

OFFICE OF THE CITY CLERK

Received:

CITY CLERK'S OFFICE

2018 OCT 17 P 1:33

COLORADO
SPRINGS**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):**

Clubview Ventures LLC

2. Trade Name (DBA): The Smiling Toad**3. Premises Address:**

City, State, Zip: 1757 S 8th Street Suite 100 80903

Location**Phone:** 719 502 9093**Property Tax Schedule No. :** 7425109037**Zoning:** C5**4. Mailing Address:**

City, State, Zip: PO Box 38014 Colorado Springs, CO 80937

Alt Phone: 719 338 3813**Primary Contact****Name And Title:** Bret Helton Owner/manager**Email:** Bphpro9@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
Bret Helton	Member	100%

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
Bret Helton UMB Bank 290 E Cheyenne Mountain Blvd Colorado Springs, CO 80906	checking	\$120,000
TOTAL INVESTMENT IN BUSINESS:		\$120,000 0

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Bret Helton

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

If leased, provide the terms: START DATE: 12/1/18 END DATE: 12/1/20

DIMENSIONS OF PREMISES: ~2100 ~1200 and out TOTAL SQUARE FOOTAGE: ~3300 indoor and out

Is there a patio area? ☒ Yes ☐ No — If yes, provide dimensions 30x40

Anticipated number of employees: 1 Anticipated opening date: December 2018

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

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

**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

2019 JAN 11 A 8:48

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Clubview Ventures, LLC
d/b/a **The Smiling Toad**
1757 S. 8th Street
Colorado Springs, CO 80906
Mailing Address:
P.O. Box 38014
Colorado Springs, CO 80937

Application No: N-34738

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 1, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Clubview Ventures, LLC d/b/a The Smiling Toad ("Applicant") application for a new Beer and Wine License at 1757 S. 8th Street, 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, January 22, 2019**. 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 29, 2019.

Pursuant to C.R.S. §44-3-312 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 October 17, 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. §44-3-313(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. §44-3-313(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. §44-3-313(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. §44-3-313(1)(d) and City Rule 7.00(A)(4).
- V. Pursuant to C.R.S. §44-3-307(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. §44-3-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §44-3-307.
- 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 10, 2019.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

Liquor Survey Boundaries



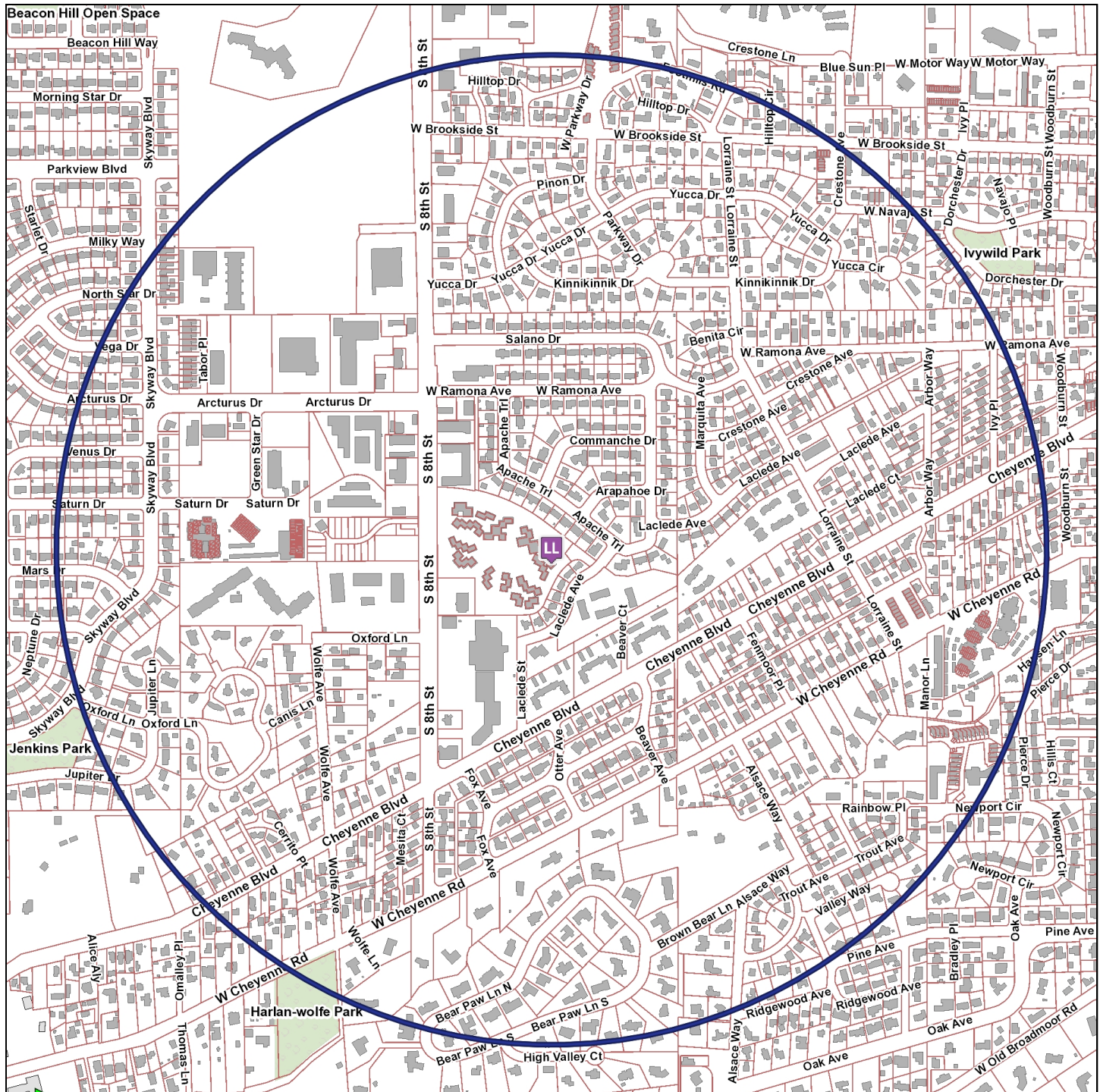
CLUBVIEW VENTURES LLC

d/b/a THE SMILING TOAD

1757 S 8TH ST #100

OFFICE OF THE CITY CLERK

License ID: 34738



The survey boundary is 0.5 miles from the establishment

Map Prepared: 11/13/2018 2:08 PM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 34738

CLUBVIEW VENTURES LLC

d/b/a THE SMILING TOAD

1757 S 8TH ST #100

COLORADO SPRINGS, CO 80906

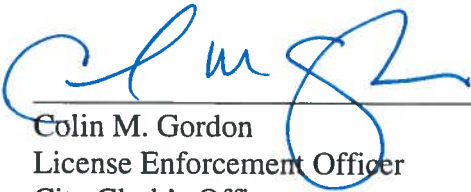
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) LA CAVA FINE MEXICAN CUISINE	1755 S 8TH ST	Hotel & Restaurant	154.23 ft
2) LITTLE NEPAL	1747 S 8TH ST	Hotel & Restaurant	504.16 ft
3) PANINO'S RESTAURANT	1721 S 8TH ST	Hotel & Restaurant	653.03 ft
4) PICNIC BASKET, THE	1701 S 8TH ST	Beer & Wine	957.45 ft
5) BURROWING OWL	1791 S 8TH ST	Tavern	1,103.87 ft
6) ASIAN BISTRO	1606 S 8TH ST	Hotel & Restaurant	1,413.84 ft
7) JOSEPH'S RESTAURANT & BAR	1603 S 8TH ST	Hotel & Restaurant	1,466.27 ft
8) POINT SPORTS BAR & GRILL, THE	1545 S 8TH ST	Hotel & Restaurant	1,616.81 ft

CERTIFICATE OF MAILING

I, Colin M. Gordon, 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 11, 2019 to the following address of record:

Clubview Ventures, LLC
dba The Smiling Toad
P.O. Box 38014
Colorado Springs, CO 80937



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

CC: bphpro9@aol.com