



Received:

CITY CLERK'S OFFICE

2018 JUN -5 A 11:09

**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**

<b>1. Name of Applicant/Licensee (list Corporation/LLC/Partnership/Association/Sole Proprietor):</b> Tokyo, Inc.	
<b>2. Trade Name (DBA):</b> Tokyo Joe's	
<b>3. Premises Address:</b> 1634 S. Nevada Ave, Suite 170, CS, CO 80906 City, State, Zip:	<b>Location Phone:</b> 719 208-8366
<b>Property Tax Schedule No. :</b> 643-020-1025	<b>Zoning:</b> CS
<b>4. Mailing Address:</b> 10111 Inverness Main St., Suite O, Englewood City, State, Zip:	<b>Alt Phone:</b> 720 360-4661
<b>Primary Contact Name And Title:</b> William C. Wildberger II, Attorney for Tokyo, Inc	<b>Email:</b> wwildberge@aol.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

**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
Mark Davis	Pre. & CEO	0
Joseph M Dennen	Treas & CFO	0
Jon P. Vingo, Jr	Sec & COO	0
Lawrence P Leith	Director	0

**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
Vectra Bank, 200 S. Colo Blvd., Suite 2-1200 Denver, CO 80222	Check account/revolving line	800,000
TOTAL INVESTMENT IN BUSINESS:		\$ 800,000.

**Section C: PREMISES / LOCATION INFORMATION**

8. Registered Manager Name: CURTIS DUNAWAY

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

If leased, provide the terms: <sup>Projected commencement date</sup> START DATE: Oct 2, 2018 END DATE: 8/6/2027

DIMENSIONS OF PREMISES: 53' 5" x 42' TOTAL SQUARE FOOTAGE: 1,137

Is there a patio area? ☒ Yes ☐ No -- If yes, provide dimensions 8' x 43' 8" 380 SF

Anticipated number of employees: 15 Anticipated opening date: Oct. 2, 2018

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

**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 list of other locations included	Applicant's Name	Experience/Position	Dates

**COLORADO LIQUOR OF 0.2% FERMENTED MALT BEVERAGE LICENSE  
APPLICATION BY TOKYO, INC. D/B/A TOKYO JOE'S**

10. The following liquor licenses have been issued to Tokyo, Inc. D/B/A Tokyo Joe's

- a. Centennial, Colorado for the Premises located at 8727 E. dry Creek, Suites F & G, Centennial, CO 80112, State Liquor License No. 23-57426-0001.
- b. City and County of Denver, CO for the premises located at 1700-18 E. Evans Ave., Denver, CO 80210, State License No. 23-57426-0002. License transferred in 2012.
- c. City of Greenwood Village, CO for the premises located at 4950 S. Yosemite, F3, Greenwood Village, CO 80111, State Liquor License No. 23-57426-0003.
- d. City of Lakewood, CO 80401 for the premises located at 14227 West Colfax, Ave., Lakewood, CO 80401, State License No. 2357426-0004.

(cont'd next pg.)

**OFFICERS AND DIRECTORS / PRINCIPAL OFFICER DESIGNATION**

The above listed Tokyo Joe's Restaurants and those listed on the following pages are owned by Tokyo, Inc. a Colorado Corporation whose sole shareholder is Tokyo Holding Corp., 220 Elm Street, New Canaan, CT 06840.

The corporate officers and directors of Tokyo, Inc. are:

Mark D. Davis, President and CEO

Jon Vingo, Secretary, COO

Joseph M. Dennen, Treasurer, CFO

Lawrence P. Leith, Director

Mark D. Davis, President and CEO has been designated as Principal Officer of Tokyo, Inc.

**Schedule A (cont'd)**

10. e. Douglas County, Colorado for the premises located at 9131 South Broadway, Highlands Ranch, CO 80126.  
State Liquor License No. 23-57426-0006.
- f. City of Westminster, Colorado for the premises located at 1005 W. 120th Ave., Suite 300, Westminster, CO 80234.  
State Liquor License No. 23-57426-0007.
- g. City of Louisville, Colorado for the premises located at 1116 West Dillon, Suite C2-5, Louisville, CO 80027.  
State Liquor License No. 23-57426-0008.
- h. City and County of Denver, Colorado for the premises located at 1350 Grant St., Denver, CO 80203.  
State Liquor License No. 23-57426-0010.
- i. Douglas County, Colorado for the premises located at 6642 Timberline Road #101, Highlands Ranch, CO 80126.  
State Liquor License No. 23-57426-0012.
- j. City of Centennial, Colorado for the premises located at 8225 South Chester #5, Centennial, CO 80113  
State liquor License No. 23-57426-0013.
- k. City of Englewood, Colorado for the premises located at 901 W. Hampden #104, Englewood, CO 80110  
State Liquor License 23-57426-0014
- l. Jefferson County, Colorado for the premises located at 8501 W. Bowles Ave., Unit 1-D-376  
Sate Liquor license 23-57426-0015
- m. City and County of Denver for the premises located at 1001 16<sup>th</sup> St., Suite A-104  
State Liquor license 23-57426-0016
- n. City of Boulder for the premises located at 2525 Arapahoe Ave., Unit H-2B, Boulder, CO 80302  
State liquor license 23-57426-0017
- o. City of Aurora for the premises located at 23955 East Plaza Ave., Suite 111, Aurora, CO 80116  
State Liquor License 23-57426-0018
- p. City of Lakewood for the premises located at 145 Union Blvd. #102, Lakewood, CO 80226  
State Liquor License 23-57426-0019
- q. City of Aurora for the premises located at 2320 S. Parker Road,

Aurora, CO 80247  
State Liquor License 23-57426-0020

- r. City of Aurora for the premises located at 6775 Cornerstone Way,  
Suite A, Aurora, CO 80016  
State Liquor License 23-57426-0021
- s. City of Glendale for the premises located at 1000 South  
Colorado Blvd., Glendale, CO 80112  
State Liquor License 23-57426-0022
- t. City of Centennial for the premises located at 6879 South Vine St., Suite B7-703  
Centennial, CO 80122  
State Liquor License 23-57426-0023
- u. City of Arvada for the premises located at 8770 Wadsworth Blvd., Unit H,  
Arvada, CO 80003  
State Liquor License 23-57426-0024
- v. City of Greenwood Village for the premises located at 6380 S. Fiddlers Green  
Circle, suite 108B, Greenwood Village, CO 80111  
State Liquor License 23-57426-0025
- w. City of Fort Collins for the premises located at 100 West Troutman Parkway,  
Fort Collins, CO 80525  
State Liquor License 23-57426-0027
- x. City of Aurora for the premises located at 13950-A, E. Mississippi Ave.  
Aurora, CO 80016  
State Liquor License 23-57426-0028
- y. City of Fort Collins for the premises located at 2519 S. Shields St. Ste. C  
Fort Collins, CO 80526  
State Liquor License 23-57426-0029
- z. City of Colorado Springs for the premises located at 7495 N. Academy Blvd.  
Colorado springs, CO 80920  
State Liquor License 23-57426-0030
- aa. City of Colorado Springs for the premises located at 5086 N. Nevada Ave.,  
Suite 100, Colorado Springs, CO 80918  
State Liquor License 23-57426-0031
- bb. City of Greeley for the premises located at 4552 Centerplace Dr.  
Ste. 240, Greeley, CO 80634, State License No. 02357426-0032
- cc. City of Longmont for the premises located at 15 Ken Pratt Blvd  
Ste.180, Longmont, CO 80920, State License No. 02357426-  
0033

SCHEDULE A (cont'd)

BEER and WINE LICENSES

- dd. City and County of Denver for the premises located at 8391 East Northfield Boulevard, Denver CO 80238 State License No. 4705675
- ee. City of Castle Rock for the premises located at 820 Memphis Court, Suite D-120, Castle Rock, CO 80108 state License No. 4705669
- ff. City and County of Denver for the premises located at 3000 E, 1st Ave. Suite 110, Denver, CO 80206 State License No. 4707225
- gg. City and County of Broomfield for the premises located at One West Flatiron Crossing, Suite 2155, Broomfield, CO 80021 State License No. 4707278
- hh. City of Colorado Springs for the premises located at 5697 Barnes Road, Ste. 120, Colorado Springs CO 80917 State License No. 4707660
- ii. City of Arvada for the premises located at 9585 Ralston Road, Suite 300, Arvada Co 80002 State License Number 4709020
- jj. Town of Parker for the premises located at 19240 E. Lincoln Ave. Suite 140, Parker, CO 80138 State License Number 4708921

Note: Numbers are not consecutive due to errors by the Colorado Department of Revenue establishing two accounts for two different locations.

By way of explanation concerning the answer "yes" to Question 8(b) of applicant's Colorado Retail Liquor License Application and Question 42 of the City of Westminster Liquor License Application and Background Information Report, Applicant by and through the undersigned states as follows:

1. The company currently holds Hotel and Restaurant Liquor Licenses for all eight of its existing restaurants including its restaurant located at 4950 South Yosemite St., Unit F#, Greenwood Village, CO, State Liquor License No. 23-57426-0003.
2. On June 2, 1999, during a sting operation conducted by the Greenwood Village Police Department, an employee of the Company sold an alcoholic beverage to a sting operative, who was under the age of 21, at the Greenwood Village Store, in violation of the Colorado Liquor Code.
3. Following the sale, uniformed police officers from Greenwood Village cited Tokyo, Inc, dba Tokyo Joe's (the Company) and the employee for violations of the Colorado Liquor Code, as more fully set forth in the Greenwood Village Police Department's Supplemental Report 99-6115.
4. Following discussions with Greenwood Village, the Company entered into a stipulation, pursuant to which the Company acknowledged the unlawful sale of an alcoholic beverage to an underage person, voluntarily waived its rights to a show cause hearing, and agreed to pay Greenwood Village's attorney's fees and costs in the amount of \$450. Greenwood Village did not fine the company for the violation. A Copy of the Stipulation is attached hereto as Exhibit A.
5. At a hearing before the Greenwood Village City Council (the Council) on June 12, 1999, Greenwood village adopted the Stipulation and the Council suspended the Company's license for a period of 5 days during September 1999.
6. Prior to the Council hearing, the employee who committed the violation appeared before the Greenwood Village Municipal Court and was assessed and paid personally without any reimbursement from the Company a fine in the amount of \$250.

Supplement A cont'd:

Page 2

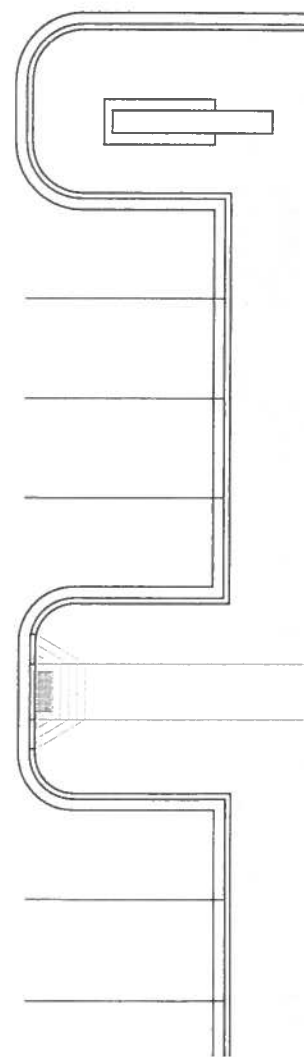
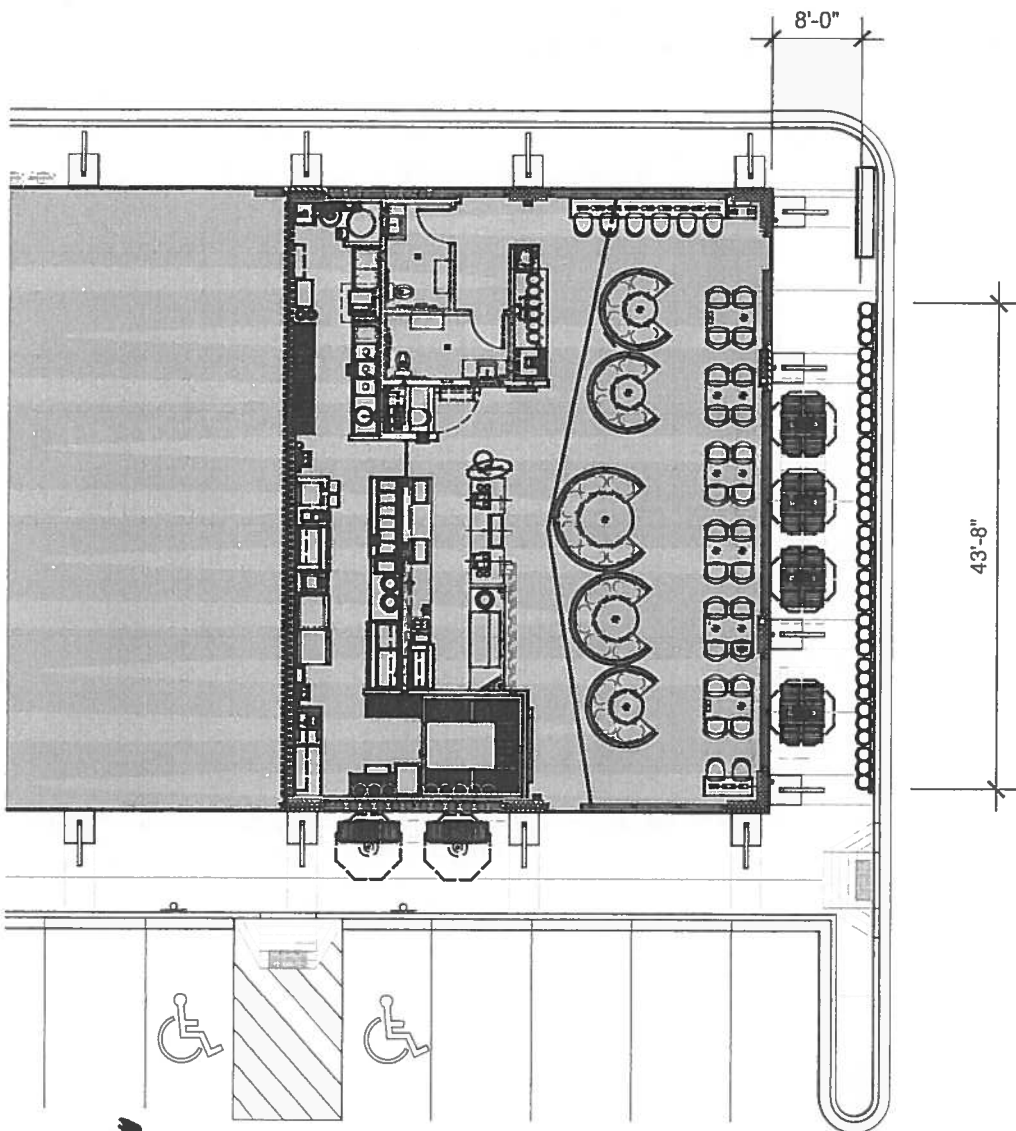
1. On April 10, 2003, Josephine Cesena, an long time employee of Licensee, Tokyo Joe's, sold an alcoholic beverage (beer) to a minor. Mrs. Cesena was charged with a violation of Section 12-47-901(1)(a) of the Colorado Liquor Code and Section 6-9-2(A) W.M.C. Mrs. Cesena was terminated from her job for her actions.
2. On June 2, 2003, she entered into a plea bargain agreement providing for 6 months deferred Judgment which was accepted by the Westminster Municipal Court.
3. On May 21, 2003 the Local Licensing Authority, City of Westminster issued an Order to Show Cause to Tokyo, Inc. D/B/A Tokyo Joe's concerning this violation. This matter was set for hearing before the Local Licensing Authority on September 3, 2003.
4. Licensee through its Corporate Counsel and the Local licensing Authority through the Office of the Westminster City Attorney's Office have entered into a Stipulation regarding this violation which was accepted by the Authority on September 3, 2003.
5. The authority pursuant to the terms of the stipulation imposed a penalty of a seven day suspension with one day to be served and the other six days held in abeyance for a period of two years. The one day suspension will be served on September 18, 2003.

Respectfully submitted this 4th day of September, 2003



William C. Wildberger II  
Vice President and  
Corporate Counsel





TOKYO JOE'S CO SPRINGS - S. NEVADA  
 1638 S. NEVADA AVE.  
 COLORADO SPRINGS, CO 80906

1"=16'-0" ①

**SITE PLAN**  
 7 FEBRUARY 2018

**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 JUL 18 A 8:16

▲ CLERK USE ONLY ▲

**IN THE MATTER OF:**

**APPLICANT**

Tokyo Inc.  
d/b/a **Tokyo Joe's**  
1634 S. Nevada Avenue, #170  
Colorado Springs, CO 80906  
Mailing Address:  
10111 Inverness Main Street, #O  
Englewood, CO 80112

Application No: N-34068

**AMENDED 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, August 17, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Tokyo Inc. d/b/a Tokyo Joe's ("Applicant") application for a new Beer and Wine License at 1634 S. Nevada Avenue, #170, Colorado Springs, CO 80906.

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, August 7, 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, August 14, 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 June 5, 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 July 17, 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



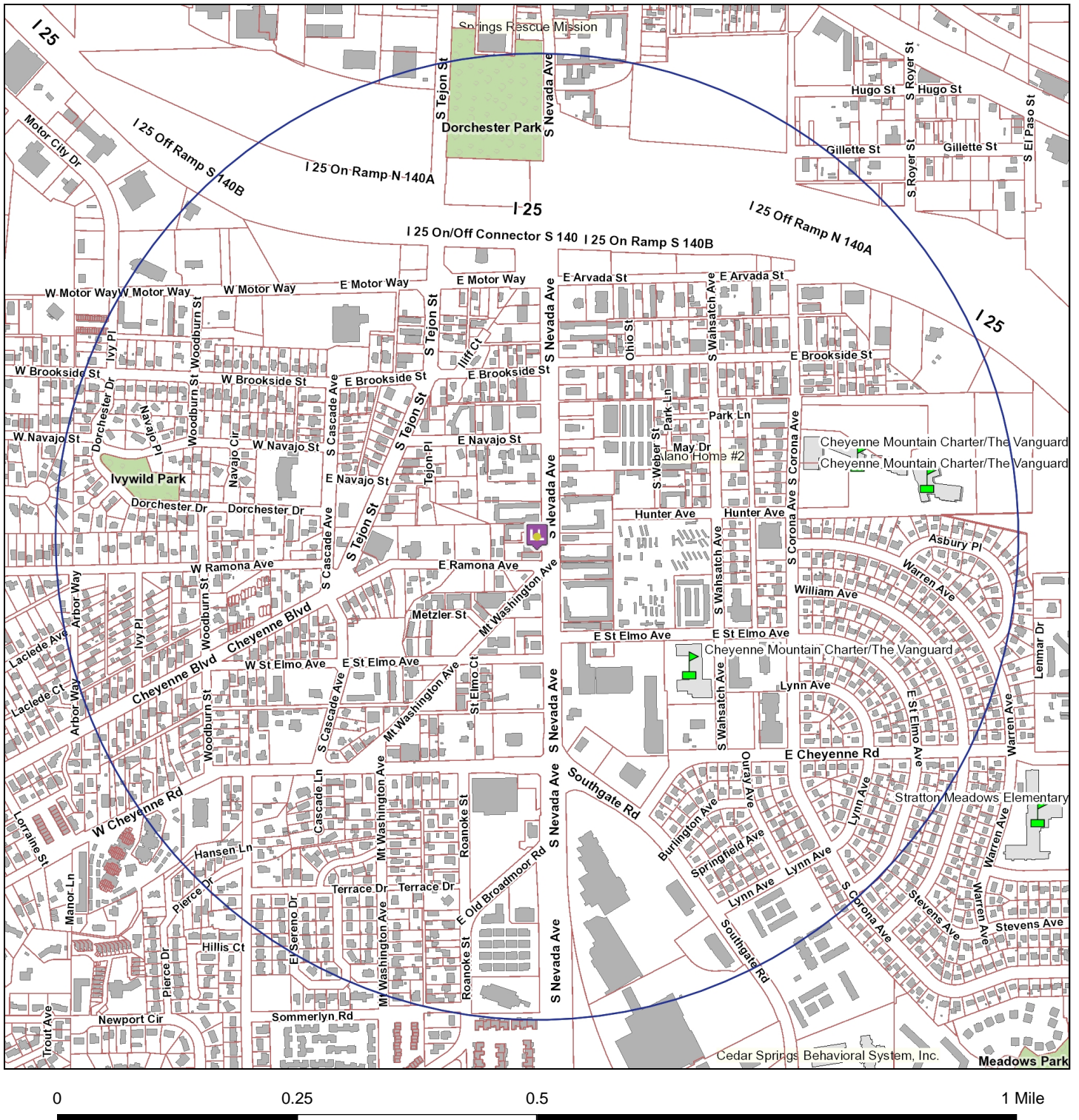
TOKYO, INC.

d/b/a TOKYO JOE'S

1634 S NEVADA AVE #170

OFFICE OF THE CITY CLERK

License ID: 34068



The survey boundary is 0.5 miles from the establishment

Map Prepared: 7/11/2018 9:38 AM

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## OFFICE OF THE CITY CLERK

### HEARING LETTER ATTACHMENT

License ID: 34068

TOKYO, INC.

d/b/a TOKYO JOE'S

1634 S NEVADA AVE #170

COLORADO SPRINGS, CO 80906

### EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) ZOE'S KITCHEN	1612 S NEVADA AVE	Beer & Wine	370.62 ft
2) ARCEO'S	1605 S NEVADA AVE	Hotel & Restaurant	494.30 ft
3) EDELWEISS RESTAURANT, INC.	34 E RAMONA ST	Hotel & Restaurant	703.35 ft
4) IVYWILD TAVERN	1529 S NEVADA AVE	Tavern	707.56 ft
5) PRIME 25	1605 S TEJON ST	Hotel & Restaurant	817.88 ft
6) BLUE STAR, THE	1645 S TEJON ST	Hotel & Restaurant	865.67 ft
7) THE BLUSH SALON	1505 S TEJON ST	Beer & Wine	912.09 ft
8) RANCHO ALEGRE	1899 S NEVADA AVE	Hotel & Restaurant	979.71 ft
9) SUSHI RING RESTAURANT	1861 S NEVADA AVE	Beer & Wine	1,046.92 ft
10) THE MILLIBO ART THEATRE	1626 S TEJON ST	Arts	1,070.35 ft
11) THE OLD SCHOOL BAKERY	1604 S CASCADE AVE	Hotel & Restaurant	1,406.95 ft
12) QDOBA MEXICAN EATS	1916 SOUTHGATE RD	Hotel & Restaurant	2,049.96 ft
13) WINGSTOP #3	1914 SOUTHGATE RD	Hotel & Restaurant	2,112.39 ft
14) LARKBURGER	1904 SOUTHGATE RD	Beer & Wine	2,181.04 ft



## CERTIFICATE OF MAILING

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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 July 18, 2018 to the following address of record:

Tokyo Inc.  
dba Tokyo Joe's  
10111 Inverness Main Street, #O  
Englewood, CO 80112



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

CC: wwildberge@aol.com  
checkintolife@yahoo.com  
Kelly Pietrs <kpietrs@comcast.net>