed in paragraph IV(C).

VII. In the event that the LLA chooses not to accept the provisions of this Stipulation, Licensee shall be permitted to withdraw its admission to the charge and proceed to hearing on all issues concerning the alleged violation. If Licensee withdraws its admission, this Stipulation shall not be used as evidence or taken into account by the LLA in the hearing on the alleged violation or in any subsequent proceeding concerning the alleged violation.

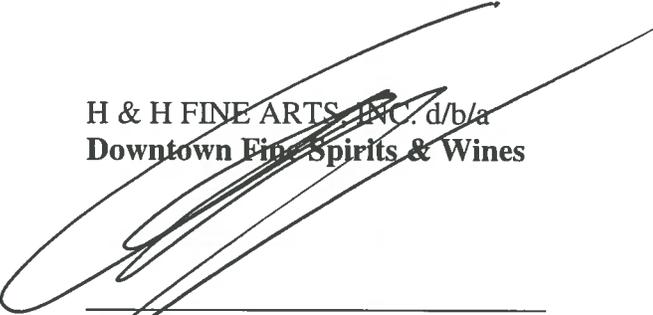
VIII. This Stipulation shall not be effective unless and until approved by the LLA.

Dated this 16th day of FEBRUARY 2021.

H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines

FOR THE CITY ATTORNEY

By: _____


GREGOR Huesgen
Feb. 12th 2021


By: Jesse Lucido

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

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

CITY CLERK'S OFFICE

2021 FEB -9 P 3:51

IN THE MATTER OF:

H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines
103 S Wahsatch Ave., #A&B
Colorado Springs, CO 80903

▲ CLERK USE ONLY ▲

LICENSEE

Amy Loft, Division Chief - Prosecution
P.O. Box 1575, Mail Code 1540
224 East Kiowa Street, Suite 410
Colorado Springs, CO 80903
Telephone: (719) 385-5925
Fax number: (719) 385-6438
Atty. Reg. # 28590

License No: 720046

AMENDED NOTICE OF HEARING

WHEREAS, on January 8, 2021, H & H Fine Arts, Inc. d/b/a Downtown Fine Spirits & Wines, 103 S Wahsatch Avenue, #A&B, Colorado Springs, CO, 80903 ("Licensee") was served an "Order To Show Cause And Notice Of Hearing" for alleged violation of the statues and/or rules and regulations of the State of Colorado, or City of Colorado Springs governing its Retail Liquor Store License; and

WHEREAS, this matter is to come before the Local Licensing Authority on Friday **February 19, 2021 at 9:00 A.M.** at the Municipal Court Building, in Division 2, 224 East Kiowa Street, Colorado Springs, CO 80903, or at such other time and place as the Local Licensing Authority may direct; and

WHEREAS, in support of the Mayor's emergency declaration and City efforts to ensure consistency with guidelines from State public health officials and the Centers for Disease Control regarding "social distancing" to protect community members from COVID-19, the Local Licensing Authority will conduct the hearing by remote participation.

NOW THEREFORE, you are hereby **ORDERED** to appear before the Local Licensing Authority, City of Colorado Springs, State of Colorado on Friday **February 19, 2021 at 9:00 A.M. by virtual hearing with remote participation** via WebEx meeting number 146 363 2875. **Additional information related to appearance and remote participation for this hearing will be provided via email communication as soon as possible, but not later than Tuesday, February 16, 2021.**

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing.

You are entitled to utilize the services of a qualified foreign language interpreter pursuant to Rule 9.10 of the Local Rules. Any interpreter must meet the requirements of that rule, and any relationship to you may disqualify a proposed interpreter. You will be responsible for securing and paying the costs associated with foreign language interpretation services and you should do so well in advance of the hearing. A foreign language interpreter will not be provided for you. If you are unable to locate a qualified foreign language interpreter, you should contact the City Clerk's Office well in advance of the hearing to obtain a list of qualified interpreter services.

If you are hearing impaired and require the services of a sign interpreter, you should notify the City Clerk's office in advance of the hearing and one will be provided for you free of cost.

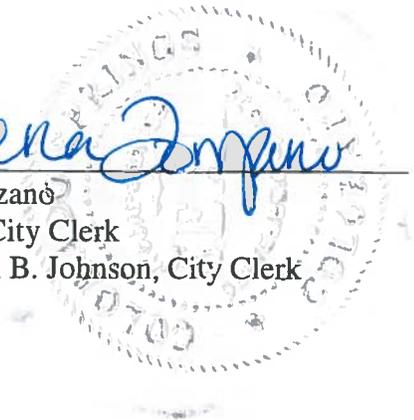
A postponement of the hearing will not be granted except for good cause shown. **If you should fail to appear at the scheduled time and place for the hearing, or appear despite an inability to present evidence in the absence of a qualified interpreter or counsel, testimony may be taken in reference to the allegations, upon which evidence your Retail Liquor Store License may be suspended or revoked.**

If you have any questions concerning these proceedings, you should contact Jesse Lucido, Prosecution at (719) 385-5925.

IT IS FURTHER ORDERED that a copy of this Amended Notice of Hearing shall be served upon the above-mentioned Licensee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of my office this 9th day of FEBRUARY 2021.


Dena Lozano
Deputy City Clerk
for Sarah B. Johnson, City Clerk



CERTIFICATE OF SERVICE

I, Lee McRae, hereby certify that I have served the foregoing **AMENDED NOTICE OF HEARING** on this 10th day of FEBRUARY, 2021 by personally delivering to:

Name: Gregor Huesgen

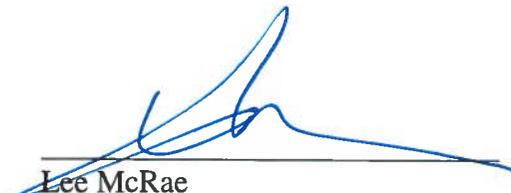
Address: 103 S. WAHSATCH AVE, #A&B

AND

I hereby certify that I have mailed a true copy of the foregoing **AMENDED NOTICE OF HEARING** by United States mail, first class postage paid, this 10th day of FEBRUARY, 2021 to the following mailing addresses of record:

H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines
103 S Wahsatch Ave., #A&B
Colorado Springs, CO 80903

CC: gregor.huesgen@gmail.com



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

<p>BEFORE THE LOCAL LIQUOR AND BEER LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 30 South Nevada Avenue, Suite 101 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com</p>	<p>CITY CLERK'S OFFICE 2021 JAN -7 A 8:34</p>
<p>IN THE MATTER OF:</p> <p>H & H FINE ARTS, INC. d/b/a Downtown Fine Spirits & Wines 103 S Wahsatch Ave., #A&B Colorado Springs, CO 80903</p> <p>LICENSEE</p>	<p>▲ CLERK USE ONLY ▲</p>
<p>Amy Loft, Division Chief - Prosecution P.O. Box 1575, Mail Code 1540 224 East Kiowa Street, Suite 410 Colorado Springs, CO 80903 Telephone: (719) 385-5925 Fax number: (719) 385-6438 Atty. Reg. # 28590</p>	<p>License No: 720046</p>
<p align="center">ORDER TO SHOW CAUSE AND NOTICE OF HEARING</p>	

WHEREAS, it has been made to appear to the Local Licensing Authority, City of Colorado Springs, State of Colorado that H & H FINE ARTS, INC. d/b/a Downtown Fine Spirits & Wines, 103 S Wahsatch Ave., #A&B Colorado Springs, CO 80903 ("Licensee") has violated the statutes and/or the rules and regulations of the State of Colorado, or City of Colorado Springs governing its Retail Liquor Store License in the following particulars:

- I. On December 11, 2020 Licensee, and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years, a Confidential Informant, on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) entitled "Unlawful Acts-exceptions".

NOW THEREFORE, you are hereby **ORDERED** to appear before the Local Licensing Authority, City of Colorado Springs, State of Colorado on Friday **February 19, 2021 at 9:00 A.M.** at the Municipal Court Building, in Division 2, 224 East Kiowa Street, Colorado Springs, CO 80903, or at such other time and place as the Local Licensing Authority may direct to **SHOW CAUSE** why your Fermented Malt Beverage License should not be suspended or revoked as by law provided. Said hearing is conducted pursuant to C.R.S. §44-3-601 and §2.5.601 of the Code of the City of Colorado Springs, 2001 as amended ("City Code") and governed by the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("Local Rules").

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing.

You are entitled to utilize the services of a qualified foreign language interpreter pursuant to Rule 9.10 of the Local Rules. Any interpreter must meet the requirements of that rule, and any relationship to you may disqualify a proposed interpreter. You will be responsible for securing and paying the costs associated with foreign language interpretation services and you should do so well in advance of the hearing. A foreign language interpreter will not be provided for you. If you are unable to locate a qualified foreign language interpreter, you should contact the City Clerk's Office well in advance of the hearing to obtain a list of qualified interpreter services.

If you are hearing impaired and require the services of a sign interpreter, you should notify the City Clerk's office in advance of the hearing and one will be provided for you free of cost.

A postponement of the hearing will not be granted except for good cause shown. **If you should fail to appear at the scheduled time and place for the hearing, or appear despite an inability to present evidence in the absence of a qualified interpreter or counsel, testimony may be taken in reference to the allegations, upon which evidence your Retail Liquor Store License may be suspended or revoked.**

If you have any questions concerning these proceedings, you should contact Amy Loft, Division Chief - Prosecution at (719) 385-5925.

IT IS FURTHER ORDERED that a copy of this Order and Notice shall be served upon the above-mentioned Licensee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of my office this 7th

day of JANUARY 2021.



Sarah Johnson
City Clerk

CERTIFICATE OF SERVICE

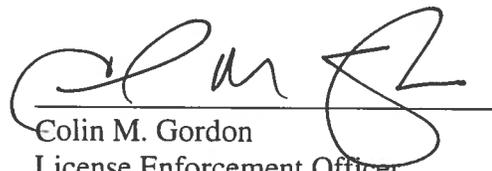
I, Colin M. Gordon, hereby certify that I have served the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** on this 8th day of January, 2021 by personally delivering to:

Name: Gregor Huesgen
Address: 103 S. Wahsatch Ave., C. Springs, CO 80903
#A&B

AND

I hereby certify that I have mailed a true copy of the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** by United States mail, first class postage paid, this 8th day of January, 2021 to the following mailing address of record:

H & H FINE ARTS, INC. d/b/a
Downtown Fine Spirits & Wines
103 S Wahsatch Ave., #A&B
Colorado Springs, CO 80903



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