AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Public Hearing; Colorado Liquor Retail License Application; Tomichi Hospitality Management, Inc., dba Blue Mesa Grill

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
NEW LIQUOR LICENSE

Fiscal Impact: N/A

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

Finance Review: (●) Required ( ) Not Required

Comments:

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 4/2/2014

County Attorney Review: (●) Required ( ) Not Required

Comments:

ok db 4/4/14 Stella has requested 15 minutes for discussion. I will be present in case any legal issue is presented.

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/4/2014 Certificate of Insurance Required

Yes ( ) No (●)

County Manager Review:

Comments:

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

( ) 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

received 3-14-14

21

DEPARTMENT USE ONLY

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: Tomichi Hospitality Mgmt, Inc
Fein Number: 46-2160826

2a. Trade Name of Establishment (DBA): Blue Mesa Grill
State Sales Tax No.: 29977507
Business Telephone: 970-641-1131

3. Address of Premises (specify exact location of premises): 41907 US Hwy 50
City: Gunnison
County: Gunnison
State: CO
ZIP Code: 81230

4. Mailing Address (Number and Street): 6600 W 20th St #17
City or Town: Greeley
State: CO
ZIP Code: 80634

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	n/A	n/A	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
1991	☐ Club License (County)	$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. See Attached, Licensed ☒ ☐

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
Brighton Hospitality Group LLC	DBA Blue Mesa Grill Tomichi Hospitality Mgmt Inc	4/30/18

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
n/A			

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? 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. Yes ☐ No ☒

15. **Club Liquor License** applicants answer the following and attach:
   (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) Yes ☐ No ☒

17a. **Name of Manager (for all on-premises applicants)** Susan Baldwin (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 4/25/63

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. Inside Properties 0364969000 HNR 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*
Stephen Baldwin	6600 W 20th St #17 Greeley Co	1/4/59	Pres	50%
Susan Baldwin	6600 W 20th St #17 Greeley Co	4/25/63	VP	50%

*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
Stephen V Baldwin	6600 W 20th St #17 Greeley Co 80634

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
Steph V Bald	Owner	2/28/14

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.
3-4-2014	4-15-2014

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

LR 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
Tomichi Hospitality Mgmt. Inc

2. Your Full Name (last, first, middle)
Baldwin, Susan Ruth

3. List any other names you have used.
Sue, Susan Hert (maiden)

4. Mailing address (if different from residence)

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	6600 W. 20th St, #17	Greeley CO 80634	2008	Present
Previous				

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
Kinsale Properties Inc	1409 Barlow Rd Ft morgan, CO 80701	Owner	1994	Present

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

We have a current Liquor License @ ~~Roadway Inn~~ Restaurant in Ft morgan, Colorado 1409 Barlow Rd, Fm 80701

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

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?
4/25/63	522-23-6344	Denver Co	☒ Yes ☐ No

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

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

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
5'8"	200	Brn	Hzl	F	Cauc	☒ Yes ☐ No 92-012-2513 - CO

14. Financial Information.

a. Total purchase price $ 2350 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other $ 2350

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 $ 125,000

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	Tomichi Hospitality mgmt llc	125000
Checking - Wells Fargo Bank		

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

Name of Lender	Address	Term	Security	Amount

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
	Owner	3/4/14

LR 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: Tomichi Hospitality Mgmt, Inc

2. Your Full Name (last, first, middle): Baldwin, Stephen Vincent

3. List any other names you have used: Steve

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	6600 W. 20th St #17	Greeley, CO 80634	2008	Present
Previous				

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
Kinsale Properties, Inc.	1409 Barlow Rd Ft Morgan CO 80701	Owner	1994	Present

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

We have a current Liquor Lic dba Rodeo Inn Restaurant @ 1409 Barlow Rd Ft Morgan CO 80701

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?
Jan 4, 1959	138-56-5751	NYC, New York	☒ Yes ☐ No

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

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

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
6'3"	205	Brown	Hzl	M	Cauc.	☒ Yes ☐ No 95048241 1 - CO

14. Financial Information

a. Total purchase price $ 2350 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other $ 2350

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 $ 125,000

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 (remodel	Tomichi Hosp. hotel, mgmt llc	125,000
Wells Fargo Bank	Checking	

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
Stephen Baldo	Owner	2/28/14