

CITY OF COLORADO SPRINGS LIQUOR OR 3.2% FERMENTED MALT BEVERAGE APPLICATION

☐ NEW LICENSE ☒ TRANSFER OF OWNERSHIP

Type of License applying for (Check One)

- | | | | | |
|--|---|---|--|-----------------------------------|
| <input checked="" type="checkbox"/> Hotel/Restaurant | <input type="checkbox"/> Hotel/Restaurant w/Optional Premises | <input type="checkbox"/> Tavern | <input type="checkbox"/> Beer & Wine | <input type="checkbox"/> Brew Pub |
| <input type="checkbox"/> Retail Liquor Store | <input type="checkbox"/> 3.2% Beer On Premises | <input type="checkbox"/> 3.2% Beer Off Premises | <input type="checkbox"/> 3.2% Beer On and Off Premises | |
| <input type="checkbox"/> Drugstore | <input type="checkbox"/> Racetrack | <input type="checkbox"/> Optional Premises | <input type="checkbox"/> Club | <input type="checkbox"/> Vinters |

APPLICANT INFORMATION

Name of Applicant: JMH Enterprises Corp	Property Tax Schedule No. : 6418209010
Trade Name (DBA): Underground Pub & Grill, and Brewer's Republic	Business Telephone: 719-722-4492
Address of Premises: 110 North Nevada Avenue, Colorado Springs, CO 80903	Alternate Telephone: None

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
Underground Pub & Grill, and Brewer's Republic	42264980000	Hotel/Restaurant	4/26/2016

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.

NAME	POSITION HELD	%OWNED
Jeffrey Haigh	President/Sole shareholder	100

FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$240,000
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Source(s) of funds invested (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other).

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

NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	TYPE OF FUNDING SOURCE (checking, savings, loan, note, gift)	AMOUNT
Jeffrey Haigh	Personal Checking	\$10,000
9235 Lizmoor Court, Colorado Springs, CO 80920	Fidelity 401K	\$230,000

List applicant(s) prior experience in the sale of alcoholic beverages. Include dates and locations.

Business Name & Address	Applicant's Name	Experience/Position	Dates
None			

THESE FORMS SHOULD NOT BE ALTERED IN ANY MANNER

Has the applicant previously been issued a liquor or beer license (include any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? ☐ yes ☒ no

If yes, identify the business and any current or former financial interest in said business including any loans to or from a licensee.

Name of Business	Address	Type/amt. of Interest
N/A		

PREMISES/ESTABLISHMENT

Terms of legal possession of the premises for which the application is made? ☐ own ☒ lease

If leased provide terms: Start date March 1, 2016 End date December 31, 2020

Dimensions of premises 117'X76', 31'X27', 41'X27' Square footage 11,000 Seating Capacity 300

Is there a patio area? ☒ yes ☐ no --- If yes, provide dimensions 37' X 8'; 30.5' X 8'

Anticipated number of employees? 25

Will training be offered or required? ☒ yes ☐ no --- If yes, through what agency? Liquor Licensing Professionals

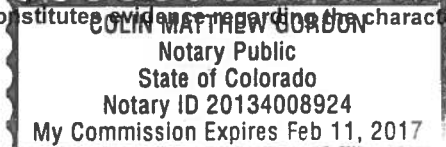
Has the applicant or manager in Colorado, or any other State (include any of the partners, if a partnership members or manager if a limited liability company; or officers, stockholders or directors if a corporation), ever:	YES	NO
Been denied an alcohol beverage license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Had interest in another entity where an alcohol beverage license was suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ever been charged or convicted of a crime, received a suspended sentence, a deferred sentence, or have charges pending?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, provide explanation, date(s) and location(s).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Has the applicant ever received a violation notice, suspension, or revocation for any liquor law violation, have charges pending; or has the applicant applied for and been denied a liquor or beer license anywhere in the United States?

Yes ☐ No ☒

If yes, provide explanation, date(s) and location(s):

I declare under the penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I understand that any falsehood or omission will jeopardize the application as such falsehood or omission constitutes evidence regarding the character of the applicant.



[Signature]
Signature
Title: President/Sole shareholder

State of COLORADO
County of EL PASO

Subscribed and sworn to before me this 24th day of February, 20 16.

My Commission Expires: 2/11/17

[Signature]
Notary Public

THESE FORMS SHOULD NOT BE ALTERED IN ANY MANNER

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 24th day of February, 20 16.

Seller:

LDB, LLC & 42264980000

Licensee & License Number

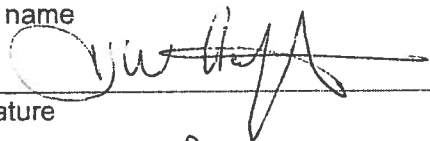
Underground Pub & Grill, and Brewer's Republic

Trade name

Signature

Position

Print Name


MEMBER

THOMAS W WALLACE

Buyer:

JMH Enterprises Corp

Applicant

Underground Pub & Grill, and Brewer's Republic

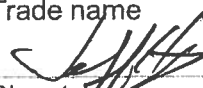
Trade name

Signature

President/Sole shareholder

Position

Print Name



JEFF HAIG

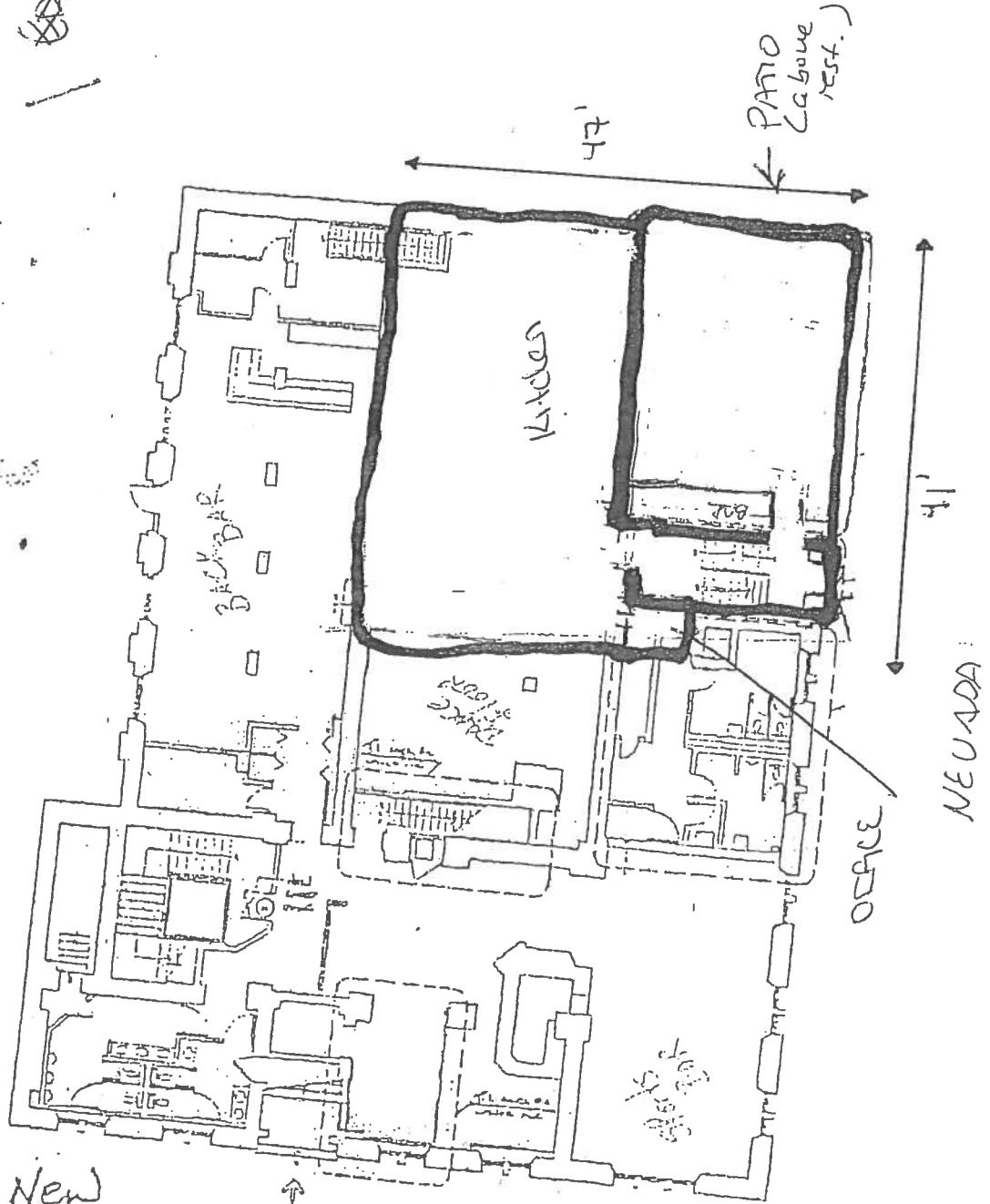
Mar 20 01 12:50a

KEVIN RORKE

719-5

#1 Rooftop PATIO,
Kitchen, & OFFICE.

~~(XXXXXX)~~

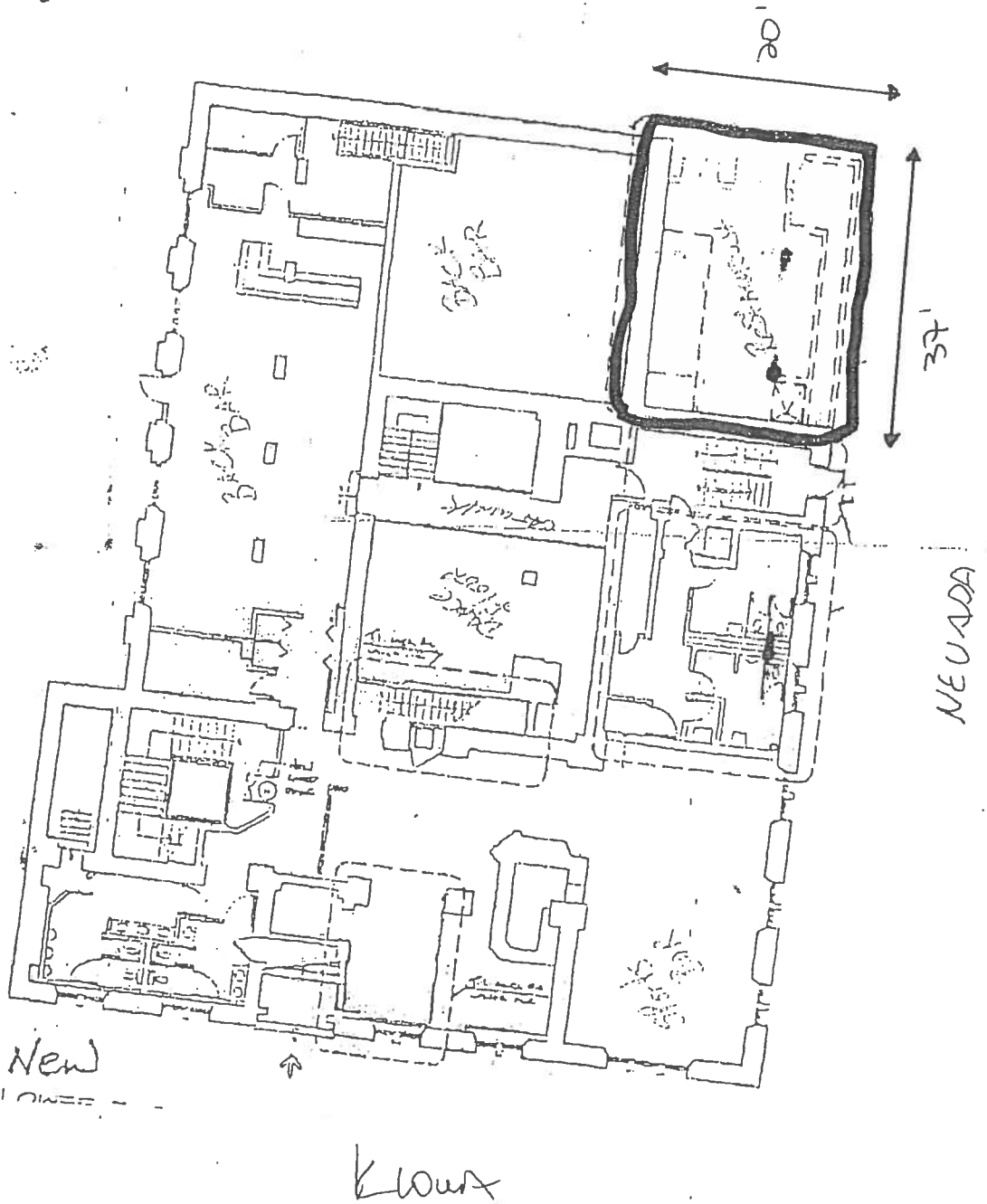


#2 Street Level
Brewer's Republic

Mar 20 01 12:50a

KEVIN RORKE

719-5



Mar 20 01 12:50a

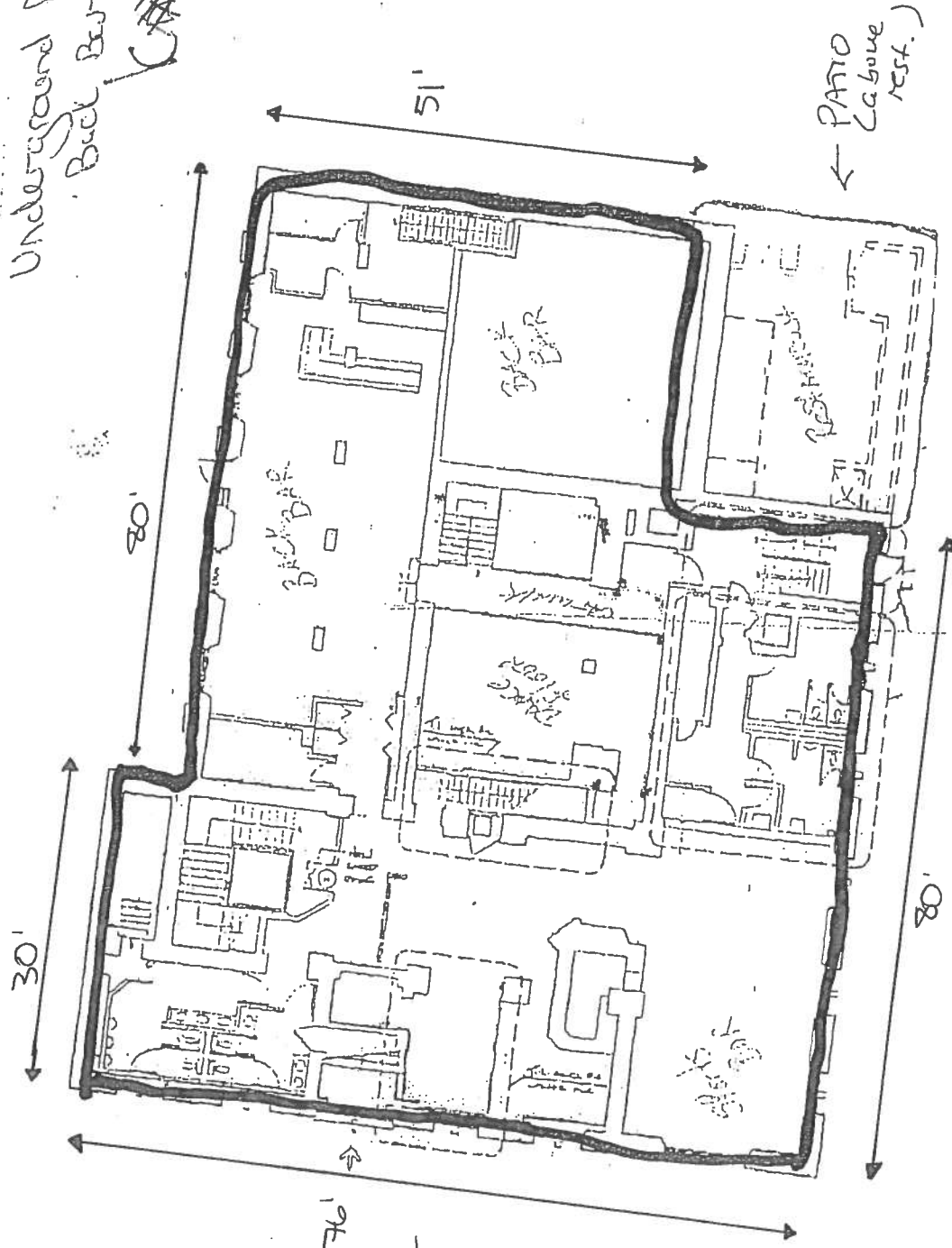
KEVIN RORKE

719-5

#3 MAIN LEVEL

Underground Pub &
Back Bars

~~CABARET~~



NEVADA

KLOU

Mar 20 01 12:50a

KEVIN RORKE

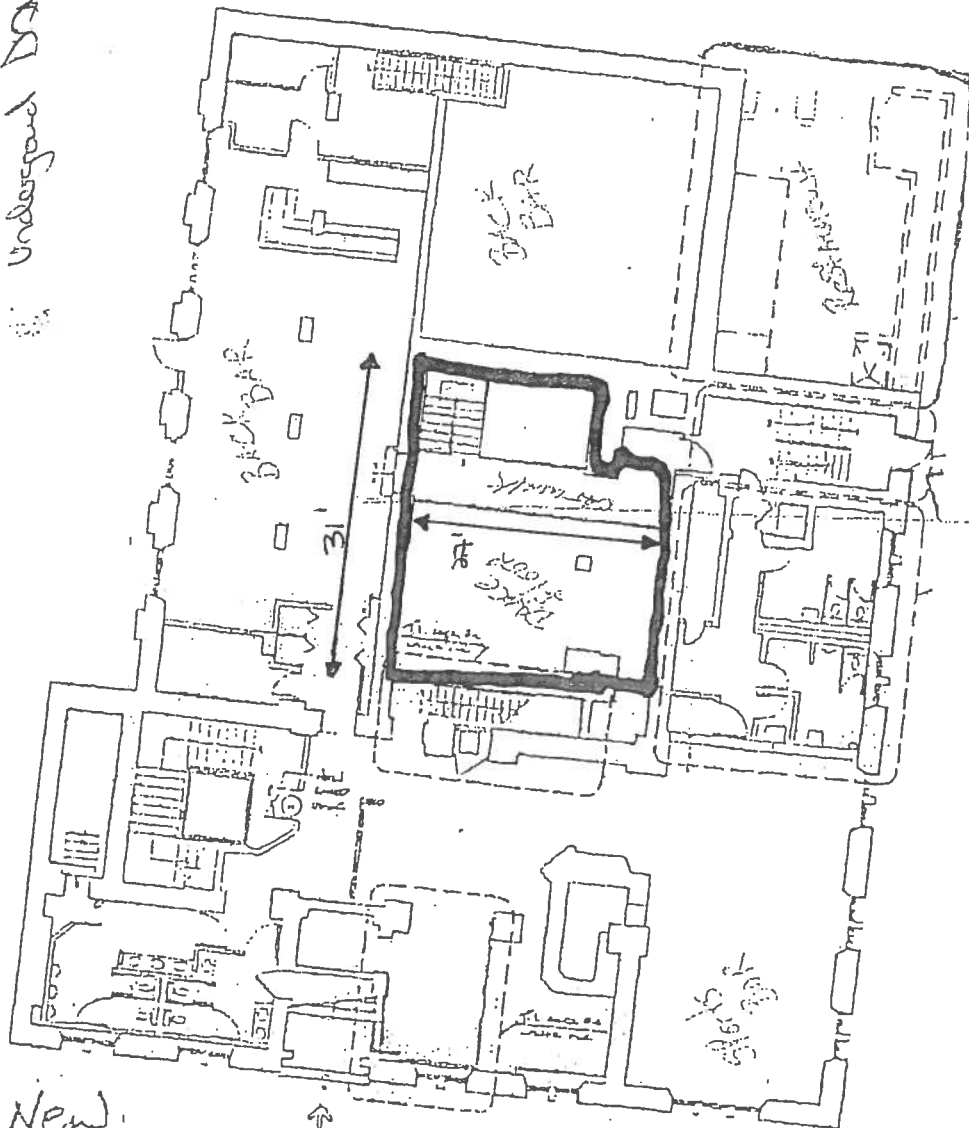
719-5

#4 BASEMENT LEVEL:

Underground Floor B

Left Room

(XXXXXX)



NEVADA

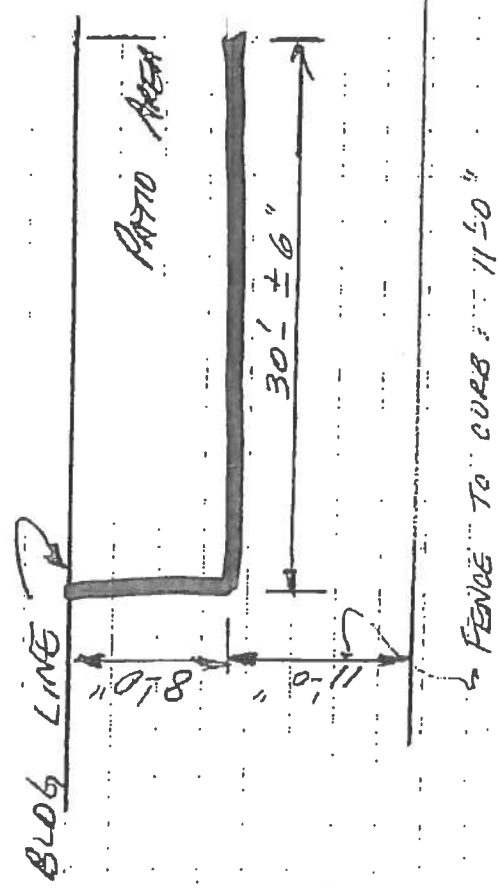
New

Lower

Kiosk

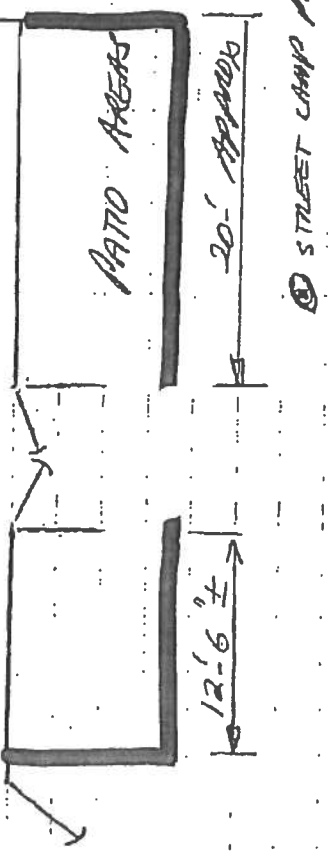
EXISTING
UNDERGROUND
110 N. NEWTON

SCALE 1" = 10'-0"



EXISTING
BREWER'S REPUBLIC

ALLEY



STREET LAMP POST

FENCE TO CURB: 11'-0"

CURB

NEWTON AVENUE

NORTH

NOTES

- ① PATIO AREAS ARE 8' WIDE
- ② APPROX CLEARANCE 11': FENCE TO CURB
- ③ CLEARANCE 7'-6" ±: FENCE TO LAMP POST
- ④ ALL FENCING AND INSERTS TO MEET GUIDELINES - AWAITING QUOTES
- ⑤ DOORS TO OPEN 90°+

2/3/01

JOB

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	CITY CLERK'S OFFICE 2016 MAR 28 P 12: 28
<hr/> IN THE MATTER OF: JMH Enterprises Corp d/b/a Underground Pub & Grill and Brewer's Republic 110 N. Nevada Avenue Colorado Springs, CO 80903 Mailing Address: 110 N. Nevada Avenue Colorado Springs, CO 80903	<hr/> <p style="text-align: center;">▲ BOARD USE ONLY ▲</p> <hr/> Application No: T-724041
NOTICE OF HEARING AND INITIAL FINDINGS OF FACT	

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, April 15, 2016 at 9:00 A.M.** in the **City Council Chambers of City Hall at 107 N. Nevada Avenue** upon JMH Enterprises Corp d/b/a Underground Pub & Grill and Brewer's Republic ("Applicant") application for a transfer of the Hotel and Restaurant Liquor License currently issued to LDB, LLC d/b/a Underground Pub & Grill and Brewer's Republic at 110 N. Nevada Avenue, Colorado Springs, CO 80903.

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, April 5, 2016**. 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, April 12, 2016.

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 February 24, 2016, 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 March 28, 2016.

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

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 March 28, 2016 to the following address of record:

JMH Enterprises Corp
dba Underground Pub & Grill and Brewer's Republic
110 N. Nevada Avenue
Colorado Springs, CO 80903



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

CC: brewersrep@gmail.com
vince@lindenlawgroup.com