

# 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: <u>El Chivo I, LLC</u>	Property Tax Schedule No. : <u>63274-01-028</u>
Trade Name (DBA): <u>Mi Mexico Family Mexican Restaurant</u>	Business Telephone: <u>(719) 573-5065</u>
Address of Premises: <u>3956 N. Academy Blvd., Colo. Sprgs, CO 80917</u>	Alternate Telephone: <u>(720) 261-0922</u>

#### 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
<u>3 Margaritas</u>	<u>41-93235-0000</u>	<u>H &amp; R (city)</u>	<u>5/18/2017</u>

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
<u>Modesto Ramos</u>	<u>Member and Manager</u>	<u>60%</u>
<u>Antonio Amador</u>	<u>Member</u>	<u>40%</u>

### FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$ <u>120,000.00</u>	
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
<u>JELI, Inc.</u> <u>7485 Winding Oaks Dr., Colo. Sprgs, CO 80919</u>	<u>Promissory note/owner</u> <u>carry</u>	<u>\$20,000.00</u>
<u>Antonio Amador</u> <u>7625 140th Pl NE, Redmond, WA 98052</u>	<u>Owner distribution from</u> <u>La Milpa I, Inc.</u>	<u>\$40,000.00</u>
<u>Modesto Ramos</u> <u>6318 Brantly Ave., Castle Rock, CO 80104</u>	<u>Owner distribution from</u> <u>La Milpa I, Inc.</u>	<u>\$60,000.00</u>

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

Business Name & Address	Applicant's Name	Experience/Position	Dates
<u>see attachment</u>			

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
see attachment		

### PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date 6/1/2016 End date 5/31/2025

Dimensions of premises 112' x 67' (irreg) Square footage 6615 Seating Capacity 184 approx.

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

Anticipated number of employees? 12

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

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

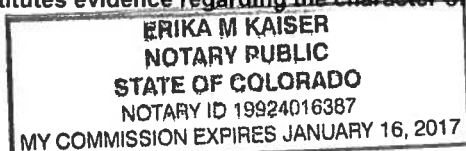
Has the applicant ever received a violation notice, suspension, or revocation for any liquor law violation, have charges pending; or has the applicant applied for and been denied a liquor or beer license anywhere in the United States?

Yes ☒ No ☐

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

Antonio Amador was a corporate owner of Guadalajara, Inc., 18951 East Mainstreet, Parker, CO in July 2005 when it was cited for sale to minor--received a warning. Mi Mexico in Bellingham, WA received a "failure to report" monthly sales violation in March 1995.

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.



Erika M. Kaiser  
Signature  
Title: Manager

State of Colorado  
County of El Paso

Subscribed and sworn to before me this 31 day of May, 20 16.

My Commission Expires: 1-16-2017

Erika M. Kaiser  
Notary Public

ATTACHMENT TO CITY OF COLORADO SPRINGS APPLICATION  
EL CHIVO I, LLC  
D/B/A MI MEXICO FAMILY MEXICAN RESTAURANT  
3956 N. Academy Blvd.  
Colorado Springs, CO 80917

**Antonio Amador** currently is an officer, director and stockholder of corporations which own the following restaurants with liquor licenses:

Tototlan, Inc. d/b/a Guadalajara Family Mexican Restaurant, 1001 S. Abilene, Aurora, Colorado 80012;  
Tototlan 2, Inc. d/b/a Guadalajara Family Mexican Restaurant, 150 Wolfensberger Rd., Castle Rock, CO 80109;  
Tototlan 3, Inc. d/b/a Guadalajara Family Mexican Restaurant, 800 E. Kiowa Ave., Elizabeth, CO 80107;  
La Milpa I, Inc. d/b/a Guadalajara Family Mexican Restaurant, 7336 McLaughlin Road, Peyton, CO 80831;  
La Milpa II, Inc. d/b/a Mi Mexico Family Mexican Restaurant, 1706 E. Main St., Montrose, CO 81401;  
El Balsante, Inc. dba Mi Mexico Family Mexican Restaurant, 2480 Highway 6 & 50 Grand Junction, CO 81505;  
Mi Mexico, 241 Telegraph Rd., Bellingham, WA 98226;  
Mi Mexico, 11407 Forest Ave., Clive, IA 50325; and  
Mi Mexico, 220 Milwaukee Ave., Buffalo Grove, IL 60098.

He was formerly an officer, director and stockholder of:  
Guadalajara, Inc. d/b/a Guadalajara Family Mexican Restaurant, 18951 East Mainstreet, Unit A, Parker, CO 80134. The business was sold;  
La Mesa Grande, Inc. d/b/a Guadalajara, 10143 W. Chatfield Ave., Littleton, CO 80127.  
The business was sold; and  
Mi Casa Su Casa, 520 128<sup>th</sup> St., S.W., unit B5, Everett, WA 98204. The business was sold.

**Modesto Ramos** is currently is an officer, director and stockholder of corporations which own the following restaurants with hotel & restaurant liquor licenses:

La Milpa I, Inc. d/b/a Guadalajara Family Mexican Restaurant, 7336 McLaughlin Road, Peyton, CO 80831;  
La Milpa II, Inc. d/b/a Mi Mexico Family Mexican Restaurant, 1706 E. Main St., Montrose, CO 81401;  
El Balsante, Inc. dba Mi Mexico Family Mexican Restaurant, 2480 Highway 6 & 50 Grand Junction, CO 81505.

He was formerly and officer, director & stockholder of Tototlan 3, Inc. d/b/a Guadalajara Family Mexican Restaurant, 800 E. Kiowa Ave., Elizabeth, CO 80107

He was manager at 150 Wolfensberger Road, Castle Rock, CO under 3 Margaritas and under Tototlan 2, d/b/a Guadalajara Family Mexican Restaurant (12/2004 thru May 2011).

He was a waiter at the following locations:

3 Margaritas, 592 S. McCaslin, Louisville, CO 6/05 – 12/05  
3 Margaritas, 6896 W. 120<sup>th</sup>, Broomfield, CO 10/04 – 6/05  
3 Margaritas, 7388 E. Shea Blvd., Scottsdale, AZ 85260 9/02 – 10/04

## 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 1st day of June, 20 16.

### Seller:

JELI, INC. 41-93235-0000

\_\_\_\_\_  
Licensee & License Number

Three Margaritas

\_\_\_\_\_  
Trade name

Lili B Perez  
\_\_\_\_\_  
Signature

VP / Secretary  
\_\_\_\_\_  
Position

Lili Perez

\_\_\_\_\_  
Print Name

### Buyer:

El Chivo I, LLC

\_\_\_\_\_  
Applicant

Mi Mexico Family Mexican Restaurant

\_\_\_\_\_  
Trade name

Modesto M Ramos  
\_\_\_\_\_  
Signature

Managing Member  
\_\_\_\_\_  
Position

Modesto Ramos

\_\_\_\_\_  
Print Name



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 JUL 14 A 7:27
IN THE MATTER OF:  El Chivo I, LLC d/b/a <b>Mi Mexico Family Mexican Restaurant</b> 3956 N. Academy Boulevard Colorado Springs, CO 80917 Mailing Address: 3956 N. Academy Boulevard Colorado Springs, CO 80917	▲ BOARD USE ONLY ▲
	Application No: T-724459
<b>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</b>	

### NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, August 5, 2016 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon El Chivo I, LLC d/b/a Mi Mexico Family Mexican Restaurant ("Applicant") application for a transfer of the Hotel and Restaurant Liquor License currently issued to Jeli, Inc. d/b/a Three Margaritas at 3956 N. Academy Boulevard, Colorado Springs, CO 80917.

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 26, 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, August 2, 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 June 2, 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 July 14, 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

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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 July 14, 2016 to the following address of record:

El Chivo I, LLC  
dba Mi Mexico Family Mexican Restaurant  
3956 N. Academy Boulevard  
Colorado Springs, CO 80917



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

CC: ERIKA M. KAISER <erikakaiser1@msn.com>