



OFFICE OF THE CITY CLERK

Received:

**LIQUOR LICENSE APPLICATION OR
3.2% FERMENTED MALT BEVERAGE
LICENSE APPLICATION (ALCOHOL BEVERAGE)**

It shall be unlawful for any person to knowingly make any false statement or omit any pertinent information on any application for a license. In the event any person knowingly makes any false statement or omits any pertinent information on any application, that act or omission shall, in addition to all other remedies, be grounds for denial of the license or for suspension or revocation of any license issued upon the basis of the false statement. City Code § 2.1.404.

THIS APPLICATION MUST BE FULLY COMPLETE, WITH APPLICABLE FEES AND ALL REQUIRED ATTACHMENTS.
Return fully completed applications to the City Clerk's Office, 30 S. Nevada Avenue, Suite 101, 80903.

☐ **NEW LICENSE** ☒ **TRANSFER OF OWNERSHIP**

Type of License applying for (Check One)

- ☒ **Hotel/Restaurant (or Resort)** ☐ **Hotel/Restaurant w/Optional** ☐ **Tavern** ☐ **Brew Pub**
☐ **Distillery Pub** ☐ **Vintner's Restaurant** ☐ **Beer and Wine** ☐ **Optional Premises**
☐ **Retail Liquor Store*** ☐ **Liquor Licensed Drugstore*** ☐ **Racetrack** ☐ **Arts**
☐ **Lodging & Entertainment** ☐ **3.2% Beer On Premises** ☐ **3.2% Beer Off Premises** ☐ **3.2% Beer On & Off Premises**

* New Retail Liquor Store (RLS) and Liquor Licensed Drugstore (LLD) applications may not be within 1500' of an existing RLS or LLD location.

Section A: APPLICANT/LICENSEE INFORMATION

1. Name of Applicant/Licensee (list Corporation/LLC/Partnership/Association/Sole Proprietor): T-Bird Southwest Restaurant Group, LLC	
2. Trade Name (DBA): <i>outback steakhouse</i>	
3. Premises Address: City, State, Zip: 2895 New Center Pointe, Colorado Springs, CO 80922-2808	Location Phone: 719-638-7560
Property Tax Schedule No. : 53313-02-002	Zoning: PBC Airport Overlay
4. Mailing Address: City, State, Zip: 1250 Prospect St., Suite 305, La Jolla, CA 92037	Alt Phone: 732-727-5030
Primary Contact Name And Title: Sharon Skene, Paralegal	Email: sskene@skenelawfirm.com

5. 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
Outback Steakhouse #622	42925160008	Hotel and Restaurant	9/1/2017

6. 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. Attach supplemental pages as needed. **NOTE: ATTACH ONE AFFIRMATION AND CONSENT (page 3), and ONE APPLICANT INTERVIEW (page 4), FOR EACH NAME LISTED.

NAME	POSITION HELD	%OWNED
Elliot Maluth	Director, President	0
Michael Wong	Vice President, CFO & Secretary	0
T-Bird Restaurant Group Holdings, Inc.	Shareholder	100

Section B: FINANCIAL INFORMATION

7. Source(s) of funds invested for total purchase, startup, and inventory costs (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other). Attach supplemental pages as needed.

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

NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
Goldman Sachs Specialty Lending Group, LP 6011 Connection Dr., Irving, TX 75039	Loan	\$31,075,000.00
TOTAL INVESTMENT IN BUSINESS:		\$31,075,000.00

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Pablo Falcon, Jr.

9. Terms of legal possession for which application is made: ☐ OWN ☒ LEASE ☐ OTHER

If leased, provide the terms: START DATE: 2/1/17 END DATE: 4/30/19

DIMENSIONS OF PREMISES: 88' x 69' 4" TOTAL SQUARE FOOTAGE: 6,214

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

Anticipated number of employees: 60-65 Anticipated opening date: 2/15/2017

Will training be offered or required? ☒ Yes ☐ No --- If yes, through what agency? Tips

Section D: BACKGROUND INFORMATION

10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?

☒ Yes ☐ No IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.

11. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever received a violation notice, suspension, or revocation for any alcohol beverage license law violation, have charges pending, or been denied any alcohol beverage license anywhere in the United States?

☐ Yes ☒ No IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?

☐ Yes ☒ No IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).

13. List every individual applicant's prior experience in the sale of alcoholic beverages. Attach supplement as needed.

Business Name & Address	Applicant's Name	Experience/Position	Dates
Please see attached rider.			

RIDER TO CO SPRINGS APPLICATION: SECTIONS 10 AND 13

Entity	FEIN	License No.
Almaden Steakhouse LP	33-0840561	353170
Arcadia Steakhouse LP	95-4536076	310142
Bakersfield Steakhouse LP	77-0381376	N/A
Brea Steakhouse LP	33-0673836	316096
Buena Park Steakhouse LP	95-4646704	369647
Burbank Steakhouse LP	33-0969477	381184
Campbell Steakhouse LP	77-0415494	N/A
Chico Steakhouse LP	94-3282474	335542
Clairemont Steakhouse LP	33-0647790	306206
Corona Steakhouse LP	33-0842155	351389
Covina Steakhouse LP	33-0819270	346528
Cupertino Steakhouse LP	77-0382031	N/A
Daly City Steakhouse LP	94-3304884	346495 (58) & 570782 (47)
Dublin Steakhouse LP	94-3287992	340924
El Cajon Steakhouse LP	33-0633709	568343
Elk Grove Steakhouse LP	20-0190937	405285
Foothill Ranch Steakhouse LP	33-0814575	344651
Fremont 880 Steakhouse LP	94-3268201	N/A
Fresno Steakhouse LP	77-0364878	N/A
Garden Grove Steakhouse LP	33-0899317	361562
Glendale Steakhouse LP	77-0578913	445985 (47) & 458320 (unspecified)
Golden Gate Steakhouse LP	94-3307678	342554
Great Steakhouse LP	77-0575694	379890
Irvine Steakhouse LP	33-0471705	330414
La Mesa Steakhouse LP	33-0637115	568331
Laguna Hills Steakhouse LP	33-0710807	323972
Lakewood Steakhouse LP	33-0673827	314855
Long Beach Steakhouse LP	77-0526887	404129
Mission Valley Steakhouse LP	33-0924168	369761
Modesto Steakhouse LP	77-0415495	N/A
Moreno Valley Steakhouse LP	85-0486736	418686
Newport Steakhouse LP	33-0754287	333345
Northridge Steakhouse LP	33-0673822	315883
Norwalk Steakhouse LP	33-0819268	346481
Oceanside Steakhouse LP	33-0819264	346765
Ontario Steakhouse LP	33-0969478	379534
Oxnard Steakhouse LP	77-0435400	323149
Palm Desert Steakhouse LP	33-0673838	313261
Palmdale Steakhouse LP	95-4583153	323144
Pinole Steakhouse LP	94-3331005	357915
Pittsburg Steakhouse LP	20-1663056	418695
Pleasant Hill Steakhouse LP	68-0320354	N/A
Poway Steakhouse LP	33-0656580	310113
Puente Hills Steakhouse LP	95-4662126	335953
Redding Steakhouse LP	94-3296185	342465
Rohnert Park Steakhouse LP	94-3279366	336126
Roseville Steakhouse LP	94-3299877	339060
Sacramento I Steakhouse LP	77-0416329	317019
Sacramento II Steakhouse LP	33-0840562	N/A
Salinas Steakhouse LP	77-0476791	340850
San Bernardino Steakhouse LP	33-0710806	321809

San Mateo Steakhouse LP	20-4170423	446182 (47- CANCEL)
Santa Barbara Steakhouse LP	77-0463486	334246
South San Diego Steakhouse LP	33-0924170	370033
Stockton Steakhouse LP	94-3301380	344514
Temecula Steakhouse LP	33-0912006	368719
Thousand Oaks Steakhouse LP	77-0446462	327808
Torrance Steakhouse LP	33-0657116	310357
Upland Steakhouse LP	33-0656305	307189
Vacaville Steakhouse LP	94-3322730	357908
Valencia Steakhouse LP	95-4591560	324792
Victorville Steakhouse LP	33-0912012	368850
Westminster Steakhouse LP	33-0865534	418760 (47) & 419466 (unspecified)
T-Bird 1	33-0600849	

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 26 day of Jan, 20 17.

Seller:

Outback Steakhouse of Florida LLC 42925160008
Licensee & License Number

Outback Steakhouse #622
Trade name

[Signature]
Signature
Executive Vice President
Position

Joseph J. Kader
Print Name

Buyer:

T-Bird Southwest Restaurant Group, LLC
Applicant

outback steakhouse
Trade name

[Signature]
Signature
CFO, VP & Secretary
Position

Michael Wong
Print Name



<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 2017 JUN 27 A 6:21</p>
<p>IN THE MATTER OF:</p> <p>T-Bird Southwest Restaurant Group, LLC d/b/a Outback Steakhouse 2895 New Center Point Colorado Springs, CO 80922 Mailing Address: 1250 Prospect Street, #305 La Jolla, CA 92037</p>	<p>▲ BOARD USE ONLY ▲</p>
	<p>Application No: T-725845</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 21, 2017 at 9:00 A.M.** in the **City Council Chambers of City Hall at 107 N. Nevada Avenue** upon T-Bird Southwest Restaurant Group, LLC d/b/a Outback Steakhouse ("Applicant") application for a transfer of the Hotel and Restaurant Liquor License currently issued to Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse #622 at 2895 New Center Point, Colorado Springs, CO 80922.

At this meeting, the Board will consider the factors outlined in Rule No. 9.08 and 16.00 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 11, 2017**. 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 18, 2017.

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 20, 2017, 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 June 27, 2017.

FOR THE CITY OF COLORADO
SPRINGS LIQUOR AND BEER
LICENSING BOARD



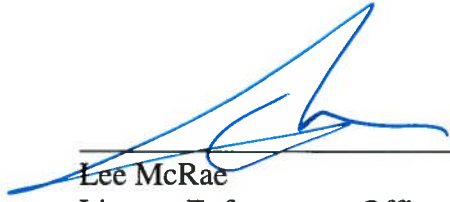
By: Sarah B. Johnson
City Clerk

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 June 27, 2017 to the following address of record:

T-Bird Southwest Restaurant Group, LLC
dba Outback Steakhouse
1250 Prospect Street, #305
La Jolla, CA 92037



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

CC: sskene@skenelawfirm.com
Ginnissa Pettinger <ginnissapettinger@colo-law.com>