BEFORE THE LOCAL LIQUOR AND BEER LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 30 South Nevada Avenue, Suite 101 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com	CITY CLERK'S OFFICE 2020 FEB 21 A 10: 52
IN THE MATTER OF: JNP COSMOS LLC d/b/a North Academy Conoco 6740 N. Academy Boulevard Colorado Springs, CO 80918 **LICENSEE**	▲ **CLERK USE ONLY** ▲
	License No: 728410

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing February 21, 2020, Hearing Officer Kristen Hoffecker presiding JNP COSMOS LLC d/b/a North Academy Conoco 6740 N. Academy Boulevard, Colorado Springs, CO 80918 ("Licensee") was present and the City of Colorado Springs was represented by the City Attorney's Office.

Licensee after being fully advised of the rights that would be waived, and after being given the opportunity to further consultation with counsel, admitted violating provisions of the Colorado Liquor Code, with said violation set out in full in the written Stipulation and Admission of Violation. The Colorado Springs Local Licensing Authority ("LLA"), having received the Stipulation of the parties, and having received testimony and arguments of the parties, makes the following Findings of Fact, Conclusion and Order:

FINDINGS OF FACT

The LLA accepts the admission of Licensee, and finds the same to be knowing and voluntary. Based upon this admission, as well as the evidence and arguments presented, the LLA finds that:

I. On December 13, 2019 Licensee, and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years, a Confidential Informant, on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) entitled "Unlawful Acts-exceptions".

CONCLUSION OF LAW AND ORDER

II. Based on the advisement of rights given to Licensee, and Licensee's written waiver of those rights, the LLA concludes that Licensee's admission is knowingly and voluntarily made.

III. Pursuant to C.R.S. §44-3-601, the LLA, as the local licensing authority for the City of Colorado Springs has the authority to suspend or revoke any license issued by it for any violation of the Colorado Liquor and Beer Code by the licensee or by any of the agents, servants or employees of such licensee.

IV. Licensee's Fermented Malt Beverage License shall be suspended for a period of **five (5)** days, **five (5)** of said days to be held in abeyance for a period of **one (1)** year from the date of this ORDER on the following conditions:

a. That Licensee commit no further violations of any of the following:

i. Any violation of Chapter 2 of the Code of the City of Colorado Springs, 2001 as amended, or of Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended;

ii. Any violation of any local rules adopted by the LLA or of any rules or regulations promulgated pursuant to Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended.

b. If during the period of one (1) year from the date of this ORDER Licensee is in violation of or fails to comply with any of the terms of this ORDER or if Licensee is in violation of any provision of the Colorado Liquor Code, as determined by either the LLA or the State, then the LLA may, in addition to any other penalty imposed as the result of any other violation of Colorado Liquor Code, order Licensee to serve any or all days of the suspension presently held in abeyance pursuant to this ORDER.

IT IS SO ORDERED this 21st day of February, 2020.

CITY OF COLORADO SPRINGS LOCAL LIQUOR AND BEER LICENSING AUTHORITY



Kristen Hoffecker – Hearing Officer

BEFORE THE LOCAL LIQUOR AND BEER LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 30 South Nevada Avenue, Suite 101 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com	CITY CLERK'S OFFICE 2020 FEB 21 A 10: 51
IN THE MATTER OF: JNP COSMOS LLC d/b/a North Academy Conoco 6740 N. Academy Boulevard Colorado Springs, CO 80918 **LICENSEE**	▲ **CLERK USE ONLY** ▲
Amy Loft, 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: 728410

STIPULATION AND ADMISSION OF VIOLATION

This Stipulation by and between the City of Colorado Springs ("City") and JNP COSMOS LLC d/b/a North Academy Conoco 6740 N. Academy Boulevard, Colorado Springs, CO 80918 ("Licensee"), is offered for the purposes of stipulating to a disposition of the alleged violation described in the Order to Show Cause and Notice of Hearing, issued to Licensee on or about January 15, 2020, which is attached hereto as Exhibit "1", and incorporated herein by reference.

The City and Licensee, for the limited purpose of resolving this matter before the Colorado Springs Local Licensing Authority (the "LLA"), hereby stipulate, submit and agree as follows:

I. On December 13, 2019 Licensee, and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years, a Confidential Informant, on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) entitled "Unlawful Acts-exceptions".

II. As a result of the voluntary admission in paragraph I above, Licensee waives the following rights:

   a. The right to a hearing before the LLA for the purpose of determining whether Licensee committed the alleged violation.

b. The right to confront witnesses presented by the City to establish the said violation and the right to have issued subpoenas requiring the presence of persons or the production of papers, books and records necessary for the determination of all issues to be presented to the LLA.

III. Licensee represents and states the following:

a. The admission to the alleged violation is made voluntarily and the admission is not the result of any undue influence or coercion on the part of anyone;

b. Licensee has had the opportunity to fully consider the consequences of this Stipulation and has had the opportunity to seek legal counsel;

c. Licensee understands that the LLA will not be bound by any representations made to the Licensee by anyone concerning the penalty to be imposed unless those representations are made a part of this written Stipulation;

d. Licensee understands that, by admitting the alleged violation, the LLA will consider the said factual basis to support the occurrence of the alleged violation does in fact exist and Licensee hereby waives the necessity of establishing any additional facts to support a finding of violation for the charge.

IV. Licensee agrees to the penalty as set forth below as the penalty for its violation of the Colorado Liquor Code as set forth in Paragraph I of the Stipulation. The suspension set forth herein is separate and apart from any investigation and/or enforcement action undertaken by the State of Colorado Department of Revenue ("State"), with regard to this matter.

a. Licensee agrees that its Fermented Malt Beverage License shall be suspended for a period of **five (5)** days, **five (5)** of said days to be held in abeyance for a period of **one (1)** year from the date of the adoption of the Stipulation by the LLA, on the following conditions:

i. That Licensee commit no further violations of any of the following:

1. Any violation of Chapter 2, Article 5 of the Code of the City of Colorado Springs, 2001 as amended, or of Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended;

2. Any violation of any local rules adopted by the LLA or of any rules or regulations promulgated pursuant to Title 44, Articles 3 and 4 of the Colorado Revised Statutes, as amended.

b. If during the period of **one (1)** year from the date of approval of this Stipulation by the LLA Licensee is in violation of or fails to comply with any of the terms of this Stipulation or if the Licensee is in violation of any

provision of the Colorado Liquor Code, as determined by either the LLA or the State, then the LLA may, in addition to any other penalty imposed as the result of any other violation of the Colorado Liquor Code, order Licensee to serve any or all days of the suspension presently held in abeyance pursuant to this Stipulation.

V. In the event that the LLA chooses not to accept the provisions of this Stipulation, Licensee shall be permitted to withdraw its admission to the charge and proceed to hearing on all issues concerning the alleged violation. If Licensee withdraws its admission, this Stipulation shall not be used as evidence or taken into account by the LLA in the hearing on the alleged violation or in any subsequent proceeding concerning the alleged violation.

VI. This Stipulation shall not be effective unless and until approved by the LLA.

Dated this 21ST day of February 2020.

JNP COSMOS LLC d/b/a
North Academy Conoco

By:

FOR THE CITY ATTORNEY

By: Amy Loft

BEFORE THE LOCAL LIQUOR AND BEER LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 30 South Nevada Avenue, Suite 101 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com	CITY CLERK'S OFFICE 2020 JAN 15 A 9:39 EXHIBIT 1 728410 ▲ CLERK USE ONLY ▲
IN THE MATTER OF: JNP COSMOS LLC d/b/a North Academy Conoco 6740 N. Academy Boulevard Colorado Springs, CO 80918 **LICENSEE**	
Amy Loft, 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: 728410

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 JNP COSMOS LLC d/b/a North Academy Conoco 6740 N. Academy Boulevard, Colorado Springs, CO 80918 ("Licensee") has violated the statutes and/or the rules and regulations of the State of Colorado, or City of Colorado Springs governing its Fermented Malt Beverage License in the following particulars:

I. On December 13, 2019 Licensee, and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years, a Confidential Informant, on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) entitled "Unlawful Acts-exceptions".

NOW THEREFORE, you are hereby **ORDERED** to appear before the Local Licensing Authority, City of Colorado Springs, State of Colorado on Friday **February 21, 2020** 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 Fermented Malt Beverage 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 Fermented Malt Beverage License may be suspended or revoked.**

If you have any questions concerning these proceedings, you should contact Amy Loft, 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 15th day of January 2020.

Sarah Johnson
City Clerk

CERTIFICATE OF SERVICE

I, Lee McRae, hereby certify that I have served the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** on this 16th day of January, 2020 by personally delivering to:

Name: Jacklin Choi

Address: 6740 N. Academy Blvd

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 16th day of January, 2020 to the following mailing address of record:

JNP COSMOS LLC d/b/a
North Academy Conoco
6740 N. Academy Boulevard
Colorado Springs, CO 80918

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