



DENVER
THE MILE HIGH CITY
John W. Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF EXCISE AND LICENSE

OFFICE OF DIRECTOR
201 West Colfax Avenue, Dept. 206
Denver, Colorado 80202

October 8, 2007

**Encore Restaurant, LLC
D/b/a Encore Restaurant
2550 East Colfax Avenue
Denver CO 80206**

Dear Applicant:

Thank you for the application you recently filed for a **Hotel & Restaurant Liquor License and Standard Cabaret License at 2550 East Colfax Avenue**, Denver, Colorado. You are notified to appear in this office for a **public hearing** on this application on **December 7, 2007 at 10:30 a.m.**

Enclosed herewith for the applicant is a copy of the findings rendered in this matter. Please be advised that you are required to appear at the Department of Excise & Licenses for a pre-hearing conference on Thursday, October 18, 2007 at 10:00 a.m. **At this conference, you will be required to submit all of the requirements set forth in the attached findings. Failure to submit these requirements may result in a cancellation of the above set public hearing date and a need for you to resubmit a new application and application fees.** Please do not hesitate to contact this office at (720)865-2762 should you have any questions regarding the findings.

At that time of the **public hearing on December 7th**, you will be required to prove why said application should be approved. You will be required to present evidence demonstrating the neighborhood need and that the residents and/or business owners or managers in the area around your location desire that the license issue even if the application is not contested. You must also establish that the issuance of this license will not have an adverse effect on the health, welfare or morals of the neighborhood in question. The Department of Excise and Licenses has designated an area around your location on a map. **You must present up to three adult witnesses who are residents or business owners/managers from the designated area to testify as a group in support of the application.**

A manager must have general supervisory authority over the business. The protestor to the application, if there are any, will also be allowed to present up to three witnesses to testify individually and others to testify as a group. Representatives from any registered neighborhood organizations in the area will also be allowed to testify regarding the organization's position.

In addition, you may present petitions that have been signed by residents or business owners/managers in the designated area in support of the application. Petitions that are filed five days prior to the hearing at the Department of Excise and Licenses and accompanied by completed affidavits furnished by the Department will be admitted without testimony. Petitions not filed in this manner will be admitted only through the testimony of the circulators in person at the hearing. The same restrictions apply to protestors petitions.

Publication of notice of this application will occur on **October 22, 2007** and will be provided by the Department of Excise and Licenses. **Posting** of the premises shall also commence on **October 22, 2007** and continue through the date of your hearing. **Petitions** may be circulated beginning **October 24, 2007**. Signatures obtained prior to this date will not be accepted.

Encore Restaurant
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Please be advised that if you are not prepared to proceed with the **hearing on December 7, 2007**, you may be required to reapply with new application forms and the payment of another application fee and re-posting of the premises.

Thank you for your attention to these matters.

Yours truly,

Awilda R. Marquez
Director of Excise and Licenses

By:  _____
C. Ayeni

- cc: Councilwoman Jeanne Robb
- Division Chief of Patrol Mary Beth Klee
- Inter-Neighborhood Cooperation
- Advocates for a Diverse Denver
- Capitol Hill United Neighborhoods, Inc.
- Cherry Creek Chamber of Commerce
- Colfax Business Improvement District
- Colfax on the Hill, Inc.
- Community Renaissance Neighbors
- Congress Park Neighbors, Inc.**
- Northeast Community Congress for Education
- Points Historical Redevelopment Corporation

3. 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 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Steve Whited	2950 S. Steele St Denver Co 80210	9-19-63	Member	100

*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

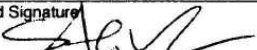
Additional Documents to be submitted by type of entity

- 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 _____

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: Member Date: 6-1-07

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. _____

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-1 (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	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

CITY AND COUNTY OF DENVER CABARET LICENSE APPLICATION

Office of Excise and Licenses
201 West Colfax Avenue, Dept. 206
Denver, Colorado 80202
(720) 865-2760

<input checked="" type="checkbox"/> New License Application <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Modification of Premises Instructions: 1. Attach Appropriate Application and License Fees. 2. Attach Approved Zoning Use Permit. 3. Attach detailed sketch of interior showing entertainment and/or dance areas. 4. Include this application with liquor license application (if applicable). 5. Include 3 maps of the area. Maps may be obtained at 201 West Colfax Avenue (Webb Building), 3 rd Floor. Reproduction Services.	Type of License Applied for and Application Fees: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 20%;">Application</th> <th style="width: 40%;">License</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/> Standard Cabaret</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$750.00</td> </tr> <tr> <td><input type="checkbox"/> Acoustic Cabaret</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$750.00</td> </tr> <tr> <td><input type="checkbox"/> Dance Cabaret</td> <td style="text-align: right;">\$1,000.00</td> <td style="text-align: right;">\$1,500.00</td> </tr> <tr> <td><input type="checkbox"/> Special Dance Cabaret</td> <td style="text-align: right;">\$1,000.00</td> <td style="text-align: right;">\$1,500.00</td> </tr> <tr> <td><input type="checkbox"/> Events Center Cabaret</td> <td style="text-align: right;">\$1,000.00</td> <td style="text-align: right;">\$1,500.00</td> </tr> <tr> <td><input type="checkbox"/> Adult Cabaret</td> <td style="text-align: right;">\$2,000.00</td> <td style="text-align: right;">\$3,000.00</td> </tr> </tbody> </table>		Application	License	<input checked="" type="checkbox"/> Standard Cabaret	\$500.00	\$750.00	<input type="checkbox"/> Acoustic Cabaret	\$500.00	\$750.00	<input type="checkbox"/> Dance Cabaret	\$1,000.00	\$1,500.00	<input type="checkbox"/> Special Dance Cabaret	\$1,000.00	\$1,500.00	<input type="checkbox"/> Events Center Cabaret	\$1,000.00	\$1,500.00	<input type="checkbox"/> Adult Cabaret	\$2,000.00	\$3,000.00
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1. Name of Applicant: <u>ENCORE RESTAURANT, LLC</u>																						
1b Trade Name of Establishment (DBA): <u>ENCORE RESTAURANT</u>																						
1c Address of Business to be Licensed (Number and Street): <u>2550 E. COLFAX AVE.</u>	City or Town: <u>DENVER</u>																					
State: <u>CO</u>	Zip Code: <u>80206</u>																					
1d Applicant is Applying as a: <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other																						
2 Applicant has completed DR 8404, Retail License Application or DR 8403 3.2% Beer License Application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																						
2a If no, Stop and complete DR 8404, Retail License Application or DR 8403 3.2% Beer License Application.																						
2b If yes, I declare under penalty of perjury in the second degree that all information contained in DR 8404, Retail License Application or DR 8403 3.2% Beer License Application and all attachments are true, correct, and complete to the best of my knowledge. Further, I agree that all information contained in DR 8404, Retail License Application or DR 8403 3.2% Beer License Application and all attachments may be used to support this application for cabaret license.																						
Authorized Signature: <u>[Signature]</u>	Title: <u>Member</u>																					
Date: <u>6-1-07</u>																						
3a Type of entertainment to be offered: <u>Piano and Singing</u>	b Premises square footage: <u>3400 sq'</u>																					
c Seating capacity: <u>100</u>	d Square footage dance entertainment areas: <u>No Dance Area - 5' x 8' (40sq') Piano</u>																					
4 Has a cabaret license been denied for the premises within the last 2 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																						
5 Has applicant or any of applicant's officers, directors, stockholders, members, partners, or managers ever been:																						
a Denied a cabaret license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																						
b Had a cabaret license suspended or revoked? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																						
c Been convicted of a felony, any alcohol related offense, or any non-traffic misdemeanor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																						
(If yes to any of the above, please attach an explanation.) <u>YES. DWAI in 1984</u>																						
OATH OF APPLICANT																						
I declare under penalty of perjury in the second degree that this application, our liquor license 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 Denver Revised Municipal Code, which govern my cabaret license.																						
Authorized Signature: <u>[Signature]</u>	Title: <u>Member</u>																					
Date: <u>6-1-07</u>																						
CABARET LICENSE TYPES: Standard - Live entertainment - no adult entertainment, no patron dancing Acoustic Cabaret - Unamplified live entertainment. No patron dancing permitted Dance Cabaret - Live or recorded entertainment and patron dancing, no adult entertainment Special Dance Cabaret - Live or recorded entertainment and patron dancing is permitted. Entertainment is confined to the interior of the building or located upon the licensed premises as defined in the Colorado Liquor Code. Unamplified live entertainment or recorded entertainment and patron dancing may be provided beyond the interior of the building before 8:00 p.m. Event Center Cabaret - Seating capacity of at least 2000 in which both live and/or recorded entertainment is provided and in which patron dancing is permitted Adult Cabaret - Adult entertainment is provided, as well as the entertainment included in the Dance Cabaret																						