AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Public Hearing; Colorado Liquor Retail License Application; Irwin Backcountry Guides, LLC, dba Movie Cabin

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: IRWIN BACKCOUNTY GUIDES LLC

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
APROVAL FOR A PRIVATE TAVERN LIQUOR LICENSE

Fiscal Impact: N/A

Submitted by: STELLA DOMINGUEZ-COUNTY CLE **Submitter's Email Address:** sdominguez@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

ok db 4/7/14

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/7/2014 Certificate of Insurance Required Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 4/8/2014

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted: 5 minutes

Agenda Date: 4/15/2014 Follow Up Agenda Date:

Revised April 2013

COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
DENVER CO 80261

BY DILL DILL CARR STONBRAKER & HUTCHINGS PC
(303) 777-3737

21

DEPARTMENT USE ONLY

received
3-7-14

COLORADO LIQUOR RETAIL LICENSE APPLICATION

☑ NEW LICENSE ☐ TRANSFER OF OWNERSHIP ☐ LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE $ _____
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a

☐ Corporation
☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)
☐ Individual
☑ Limited Liability Company
☐ Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation		Fein Number
Irwin Backcountry Guides LLC		30-0459512
2a. Trade Name of Establishment (DBA)	State Sales Tax No.	Business Telephone
Movie Cabin	30178000-0002	(970)349-7761

3. Address of Premises (specify exact location of premises)
440 Forest Service Road 826.1 C, Building 1

City	County	State	ZIP Code
Gunnison	Gunnison	CO	81237

4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
PO Box 1807	Crested Butte	CO	81224

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:

Present Trade Name of Establishment (DBA)	Present State License No.	Present Class of License	Present Expiration Date
N/A			

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	
2300	☐	Application Fee for New License	$1,025.00
2302	☑	Application Fee for New License - w/Concurrent Review	$1,125.00
2310	☐	Application Fee for Transfer	$1,025.00

LIAB	SECTION B	LIQUOR LICENSE FEES	
1905	☐	Retail Gaming Tavern License (City)	$500.00
1906	☐	Retail Gaming Tavern License (County)	$500.00
1940	☐	Retail Liquor Store License (City)	$227.50
1941	☐	Retail Liquor Store License (County)	$312.50
1950	☐	Liquor Licensed Drugstore (City)	$227.50
1951	☐	Liquor Licensed Drugstore (County)	$312.50
1960	☐	Beer and Wine License (City)	$351.25
1961	☐	Beer and Wine License (County)	$436.25
1970	☐	Hotel and Restaurant License (City)	$500.00
1971	☐	Hotel and Restaurant License (County)	$500.00
1975	☐	Brew Pub License (City)	$750.00
1976	☐	Brew Pub License (County)	$750.00
1980	☐	Hotel and Restaurant License w/opt premises (City)	$500.00
1981	☐	Hotel and Restaurant License w/opt premises (County)	$500.00
1983	☐	Manager Registration - H & R	$ 75.00

LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES	
1985	☐	Resort Complex License (City)	$500.00
1986	☐	Resort Complex License (County)	$500.00
1988	☐	Add Related Facility to Resort Complex	$ 75.00 X ____ Total ____
1990	☐	Club License (City)	$308.75
PRIVATE			$308.75
2010	☐	Tavern License (City)	$500.00
2011	☑	Tavern License (County)	$500.00
2012	☑	Manager Registration - Tavern	$ 75.00
2020	☐	Arts License (City)	$308.75
2021	☐	Arts License (County)	$308.75
2030	☐	Racetrack License (City)	$500.00
2031	☐	Racetrack License (County)	$500.00
2040	☐	Optional Premises License (City)	$500.00
2041	☐	Optional Premises License (County)	$500.00
2045	☐	Vintners Restaurant License (City)	$750.00
2046	☐	Vintners Restaurant License (County)	$750.00
2220	☐	Add Optional Premises to H & R	$100.00 X ____ Total ____
2370	☐	Master File Location Fee	$ 25.00 X ____ Total ____
2375	☐	Master File Background	$250.00 X ____ Total ____

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

County	City	Industry Type	License Account Number	Liability Date FROM	License Issued Through (Expiration Date) TO

State	City	County	Managers Reg
____-750 (999)	2180-100 (999)	2190-100 (999)	____-750 (999)

Cash Fund New License	Cash Fund Transfer License	TOTAL
2300-100 (999)	2310-100 (999)	$

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? — Yes ☐ No ☑

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
(a) been denied an alcohol beverage license? — ☐ ☑
(b) had an alcohol beverage license suspended or revoked? — ☐ ☑
(c) had interest in another entity that had an alcohol beverage license suspended or revoked? — ☐ ☑
If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail. — ☐ ☑

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? — ☐ ☑

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. Please see Attachment A. — ☐ ☑

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
☐ Ownership ☑ Lease ☐ Other (Explain in Detail) _____ — ☑ ☐

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord	Tenant	Expires
Scarp Ridge L.L.C.	Irwin Backcountry Guides LLC	12/31/2018

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
None			

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises
Has a local ordinance or resolution authorizing optional premises been adopted? N/A — Yes ☐ No ☐

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. Liquor Licensed Drug Store applicants, answer the following:
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED. N/A — Yes ☐ No ☐

15. Club Liquor License applicants answer the following and attach: N/A
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? — Yes ☐ No ☐
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? — ☐ ☐
(c) How long has the club been incorporated? (Three years required) _____
(d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above? — ☐ ☐

16. Brew-Pub License or Vintner Restaurant Applicants answer the following:
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) N/A — Yes ☐ No ☐

17a. Name of Manager (for all on-premises applicants) Laci N. Wright (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth 12/06/1975

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. — Yes ☐ No ☑

18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. — Yes ☐ No ☑

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list** ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant **must list** any stockholders, partners, or members with OWNERSHIP OF **10% OR MORE** IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
SR Lodge Management LLC	221 N. Hogan St, Ste 403, Jacksonville, FL 32202	N/A	Member	100%
Alan Pike	7999 Barrancas Ave, Bokeelia, FL 33922	03/26/1944	Manager	0%

*If total ownership percentage disclosed here does not total 100% applicant must check this box

☐ Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

☐ **CORPORATION** ☐ Cert. of Incorp. ☑ Cert. of Good Standing (if more than 2 yrs. old) ☐ Cert. of Auth. (if a foreign corp.)

☐ **PARTNERSHIP** ☐ Partnership Agreement (General or Limited) ☐ Husband and Wife partnership (no written agreement)

☑ **LIMITED LIABILITY COMPANY** ☐ Articles of Organization ☑ Cert. of Authority (if foreign company) ☑ Operating Agrmt.

☐ **ASSOCIATION OR OTHER** Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service
The Corporation Company	1675 Broadway, Suite #1200, Denver, CO 80202

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature	Title	Date
X [signature]	Manager	2/18/2014

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
March 7, 2014	April 15, 2014

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

That each person required to file DR 8404-I (Individual History Record) has: Yes No

☒ Been fingerprinted ..... ☒ ☐

☒ Been subject to background investigation, including NCIC/CCIC check for outstanding warrants ..... ☒ ☐

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license ..... ☒ ☐

(Check One)

☐ Date of Inspection or Anticipated Date _____

☒ Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	☐ TOWN, CITY ☐ COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

FILED ON BEHALF OF THE APPLICANT
BY DILL DILL CARR STONBRAKER & HUTCHINGS PC
(303) 777-3737

DR 8404-I (07/25/11)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1881 PIERCE STREET RM 108A
DENVER CO 80261

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. **All** questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.**

1. Name of Business
Irwin Backcountry Guides LLC

2. Your Full Name (last, first, middle)
Pike, Alan R.

3. List any other names you have used.
None

4. Mailing address (if different from residence)
Same

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	7999 Barrancas Ave	Bokeelia, FL 33922	2007	Current
Previous	P.O. Box 133	Goshen, NH 03752	Seasonal Summer Home	Current

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Fillmore West Investment Trust	221 N. Hogan St, Ste 403 Jacksonville, FL 32202	Chariman/ Trustee	2007	Current
Tight Lines	86 Stow Rd Harvard, MA 01451	Freelance Writer	2004	2006

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
None			

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. ☑ Yes ☐ No

Please see Attachment A.

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. ☐ Yes ☑ No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

☐ Yes ☑ No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

☐ Yes ☑ No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

☐ Yes ☑ No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.
The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth	b. Social Security Number SSN	c. Place of Birth	d. U.S. Citizen?
03/26/1944	319-38-3747	Wilmington, NC	☑ Yes ☐ No

e. If Naturalized, State where	f. When	g. Name of District Court
N/A	N/A	N/A

h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
N/A	N/A	N/A	N/A

l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race	r. Do you have a current Driver's License? If so, give number and state
6' 1.5"	200#	Gray	Brown	Male	Caucasian	☑ Yes ☐ No FL P200-016-44-10610

14. Financial Information.

a. Total purchase price $_____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other $ 20,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid $ No personal funds used.

c. Provide details of the Investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Cash - Irwin Backcountry Guides LLC	Existing corporate funds, Merrill Lynch	$20,000

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature	Title	Date
X Alan Pike	LLC Manager	2/18/2014

Alan R. Pike

Rei 12

STATE OF COLORADO

LIQUOR ENFORCEMENT DIVISION
Department of Revenue

1375 Sherman Street, Room 600
Denver, Colorado 80261
Phone (303) 866-3741
FAX (303) 866-4541

Roy Romer
Governor

Renny Fagan
Executive Director

David C. Reitz
Division Director

August 7, 1995

Gary M. Reiff
Brownstein, Hyatt, Farber & Strickland P.C.
22nd Floor
410 17th St.
Denver, CO 80202

Re: Public Class Liquor Licenses as Private Clubs
Position Statement Request

Dear Gary:

As we discussed by phone the other day, it has been the Division's position that a public class of liquor license is normally expected to be open and accessible to the public. The Division however, recognizes that a public class of liquor license can operate as private club when a local licensing authority has provided sufficient public notice and then made a specific finding that public needs and desires will be met by allowing the licensee to serve only club members and guests (see May 1994 Beverage Analyst Article, copy attached).

The critical issue that must be faced by the local licensing authority is the making of an adequate record to support this finding. Newspaper publication and premises posting requirements under 12-47-136 C.R.S. should announce the intended private use of this license. Petitions and petition carriers should also clearly explain to those persons signing the petition the intended private club nature of the proposed establishment. Finally, it is important that during the public hearing, that the private club nature of the business is openly discussed and if approved, that the findings specifically declare the private club nature of the license meets local needs and desires.

If local licensing authority approval is obtained for the operation of a private club at a normally public class of liquor license, the local authority should include a copy of its findings in this regard when it forwards its liquor license application to the state for approval. The license applicant should be cautioned that because of the private nature of its operation, the state licensing authority will review the local authority decision closely and would be sensitive to any public complaints concerning local authority determination of needs and desires.

Subject: Fwd: Liqour license

From: Kyra Martin (kyra@grassycreek.nl)

To: paperclipcc@yahoo.com;

Date: Tuesday, April 15, 2014 8:29 AM

Begin forwarded message:

From: BILLY RANKIN < billyrankin1@gmail.com>
Date: April 14, 2014 at 6:26:40 AM MDT
To: Kyra Martin < kyra@grassycreek.nl>
Subject: Liqour license

Kyra -

I support Irwin Backcountry Guides (IBG) LLC in getting a liquor License at the Movie Cabin and Barn. I own property in the Irwin Townsite, I am over 21 years of age, and occasionally consume alcohol. I think it would be a beneficial endeavor to have IBG to have a liquor license as it will allow them to distribute alcohol and be in control of serving and how much people consume. I believe there is no reason not to allow them to have a liquor license

Thank You

Billy Rankin
Property Owner
Irwin Townsite

Kyra Martin
COO
Irwin Backcountry Guides

kyra@grassycreek.nl
Skype ID : kyra.r.martin

PO Box 1807, 330 Belleview Avenue
Crested Butte, Colorado 81224 USA
C: +1 970 275 1044 **O:** +1 970 349 7761

4/9/14

To Gunnison County,

I support Irwin Backcountry Guides LLC in applying for a Private Tavern Liquor License for the Movie Cabin and the Barn and I personally believe that there is a need for this license to be issued. I am over the age of 21, occasionally consume an alcoholic beverage and own my property, located in the Irwin Townsite.

Thank you,

Mark Hochradel