



OFFICE OF THE CITY CLERK

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

Received

CITY CLERK'S OFFICE

2017 NOV 30 P 12:25

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):

The Wobbly Olive, LLC

2. Trade Name (DBA): The Wobbly Olive

3. Premises Address:

City, State, Zip: 2611 W. Colorado Ave., Colorado Spgs, CO 80904

Location
Phone:

Not Assigned Yet

Property Tax Schedule No. : 7411231003

Zoning:

C6 HS

4. Mailing Address:

City, State, Zip: 2611 W. Colorado Ave., Colorado Spgs, CO 80904

Alt Phone:

719-388-3478

Primary Contact

Name And Title: Sean Fitzgerald

Email: sean@wobblyolive.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
N/A	N/A	N/A	N/A

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
Inez Fitzgerald	Member	72.275
Sean Fitzgerald	Member	5
PSI Hospitality Group, LLC	Member	22.725

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
The Wobbly Olive, LLC*	Checking -- JP Morgan Chase	50,000
* Self Funded from current licensed and operating location at 3317 Cinema Pt., C/S, CO		
TOTAL INVESTMENT IN BUSINESS:		\$ 50,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Inez Fitzgerald

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

If leased, provide the terms: START DATE: July 13, 2017 END DATE: January 1, 2023

DIMENSIONS OF PREMISES: 115'x24'x96'x12' TOTAL SQUARE FOOTAGE: 3,737

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions) 56'x20'

Anticipated number of employees: 15 Anticipated opening date: February 1, 2018

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

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
See Attached Supplement			

**Supplement -- Colorado Springs Liquor License Application OR
3.2% Fermented Malt Beverage License Application (Alcohol Beverage)**

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? ANSWER: YES. 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.

Inez Fitzgerald: Current 45% Member of PSI Hospitality Group, LLC, which owns The Collective, LLC, d/b/a The Collective, LLC, d/b/a The Collective, Hotel/Restaurant License, 7702 Barnes Rd., Suite 100, Colorado Springs, CO 80922. PSI Hospitality Group, LLC, also holds a 22.725% Membership Interest in The Wobbly Olive, LLC, d/b/a The Wobbly Olive, Hotel/Restaurant License, 3317 Cinema Point, Colorado Springs, CO 80922. Ms. Fitzgerald owns a 22.275% individual interest in The Wobbly Olive, LLC (which holds the above-referenced license and proposes a new H&R License with this Application at 2611 W. Colorado Ave., C/S, CO. PSI Hospitality Group also owns a 100% interest in Sakura, LLC, which holds a 5% interest in Elevated Carnivore Group, LTD, d/b/a Rooster's House of Ramen, 323 N. Tejon St., Colorado Springs, CO 80903, H&R License.

Philip Arana: Current 50% member of PSI Hospitality Group, LLC, which owns The Collective, LLC d/b/a The Collective -- A Social House, Hotel & Restaurant license, 7702 Barnes Rd., Suite 100, Colorado Springs, CO 80922. PSI Hospitality Group, LLC also a 22.725% Membership Interest in The Wobbly Olive, LLC which operates a Hotel & Restaurant License at 3317 Cinema Point, Colorado Springs, CO 80922, and proposes a new Hotel & Restaurant license with this application at 2611 W. Colorado Ave., Colorado Springs, CO 80922. PSI Hospitality Group also owns a 100% interest in Sakura, LLC, which holds a 5% interest in Elevated Carnivore Group, LTD, d/b/a Rooster's House of Ramen, 323 N. Tejon St., Colorado Springs, CO 80903, H&R License.

PSI Hospitality Group, LLC: PSI Hospitality Group, LLC, owns The Collective, LLC, d/b/a The Collective, LLC, Hotel/Restaurant License, 7702 Barnes Rd., Suite 100, Colorado Springs, CO 80922, and holds a 22.725% Membership Interest in The Wobbly Olive, LLC, d/b/a The Wobbly Olive, Hotel/Restaurant License, 3317 Cinema Point, Colorado Springs, CO 80922, and proposes a new Hotel & Restaurant license with this application at 2611 W. Colorado Ave., Colorado Springs, CO 80922. PSI Hospitality Group also owns a 100% interest in Sakura, LLC, which holds a 5% interest in Elevated Carnivore Group, LTD, d/b/a Rooster's House of Ramen, 323 N. Tejon St., Colorado Springs, CO 80903, H&R License.

Sean Fitzgerald: Current 5% member of PSI Hospitality Group, LLC, which owns The Collective, LLC, d/b/a The Collective, LLC, Hotel/Restaurant License, 7702 Barnes Rd., Suite 100, Colorado Springs, CO 80922. PSI Hospitality Group, LLC, also holds a 22.725% Membership Interest in The Wobbly Olive, LLC, d/b/a The Wobbly Olive, Hotel/Restaurant License, 3317 Cinema Point, Colorado Springs, CO 80922. Mr. Fitzgerald owns a 5% individual interest in The Wobbly Olive, LLC (which holds the above-referenced license and proposes a new H&R License with this Application at 2611 W. Colorado Ave., C/S, CO. Mr. Fitzgerald does not hold a beneficial interest in any liquor license greater of 10% or more. PSI Hospitality Group also owns a 100% interest in Sakura, LLC, which holds a 5% interest in Elevated Carnivore Group, LTD, d/b/a Rooster's House of Ramen, 323 N. Tejon St., Colorado Springs, CO 80903, H&R License.

Supplement

Colorado Springs Liquor License Application OR

3.2% Fermented Malt Beverage License Application (Alcohol Beverage)

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?

ANSWER: Yes

IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).

EXPLANATION:

Philip Arana:

- 11/17/2001, Colorado Springs, CO – Plead guilty to underage possession/consumption of alcohol; received deferred sentence, El Paso County Court Docket #2001M009504, conditions of deferred sentence were successfully completed.
- 08/23/2002, Colorado Springs, CO – Plead guilty to Sexual Assault on a Child; Case #2002CR001042; received deferred sentence and paid restitution. Deferred sentence was revoked in 2003 for violating conditions of sentence. Received probation, which was successfully completed in 2016 (after 10 years more probation was added in 6/2006 for an arrest in Utah in 1/2006 for Felony Possession/Receiving Stolen Property and Misdemeanor Possession of Narcotic Equipment. Utah charges were dropped).

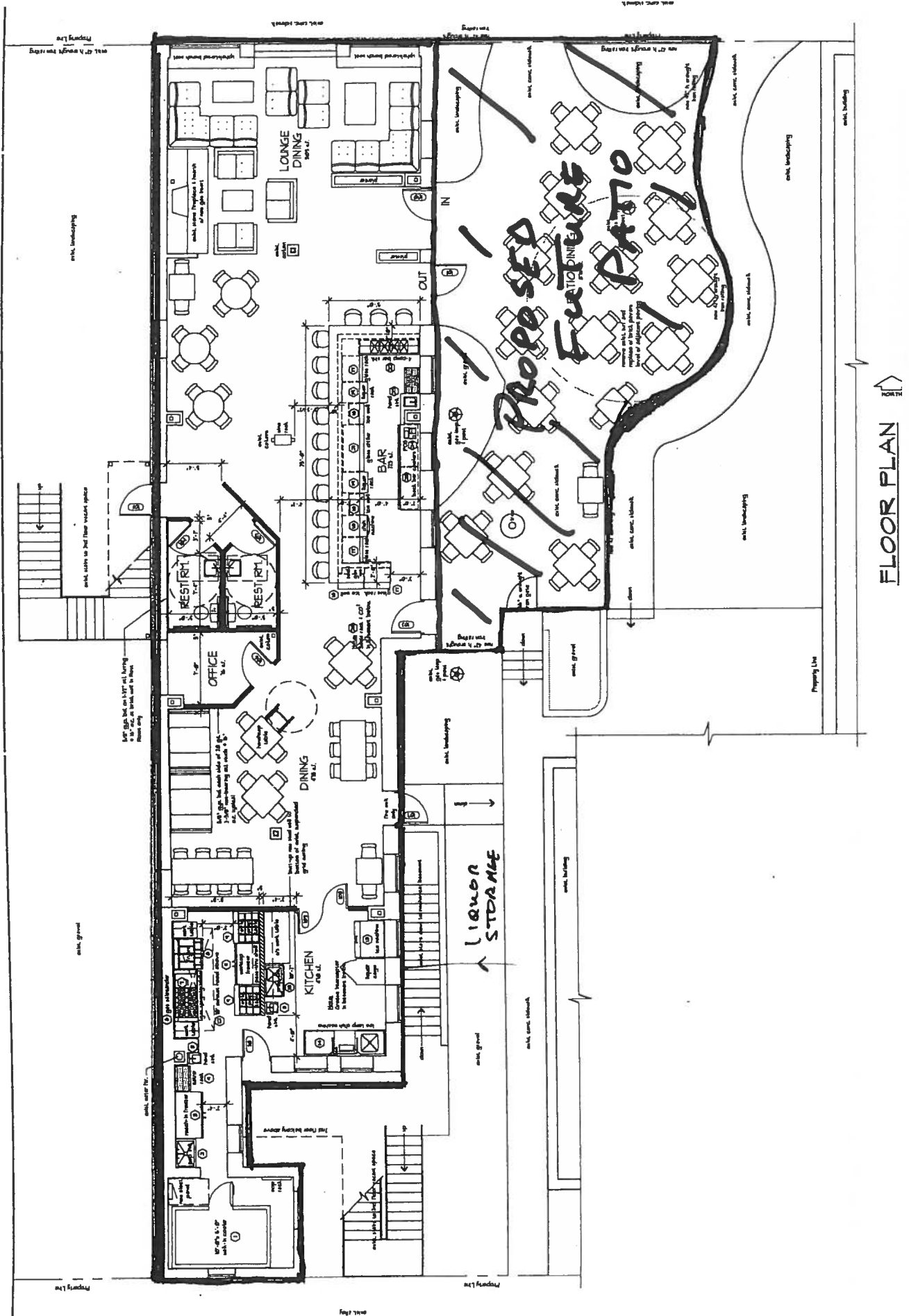
Supplement**Colorado Springs Liquor License Application OR****3.2% Fermented Malt Beverage License Application (Alcohol Beverage)**

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

ANSWER:

Business Name & Address	Applicant's Name	Experience/Position	Dates
The Wobbly Olive 3317 Cinema Pt Colorado Springs, CO 80922	Inez Fitzgerald	Owner/Bartender	2014 - Present
Ruby Tuesday's Colorado Springs and Pueblo Colorado Springs, CO 80921	Inez Fitzgerald	Waitress Bartender	1999 - 2001 2007 - 2011
The Collective – A Social House 7702 Barnes Road, Suite 100 Colorado Springs, CO 80922	Inez Fitzgerald	Manager Owner	2016-2017 2016 – Present
Texas Roadhouse 16196 Jackson Creek Pkwy Monument, CO 80132	Philip Arana	Bartender	2008 - 2013
El Padrino Mexicano 13425 Voyager Pkwy Colorado Springs, CO 80921	Philip Arana	Bartender	2009 - 2011
The Wobbly Olive 3317 Cinema Pt Colorado Springs, CO 80922	Philip Arana	Bar Manager	2014 - Present
The Collective – A Social House 7702 Barnes Road, Suite 100 Colorado Springs, CO 80922	Philip Arana	Manager Owner	2017 - Present 2017 – Present
The Wobbly Olive 3317 Cinema Pt Colorado Springs, CO 80922	Sean Fitzgerald	Bartender Minority Owner	2014 – Present 2014 – Present
The Collective – A Social House 7702 Barnes Road, Suite 100 Colorado Springs, CO 80922	Sean Fitzgerald	Bartender Owner	2017 - Present 2017 – Present
Roosters House of Ramen * 323 N. Tejon St., Colorado Springs, CO 80903	Philip Arana Sean Fitzgerald Inez Fitzgerald	Minority Owner Bartender/Minority Owner Minority Owner	2017- Present 2017- Present 2017 – Present

* Interests held through PSI Hospitality Group, LLC, which holds 5% ownership in Company. No member holds a ten percent (10%) or greater interest in the Company.



BEFORE THE LOCAL LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 30 South Nevada Avenue, Suite 101 Colorado Springs, CO 80903 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com	CITY CLERK'S OFFICE 2017 DEC 28 A 8: 21 ▲ CLERK USE ONLY ▲
IN THE MATTER OF: APPLICANT The Wobbly Olive, LLC d/b/a The Wobbly Olive 2611 W. Colorado Avenue Colorado Springs, CO 80904 Mailing Address: 2611 W. Colorado Avenue Colorado Springs, CO 80904	Application No: N-33217
NOTICE OF HEARING AND INITIAL FINDINGS OF FACT	

NOTICE OF HEARING

This matter comes before the Local Licensing Authority for hearing on **Friday, January 19, 2018 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue, Colorado Springs, CO 80903** upon The Wobbly Olive, LLC d/b/a The Wobbly Olive ("Applicant") application for a new Hotel and Restaurant Liquor License at 2611 W. Colorado Avenue, Colorado Springs, CO 80904.

At this meeting, the Liquor and Beer Licensing Board will consider the factors outlined in Rule No. 9.08 of the Liquor and Beer Rules and Regulations of the City of Colorado Springs ("City Rules"), and it is the Applicant's burden to provide the necessary evidence to satisfy the Local Licensing Authority.

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, January 9, 2018**. 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, January 16, 2018.

Pursuant to C.R.S. §12-47-312 and City 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

V. Applicant's application was filed on November 30, 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, pursuant to C.R.S. §12-47-313(1)(a)(I) and City Rule 7.00(A)(1).

VI. 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, pursuant to C.R.S. §12-47-313(1)(b) and City Rule 7.00(A)(2).

VII. 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, pursuant to C.R.S. §12-47-313(1)(c) and City Rule 7.00(A)(3).

VIII. 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, pursuant to C.R.S. §12-47-313(1)(d) and City Rule 7.00(A)(4).

V. Pursuant to C.R.S. §12-47-307(1)(a)(VI), the Colorado Springs Police Department has conducted a background investigation into Applicant and there are no objections to Applicant at this time.

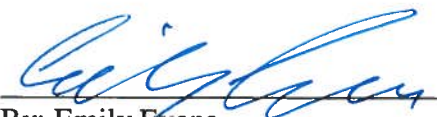
VI. A review of Applicant's finances did not disclose any unlawful financial assistance as prohibited in C.R.S. §12-47-308.

VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §12-47-307.

VIII. Pursuant to City 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 December 28, 2017.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY


By: Emily Evans
Deputy City Clerk

Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

Liquor Survey Boundaries



THE WOBBLY OLIVE, LLC
d/b/a THE WOBBLY OLIVE
2611 W COLORADO AVE

OFFICE OF THE CITY CLERK
License ID: 33217



0 0.25 0.5 1 Mile

The survey boundary is 0.5 miles from the establishment

Map Prepared: 12/26/2017 2:11 PM

Copyright © 2017 City of Colorado Springs on behalf of the Colorado Springs Utilities. All rights reserved. This work, and/or the data contained hereon, may not be modified, republished, used to prepare derivative works or commercially exploited in any manner without the prior express written consent of the City of Colorado Springs. This work was prepared utilizing the best data available at the time of creation. Neither the City of Colorado Springs, the Colorado Springs Utilities, nor any of their employees makes any warranty, express or implied, or assumes any legal liability or responsibility for accuracy, completeness, or usefulness of any data contained hereon. The City of Colorado Springs, Colorado Springs Utilities, and their employees explicitly disclaim any responsibility for the data contained hereon.



OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 33217

THE WOBBLY OLIVE, LLC
d/b/a THE WOBBLY OLIVE
2611 W COLORADO AVE
COLORADO SPRINGS, CO 80904

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) TAPATERIA	2607 W COLORADO AVE	Hotel & Restaurant	95.18 ft
2) BON TON'S CAFE	2601 W COLORADO AVE	Hotel & Restaurant	140.19 ft
3) JAKE & TELLY'S GREEK TAVERNA	2616 W COLORADO AVE	Hotel & Restaurant	179.68 ft
4) ALCHEMY	2625 W COLORADO AVE	Hotel & Restaurant	227.63 ft
5) PIZZERIA RUSTICA	2527 W COLORADO AVE	Hotel & Restaurant	263.07 ft
6) WILD GINGER THAI RESTAURANT	2628 W COLORADO AVE	Hotel & Restaurant	295.00 ft
7) SHAE'S	2521 W COLORADO AVE	Hotel & Restaurant	329.27 ft
8) ART@ALTITUDE	2708 W COLORADO AVE	Beer & Wine	459.54 ft
9) DAT'S ITALIAN	2514 W COLORADO AVE	Hotel & Restaurant	563.15 ft
10) MOTHER MUFF'S	2432 W COLORADO AVE	Hotel & Restaurant	803.21 ft
11) VENUE 32/FOOD DESIGNERS	115 S 25TH ST	Tavern	849.58 ft
12) JORGE'S	2427 W COLORADO AVE	Hotel & Restaurant	924.92 ft
13) PARAVICINI ITALIAN BISTRO	2802 W COLORADO AVE	Hotel & Restaurant	945.27 ft
14) LA BAGUETTE	2417 W COLORADO AVE	Hotel & Restaurant	999.00 ft
15) THUNDER & BUTTONS II	2415 W COLORADO AVE	Hotel & Restaurant	1,028.76 ft
16) GARDEN OF THE GODS GOURMET MARKET & CAFE	410 S 26TH ST	Hotel & Restaurant	1,188.27 ft
17) CUCURU	2332 W COLORADO AVE	Tavern	1,340.73 ft
18) FRONT RANGE BARBEQUE INC	2330 W COLORADO AVE	Hotel & Restaurant	1,398.95 ft
19) MASON JAR, THE	2925 W COLORADO AVE	Hotel & Restaurant	1,851.38 ft
20) MOUNTAIN SHADOWS RESTAURANT	2223 W COLORADO AVE	Hotel & Restaurant	1,998.82 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 December 28, 2017 to the following address of record:

The Wobbly Olive, LLC
dba The Wobbly Olive
2611 W. Colorado Avenue
Colorado Springs, CO 80904



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

CC: sean@wobblyolive.com
Vince Linden <vince@lindenlawgroup.com>
<liquorpros@msn.com>