



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 3:14

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):

BMB Restaurants, LLC

2. Trade Name (DBA): Dickey's Barbecue Pit

3. Premises Address: 1252 Interquest Pkwy, Colo Spgs, CO 80920
City, State, Zip:

Location Phone: 719-598-1909

Property Tax Schedule No. : 6220202006

Zoning: PUD

4. Mailing Address: 1252 Interquest Pkwy, Colo Spgs, CO 80920
City, State, Zip:

Alt Phone: 719-964-7038

Primary Contact Name And Title: Robert and Barbara Rusnak

Email: dickeys_505@comcast.net

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
Robert C. Rusnak	Member	50
Barbara J. Rusnak	Member	50

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
5Star Bank	Checking	10,000
TOTAL INVESTMENT IN BUSINESS:		\$ 10,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Robert "Bobby" Rusnak

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

If leased, provide the terms: START DATE: 11/2015 END DATE: 11/2025

DIMENSIONS OF PREMISES: 58' x 36' TOTAL SQUARE FOOTAGE: 2,200

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions 19 x 15

Anticipated number of employees: 15 Anticipated opening date: Currently Operating

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

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?

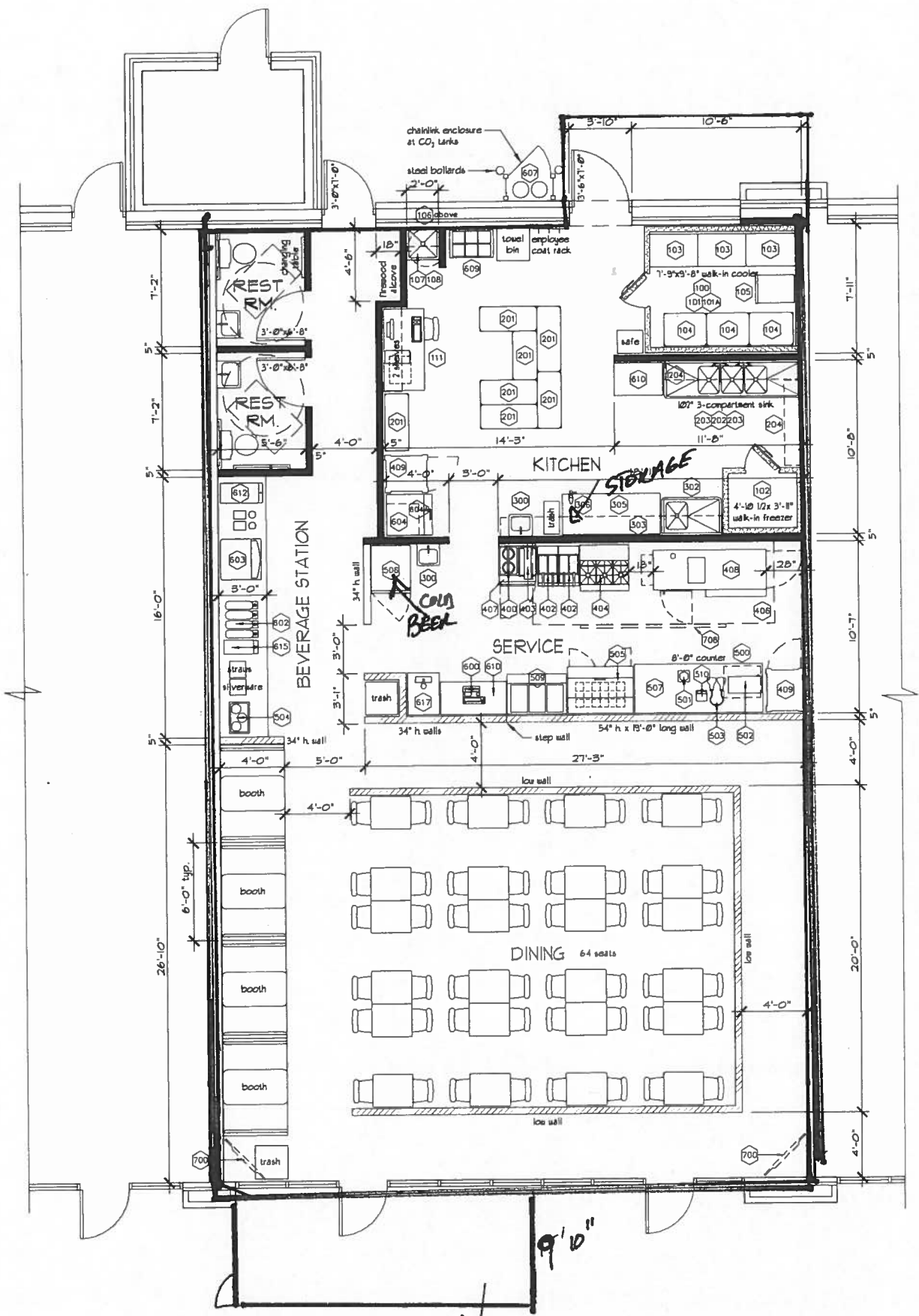
☐ Yes ☒ No IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

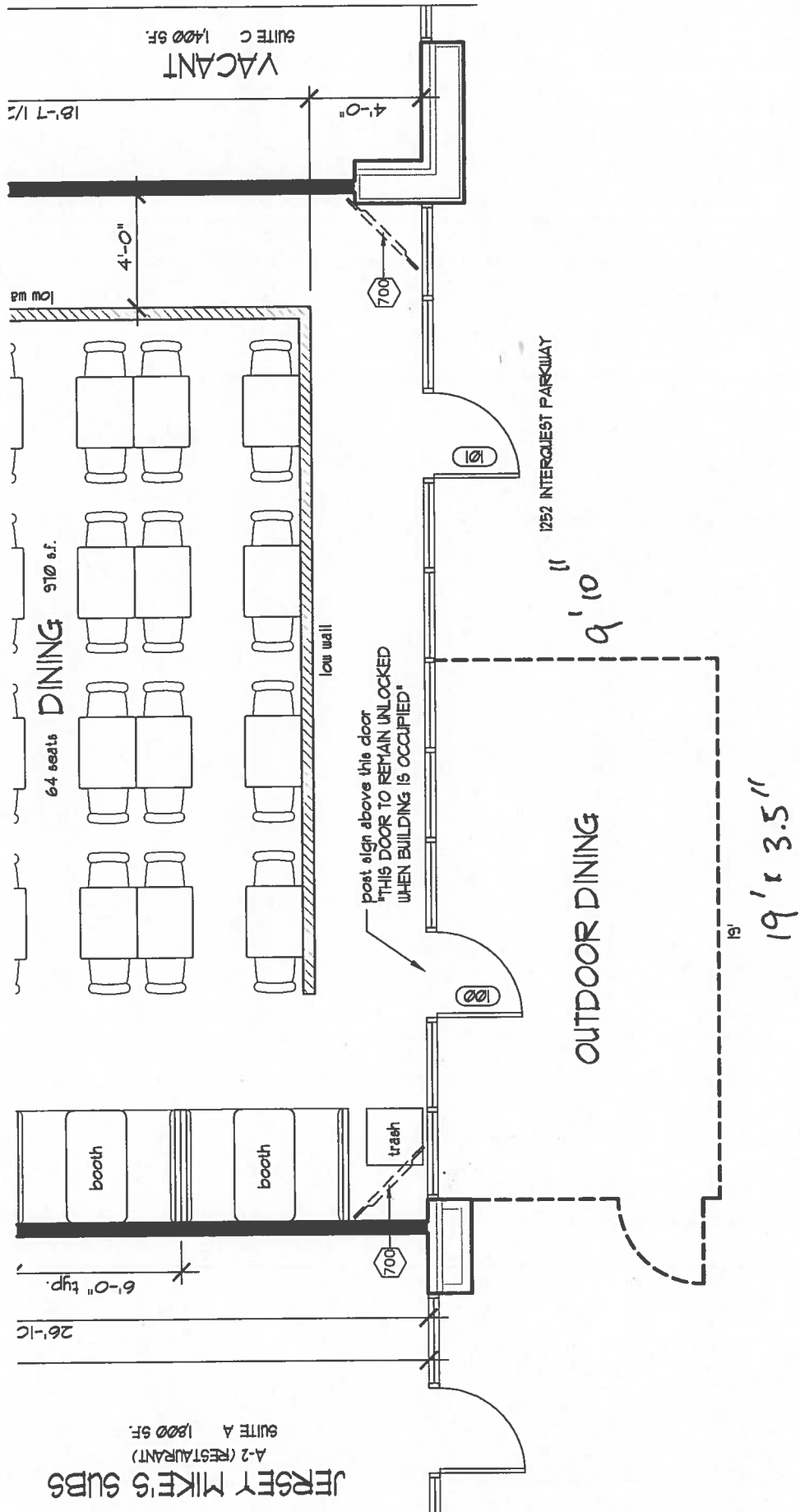
12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?

☐ 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
BMB Restaurants, LLC	Robert and Barbara Rusnak	Members	2012- Present
1466 Garden of the Gods Rd.,			
Colorado Springs, CO 80907			
R&B Restaurants, LLC	Robert and Barbara Rusnak	Members	2016 - Present
4146 Austin Bluffs Pkwy., Colo Springs, CO 80918			





**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

2018 JAN 25 A 11:30

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

BMB Restaurants, LLC
d/b/a **Dickey's Barbecue Pit**
1252 Interquest Parkway
Colorado Springs, CO 80920
Mailing Address:
1252 Interquest Parkway
Colorado Springs, CO 80920

Application No: N-33248

NOTICE OF HEARING AND INITIAL FINDINGS OF FACT

NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, February 16, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon BMB Restaurants, LLC d/b/a Dickey's Barbecue Pit ("Applicant") application for a new Beer and Wine License at 1252 Interquest Parkway, Colorado Springs, CO 80920.

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 9.08 of the Liquor and Beer Rules and Regulations for 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, February 6, 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, February 13, 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

- I. 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).
- 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, pursuant to C.R.S. §12-47-313(1)(b) and City Rule 7.00(A)(2).
- 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, pursuant to C.R.S. §12-47-313(1)(c) and City Rule 7.00(A)(3).
- 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, 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 January 25, 2018.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

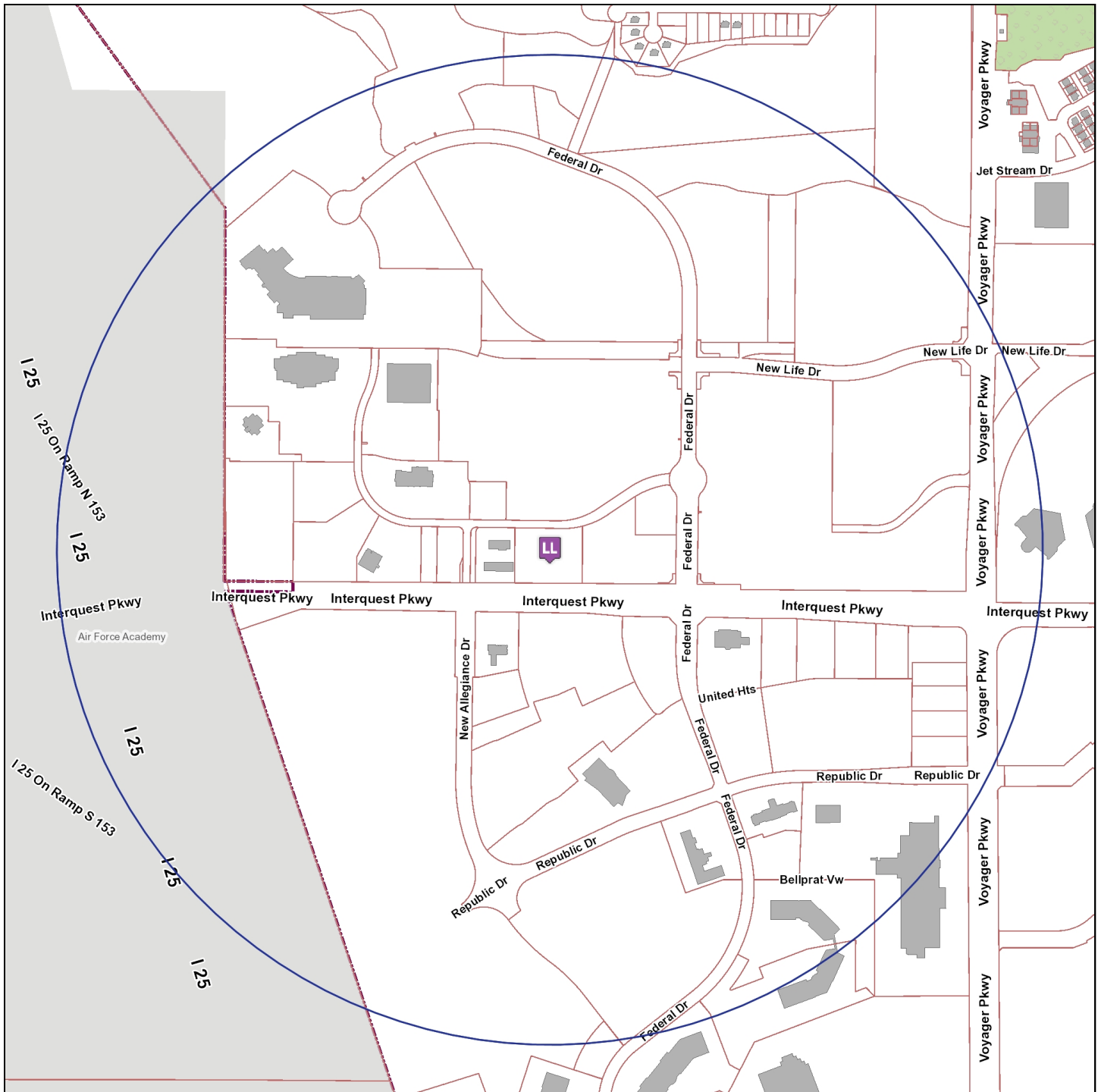
Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

Liquor Survey Boundaries



BMB RESTAURANTS, LLC
d/b/a DICKEY'S BARBECUE PIT
1252 INTERQUEST PKWY

OFFICE OF THE CITY CLERK
License ID: 33248



The survey boundary is 0.5 miles from the establishment

Map Prepared: 1/23/2018 8:47 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 33248

BMB RESTAURANTS, LLC

d/b/a DICKEY'S BARBECUE PIT

1252 INTERQUEST PKWY

COLORADO SPRINGS, CO 80920

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) DRURY INN & SUITES - COLORADO SPRINGS	1170 INTERQUEST PKWY	Tavern	798.47 ft
2) CHEDDARS CASUAL CAFE	1140 INTERQUEST PKWY	Hotel & Restaurant	971.52 ft
3) THE SUMMIT INTERQUEST	1180 INTERQUEST PKWY	Hotel & Restaurant	1,183.67 ft
4) COLORADO MOUNTAIN BREWERY	11202 RAMPART HILLS VW	Brew Pub	1,712.22 ft
5) RESIDENCE INN	9805 FEDERAL DR	Hotel & Restaurant	1,786.53 ft
6) FUZZY'S TACO SHOP	1375 INTERQUEST PKWY	Hotel & Restaurant	1,893.24 ft
7) GREAT WOLF LODGE	9494 FEDERAL DR	Hotel & Restaurant	1,953.36 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 January 25, 2018 to the following address of record:

BMB Restaurants, LLC
dba Dickey's Barbecue Pit
1252 Interquest Parkway
Colorado Springs, CO 80920



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

CC: dickeys_505@comcast.net
Vince Linden <vince@lindenlawgroup.com>
<liquorpros@msn.com>