

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 APR 29 A 8:33
<hr/> IN THE MATTER OF: Ryan C Enterprises Inc. d/b/a CHEYENNE MOUNTAIN LIQUORS 730 Cheyenne Meadows Road Colorado Springs, CO 80906	<hr/> ▲ BOARD USE ONLY ▲
<hr/> Michael Curran, 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	<hr/> License No: 703149
ORDER TO SHOW CAUSE AND NOTICE OF HEARING	

WHEREAS, it has been made to appear to the Liquor and Beer Licensing Board, City of Colorado Springs, State of Colorado that Ryan C Enterprises Inc., d/b/a CHEYENNE MOUNTAIN LIQUORS, 730 Cheyenne Meadows Road, Colorado Springs, CO 80906 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 August 7, 2015 the Board accepted Licensee's admission to a violation that on May 1, 2015 the 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. §12-47-901(1)(a.5)(I) entitled "Unlawful Acts-exceptions". *Exhibit 1*
- II. As a result of Licensee's admission the Board ordered Licensee's Retail Liquor Store License be suspended for a period of ten (10) days, nine (9) of said days to be held in abeyance for a period of one (1) year on the following conditions:
 - a. That Licensee commit no further violations of any of the following:
 - i. Any violation of Chapter 2 of the Code of the City of Colorado Springs, 2001 as amended, or of Title 12, Articles 46 and 47 of the Colorado Revised Statutes, 1973 as amended;

- ii. Any violation of any local rules adopted by the Board or of any rules or regulations promulgated pursuant to Title 12, Articles 46 and 47 of the Colorado Revised Statutes, 1973, as amended. *Exhibit 2*

III. On April 25, 2016 the State Licensing Authority accepted Licensee's admission that on March 17, 2016 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. §12-47-901(1)(a.5)(I) entitled "Unlawful Acts-exceptions". *Exhibit 3*

IV. Licensee has violated the Order of the Board by having subsequent violation of the Colorado Liquor Code within 1 year from the date of the Order of the Board.

NOW THEREFORE, you are hereby **ORDERED** to appear before the Liquor and Beer Licensing Board, City of Colorado Springs, State of Colorado on Friday **May 20, 2016 at 9:00 A.M.** in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, CO 80903, or at such other time and place as the Board may direct to **SHOW CAUSE** why your Retail Liquor Store License should not be suspended or revoked as by law provided. Said hearing is conducted pursuant to C.R.S. §12-47-601 and §2.5.601 of the Code of the City of Colorado Springs, 2001 as amended ("City Code") and governed by the Liquor Licensing Authority, City of Colorado Springs, Colorado Rules of Procedure.

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 Colorado Springs Liquor and Beer Licensing Board Rules of Procedure. 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 Michael Curran, 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

29th day of APRIL 2016.



Sarah Johnson
City Clerk



I, Lee McRae, hereby certify that I have served the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** on this 2ND day of MAY, 2016 by personally delivering to:

Name: MIKE LYONS, MANAGER ON DUTY
Address: 730 CHEYENNE MEADOWS ROAD

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 2ND day of MAY, 2016 to the following address of record:

Ryan C Enterprises, Inc.
d/b/a Cheyenne Mountain Liquors
Attn: Chung Kyoo Choi
730 Cheyenne Meadows Road
Colorado Springs, CO 80906



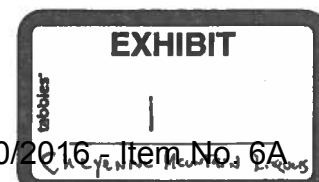
Lee McRae
License Enforcement Officer
City Clerk's Office
30 S. Nevada Avenue
Colorado Springs, CO 80903

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 2015 AUG -7 P 3:13
IN THE MATTER OF: Ryan C Enterprises INC. d/b/a CHEYENNE MOUNTAIN LIQUORS 730 Cheyenne Meadows Road Colorado Springs, CO 80906	▲ COURT USE ONLY ▲
Michael Curran, 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: 703149
STIPULATION AND ADMISSION OF VIOLATION	

This Stipulation by and between the City of Colorado Springs ("City") and Ryan C Enterprises INC. d/b/a/ Cheyenne Mountain Liquors, 730 Cheyenne Meadows Road, Colorado Springs, CO 80906 ("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 July 1, 2015, 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 Liquor and Beer Licensing Board (the "Board"), hereby stipulate, submit and agree as follows:

- I. On May 1, 2015 the 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. §12-47-901(1)(a.5)(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 Colorado Springs Liquor and Beer Licensing Board 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 Board.

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 Board 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 Board 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 ~~ten (10)~~ days, **nine (9)** 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 Board, 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 12, Articles 46 and 47 of the Colorado Revised Statutes, 1973 as amended;
 - 2. Any violation of any local rules adopted by the Board or of any rules or regulations promulgated pursuant to Title 12, Articles 46 and 47 of the Colorado Revised Statutes, 1973 as amended.
 - ii. That Licensee provide training to all employees engaged in the sale of alcohol beverages through a State approved Responsible Alcohol Beverage Vendor trainer with proof of training submitted to the City

Clerk's Office within 75 days of approval of this Stipulation by the Board

- b. The license shall be actively suspended for **one (1)** day, with the exact date of the active suspension as determined by the Board. During such active suspension, Licensee shall post the notices described in Regulation 47-600(F) upon the licensed premises.
 - c. If during the period of **one (1)** year from the date of approval of this Stipulation by the Board 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 Board or the State, then the Board 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.
- V. In the event that the Board 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 Board in the hearing on the alleged violation or in any subsequent proceeding concerning the alleged violation.
- VI. This Stipulation shall not be effective unless and until approved by the Board.

Dated this 7 day of August 2015.

Ryan C Enterprises INC., d/b/a
Cheyenne Mountain Liquors

By: 


Damon Cassens #24503
Attorney for Licensee

CITY OF COLORADO SPRINGS
LIQUOR AND BEER LICENSING
BOARD


Chairman


Sarah Johnson
City Clerk

FOR THE CITY ATTORNEY


BY: Michael Curran
Division Chief – Prosecution
Reg. # 28590

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 2015 AUG -7 P 3:12
IN THE MATTER OF: Ryan C Enterprises INC. d/b/a CHEYENNE MOUNTAIN LIQUORS 730 Cheyenne Meadows Road Colorado Springs, CO 80906	▲ COURT USE ONLY ▲
	License No: 703149
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	

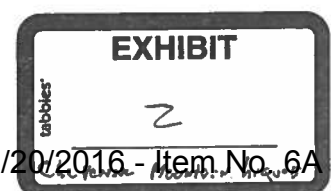
This matter came on for hearing August 7, 2015. Ryan C Enterprises INC. d/b/a/ Cheyenne Mountain Liquors, 730 Cheyenne Meadows Road, Colorado Springs, CO 80906 ("Licensee") was present with counsel and the City of Colorado Springs was represented by the City Attorney's Office.

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 Board, 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 Board 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 Board finds that:

- I. On May 1, 2015 the 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. §12-47-901(1)(a.5)(I) entitled "Unlawful Acts-exceptions".

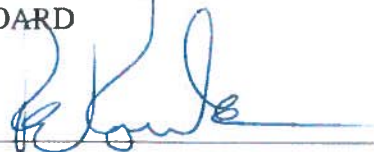


CONCLUSION OF LAW AND ORDER

- II. Based on the advisement of rights given to Licensee, and Licensee's written waiver of those rights, the Board concludes that Licensee's admission is knowing and voluntary made.
- III. Pursuant to C.R.S. §12-47-601, the Board, 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.
- IV. For the violations of the Colorado Liquor Code as set forth above Licensee's Retail Liquor Store License shall be suspended for a period of ten (10) days, nine (9) of said days to be held in abeyance for a period of one (1) year from the date of adoption of the Stipulation by the Board, on the following conditions:
 - a. That Licensee commit no further violations of any of the following:
 - i. Any violation of Chapter 2 of the Code of the City of Colorado Springs, 2001 as amended, or of Title 12, Articles 46 and 47 of the Colorado Revised Statutes, 1973 as amended;
 - ii. Any violation of any local rules adopted by the Board or of any rules or regulations promulgated pursuant to Title 12, Articles 46 and 47 of the Colorado Revised Statutes, 1973, as amended.
 - b. That Licensee provides training to all employees engaged in the sale of alcohol beverages through a State approved Responsible Alcohol Beverage Vendor trainer with proof of training submitted to the City Clerk's Office within 75 days of the date of the ORDER.
- V. For the violation of the Colorado Liquor code as set forth in Paragraph I above:
 - a. The license shall be actively suspended for one (1) day, commencing on 8-7 noon 2015 and ending on 8-8 2015 at noon. During such active suspension, the Licensee shall post the notices described in Regulation 47-600(F) upon the licensed premises.
 - 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 Licensee is in violation of any provision of the Colorado Liquor Code, as determined by either the Board or the State, then the Board may, in addition to any other penalty imposed as the result of any other violation of Colorado Liquor Code, order Licensee to serve any or all days of the suspension presently held in abeyance pursuant to this ORDER.

IT IS SO ORDERED this 7th day of August, 2015.

CITY OF COLORADO SPRINGS
LIQUOR AND BEER LICENSING
BOARD


Chairman

ATTEST:


Sarah Johnson
City Clerk



STIPULATION, AGREEMENT, AND ORDER
SA 16-236

IN THE MATTER OF:

**RYAN C. ENTERPRISES INC
D/B/A CHEYENNE MOUNTAIN LIQUORS
730 CHEYENNE MEADOWS ROAD
COLORADO SPRINGS, COLORADO 80906**

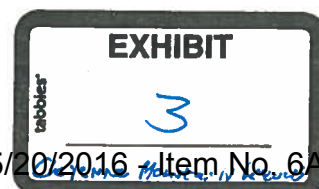
Retail Liquor Store License No. 40-39837-0000

The State of Colorado, Liquor Enforcement Division ("Division") and Ryan C. Enterprises Inc. d/b/a Cheyenne Mountain Liquors, 730 Cheyenne Meadows Road, Colorado Springs, Colorado 80906, ("Licensee") hereby stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S.

IT IS ALLEGED THAT:

- A. On March 17, 2016, the Licensee, by and through its employee/agent Shawn E. Michalko, permitted the selling, serving, giving, or procuring of an alcohol beverage (Fireball Whiskey brand spirituous liquor) to 15WM18550, an eighteen-year-old Liquor Enforcement Division underage purchaser.
 - B. This is a second violation within a year for this licensee. The Licensee had a Sale to Minor violation occur during a local law enforcement compliance check operation on August 7, 2015. The licensee entered into a Stipulation Agreement with the local licensing authority, in which the licensee was ordered to serve a one (1) day suspension.
 - C. The violation alleged in paragraph "A" of this section occurred within one (1) year of the violation and Stipulation identified in paragraph "B".
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Stipulation, Agreement, and Order ("Order").

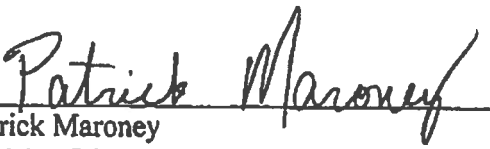


3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of proceeding to the issuance by the State Licensing Authority of an Order to Show Cause and conducting a hearing to determine the merits of such allegations. The terms and conditions of this Order are subject to approval by the State Licensing Authority.
4. Licensee admits the violations as alleged above in paragraph 1.
5. Licensee agrees, in lieu of the issuance of an Order to Show Cause, and subsequent proceedings, to submit to the following sanctions:
 - A. A fifteen (15) 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 May 8, 2016 until 11:59 p.m. on May 14, 2016.
 - ii. During any period of active license suspension, Licensee shall post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2.
 - iii. Eight (8) days of the suspension to be held in abeyance for a period of one (1) year, from the date of approval of this agreement by the state licensing authority, pending no further violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S., during this period.
6. This Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for this Order against Licensee (and any defenses that Licensee may have to such complaint and investigation) shall specifically not be at issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are proven, or Licensee enters into a stipulation in lieu of such a hearing in which it admits such allegations, the State Licensing authority shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.

7. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 12-47-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in §§12-47-103(9) (b) and 12-47-601, C.R.S.
8. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.
9. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
10. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives the following rights:
 - A. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
 - B. The right to cross-examine all witnesses against Licensee at a formal hearing;
 - C. The right to subpoena witnesses, present evidence and to testify on Licensee's own behalf at a formal hearing;
 - D. The right to be represented by counsel of Licensee's own choosing and at Licensee's expense at any stage of this proceeding;
 - E. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
 - F. The right to appeal this Order.
11. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.

Stipulation, Agreement, and Order
Cheyenne Mountain Liquors
Colorado Springs Office
Page 4

12. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, Respondent's admissions herein shall be withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause.
13. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.

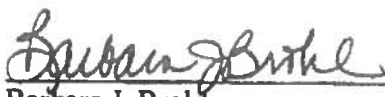

Patrick Maroney
Division Director
Liquor Enforcement Division


Chung K. Choi
Ryan C. Enterprises Inc

04-20-16
Date

04/19/16
Date

APPROVED and ORDERED this 25th day of April 2016.


Barbara J. Brohl
Executive Director
Department of Revenue
State Licensing Authority

Telecopy or electronic versions of this stipulation which contain telecopy facsimiles of signatures shall be deemed duplicate executed originals of the stipulation. This stipulation may be executed in counterparts and delivered by facsimile, U.S. Mail (or private carrier), or .pdf transmission.