COLORADO SPRINGS

OFFICE OF THE CITY CLERK

Received:
CITY CLERK'S OFFICE
2018 MAY 31 P 3:49

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): Pester Marketing Company	
2. Trade Name (DBA): Alta #6101	
3. Premises Address: **City, State, Zip:** 2105 W. Colorado Avenue, Colorado Springs CO 80904	**Location Phone:** 719-473-7230
Property Tax Schedule No. : 7411418022	**Zoning:** C5
4. Mailing Address: **City, State, Zip:** 4643 S. Ulster Street, Suite 350, Denver CO 80237	**Alt Phone:** 303-693-9331 x 22
Primary Contact Name And Title: Anita Gragg, Compliance Admin	**Email:** agragg@pestermarketing.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
Western Alta Holdings, LP	Stock owner	100%
Phil Zaccaria	General Manager, Western Alta Holdings LP	0
Richard Spresser	President	0
Willard Ferneau	Secretary	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
Cadence Bank, NA	Checking	Existing business
	TOTAL INVESTMENT IN BUSINESS:	$ 0

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Richard Spresser

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

If leased, provide the terms: START DATE: _____ END DATE: _____

DIMENSIONS OF PREMISES: 49 x 49 TOTAL SQUARE FOOTAGE: 2401

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

Anticipated number of employees: 8 Anticipated opening date: Open since 2006

Will training be offered or required? ☒ Yes ☐ No --- If yes, through what agency? in house training 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	Applicant's Name	Experience/Position	Dates
See attached list of locations with alcohol license			

City Application Question 10 + 13

Pester Marketing Company - 3.2% Beer & Liquor Licenses

Loc	Address	City	St	Zip	Type	License #
1233	900 Ken Pratt Blvd	Longmont	CO	80501	3.2% Off Premise	80-24116-0094
1243	5190 Ward Rd	Wheat Ridge	CO	80033	3.2% Off Premise	4600357
3104	725 W. Northern Ave.	Pueblo	CO	81004	3.2% Off Premise	80241160109
3107	1350 E. 4th St.	Pueblo	CO	81001	3.2% Off Premise	80241160112
3109	2102 Norwood Ave.	Pueblo	CO	81003	3.2% Off Premise	80241160110
3113	723 Pueblo Blvd.	Pueblo	CO	81005	3.2% Off Premise	80241160113
3205	PO Box 295 (4th & Beaubien)	Ft. Garland	CO	81133	3.2% Off Premise	80241160108
3301	412 Denver St.	Alamosa	CO	81101	3.2% Off Premise	80241160115
3401	1331 Grand Ave.	Monte Vista	CO	81144	3.2% Off Premise	4600287
3405	315 8th St.	Saguache	CO	81149	3.2% Off Premise	80241160107
3701	337 W. 1st St.	Salida	CO	81201	3.2% Off Premise	80241160106
3850	821 W. Tomichi Ave	Gunnison	CO	81230	3.2% Off Premise	80241160147
5111	2006 E 8th Street	Center	CO	81125	3.2% Off Premise	80241160125
5725	725 State Ave.	Alamosa	CO	81101	3.2% Off Premise	80241160126
6104	800 S Wilcox St	Castle Rock	CO	80104	3.2% Off Premise	4600708
6111	1301 Wadsworth Blvd	Lakewood	CO	80214	3.2% Off Premise	4600729
6117	416 US 87	Walsenburg	CO	81089	3.2% Off Premise	4600753
6120	2630 Colorado Blvd	Idaho Springs	CO	80452	3.2% Off Premise	4600704
6121	356 Bent Ave	Las Animas	CO	81054	3.2% Off Premise	4600716
6130	1113W. Drake Road	Fort Collins	CO	80526	3.2% Off Premise	4600766
6142	122 S Lincoln St	Burlington	CO	80807	3.2% Off Premise	4600738
6256	300 West Northern Ave	Pueblo	CO	81004	3.2% Off Premise	4600113
6301	310 Rainbow Blvd	Salida	CO	81201	3.2% Off Premise	4600201
6311	1904 12th Street	Grand Junction	CO	81501	3.2% Off Premise	5020526
6312	107 Grand Avenue	Grand Junction	CO	81501	3.2% Off Premise	4600590
6315	722 Horizon Drive	Grand Junction	CO	81506	3.2% Off Premise	4600592
6316	2249 Broadway	Grand Junction	CO	81507	3.2% Off Premise	4600591
6317	555 Raptor Road	Fruita	CO	81521	3.2% Off Premise	4600594
6323	921 E Main Street	Florence	CO	81226	3.2% Off Premise	4600731
6324	2075 Fremont Drive	Canon City	CO	81212	3.2% Off Premise	4600722
6329	217 Church Ave	Florence	CO	81226	3.2% Off Premise	4600730
6331	930 Highway 115	Penrose	CO	81240	Retail Liqour (County)	4709625

City Application Question 11

Pester Marketing Company
Dba Alta Convenience Stores

Beer Violation-Suspensions Served*

Alta Convenience Store 5111
111 E Hwy 112, Center, CO 81125

November 2007 – underage sale
Three (3) day suspension Nov 22-24

February 20, 2010 – underage sale
Four (4) day suspension with 7 days held in abeyance for one year

Alta Convenience Store 3301
412 Denver St., Alamosa, CO 81101

January 19 2007 – Underage sale
Seven (7) day suspension

March 15 2008- underage sale

July 12 2014 – underage sale
Five (5) day suspension with 10 days held in abeyance for one year

Alta Convenience Store 3405
315 8th St, Saguache, CO 81149

Nov 2007 – underage sale
Seven (7) day suspension

April 16, 2011 – underage sale

Alta Convenience Store 5725
725 State St., Alamosa, CO 81101

March 15 2008- Underage sale

Alta Convenience Store 1340
15201 E Hampden, Aurora, CO 80014

July 1 2008 – underage sale

Alta Convenience Store 3701
337 W. 1st Street, Salida, CO

October 2, 2010 – underage sale
Seven (7) days suspension with 12 days held in abeyance for one year

Alta Convenience Store 3104
725 W. Northern Avenue, Pueblo CO 81003

December 11, 2010 – underage sale
Five (5) days suspension with 10 days held in abeyance for one year

*All employees in the stores of these violations had to go through the Alcohol Training class again. The person who made the underage sale was terminated immediately.

Wita #6101
2105 W Colorado Avenue
Colorado Springs Co 80904

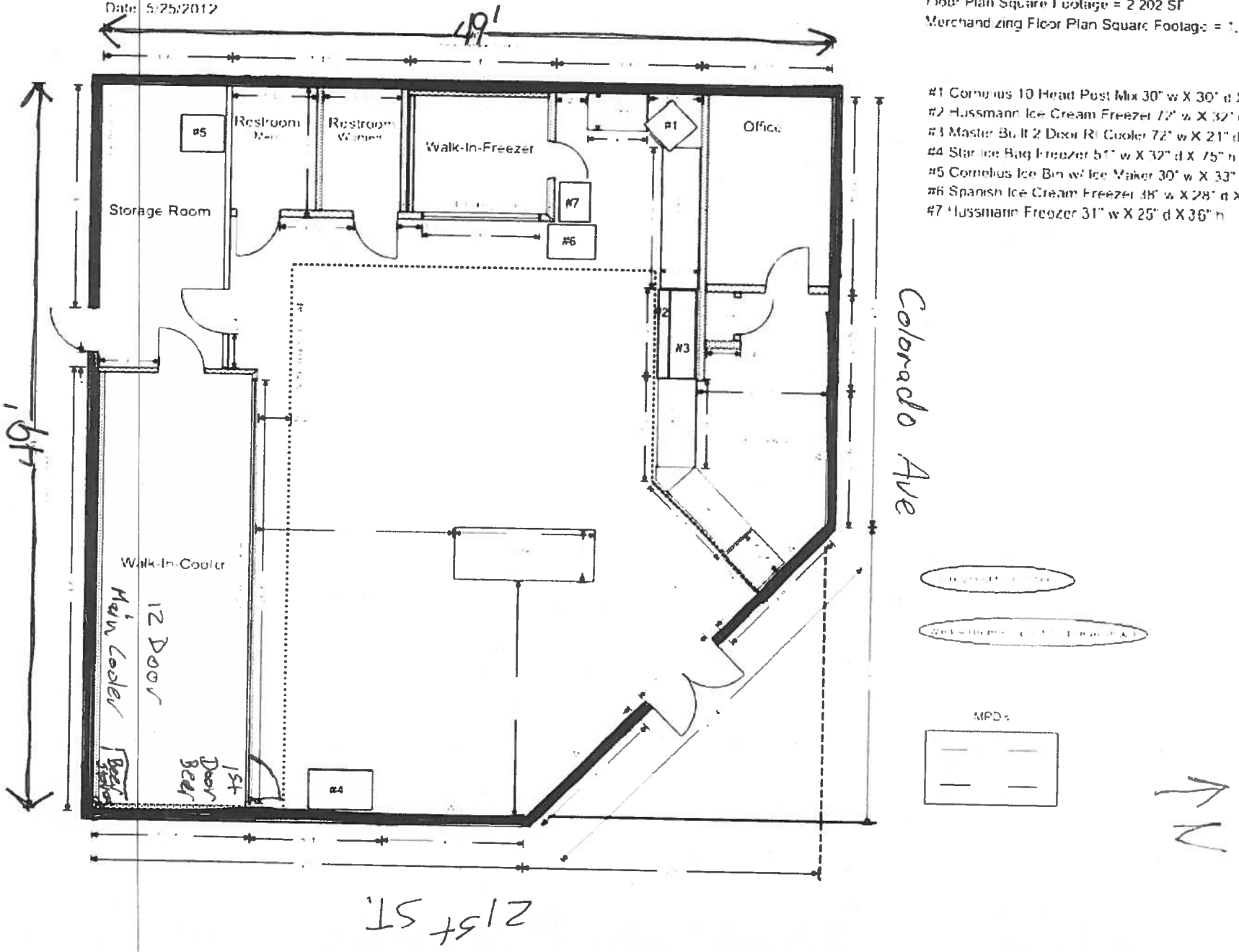
Question 11c
Section II

Store #6101

Date: 5/25/2012

Floor Plan Square Footage = 2,202 SF
Merchandising Floor Plan Square Footage = 1,806 SF

#1 Cornelius 10 Head Post Mix 30" w X 30" d X 38" h
#2 Hussmann Ice Cream Freezer 72" w X 32" d X 36" h
#3 Master Built 2 Door RI Cooler 72" w X 21" d X 50" h
#4 Star Ice Bag Freezer 51" w X 32" d X 75" h
#5 Cornelius Ice Bin w/ Ice Maker 30" w X 33" d X 68" h
#6 Spanish Ice Cream Freezer 48" w X 28" d X 35" h
#7 Hussmann Freezer 31" w X 25" d X 36" h



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 AUG -9 A 8:39 ▲ CLERK USE ONLY ▲
IN THE MATTER OF: **APPLICANT** Pester Marketing Company d/b/a **Alta #6101** 2105 W. Colorado Avenue Colorado Springs, CO 80904 Mailing Address: 4643 S. Ulster Street, #350 Denver, CO 80237	Application No: N-34034
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, September 7, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Pester Marketing Company d/b/a Alta #6101 ("Applicant") application for a new Femented Malt Beverage Off Premises License at 2105 W. Colorado Avenue, Colorado Springs, CO 80904.

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 28, 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, September 4, 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 May 31, 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 August 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

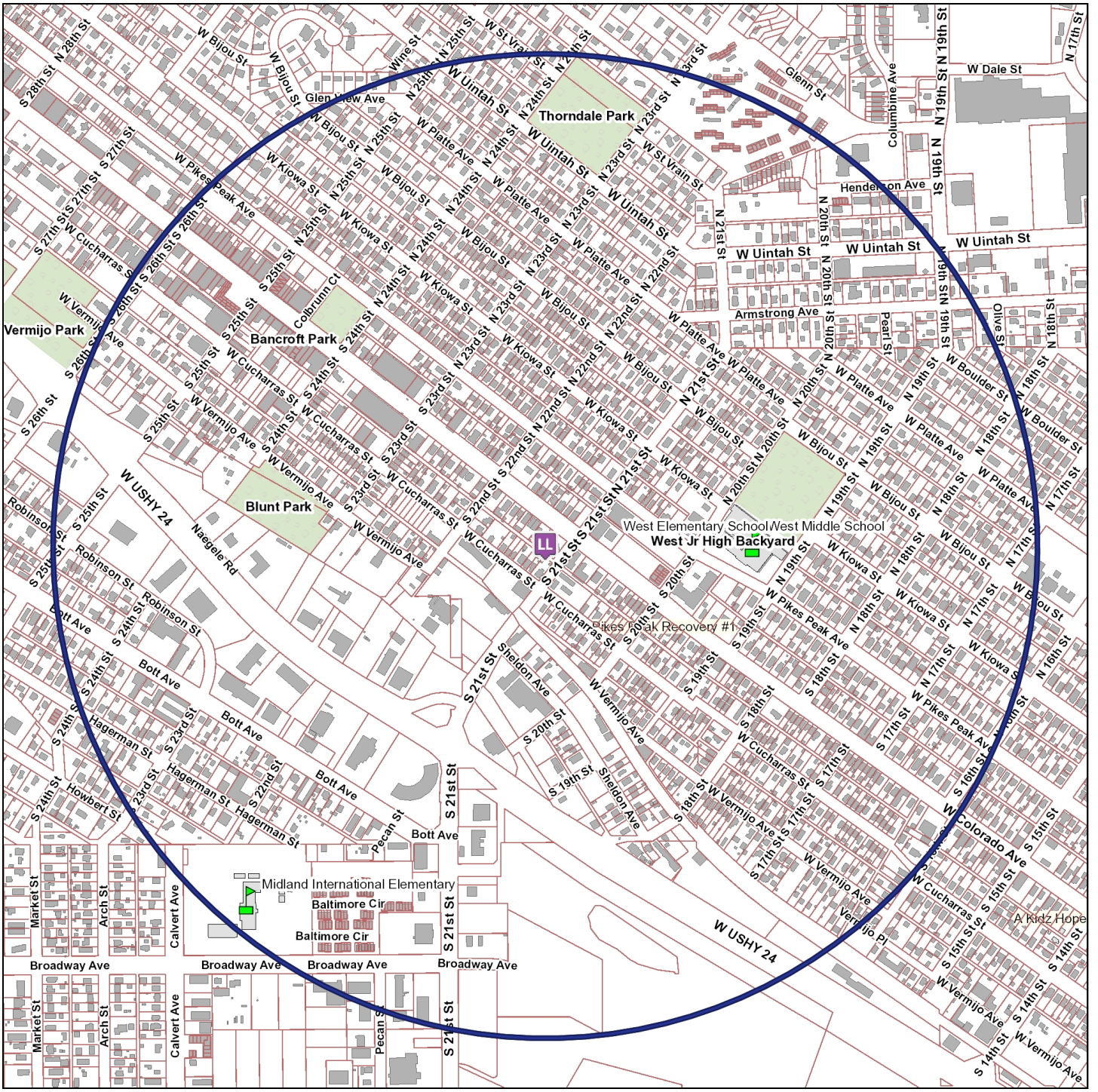
PESTER MARKETING COMPANY

d/b/a ALTA #6101

2105 W COLORADO AVE

OFFICE OF THE CITY CLERK

License ID: 34034



0 0.25 0.5 1 Mile

The survey boundary is 0.5 miles from the establishment

Map Prepared: 8/2/2018 11:21 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 34034

PESTER MARKETING COMPANY

d/b/a ALTA #6101

2105 W COLORADO AVE

COLORADO SPRINGS, CO 80904

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

	Business d/b/a	Business Address	License Type	
1)	7-ELEVEN STORE #13079B	1011 S 21ST ST	Fermented Malt Beverage Off Premises	1,604.82 ft
2)	PLAZA 21 DISCOUNT LIQUORS	1014 S 21st ST	Retail Liquor Store	1,783.63 ft
3)	SMOKER KING	1951 W UINTAH ST	Retail Liquor Store	2,352.61 ft
4)	7-ELEVEN STORE #25902A	1904 W UINTAH ST	Fermented Malt Beverage Off Premises	2,609.82 ft

Date Prepared: 8/2/2018 11:22 AM

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 August 9, 2018 to the following address of record:

Pester Marketing Company
dba Alta #6101
4643 S. Ulster Street, #350
Denver, CO 80237

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

CC: Anita Gragg <AGragg@pestermarketing.com>
Tina LaTina Scott <tinalatina@comcast.net>