

BEFORE THE LOCAL LIQUOR AND BEER LICENSING  
AUTHORITY, CITY OF COLORADO SPRINGS, STATE  
OF COLORADO

Address: 30 South Nevada Avenue, Suite 101  
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CITY CLERK'S OFFICE

2019 OCT 11 P 12:40

IN THE MATTER OF:

NYRCAN, INC. d/b/a  
**D & S LIQUORS**  
2555 Delta Drive  
Colorado Springs, CO 80910  
**LICENSEE**

▲ CLERK USE ONLY ▲

Michael Curran, Division Chief - Prosecution  
P.O. Box 1575, Mail Code 1540  
224 East Kiowa Street, Suite 410  
Colorado Springs, CO 80903  
Telephone: (719) 385-5925  
Fax number: (719) 385-6438  
Atty. Reg. # 28590

License No: 720015

**ORDER TO SHOW CAUSE AND NOTICE OF HEARING**

**WHEREAS**, it has been made to appear to the Local Licensing Authority, City of Colorado Springs, State of Colorado that NYRCAN, Inc. d/b/a D & S Liquors 2555 Delta Drive, Colorado Springs, CO 80910 ("Licensee") has violated the statutes and/or the rules and regulations of the State of Colorado, or City of Colorado Springs governing its Retail Liquor Store License in the following particulars:

- I. On September 6, 2019 the Local Licensing Authority approved Licensee's application for a change of location. The decision of the Local Licensing Authority was conveyed to the State Licensing Authority. Licensee unlawfully began operations at the new premises prior to the State Licensing Authority approving the change of location application in contravention of C.R.S. §44-3-301(9)(a)(I)(A) entitled "Licensing in general" and 1 CCR 203-2 Regulation 47-312 "Change of Location".
- II. On September 25, 2019 an inspection of the new premises located at 2555 Delta Drive was conducted. Licensee was actively and unlawfully engaged in the sale of alcohol beverages in contravention of C.R.S. §44-3-301(9)(a)(I)(A) entitled "Licensing in general" and C.R.S. §44-3-901(1)(g) entitled "Unlawful acts." Pursuant to C.R.S. 44-3-312(4) entitled "Results of Investigation – decision of authorities" a local license may only be issued after an inspection of the premises has been made by the Local Licensing Authority. Licensee's local licenses had not yet

been issued as the requisite inspection had not yet occurred.

**NOW THEREFORE**, you are hereby **ORDERED** to appear before the Local Licensing Authority, City of Colorado Springs, State of Colorado on Friday **November 01, 2019 at 9:00 A.M.** at the Municipal Court Building, in Division 2, 224 East Kiowa Street, Colorado Springs, CO 80903, or at such other time and place as the Local Licensing Authority may direct to **SHOW CAUSE** why your Retail Liquor Store License should not be suspended or revoked as by law provided. Said hearing is conducted pursuant to C.R.S. §44-3-601 and §2.5.601 of the Code of the City of Colorado Springs, 2001 as amended ("City Code") and governed by the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("Local Rules").

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing.

You are entitled to utilize the services of a qualified foreign language interpreter pursuant to Rule 9.10 of the Local Rules. Any interpreter must meet the requirements of that rule, and any relationship to you may disqualify a proposed interpreter. You will be responsible for securing and paying the costs associated with foreign language interpretation services and you should do so well in advance of the hearing. A foreign language interpreter will not be provided for you. If you are unable to locate a qualified foreign language interpreter, you should contact the City Clerk's Office well in advance of the hearing to obtain a list of qualified interpreter services.

If you are hearing impaired and require the services of a sign interpreter, you should notify the City Clerk's office in advance of the hearing and one will be provided for you free of cost.


A postponement of the hearing will not be granted except for good cause shown. **If you should fail to appear at the scheduled time and place for the hearing, or appear despite an inability to present evidence in the absence of a qualified interpreter or counsel, testimony may be taken in reference to the allegations, upon which evidence your Retail Liquor Store License may be suspended or revoked.**


If you have any questions concerning these proceedings, you should contact Michael Curran, Division Chief - Prosecution at (719) 385-5925.

**IT IS FURTHER ORDERED** that a copy of this Order and Notice shall be served upon the above-mentioned Licensee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of my office this 11<sup>th</sup>

day of October 2019.

  
Sarah Johnson  
City Clerk



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**CERTIFICATE OF SERVICE**

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I, Lee McRae, hereby certify that I have served the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** on this 11<sup>th</sup> day of October, 2019 by personally delivering to:

Name: NAK AN  
Address: 2555 Delta Drive

**AND**

I hereby certify that I have mailed a true copy of the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** by United States mail, first class postage paid, this 11<sup>th</sup> day of October, 2019 to the following mailing address of record:

NYRCAN, INC. d/b/a  
**D & S LIQUORS**  
2555 Delta Drive  
Colorado Springs, CO 80910



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