

**OFFICE OF THE DIRECTOR OF EXCISE AND LICENSES
DENVER, COLORADO**

THIRD AMENDED ORDER FOR HEARING

**IN THE MATTER OF THE HOTEL AND RESTAURANT LIQUOR LICENSE
AND DANCE CABARET LICENSE ISSUED TO HOTEL RESTAURANT LLC,
DOING BUSINESS AS ROCKBAR, FOR THE PREMISES KNOWN AND
DESIGNATED AS 3015 E. COLFAX AVE., DENVER, COLORADO**

Hotel Restaurant LLC ("Licensee"), doing business as Rockbar, holds a hotel and restaurant liquor license and a dance cabaret license for the premises known and designated as 3015 E. Colfax Ave., Denver, Colorado. Licensee applied for renewal of its liquor license, which is set to expire on August 8, 2012. Licensee applied for a temporary modification of its licensed premises, but subsequently withdrew that application.

Pursuant to C.R.S. § 12-47-302(1), the Department will hold a public hearing on Licensee's application for renewal of its liquor license. Evidence and testimony will be taken regarding whether "good cause" exists to deny Licensee's liquor license renewal application in accordance with C.R.S. § 12-47-103(9). Specifically, the Department has information that Licensee operated an outdoor patio in violation of its temporary modification permit issued in September 2011, and in violation of its February 2011 Stipulation regarding the suspension of its hotel and restaurant liquor license for the unlawful sale of an alcohol beverage to an underage person. The renewal hearing shall also apply to Licensee's City-issued dance cabaret license, pursuant to D.R.M.C. Section 32-20, as its dance cabaret license covers the same premises.


The hearing shall be set for **Wednesday, September 19, 2012 at 6:00 p.m.**, at the Department of Excise and Licenses, Dept. 206, 201 W. Colfax Avenue, Denver, Colorado.

Two registered neighborhood organizations within the designated area, Congress Park Neighbors and South City Park Neighborhood Association, have indicated a conflict with the hearing date due to regularly scheduled neighborhood meetings. Therefore, the Department should consider letters or other relevant evidence submitted by these parties in interest and others who are unavailable to attend the hearing, as deemed appropriate by the hearing officer.

The Licensee shall post a conspicuous notice of hearing on its licensed premises for a period of ten (10) days prior to the hearing. Licensee's hotel and restaurant

liquor license and dance cabaret license shall be temporarily extended past the current expiration date, pending the outcome of the renewal hearing.

SO ORDERED this 23rd day of August, 2012.


Tom Downey, Director
Department of Excise and Licenses

CERTIFICATE OF MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the mails of the U.S. Postal Service, postage prepaid, on the 23 day of August, 2012 to the following:

Jon Stonbraker
Adam Stapen
Attorneys for Respondent
Dill Dill Carr Stonbraker & Hutchings, P.C.
455 Sherman St, Suite 300
Denver, CO 80203

CERTIFICATE OF INTER-OFFICE MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the City and County of Denver inter-office mails system on the 23 day of August, 2012 to the following:

Dan Douglas
Assistant City Attorney
201 West Colfax Ave., Dept. 1207
Denver, CO 80202


Licensing Technician

**OFFICE OF THE DIRECTOR OF EXCISE AND LICENSES
DENVER, COLORADO**

SECOND AMENDED ORDER FOR HEARING

**IN THE MATTER OF THE HOTEL AND RESTAURANT LIQUOR LICENSE
AND DANCE CABARET LICENSE ISSUED TO HOTEL RESTAURANT LLC,
DOING BUSINESS AS ROCKBAR, FOR THE PREMISES KNOWN AND
DESIGNATED AS 3015 E. COLFAX AVE., DENVER, COLORADO**

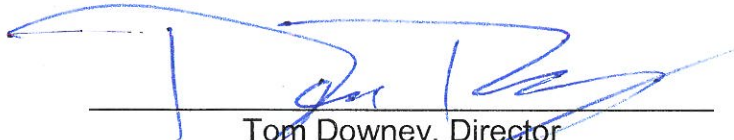
Hotel Restaurant LLC ("Licensee"), doing business as Rockbar, holds a hotel and restaurant liquor license and a dance cabaret license for the premises known and designated as 3015 E. Colfax Ave., Denver, Colorado. Licensee applied for renewal of its liquor license, which is set to expire on August 8, 2012. Licensee applied for a temporary modification of its licensed premises, but subsequently withdrew that application.

Pursuant to C.R.S. § 12-47-302(1), the Department will hold a public hearing on Licensee's application for renewal of its liquor license. Evidence and testimony will be taken regarding whether "good cause" exists to deny Licensee's liquor license renewal application in accordance with C.R.S. § 12-47-103(9). Specifically, the Department has information that Licensee operated an outdoor patio in violation of its temporary modification permit issued in September 2011, and in violation of its February 2011 Stipulation regarding the suspension of its hotel and restaurant liquor license for the unlawful sale of an alcohol beverage to an underage person. The renewal hearing shall also apply to Licensee's City-issued dance cabaret license, pursuant to D.R.M.C. Section 32-20, as its dance cabaret license covers the same premises.

The hearing shall be set for **Wednesday, September 19, 2012 at 6:00 p.m.**, at the Department of Excise and Licenses, Dept. 206, 201 W. Colfax Avenue, Denver, Colorado.

The Licensee shall post a conspicuous notice of hearing on its licensed premises for a period of ten (10) days prior to the hearing. Licensee's hotel and restaurant liquor license and dance cabaret license shall be temporarily extended past the current expiration date, pending the outcome of the renewal hearing.

SO ORDERED this 22nd day of August, 2012.



Tom Downey, Director
Department of Excise and Licenses

CERTIFICATE OF MAILING


The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the mails of the U.S. Postal Service, postage prepaid, on the 22nd day of August, 2012 to the following:

Jon Stonbraker
Adam Stappen
Attorneys for Respondent
Dill Dill Carr Stonbraker & Hutchings, P.C.
455 Sherman St, Suite 300
Denver, CO 80203

CERTIFICATE OF INTER-OFFICE MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the City and County of Denver inter-office mails system on the 22 day of August, 2012 to the following:

Dan Douglas
Assistant City Attorney
201 West Colfax Ave., Dept. 1207
Denver, CO 80202



Licensing Technician

**OFFICE OF THE DIRECTOR OF EXCISE AND LICENSES
DENVER, COLORADO**

AMENDED ORDER FOR HEARING

**IN THE MATTER OF THE HOTEL AND RESTAURANT LIQUOR LICENSE
AND DANCE CABARET LICENSE ISSUED TO HOTEL RESTAURANT LLC,
DOING BUSINESS AS ROCKBAR, FOR THE PREMISES KNOWN AND
DESIGNATED AS 3015 E. COLFAX AVE., DENVER, COLORADO**

Hotel Restaurant LLC ("Licensee"), doing business as Rockbar, holds a hotel and restaurant liquor license and a dance cabaret license for the premises known and designated as 3015 E. Colfax Ave., Denver, Colorado. Licensee has applied for renewal of its liquor license, which is set to expire on August 8, 2012. Licensee has also applied for a temporary modification of its licensed premises.

Pursuant to C.R.S. § 12-47-302(1), the Department will hold a public hearing on Licensee's application for renewal of its liquor license. Evidence and testimony will be taken regarding whether "good cause" exists to deny Licensee's liquor license renewal application in accordance with C.R.S. § 12-47-103(9). Specifically, the Department has information that Licensee operated an outdoor patio in violation of its temporary modification permit issued in September 2011, and in violation of its February 2011 Stipulation regarding the suspension of its hotel and restaurant liquor license for the unlawful sale of an alcohol beverage to an underage person. The renewal hearing shall also apply to Licensee's City-issued dance cabaret license, pursuant to D.R.M.C. Section 32-20, as its dance cabaret license covers the same premises.

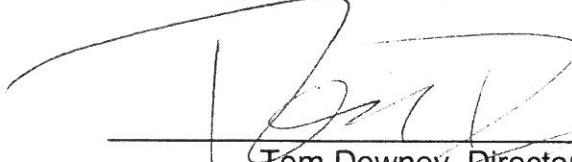
Further, Licensee has applied for a temporary modification of premises, seeking to add to its licensed premises the identical outdoor patio area referenced above. The temporary modification of premises application is hereby denied for the reasons stated above. Licensee is entitled to a hearing on the denial of its modification application. As several similar issues pertain to both the license renewal application and temporary modification application, the hearing shall be combined.

The hearing on both applications shall be set for **Wednesday, August 22, 2012 at 6:00 p.m.**, at the Department of Excise and Licenses, Dept. 206, 201 W. Colfax Avenue, Denver, Colorado.

The Licensee shall post a conspicuous notice of hearing on its licensed premises for a period of ten (10) days prior to the hearing. Licensee's hotel and restaurant

liquor license and dance cabaret license shall be temporarily extended past the current expiration date, pending the outcome of the renewal hearing.

SO ORDERED this 24th day of July, 2012.



Tom Downey, Director
Department of Excise and Licenses

CERTIFICATE OF MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the mails of the U.S. Postal Service, postage prepaid, on the 24 day of July, 2012 to the following:

Jon Stonbraker
Adam Stapen
Attorneys for Respondent
Dill Dill Carr Stonbraker & Hutchings, P.C.
455 Sherman St, Suite 300
Denver, CO 80203

CERTIFICATE OF INTER-OFFICE MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the City and County of Denver inter-office mails system on the 24 day of July, 2012 to the following:

Dan Douglas
Assistant City Attorney
201 West Colfax Ave., Dept. 1207
Denver, CO 80202



Licensing Technician

**OFFICE OF THE DIRECTOR OF EXCISE AND LICENSES
DENVER, COLORADO**

ORDER FOR HEARING

**IN THE MATTER OF THE HOTEL AND RESTAURANT LIQUOR LICENSE
AND DANCE CABARET LICENSE ISSUED TO HOTEL RESTAURANT LLC,
DOING BUSINESS AS ROCKBAR, FOR THE PREMISES KNOWN AND
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Hotel Restaurant LLC ("Licensee"), doing business as Rockbar, holds a hotel and restaurant liquor license and a dance cabaret license for the premises known and designated as 3015 E. Colfax Ave., Denver, Colorado. Licensee has applied for renewal of its liquor license, which is set to expire on August 8, 2012. Licensee has also applied for a temporary modification of its licensed premises.

Pursuant to C.R.S. § 12-47-302(1), the Department will hold a public hearing on Licensee's application for renewal of its liquor license. Evidence and testimony will be taken regarding whether "good cause" exists to deny Licensee's liquor license renewal application in accordance with C.R.S. § 12-47-103(9). Specifically, the Department has information that Licensee operated an outdoor patio in violation of its temporary modification permit issued in September 2011, and in violation of its February 2011 Stipulation regarding the suspension of its hotel and restaurant liquor license for the unlawful sale of an alcohol beverage to an underage person. The renewal hearing shall also apply to Licensee's City-issued dance cabaret license, pursuant to D.R.M.C. Section 32-20, as its dance cabaret license covers the same premises.

Further, Licensee has applied for a temporary modification of premises, seeking to add to its licensed premises the identical outdoor patio area referenced above. The temporary modification of premises application is hereby denied for the reasons stated above. Licensee is entitled to a hearing on the denial of its modification application. As several similar issues pertain to both the license renewal application and temporary modification application, the hearing shall be combined.

The hearing on both applications shall be set for **Wednesday, August 8, 2012** at 9:00 a.m., at the Department of Excise and Licenses, Dept. 206, 201 W. Colfax Avenue, Denver, Colorado.

The Licensee shall post a conspicuous notice of hearing on its licensed premises for a period of ten (10) days prior to the hearing. Licensee's hotel and restaurant liquor license and dance cabaret license shall be temporarily extended for 30

(30) days past the current expiration date, to September 8, 2012, pending the outcome of the renewal hearing.

SO ORDERED this 11th day of July, 2012.


Tom Downey, Director
Department of Excise and Licenses

CERTIFICATE OF MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the mails of the U.S. Postal Service, postage prepaid, on the 11th day of July, 2012 to the following:

Jesse Morreale
Managing Member, Hotel Restaurant LLC
d/b/a Rockbar
3015 E. Colfax Ave.
Denver, CO 80206-1606

CERTIFICATE OF INTER-OFFICE MAILING

The undersigned hereby states and certifies that one true copy of the foregoing Order for Hearing was deposited in the City and County of Denver inter-office mails system on the 11th day of July, 2012 to the following:

Dan Douglas
Assistant City Attorney
201 West Colfax Ave., Dept. 1207
Denver, CO 80202


Licensing Technician

**PERMIT APPLICATION
AND REPORT OF CHANGES**

CURRENT LICENSE NUMBER 42-31426-0000

ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN

LOCAL LICENSE FEE \$ _____

APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a

- ☐ Corporation ☐ Individual
☐ Partnership ☒ Limited Liability Company

PRESENT LICENSE NUMBER

42-31426-0000

2. Name of Licensee

Hotel Restaurant, LLC

3. Trade Name

Rockbar

4. Location Address

3015 East Colfax Ave.

City

Denver

County

Denver

ZIP

80206

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change

• License Account No. _____

1983-750 (999) ☐ Manager's Registration (Hotel & Restr.)...\$75.00

2012-750 (999) ☐ Manager's Registration (Tavern).....\$75.00

☐ Change of Manager (Other Licenses) NO FEE

Section B – Duplicate License

• Liquor License No. _____

2270-100 (999) ☐ Duplicate License\$50.00

Section C

2210-100 (999) ☐ Retail Warehouse Storage Permit (ea) \$100.00

2200-100 (999) ☐ Wholesale Branch House Permit (ea).... 100.00

2260-100 (999) ☐ Change Corp. or Trade Name Permit (ea) .50.00

2230-100 (999) ☐ Change Location Permit (ea)..... 150.00

2280-100 (999) ☒ Change, Alter or Modify Premises

\$150.00 x 1 Total Fee 300.00

2220-100 (999) ☐ Addition of Optional Premises to Existing H/R

\$100.00 x _____ Total Fee _____

1988-100 (999) ☐ Addition of Related Facility to Resort Complex

\$75.00 x _____ Total Fee _____

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

DATE LICENSE ISSUED

LICENSE ACCOUNT NUMBER

PERIOD

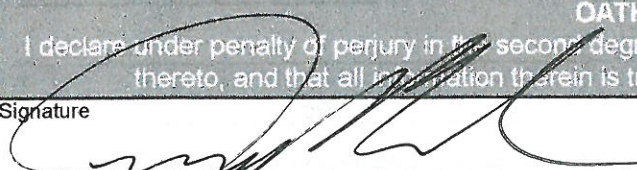
-750 (999)

-100 (999)

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

TOTAL
AMOUNT DUE \$

.00

CHANGE OF MANAGER	8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.		
	(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only) N/A Former manager's name _____ New manager's name _____		
MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY	9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.		
	(a) Describe change proposed _____ <u>Temporarily modify the licensed premises to include the outdoor patio space on the South side of the building, along Colfax Ave.</u>		
	(b) If the modification is temporary , when will the proposed change: Start <u>July 4, 2012</u> (mo/day/year) End <u>November 1, 2012</u> (mo/day/year) NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00		
	(c) Will the proposed change result in the licensed premises now being located 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? (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
	(d) Is the proposed change in compliance with local building and zoning laws? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
	(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises? <u>N/A</u> Yes <input type="checkbox"/> No <input type="checkbox"/>		
(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises. PLEASE SEE ATTACHED			
(g) Attach any existing lease that is revised due to the modification. N/A			
OATH OF APPLICANT			
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.			
Signature 		Title Managing Member	
		Date 6/20/12	
REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)			
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. THEREFORE, THIS APPLICATION IS APPROVED.			
Local Licensing Authority (City or County)		Date filed with Local Authority	
Signature		Title	
		Date	
REPORT OF STATE LICENSING AUTHORITY			
The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.			
Signature		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 type="checkbox"/> New License Application <input type="checkbox"/> Change in Ownership <input checked="" type="checkbox"/> Modification of Premises - TEMP (7/4/12 - 11/1/12)	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%; text-align: center;">Application</th> <th style="width:40%; text-align: center;">License</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Standard Cabaret</td> <td style="text-align: center;">\$500.00</td> <td style="text-align: center;">\$750.00</td> </tr> <tr> <td><input type="checkbox"/> Acoustic Cabaret</td> <td style="text-align: center;">\$500.00</td> <td style="text-align: center;">\$750.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> Dance Cabaret</td> <td style="text-align: center;">\$1,000.00</td> <td style="text-align: center;">\$1,500.00</td> </tr> <tr> <td><input type="checkbox"/> Special Dance Cabaret</td> <td style="text-align: center;">\$1,000.00</td> <td style="text-align: center;">\$1,500.00</td> </tr> <tr> <td><input type="checkbox"/> Events Center Cabaret</td> <td style="text-align: center;">\$1,000.00</td> <td style="text-align: center;">\$1,500.00</td> </tr> <tr> <td><input type="checkbox"/> Adult Cabaret</td> <td style="text-align: center;">\$2,000.00</td> <td style="text-align: center;">\$3,000.00</td> </tr> </tbody> </table> <p>TEMP MODIFICATION ONLY - NO FEE REQUIRED</p>		Application	License	<input type="checkbox"/> Standard Cabaret	\$500.00	\$750.00	<input type="checkbox"/> Acoustic Cabaret	\$500.00	\$750.00	<input checked="" 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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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), 3rd Floor, Reproduction Services.

1. Name of Applicant: HOTEL RESTAURANT, LLC		1b. Trade Name of Establishment (DBA) ROCKBARZ	
1c. Address of Business to be Licensed (Number and Street) 3015 E. COLFAX AVE	City or Town DENVER	State CO	Zip Code 80206

1d. Applicant is Applying as a:

☐ Corporation
 ☐ Individual
 ☐ Partnership
 ☒ Limited Liability Company
 ☐ Association or Other

2. Applicant has completed DR 8404, Retail License Application or DR 8403 3.2% Beer License Application. ☒ Yes ☐ 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: 	Title: MEMBER / MANAGER	Date: 6/20/12
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3a. Type of entertainment to be offered
DJ'S WITH PATRON DANCING

b. Premises square footage **4284 PERMANENT LICENSED PREMISES, TEMPORARILY ADDING AN ADDITIONAL 744 SQ. FT.**

c. Seating capacity
243 PLUS ADDITIONAL 36 ON TEMP. PATIO

d. Square footage dance entertainment areas **392 SQ. FT. (3308 SQ FT DANCE FLOOR; 54 SQ FT DJ BOOTH)**

4. Has a cabaret license been denied for the premises within the last 2 years? ☐ Yes ☒ No

5. Has applicant or any of applicant's officers, directors, stockholders, members, partners, or managers ever been:

a. Denied a cabaret license? ☐ Yes ☒ No

b. Had a cabaret license suspended or revoked? ☐ Yes ☒ No

c. Been convicted of a felony, any alcohol related offense, or any non-traffic misdemeanor? ☒ Yes ☐ No

(If yes to any of the above, please attach an explanation.)

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: 	Title: MEMBER / MANAGER	Date: 6/20/12
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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 2,000 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.