

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: Fish Oil, LLC	Property Tax Schedule No. : 6418317006033
Trade Name (DBA): LOYAL COFFEE	Business Telephone: 602-885-3506
Address of Premises: 408 S. NEVADA AVE., COLORADO SPRINGS, CO 80903	Alternate Telephone: 719-649-1830

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

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
SEE ATTACHED SHEET		

FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory) \$ **392,100⁰⁰**

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
SEE ATTACHED SHEET		

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

Business Name & Address	Applicant's Name	Experience/Position	Dates
SEE ATTACHED SHEET			

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

PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date May 1, 2016 End date May 1, 2019

Dimensions of premises 32' 9.5" x 48' 25" Square footage 1,774 Seating Capacity 67 inside 18 outside

Is there a patio area? ☒ yes ☐ no --- If yes, provide dimensions 32' 9.5" x 4' 5" (730 square feet)

Anticipated number of employees? 12

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

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 checked="" type="checkbox"/>
Had an alcohol beverage license suspended or revoked?		<input checked="" type="checkbox"/>
Had interest in another entity where an alcohol beverage license was suspended or revoked?		<input checked="" type="checkbox"/>
Ever been charged or convicted of a crime, received a suspended sentence, a deferred sentence, or have charges pending?		<input checked="" type="checkbox"/>
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 EL PASO

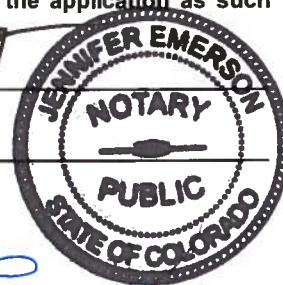
Signature

Title: Manager

Subscribed and sworn to before me this 21st day of APRIL, 2016.

My Commission Expires: 5-5-2019

Notary Public



If the applicant is: a Corporation, Limited Liability Company, Partnership or Association, list all officers, directors, general partners and managing member's, position held and percentage owned.

NAME	POSITION HELD	%OWNED
Eric James Harry	Member/Manager	15.17
Christopher Michael Mueller	Member/Manager	15.17
Tyler Gregory Hill	Member	15.17
Seth Madison Fuller	Member	15.17
Bevan Cammell	Member	15.17
Abigail Lauren Baum	Member	7.17
Evan Rogers	Member	7
J Garret Pounds	Member	9
Sean Shepard	Member	1

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.

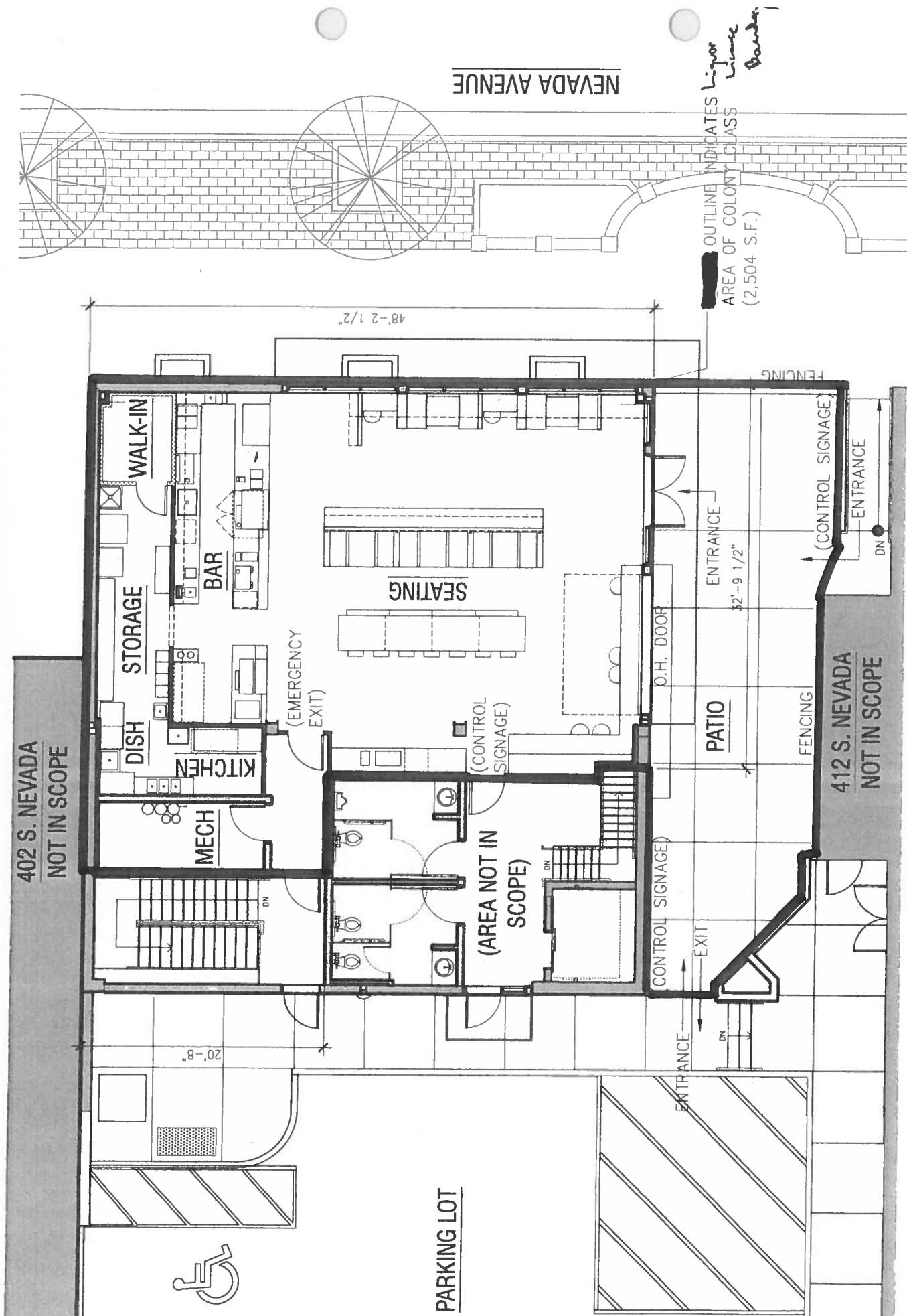
NAME/ADDRESS OF FUNDING SOURCE (banks(s), individual(s), et al.)	FUNDING SOURCE (checking/savings/loan/note/gift)	AMOUNT
J Garret Pounds 122 W Dayton Ave. Dayton WA 99328	Checking Account. Purchase of membership interest	\$58,000.00
J Garret Pounds 122 W Dayton Ave. Dayton WA 99328	Check to company from checking account, secured by Promissory Note (Loan)	\$19,500.00
Nate Mabe 1085 Applewood Dr. Colorado Springs CO 80907	Check to company from checking account, secured by Promissory Note (Loan)	\$2,600.00
Phil Loden 1165 Eagle Rock Rd Colorado Springs CO 80918	Check to company from checking account, secured by Promissory Note (Loan)	\$14,500.00
Randy and Pam Nicol 5109 E. Mulberry Dr. Phoenix AZ 85015	Check to company from checking account, secured by Promissory Note (Loan)	\$32,000.00
Mark Dunn 3905 Star Rise PT Colorado Springs Co 80904	Check to company from checking account, secured by Promissory Note (Loan)	\$5,000.00
Jeremy Reeves 1131 Custer Avenue, Colorado Springs CO 80903	Check to company from checking account, secured by Promissory Note (Loan)	\$5,000.00

Sean Shepherd 4514 Del Verde Dr Colorado Springs CO 80918	Checking Account. Purchase of membership interest	\$10,000.00
True Anomaly Inc (Evan Rogers) 910 E Yampa St Co Spgs CO 80903	Checking Account. Purchase of membership interest	\$50,000.00
Samuel Caudle 4760 Nightingale Dr G205 Colorado Springs CO 80918	Check to company from checking account, secured by Promissory Note (Loan)	\$5,000.00
CALM Foundation 4070 Sleeping Indian Lane, Colorado Springs, CO 80904	Check to company from checking account, secured by Promissory Note (Loan)	\$10,000.00
BDP Development, LLC 102 N. Cascade Ave., Suite 500 Colorado Springs, CO 80903	Tenant improvement note, secured by lease agreement.	\$180,000.00
	TOTAL INVESTMENT IN BUSINESS	\$391,600.00

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

Business Name and Address	Applicant's Name	Experience/Position	Dates
The Wild Goose, 401 N Tejon St Colorado Springs, CO 80903	Chris Mueller	Barista/Bartender	11/2013 to 05/2015
The Blue Star, 1645 S Tejon St Colorado Springs CO 80905		Server	10/2015 to present
The Blue Star, 1645 S Tejon St Colorado Springs CO 80905	Eric Nicol	Server/Bartender	07/2012 to 05/2013
Davis Three Inc, 1604 S Cascade Ave Colorado Springs CO 80905		Manager	05/2013 to present
Rico's Cafe and Wine Bar, 322 N Tejon St, Colorado Springs, CO 80903	Seth Fuller	Barista	4/2012 to 4/2013
The Coffee Exchange, 526 S Tejon St, Colorado Springs, CO 80903		Barista	4/2011 to 12/12
Urban Steam, 1025 S Sierra Madre St, Colorado		Barista/Manager	11/2012 to 11/2014

Springs, CO 80903 Davis Three Inc, 1604 S. Cascade Ave Colorado Springs CO 80905		Bartender/Barista	02/2015 to present
Davis Three Inc, 1604 S. Cascade Ave Colorado Springs CO 80905	Tyler Hill	Barista/Bartender/ Supervisor	5/2013 to present



LOYAL COFFEE: DIAGRAM OF PREMISES

1 $\frac{3}{32}" = 1'-0"$

408 SOUTH NEVADA AVENUE

1,774 S.F. (INTERIOR) + 730 S.F. (PATIO)

ARCHITECTURE
719.332.1022
www.ecfb-arch.com

<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 2016 JUN 23 A 8:47</p>
<p>IN THE MATTER OF:</p> <p>Fish Oil, LLC d/b/a Loyal Coffee 408 S. Nevada Avenue Colorado Springs, CO 80903 Mailing Address: 2571 E. San Miguel Street Colorado Springs, CO 80909</p>	<p>▲ BOARD USE ONLY ▲</p>
	<p>Application No: N-30788</p>
<p>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</p>	

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, July 15, 2016 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Fish Oil, LLC d/b/a Loyal Coffee ("Applicant") application for a new Hotel and Restaurant Liquor License at 408 S. 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, July 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, July 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 May 12, 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.
- VIII. Pursuant to Local Rule 6.01 neighborhood boundaries have been established, and a listing of existing licenses of a similar type that are within the established boundary area for the proposed establishment and boundary map are attached.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done June 23, 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.

Liquor Survey Boundaries



FISH OIL, LLC

d/b/a LOYAL COFFEE

408 S NEVADA AVE

OFFICE OF THE CITY CLERK

License ID: 30788



The survey boundary is 0.5 miles from the establishment

Map Prepared: 6/21/2016 11:20 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 30788

FISH OIL, LLC

d/b/a LOYAL COFFEE

408 S NEVADA AVE

COLORADO SPRINGS, CO 80903

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) IRON BIRD BREWING CO.	402 & 404 S NEVADA AVE	Brew Pub	72.04 ft
2) BAR-K	124 E COSTILLA ST	Tavern	213.63 ft
3) THE BRICKHOUSE BAR & GRILL	424 S NEVADA AVE	Tavern	220.09 ft
4) CHINA TOWN RESTAURANT	326 S NEVADA AVE	Hotel & Restaurant	278.31 ft
5) OSCAR'S TEJON STREET	333 S TEJON ST	Hotel & Restaurant	351.55 ft
6) GREEN MAN TAPROOM	320 S WEBER ST	Hotel & Restaurant	718.98 ft
7) McCABES TAVERN	520 S TEJON ST	Hotel & Restaurant	770.59 ft
8) THE COFFEE EXCHANGE	526 S TEJON ST	Hotel & Restaurant	820.30 ft
9) 528 SOUTHSIDE JOHNNYS	528 S TEJON ST	Hotel & Restaurant	890.27 ft
10) ZODIAC	230 PUEBLO AVE	Tavern	1,136.31 ft
11) PIKES PEAK LODGE #473	329 E CIMARRON ST	Club	1,203.37 ft
12) MACKENZIES CHOPHOUSE	128 S TEJON ST	Hotel & Restaurant	1,340.27 ft
13) NOSH	121 S TEJON ST	Hotel & Restaurant	1,372.42 ft
14) V F W CLUB 101	702 S TEJON ST	Club	1,387.12 ft
15) THE WAREHOUSE RESTAURANT	25 W CIMARRON ST	Hotel & Restaurant	1,425.91 ft
16) PIKES PEAK CENTER	190 S CASCADE AVE	Tavern	1,534.58 ft
17) SHUGA'S	702 S CASCADE AVE	Hotel & Restaurant	1,634.70 ft
18) THE THIRSTY PARROT	32 S TEJON ST	Tavern	1,802.85 ft
19) SAIGON CAFÉ	20 E COLORADO AVE	Beer & Wine	1,843.90 ft
20) SONTERRA INNOVATIVE SOUTHWEST GRILL	28 S TEJON ST	Hotel & Restaurant	1,857.34 ft
21) RED GRAVY	23 S TEJON ST	Hotel & Restaurant	1,866.04 ft
22) JOHNNY MARTIN'S CAR CENTRAL	1 S NEVADA AVE	Hotel & Restaurant	1,871.58 ft
23) JACK QUINN'S IRISH ALE HOUSE AND PUB	21 S TEJON ST	Hotel & Restaurant	1,894.49 ft
24) EAST COAST DELI	24 S TEJON ST	Hotel & Restaurant	1,895.00 ft
25) MINING EXCHANGE HOTEL OR THE GOLD ROOM	18 S NEVADA AVE	Tavern	1,909.12 ft
26) FUJIYAMA	22 S TEJON ST	Hotel & Restaurant	1,915.34 ft
27) CHIPOTLE MEXICAN GRILL	17 S TEJON	Hotel & Restaurant	1,937.03 ft
28) RITZ BAR & GRILL, THE	15 S TEJON ST	Hotel & Restaurant	1,997.43 ft



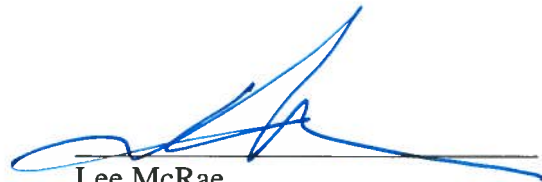
OFFICE OF THE CITY CLERK

29) IL VICINO WOOD OVEN PIZZA	11 S TEJON ST	Hotel & Restaurant	2,040.16 ft
30) TRIPLE S BREWING	318 E COLORADO AVE	Brew Pub	2,042.70 ft
31) SPRINGS ORLEANS & MINING EXCHANGE HOTEL	123 E PIKES PEAK AVE	Hotel & Restaurant	2,084.65 ft
32) KIMBALL'S CINEMAS	113 E PIKES PEAK AVE	Tavern	2,093.14 ft
33) TRIPLE NICKEL TAVERN LLC	26 S WAHSATCH AVE	Tavern	2,119.00 ft
34) MELTING POT RESTAURANT	30 PIKES PEAK AVE E	Hotel & Restaurant	2,358.67 ft
35) THE ANTLERS & ANTLERS HOTEL	4 S CASCADE AVE	Hotel & Restaurant	2,391.70 ft
36) PHANTOM CANYON BREWING COMPANY	2 E PIKES PEAK AVE	Brew Pub	2,430.85 ft
37) THE MANSION / THE MEZZANINE	20 N TEJON ST	Tavern	2,538.41 ft
38) THE UTE AND YETI	21 N NEVADA AVE	Beer & Wine	2,574.37 ft
39) RED MARTINI/BLONDIES	22 N TEJON ST	Tavern	2,574.50 ft
40) COWBOYS	25 N TEJON ST	Tavern	2,594.74 ft
41) GASOLINE ALLEY	28 N TEJON ST	Tavern	2,612.71 ft

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 June 23, 2016 to the following address of record:

Fish Oil, LLC
dba Loyal Coffee
2571 E. San Miguel Street
Colorado Springs, CO 80909



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

CC: ericharrynicol@gmail.com
Jeff Mohrmann <jeff@roguemountainlaw.com>