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 SEP -6 A 10:49 ▲ CLERK USE ONLY ▲
IN THE MATTER OF: **APPLICANT** Nyrcan, Inc. d/b/a **D & S Liquors** 2555 Delta Drive Colorado Springs, CO 80910 Mailing Address: 2535 Delta Drive Colorado Springs, CO 80910	Application No: C-720015

RECORD OF DECISION:
FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to a Notice of Hearing and Initial Findings of Fact dated July 25, 2019, a hearing was held before the Local Licensing Authority Hearing Officer on Applicant's application for a Change of Location of its existing Retail Liquor Store License from 2535 Delta Drive to 2555 Delta Drive, Colorado Springs, CO 80910 on Friday, September 6, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903. Hearing Officer Kristen L. Hoffecker presided over the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Hearing Officer has reviewed the contents of the administrative file in connection with this application, and the entirety of the administrative file shall be part of the record of this proceeding. The Hearing Officer considered the factors outlined in Rule No. 9.08 and 15.00 and other applicable provisions of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"). The Hearing Officer has examined the evidence properly admitted, testimonial and otherwise, and has weighed the credibility, sufficiency and probative effect thereof. The Hearing Officer is mindful of the burden and standard of proof applicable in this license application proceeding. Therefore, the Hearing Officer finds by a preponderance of the evidence:

I. The City Clerk's Office published public notice of the scheduled application hearing, and the Applicant caused the premises requested to be licensed to be posted with the required public notice in the form prescribed by C.R.S. §44-3-311.

II. 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, and made known its findings based on such investigations by issuing the Notice of Hearing and Initial Findings of Fact dated July 25, 2019. The Initial Findings of Fact indicate that the Applicant has met the administrative qualifications for holding the requested license type. The Hearing Officer finds the same to be appropriate based on the review conducted by the Authority, and hereby adopts and incorporates said findings of fact into this decision.

III. Pursuant to C.R.S. §44-3-301(2), Applicant has provided evidence to demonstrate that the reasonable requirements of the neighborhood are not presently being met by existing outlets, and the adult inhabitants of the neighborhood desire a license at this location. Pursuant to City Rule 8, Applicant caused a petition survey of the defined neighborhood boundary to be conducted, and the petition and summary were submitted and filed with the City Clerk's Office before the pre-filing deadline of 12:00 P.M. on Tuesday, September 3, 2019. The Hearing Officer finds this evidence and the testimony provided at hearing to be credible and is persuaded that Applicant has met the burden of proof.

IV. No opposition has been voiced against the issuance of the requested license and, pursuant to C.R.S. §44-3-311(5), no party in interest was present at the hearing to oppose the issuance of the requested license.

DECISION:

NOW THEREFORE, the Hearing Officer is persuaded that the evidence and testimony presented establishes Applicant has complied with the requirements for obtaining a liquor or beer license, and enters this RECORD OF DECISION that Applicant's application for a Change of Location of its existing Retail Liquor Store License from 2535 Delta Drive to 2555 Delta Drive, Colorado Springs, CO 80910 be **APPROVED**, and that the Local Approval of the application be forwarded to the Liquor Enforcement Division of the Colorado Department of Revenue for action.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done September 6, 2019.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY

By: Kristen L. Hoffecker
Hearing Officer

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

CERTIFICATE OF MAILING

I, Colin M. Gordon, hereby certify that I have mailed a true copy of the foregoing **RECORD OF DECISION** by United States mail postage paid, on September 6, 2019 to the following address of record:

Nyrcan, Inc.
dba D & S Liquors
2535 Delta Drive
Colorado Springs, CO 80910

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

CC: kent@kentfreudenberglaw.com
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nakan34@gmail.com