



OFFICE OF THE CITY CLERK

Received

JAN 08 2018

**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):

Sodexo America, LLC

2. Trade Name (DBA): Sodexo America, LLC at Province

3. Premises Address:
City, State, Zip: 2960 Tutt Blvd., Colorado Springs, CO 80922

Location
Phone: (619) 209-0891

Property Tax Schedule No. : 5331302013

Zoning: PBC CU AO

4. Mailing Address:
City, State, Zip: 9801 Washingtonian Blvd., 12th Fl., Gaithersburg, MD 20878

Alt Phone: (301) 987-4454

Primary Contact
Name And Title: John Foust, Manager (premise); Debbie Walker (corporate)

Email: john.foust@sodexo.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			

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
Sodexo Management, Inc.	Sole Member	100%
Lorna C. Donatone	President	-0-
Thomas R. Morse	Vice President	-0-
Joan R. McGlockton	Secretary	-0-
Sodexo America, LLC & Sodexo Management, Inc. hold a Master File license with the State of Colorado DOR		

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
Citibank	Company Operating Funds, Checking Account	\$ 8,500
TOTAL INVESTMENT IN BUSINESS:		\$ 8,500

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: John Edward Foust

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

If leased, provide the terms: START DATE: 08/01/2017 END DATE: 07/31/2023

DIMENSIONS OF PREMISES: See diagram TOTAL SQUARE FOOTAGE: 10,500

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions approx. 40' x 52'

Anticipated number of employees: 12 Anticipated opening date: 02/03/2017

Will training be offered or required? ☒ Yes ☐ No --- If yes, through what agency? Sodexo, Inc.
Sodexo operates over 1,000 retail licenses across the nation and has a well established alcohol training programs

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			

**Attachment to Colorado Springs Liquor License Application, page 2
Sodexo America, LLC at Province**

Section D, Background Information cont.

Item 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?*

The officers of Sodexo America, LLC also hold officer positions with other Sodexo, Inc. subsidiaries, many of which hold retail alcohol licenses across the country. The officers of Sodexo America and the local manager, John E. Foust, do not hold any personal financial interest in any alcohol beverage license in Colorado.

Item 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?*

Sodexo America, LLC is a wholly owned subsidiary of Sodexo, Inc., a Delaware corporation. Sodexo, Inc. and its subsidiaries operate food service concessions at thousands of locations nationwide, many of which hold alcoholic beverage licenses. Occasionally small violations, normally resolved by fines or training, have occurred at a few of these locations, but the infrequency of such occurrences is a testimony to the company's continuing effort to operate strictly in compliance with all applicable laws and requirements. Sodexo America, LLC has had no violations in the State of Colorado.

Item 13. *List every individual applicant's prior experience in the sale of alcoholic beverages.*

The officers of Sodexo America, LLC have held and currently hold officer positions in various Sodexo, Inc. subsidiaries.

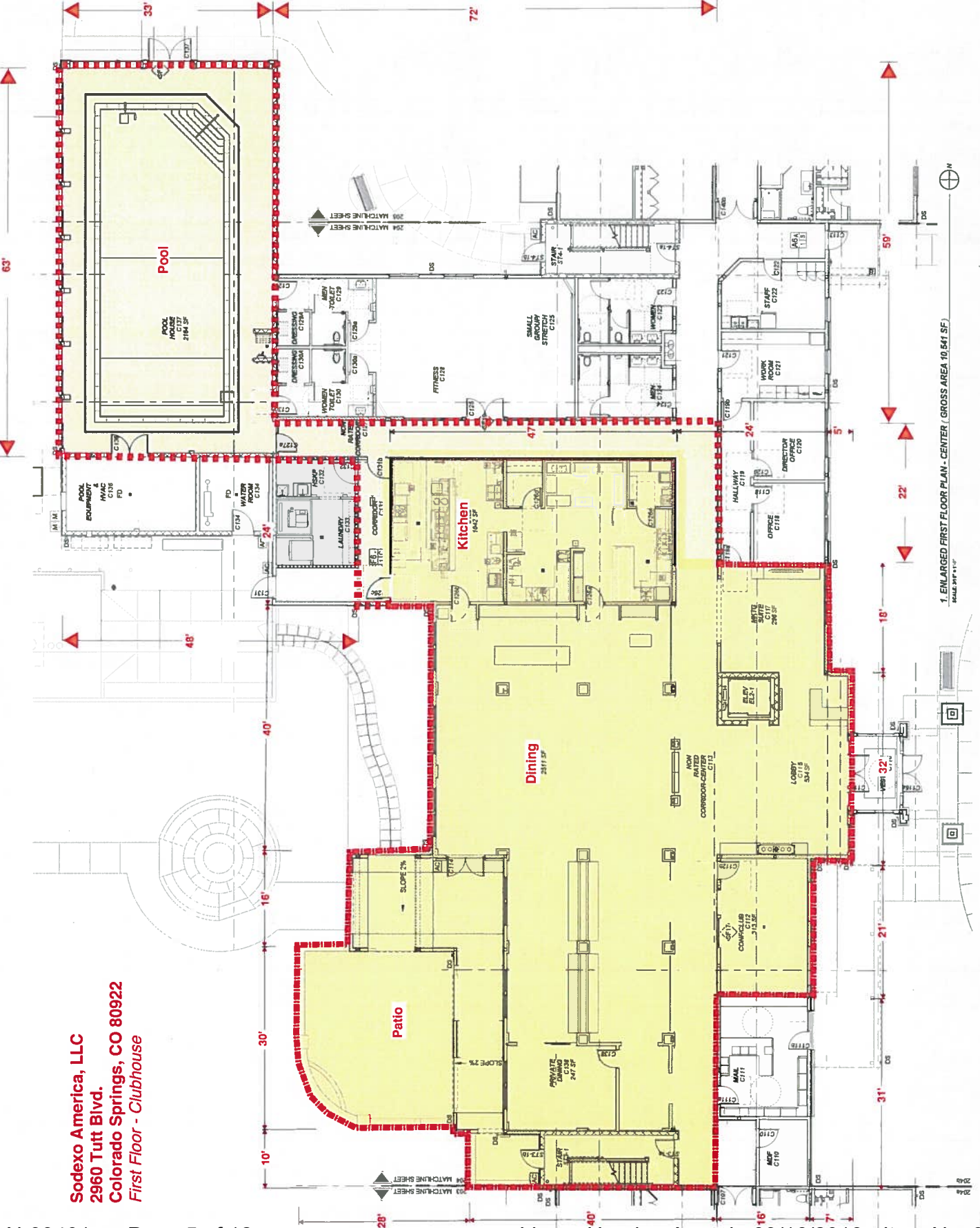
John E. Foust, manager of the location has no prior retail alcohol experience.

**Attachment to Colorado Springs Liquor License Application, page 4
Sodexo America, LLC at Province**

Item 3. *Residence History of John Foust for the past ten years.*

<u>ADDRESS</u>	<u>DATES</u>
1609 Columbine Pl. Colorado Springs, CO 80907	11/17/2017 - present
14300 Waterside Ln. Broomfield, CO 80023	1/1/2017 – 11/17/2017
143 Vineyard Cir. Yountville, CA 94599	2013 – 12/2016
1831 Country Club Dr. Fort Collins, CO 80524	2013
4225 Pebble Circle Ridge Colorado Springs, CO 80906	2012
601 South Peters Rd., #107 Knoxville, TN 37922	2011
1237 Willowood Rd. Knoxville, TN 37922	2008 - 2011
9221 Mira Vista Ln. Knoxville, TN 37922	2007

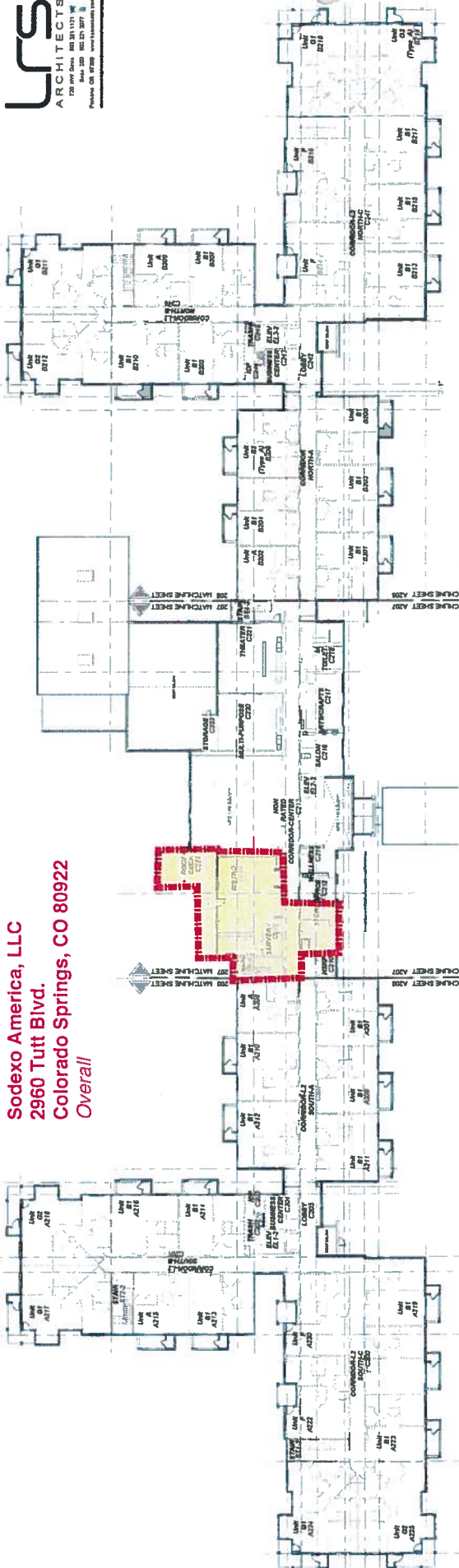
**Sodexo America, LLC
2960 Tutt Blvd.
Colorado Springs, CO 80922
First Floor - Clubhouse**



10/11/2006 10:10:10 AM



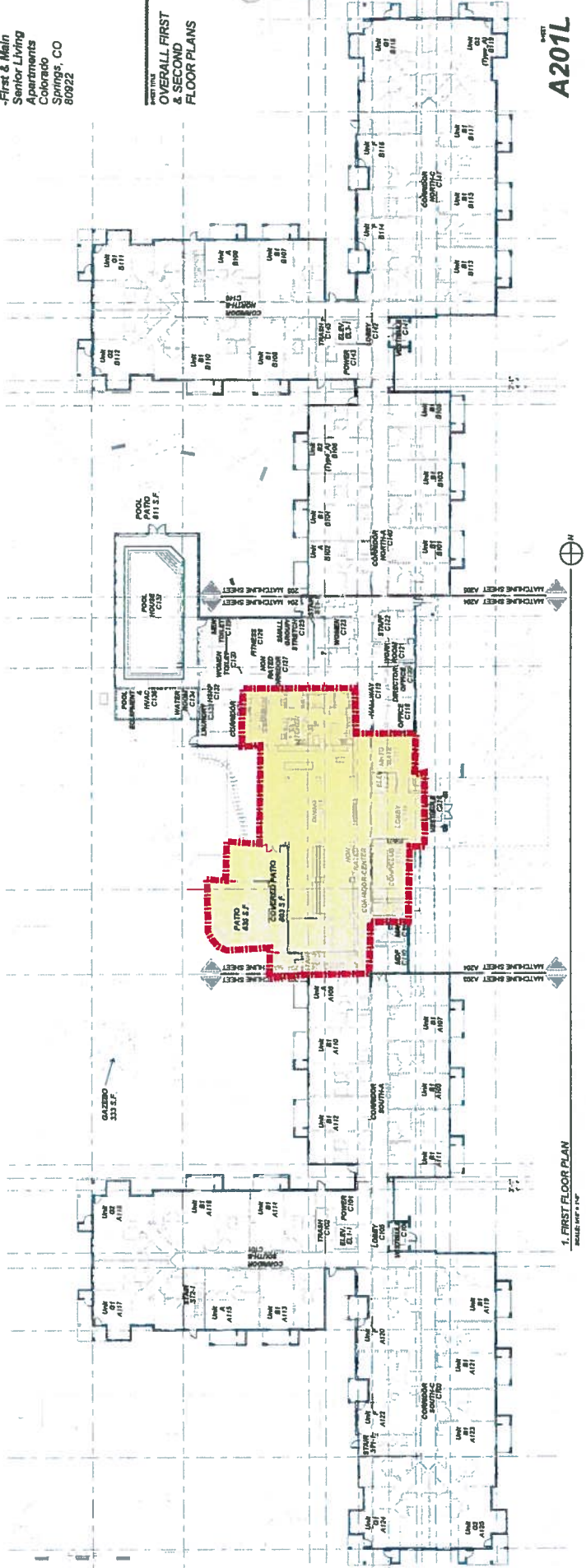
Sodexo America, LLC
2960 Tutt Blvd.
Colorado Springs, CO 80922
Overall



2. SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

The Wolf Company
-First & Main
Senior Living
Apartments
Colorado
Springs, CO
80922

**OVERALL FIRST
& SECOND
FLOOR PLANS**



1. FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

A201L

BEFORE THE LOCAL LIQUOR AND BEER 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 FEB -9 A 11: 30 ▲ CLERK USE ONLY ▲
IN THE MATTER OF: APPLICANT Sodexo America, LLC d/b/a Sodexo America, LLC at Province 2960 Tutt Boulevard Colorado Springs, CO 80922 Mailing Address: 9801 Washington Boulevard, 12th Floor Gaithersburg, MD 20878	Application No: N-33401
AMENDED NOTICE OF HEARING AND INITIAL FINDINGS OF FACT	

AMENDED NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, March 16, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Sodexo America, LLC d/b/a Sodexo America, LLC at Province ("Applicant") application for a new Lodging and Entertainment Liquor License at 2960 Tutt Boulevard, Colorado Springs, CO 80922.

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, March 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, March 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 January 8, 2018, 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 February 9, 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



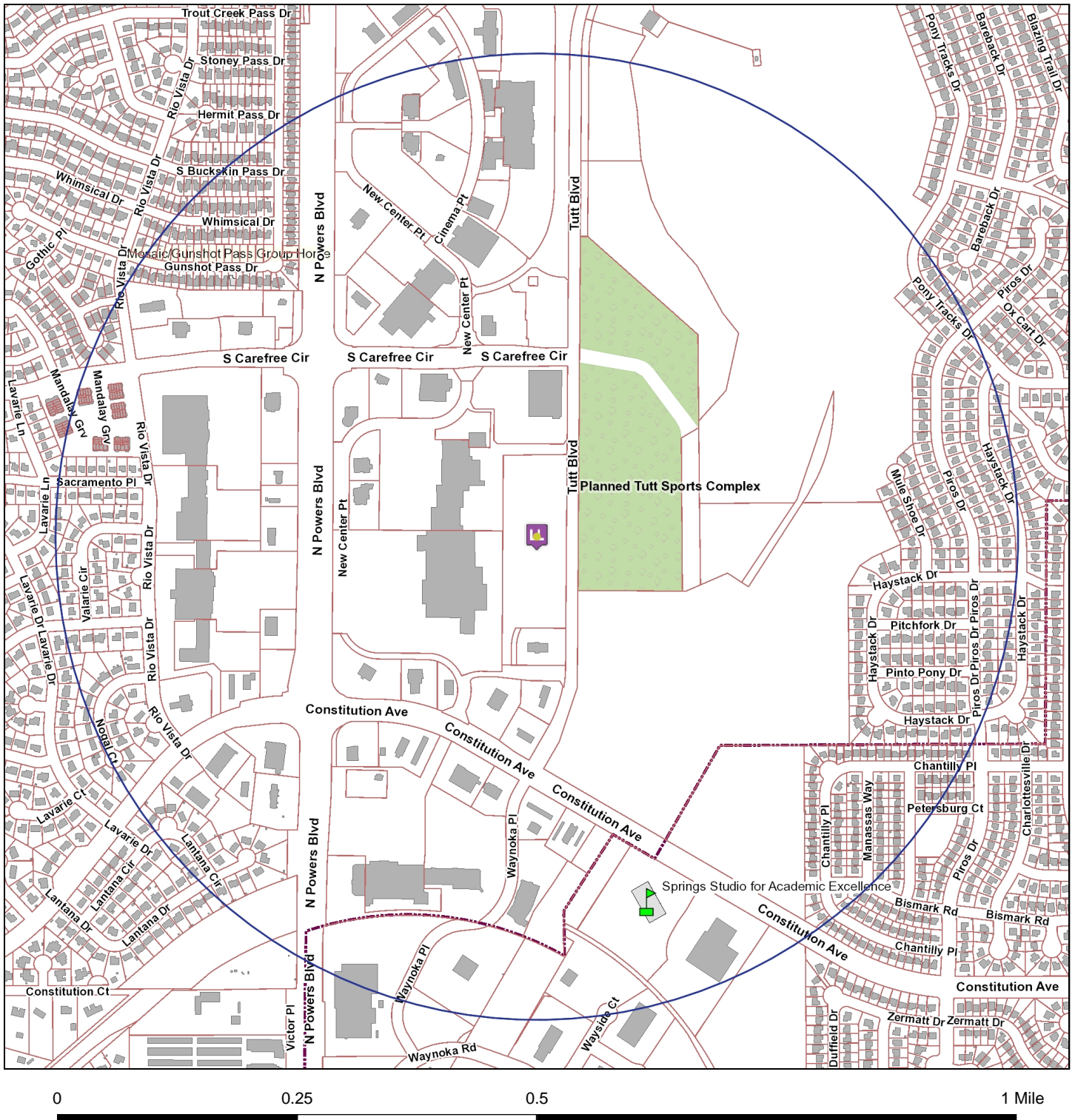
SODEXO AMERICA, LLC

d/b/a SODEXO AMERICA, LLC AT PROVINCE

2960 TUTT BLVD

OFFICE OF THE CITY CLERK

License ID: 33401



The survey boundary is 0.5 miles from the establishment

Map Prepared: 2/8/2018 6:41 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 33401

SODEXO AMERICA, LLC

d/b/a SODEXO AMERICA, LLC AT PROVINCE

2960 TUTT BLVD

COLORADO SPRINGS, CO 80922

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) OUTBACK STEAKHOUSE	2895 NEW CENTER PT	Hotel & Restaurant	947.71 ft
2) MIMI'S CAFE	3005 NEW CENTER PT	Hotel & Restaurant	983.22 ft
3) PANINO'S RESTAURANT	3015 NEW CENTER PT	Hotel & Restaurant	1,061.90 ft
4) FOX & HOUND #65092	3101 NEW CENTER PT	Hotel & Restaurant	1,171.40 ft
5) CHIPOTLE MEXICAN GRILL	3026 NEW CENTER PT	Hotel & Restaurant	1,209.15 ft
6) CHILI'S GRILL & BAR	2890 NEW CENTER PT	Hotel & Restaurant	1,226.59 ft
7) 3 MARGARITAS XXIX	3020 NEW CENTER PT	Hotel & Restaurant	1,243.06 ft
8) BUBBA'S 33	5807 CONSTITUTION AVE	Hotel & Restaurant	1,562.43 ft
9) TEXAS ROADHOUSE	3120 N POWERS BLVD	Hotel & Restaurant	1,620.16 ft
10) XIANG'S KITCHEN	5935 CONSTITUTION AVE	Hotel & Restaurant	1,898.15 ft
11) OLD CHICAGO	3190 NEW CENTER PT	Hotel & Restaurant	1,995.65 ft
12) PAINTING WITH A TWIST	2834 POWERS BLVD	Beer & Wine	2,047.81 ft
13) AI SUSHI & GRILL	3215 CINEMA POINT	Hotel & Restaurant	2,048.63 ft
14) HUHOT MONGOLIAN GRILL	5843 CONSTITUTION AVE	Hotel & Restaurant	2,056.11 ft
15) BAR LOUIE	3255 CINEMA PT	Hotel & Restaurant	2,129.06 ft
16) JOSE MULDOON'S	5710 S CAREFREE CIR	Hotel & Restaurant	2,252.63 ft
17) CINEMARK CAREFREE CIRCLE	3305 CINEMA PT	Tavern	2,259.93 ft
18) TUCANOS BRAZILIAN GRILL	3294 CINEMA PT	Hotel & Restaurant	2,264.82 ft
19) THE WOBBLY OLIVE	3317 CINEMA PT	Hotel & Restaurant	2,349.55 ft
20) ROCK BOTTOM RESTAURANT & BREWERY	3316 CINEMA PT	Brew Pub	2,450.09 ft

CERTIFICATE OF MAILING

I, Lee McRae, hereby certify that I have mailed a true copy of the foregoing **AMENDED NOTICE OF HEARING AND INITIAL FINDINGS OF FACT** by United States mail, first class postage paid, on February 9, 2018 to the following address of record:

Sodexo America, LLC
dba Sodexo America, LLC at Province
9801 Washington Boulevard, 12th Floor
Gaithersburg, MD 20878



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

CC: Adam Stapen <astapen@dillanddill.com>
Krista Ashford <kashford@dillanddill.com>
John Foust <john.foust@sodexo.com>
Tina LaTina Scott <tinalatina@comcast.net>
Max Scott <exleg@comcast.net>
Alex Heckathorn <alex@csa-compliance.com>