

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 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 checked="" 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: Pollux Corporation	Property Tax Schedule No.: 85965 7411131017
Trade Name (DBA): Smoker King	Business Telephone: (719) 633-6320
Address of Premises: <u>ST</u> 1951 W Uintah Ave., Colorado Springs, CO 80904	Alternate Telephone: (719) 201-9025

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
Smoker King	2850097-0000	retail	1/1/17

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
Buddhi Ghimire	President	100%

FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$ 633,000
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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.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
Chase Bank 402 N TEJON COLD SPRGS, CO 80903	checking	\$55,000
Hanmi Bank 2530 S. PARKER RD AURORA, CO 80014	SBA Loan	\$478,000
SMOKER KING INC. 1951 W. UINTAH AVE COLD SPRGS, CO 80904	PROMISSORY NOTE	\$25,000

*** SEE ATTACHMENT**

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

Business Name & Address	Applicant's Name	Experience/Position	Dates
7/11 4605 Austin Bluffs Pkwy Colorado Springs, CO 80918	Buddhi Ghimire	clerk	1/09-present

Has the applicant previously been issued a liquor or beer license (include any of its 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

PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date 05/01/2016 End date 02/28/2022

Dimensions of premises 46x60 Square footage 2760 Seating Capacity _____

Is there a patio area? ☐ yes ☒ no --- If yes, provide dimensions _____

Anticipated number of employees? 3

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

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?		XX
Had an alcohol beverage license suspended or revoked?		XX
Had interest in another entity where an alcohol beverage license was suspended or revoked?		XX
Ever been charged or convicted of a crime, received a suspended sentence, a deferred sentence, or have charges pending?		XX
If yes, provide explanation, date(s) and location(s).		

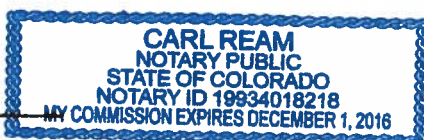
Has the applicant ever received a violation notice, suspension, or revocation for any liquor law violation, have charges pending; or has the applicant applied for and been denied a liquor or beer license anywhere in the United States?

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.

State of Colorado
County of Arapahoe



[Signature]
Signature
Title: President

Subscribed and sworn to before me this 15 day of April, 2016.

My Commission Expires: 12/01/2016

[Signature]
Notary Public

Attachment to Colorado Springs Liquor Application:

Financial Information:

Bidhue Bhattarai, 1515 53rd Street #2, North Bergen, NJ 07047, \$75,000 gift letter.

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 15 day of April, 20 16.

Seller:

SMOKER KING INC
#2850097

Licensee & License Number

SMOKER KING

Trade name

Jignesh

Signature

PRESIDENT

Position

JIGNESH J SHETH

Print Name

Buyer:

Pollux Corporation

Applicant

Smoker King

Trade name

Buddhi

Signature

President

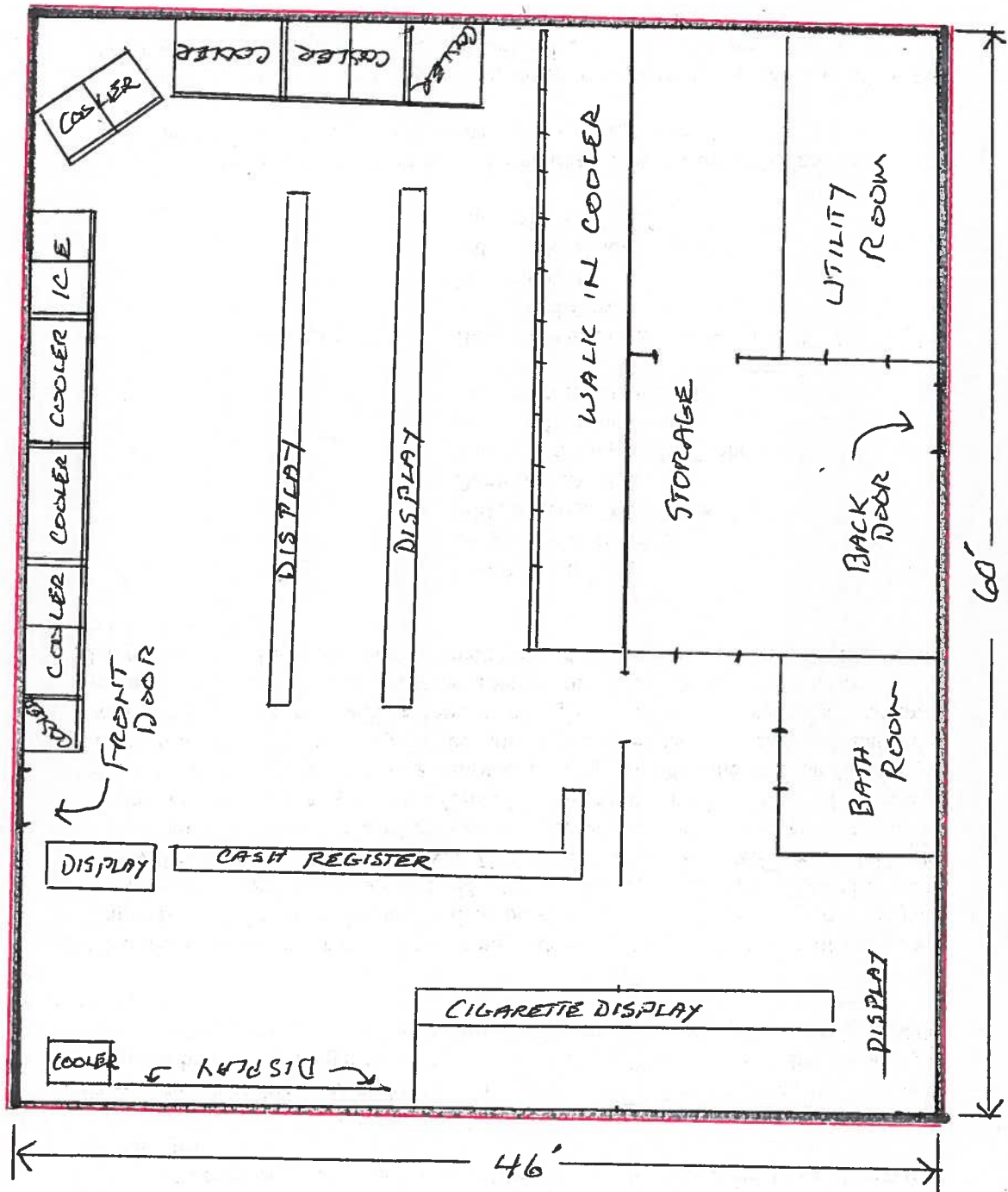
Position

Buddhi Ghimire

Print Name

← N —

SMOKER KING
1951 W. UINTEA AVE.
COLORADO SPRINGS, CO 80904



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 MAY 26 A 9:49
IN THE MATTER OF: Pollux Corporation d/b/a Smoker King 1951 W. Uintah Street Colorado Springs, CO 80904 Mailing Address: 3806 Half Turn Road, #252 Colorado Springs, CO 80917	▲ BOARD USE ONLY ▲
	Application No: T-724337
NOTICE OF HEARING AND INITIAL FINDINGS OF FACT	

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, June 17, 2016 at 9:00 A.M.** in the **City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Pollux Corporation d/b/a Smoker King ("Applicant") application for a transfer of the Retail Liquor Store License currently issued to Smoker King, Inc. d/b/a Smoker King at 1951 W. Uintah Street, Colorado Springs, CO 80904.

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, June 7, 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, June 14, 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 April 22, 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 evidenced 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 May 26, 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 May 26, 2016 to the following address of record:

Pollux Corporation
dba Smoker King
3806 Half Turn Road, #252
Colorado Springs, CO 80917



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

CC: GOPAL_GHIMIRE6@YAHOO.COM
Carl Ream <carl_ream@hotmail.com>