

Mailed to LED 2/8/24

Colorado Liquor Retail License Application

* Note that the Division will not accept cash Paid by check Paid online Uploaded to MoveIt on Date

New License New-Concurrent Transfer of Ownership State Property Only Master file

• All answers must be printed in black ink or typewritten
 • Applicant must check the appropriate box(es)
 • Applicant should obtain a copy of the Colorado Liquor, Beer and Wine Code: SBG.Colorado.gov/Liquor

1. Applicant is applying as a/an Individual Limited Liability Company Association or Other
 Corporation Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation
Blue Lotus Vietnamese Restaurant, LLC FEIN Number 93-4229999

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
BLUE LOTUS VIETNAMESE RESTAURANT 96003238 (323) 336-1233

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
152 S mesa st

City FRUITA County Mesa State CO ZIP Code 81521

4. Mailing Address (Number and Street) City or Town State ZIP Code
152 S. MESA ST. FRUITA CO 81521

5. Email Address

6. If the premises currently has a liquor or beer license, you must answer the following questions

| Present Trade Name of Establishment (DBA) | Present State License Number | Present Class of License | Present Expiration Date |
|---|------------------------------|--------------------------|-------------------------|
| <u>BLUE</u> | | | |

| Section A Nonrefundable Application Fees* | Section B (Cont.) Liquor License Fees* |
|---|--|
|---|--|

| | |
|--|--|
| <input type="checkbox"/> Application Fee for New License.....\$1,100.00 | <input type="checkbox"/> Liquor-Licensed Drugstore (County).....\$312.50 |
| <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review.....\$1,200.00 | <input type="checkbox"/> Lodging & Entertainment - L&E (City).....\$500.00 |
| <input type="checkbox"/> Application Fee for Transfer.....\$1,100.00 | <input type="checkbox"/> Lodging & Entertainment - L&E (County).....\$500.00 |

| Section B Liquor License Fees* |
|--------------------------------|
|--------------------------------|

| | |
|--|---|
| <input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total: _____ | <input type="checkbox"/> Manager Registration - H & R.....\$30.00 |
| <input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total: _____ | <input type="checkbox"/> Manager Registration - Tavern.....\$30.00 |
| <input type="checkbox"/> Add Sidewalk Service Area.....\$75.00 | <input type="checkbox"/> Manager Registration - Lodging & Entertainment.....\$30.00 |
| <input type="checkbox"/> Aris License (City).....\$308.75 | <input type="checkbox"/> Manager Registration - Campus Liquor Complex.....\$30.00 |
| <input type="checkbox"/> Aris License (County).....\$308.75 | <input type="checkbox"/> Optional Premises License (City).....\$500.00 |
| <input type="checkbox"/> Beer and Wine License (City).....\$351.25 | <input type="checkbox"/> Optional Premises License (County).....\$500.00 |
| <input type="checkbox"/> Beer and Wine License (County).....\$436.25 | <input type="checkbox"/> Racetrack License (City).....\$500.00 |
| <input type="checkbox"/> Brew Pub License (City).....\$750.00 | <input type="checkbox"/> Racetrack License (County).....\$500.00 |
| <input type="checkbox"/> Brew Pub License (County).....\$750.00 | <input type="checkbox"/> Resort Complex License (City).....\$500.00 |
| <input type="checkbox"/> Campus Liquor Complex (City).....\$500.00 | <input type="checkbox"/> Resort Complex License (County).....\$500.00 |
| <input type="checkbox"/> Campus Liquor Complex (County).....\$500.00 | <input type="checkbox"/> Related Facility - Campus Liquor Complex (City).....\$160.00 |
| <input type="checkbox"/> Campus Liquor Complex (State).....\$500.00 | <input type="checkbox"/> Related Facility - Campus Liquor Complex (County).....\$160.00 |
| <input type="checkbox"/> Club License (City).....\$308.75 | <input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00 |
| <input type="checkbox"/> Club License (County).....\$308.75 | <input type="checkbox"/> Retail Gaming Tavern License (City).....\$500.00 |
| <input type="checkbox"/> Distillery Pub License (City).....\$750.00 | <input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00 |
| <input type="checkbox"/> Distillery Pub License (County).....\$750.00 | <input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50 |
| <input checked="" type="checkbox"/> Hotel and Restaurant License (City).....\$500.00 | <input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50 |
| <input type="checkbox"/> Hotel and Restaurant License (County).....\$500.00 | <input type="checkbox"/> Retail Liquor Store (City).....\$227.50 |
| <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City).....\$600.00 | <input type="checkbox"/> Retail Liquor Store (County).....\$312.50 |
| <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00 | <input type="checkbox"/> Tavern License (City).....\$500.00 |
| <input type="checkbox"/> Liquor-Licensed Drugstore (City).....\$227.50 | <input type="checkbox"/> Tavern License (County).....\$500.00 |
| | <input type="checkbox"/> Vintners Restaurant License (City).....\$750.00 |
| | <input type="checkbox"/> Vintners Restaurant License (County).....\$750.00 |

Questions? Visit: SBG.Colorado.gov/Liquor for more information

Do not write in this space - For Department of Revenue use only

| Liability Information | | | |
|------------------------|----------------|--|----------|
| License Account Number | Liability Date | License Issued Through (Expiration Date) | Total \$ |
| | | | |

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: SBG.Colorado.gov/Liquor for more information**

| Items submitted, please check all appropriate boxes completed or documents submitted | |
|--|---|
| I. | Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application ★ <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) ★ <input checked="" type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application (N/A) |
| II. | Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8½" X 11" (DEB WILL PROVIDE) <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises |
| III. | Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2) |
| IV. | Background information (DR 8404-I) and financial documents <input checked="" type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved State Vendor. Master File applicants submit results to the State using code 25YQHT with Identogo. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: Identogo – https://uenroll.identogo.com/ Phone: 844-539-5539 (toll-free) Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 Details about the vendors and fingerprinting in Colorado can be found on CBI's website here: https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input checked="" type="checkbox"/> D. List of all notes and loans (Copies to also be attached) |
| V. | Sole proprietor/husband and wife partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 (N/A) <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant |
| VI. | Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation (N/A) <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only) |
| VII. | Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). (N/A) <input type="checkbox"/> B. Certificate of Good Standing |
| VIII. | Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization <input checked="" type="checkbox"/> B. Certificate of Good Standing, <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only) - N/A |
| IX. | Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application <input type="checkbox"/> A. \$30.00 fee (N/A) <input type="checkbox"/> B. If owner is managing, no fee required |

| Name | Type of License | Account Number | | |
|--|---------------------------------------|----------------|-------------|---------------------|
| 7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | | | |
| 8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state): <ul style="list-style-type: none"> a. Been denied an alcohol beverage license? <input type="checkbox"/> <input checked="" type="checkbox"/> b. Had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/> c. Had interest in another entity that had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/> If you answered yes to 8a, b or c, explain in detail on a separate sheet. | | | | |
| 9. 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. <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | |
| 10. 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? <input type="checkbox"/> <input checked="" type="checkbox"/> <div style="text-align: right; margin-right: 50px;"> or Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/> Other: _____ </div> | | | | |
| 11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. (N/A) <input type="checkbox"/> <input type="checkbox"/> | | | | |
| 12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. (N/A) <input type="checkbox"/> <input type="checkbox"/> | | | | |
| 13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? <input type="checkbox"/> <input type="checkbox"/> b. Are you a Colorado resident? (N/A) <input type="checkbox"/> <input type="checkbox"/> | | | | |
| 14. 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 <u>current</u> financial interest in said business including any loans to or from a licensee. <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | |
| 15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> 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 | | |
| ZHU PROPERTIES, LLC | BLUE LOTUS VIETNAMESE RESTAURANT, LLC | 12/31/29 | | |
| b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | |
| c. Attach a diagram that designates the area to be licensed in black bold outline (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 8½" X 11". | | | | |
| 16. 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. | | | | |
| Last Name | First Name | Date of Birth | FEIN or SSN | Interest/Percentage |
| (NONE) | | | | |
| Last Name | First Name | Date of Birth | FEIN or SSN | Interest/Percentage |
| | | | | |
| 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. | | | | |
| 17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted? (N/A) <input type="checkbox"/> <input type="checkbox"/> Number of additional Optional Premise areas requested. (See license fee chart) 1 | | | | |
| 18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions. (N/A) | | | | |

| | | |
|------|-----------------|----------------|
| Name | Type of License | Account Number |
|------|-----------------|----------------|

19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:
 a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premises?
 If "yes" a copy of license must be attached. (N/A)

20. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation** Yes No
 a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 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? (N/A)
 c. How long has the club been incorporated?
 d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

21. Brew-Pub, Distillery Pub or Vintner's 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)

22. Campus Liquor Complex applicants answer the following:
 a. Is the applicant an institution of higher education?
 b. Is the applicant a person who contracts with the institution of higher education to provide food services?
 If "yes" please provide a copy of the contract with the institution of higher education to provide food services. (N/A)

23. For all on-premises applicants.
 a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints. (N/A)

| | |
|----------------------|-----------------------|
| Last Name of Manager | First Name of Manager |
|----------------------|-----------------------|

24. 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. (N/A) Yes No

25. Related Facility - Campus Liquor Complex applicants answer the following:
 a. Is the related facility located within the boundaries of the Campus Liquor Complex?
 if yes, please provide a map of the geographical location within the Campus Liquor Complex.
 If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex. (N/A)
 b. Designated Manager for Related Facility- Campus Liquor Complex

| | |
|----------------------|-----------------------|
| Last Name of Manager | First Name of Manager |
|----------------------|-----------------------|

26. Tax Information. Yes No
 a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?
 b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?

27. 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 make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

| Name | Home Address, City & State | DOB | Position | % Owned |
|-------------|----------------------------|------------|----------|---------|
| LINFAN TANG | [REDACTED] EVITA, CO | [REDACTED] | OWNER | 100% |
| Name | Home Address, City & State | DOB | Position | % Owned |
| Name | Home Address, City & State | DOB | Position | % Owned |
| Name | Home Address, City & State | DOB | Position | % Owned |
| Name | Home Address, City & State | DOB | Position | % Owned |

| | | |
|---|---|---|
| Name | Type of License | Account Number |
| <p>** If applicant is owned 100% by a parent company, please list the designated principal officer on above.</p> <p>** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)</p> <p>** If total ownership percentage disclosed here does not total 100%, applicant must check this box:</p> <p><input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.</p> | | |
| 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 <i>[Signature]</i> | Printed Name and Title LINFAN TANG | Date 2/25/24 |
| Report and Approval of Local Licensing Authority (City/County) | | |
| Date application filed with local authority 1/29/24 | Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) 3/5/24 | |
| For Transfer Applications Only - Is the license being transferred valid? | | Yes No <input type="checkbox"/> <input type="checkbox"/> |
| <p>The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:</p> <p><input checked="" type="checkbox"/> Fingerprinted</p> <p><input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants</p> <p>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</p> <p>(Check One)</p> <p><input type="checkbox"/> Date of inspection or anticipated date _____</p> <p><input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority</p> | | |
| <input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000? | | Yes No <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000? | | Yes No <input type="checkbox"/> <input type="checkbox"/> |
| <p>NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.</p> | | |
| <input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? | | Yes No <input type="checkbox"/> <input type="checkbox"/> |
| <p>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 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.</p> | | |
| Local Licensing Authority for The City of Fruita | | Telephone Number (970) 639-4210 |
| | | <input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County |
| Signature | Print JOEL KINCAID | Title MAYOR |
| Signature | Print DEB WOODS | Title Deputy City Clerk |

Tax Check Authorization, Waiver, and Request to Release Information

I, LINFAN TANG am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of BLUE LOTUS VIETNAMESE RESTAURANT (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

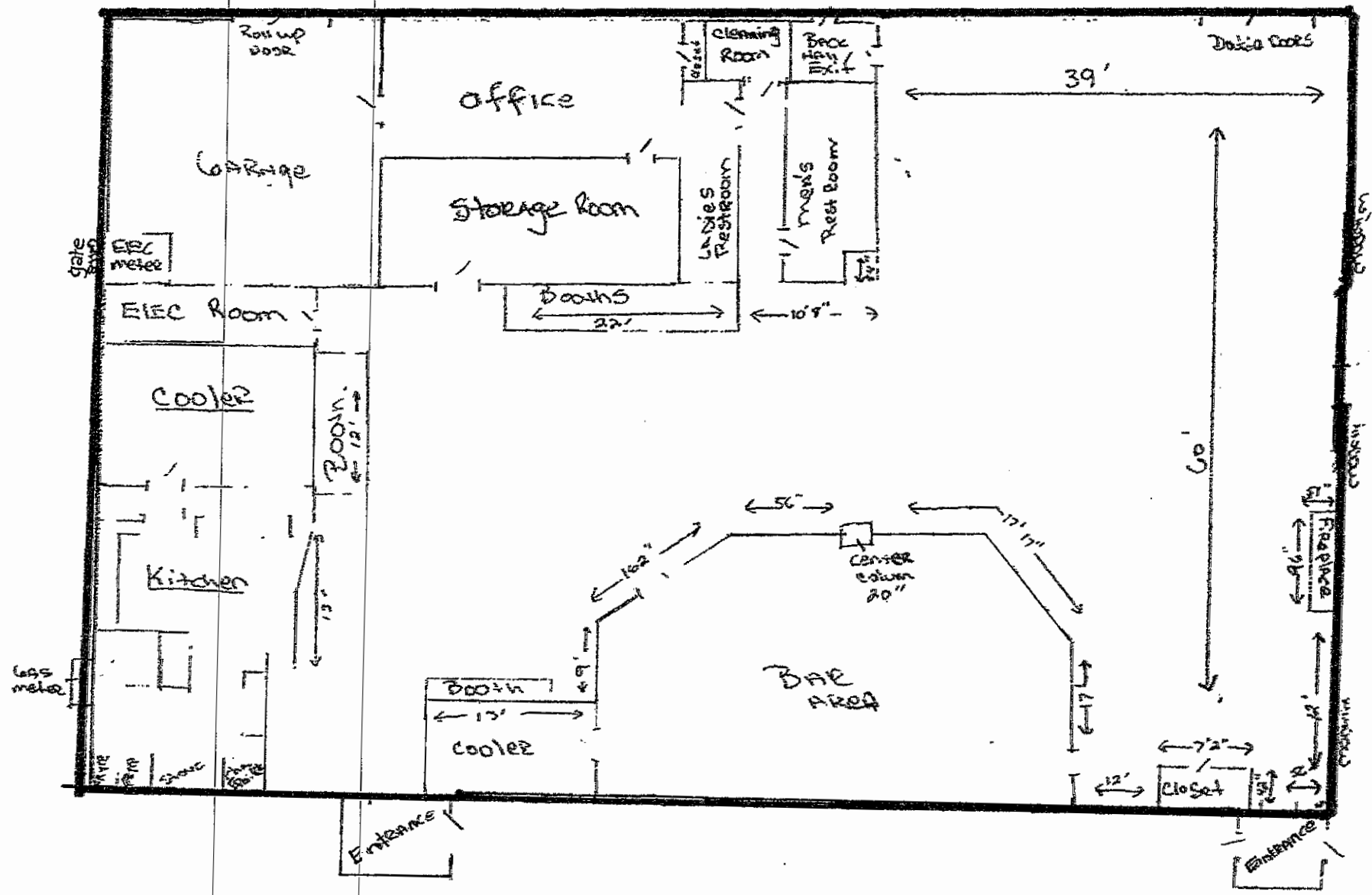
| | | | |
|---|--|---|--------------------------------|
| Name (Individual/Business) <u>BLUE LOTUS VIETNAMESE RESTAURANT, LLC</u> | | Social Security Number | |
| Address <u>152 S. MESA ST.</u> | | | |
| City <u>FRUITA</u> | | State <u>CO</u> | Zip <u>81521</u> |
| Home Phone Number <u>(323) 336-1233</u> | | Business/Work Phone Number <u>(same)</u> | |
| Printed name of person signing on behalf of the Applicant/Licensee <u>LINFAN TANG</u> | | | |
| Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) | | | Date signed <u>10/25/24</u> |

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

152 SO. MESA
FRUITA, CO

5593 58 feet
without patio
patio 16 x 40





FRUITA
COLORADO

325 E Aspen
Fruita, CO 81521
(970) 858-3663

CITY OF FRUITA LOCAL LICENSING AUTHORITY, MESA COUNTY COLORADO

PRELIMINARY FINDINGS AND REPORT UPON APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS & SPIRITUOUS

IN RE: Blue Lotus Vietnamese Restaurant, LLC
DbA Blue Lotus Vietnamese Restaurant
152 S. Mesa Street
Fruita, CO 81521

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

You are hereby advised that with regard to your application for a Hotel and Restaurant Liquor License, an investigation has been made and based on the results thereof, the following has been determined:

1. That the application was filed on January 29, 2024.
2. That the Notice of Public Hearing on this matter was posted by the applicant on February 16, 2024 and publication was made in the Daily Sentinel on February 14, 2024 for the hearing date of March 5, 2024.
3. There has not been, within two years preceding the date of your application, a denial of an application by the County Commissioners of Mesa County, the State Licensing Authority, or the Local Licensing Authority of the City of Fruita for a Hotel & Restaurant Liquor License at the location for which you make application for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants have been satisfied by the existing outlets.
4. It appears from the evidence submitted by you that you are entitled to possession of the premises where you propose to exercise the license applied for.
5. Employees serving alcohol shall attend an Approved Responsible Vendors Training Class. This is training on Colorado laws pertaining to but not limited to: serving alcohol, identifying intoxicated persons, and how to identify those of age to drink alcoholic beverages. All employees that serve alcohol should be trained either prior to beginning employment or as soon as the training is available. The Liquor Enforcement Division (LED) does NOT ACCEPT online Responsible Vendor Training; it must be either done in a "classroom setting" or "live streaming" where the student and the instructor have live interaction. The City of Fruita will be hosting two Responsible Alcohol Server Training Classes on April 29, 2024 from 10:00 a.m. to 12:00 p.m. and 1:00 to 3:00 p.m. and two

more classes on June 10, 2024 at the same timeframes. Proof of attendance by employees selling alcohol must be submitted to the City Clerk's office and will be kept on file.

6. The proposed establishment is located in a Downtown Mixed-Use Zone District. Food Service, Restaurant (including alcohol) is an allowed use in this zone. A certificate of occupancy, a food establishment permit and any other applicable licenses and permits must be issued prior to commencement of operations including Planning Clearances from the City of Fruita Planning Department.
7. The building and grounds where you propose to exercise the privilege of serving alcohol do not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
8. Within a one-mile radius from the building and grounds where you propose to sell malt vinous and spirituous liquors on the premises, there are the following Hotel & Restaurant License establishments:

Dragon Treasure Chinese Restaurant
576 Kokopelli Blvd., Fruita, CO

El Tapatio
402 Jurassic Ave., Fruita, CO

Rib City Grill
455 Kokopelli Blvd., Fruita, CO

Strayhorn Grill
456 Kokopelli Blvd., #10, Fruita, CO

Fiesta Guadalajara Fruita
103 Highway 6 & 50, Fruita, CO

Karma Kitchen
229 E. Aspen Ave., Fruita, CO

Mezcalera, LLC dba El Mescal Family Mexican Restaurant
439 High 6 & 50, Fruita, CO

Hot Tomato Pizzeria
124 N. Mulberry St., Fruita, CO

Mike's Famous Chicken
233 E. Aspen Ave., Fruita, CO

Colorado Summit, LLC dba Aspen Street Coffee Co.
136 E. Aspen Ave., Fruita, CO

9. The following criminal history information has been brought to the attention of the authority:

Applicant (including partners, officers, directors over 10% shareholders)

Owner: Linfan Tang: ALL CLEAR

Source of information:

| | |
|--|-------------|
| Federal Bureau of Investigation: | (Exhibit A) |
| Colorado Bureau of Investigation: | (Exhibit B) |
| Mesa County Sheriff's Office: | (Exhibit C) |
| Grand Junction Police Department: | (Exhibit D) |
| Fruita Police Department: | (Exhibit E) |
| Washington State Patrol: | (Exhibit F) |
| Pennington County (SD) Sheriff's Office: | (Exhibit G) |

10. The results of the petition circulated with respect to this application are as follows:

| | |
|---|-------------------------|
| Total Signatures obtained by applicant: | 14 (Exhibit H, 3 pages) |
| For: | 14 |
| Against: | 0 |

11. The public hearing on your application will be held on March 5, 2024 at 7:00 p.m. in the Council Chambers at the Fruita Civic Center, 2nd Floor at 325 E Aspen, Fruita, CO. At said hearing, you shall have the opportunity to be heard regarding all matters related to your application, including all matters set forth herein.

12. At the public hearing, and pursuant to CRS 12-46-108, as amended, you have the burden of proving that you are qualified to hold the license applied for and that your character, record and reputation are satisfactory; that the neighborhood needs this license and that the residents of the neighborhood desire that this license be granted.

13. A copy of the "Order of Hearing" procedures used by the Local Licensing Authority of the City of Fruita for use and guidance in holding hearings on liquor license applications is attached for your information and review. (Exhibit I)

Dated this 26th day of February, 2024.



Debra Woods, Deputy City Clerk
for the Local Licensing Authority



CIVIL APPLICANT RESPONSE

ICN E202402500000297903 CIDN OCA CONC J5157
TANG, LINFAN DOB [REDACTED]
MNU SOC SEX M RAC A HGT 500
COCBI0000 COLORADO B OF I
DENVER CO 2024/01/25
A SEARCH OF THE FINGERPRINTS ON THE ABOVE
INDIVIDUAL HAS REVEALED **NO PRIOR ARREST**
DATA. CJIS DIVISION
2024/01/25 **FEDERAL BUREAU OF INVESTIGATION**

COCBI0000
CO BUREAU OF INVEST
COLORADO CRIME INFO CTR
STE 3000
690 KIPLING ST
DENVER, CO 80215-8001



COLORADO
Bureau of Investigation
Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Lakewood, CO 80215
303-239-4208



Page 1 of 1

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 02/14/2024 10:08:11(MT)

RE: TANG, LINFAN DOB: [REDACTED] SOC: [REDACTED]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records (except those allowed per state statute 24-72-703), and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Chris Schaefer, Director
Colorado Bureau of Investigation



Mesa County Sheriff's Office

Sheriff Todd Rowell



215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us

February 19, 2024

To Whom It May Concern:

Name: TANG, Linfan
DOB: [REDACTED]



The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

- No record of arrest with this agency.
- Record of arrest with this agency as noted (see attached):
- This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information, please contact our Civil Unit at 970-244-3521.

Beth Boydston
Records Administrator
Mesa County Sheriff's Office
(970) 244-3510



Debra Woods

From: PDRecords <PDRecords@gjcity.org>
Sent: Wednesday, February 14, 2024 11:38 AM
To: Debra Woods
Subject: Re: Background check on one individual for a liquor license application

We have no record for this subject.

Thank you,
Cori

Police Records Unit
Grand Junction Police Department
555 Ute Ave. Grand Junction CO 81501
O: 970-549-5000
gjcity.org | [EngageGJ](#)



WARNING: This electronic mail transmission, to include any attached document, is from the Records & Data Management Unit of the Grand Junction Police, Grand Junction, Colorado. The information contained in this message may be privileged and/or confidential, and protected by law. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. For questions regarding this information or additional help, please call [\(970\) 549-5000](tel:9705495000).

From: Debra Woods <dwoods@fruita.org>
Sent: Wednesday, February 14, 2024 11:26 AM
To: PDRecords <PDRecords@gjcity.org>
Subject: Background check on one individual for a liquor license application

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Hello,
Please see the attached and let me know if you have any questions. Thanks!

Deb Woods
Deputy City Clerk
City of Fruita
325 E. Aspen Ave.



FRUITA
COLORADO

POLICE DEPARTMENT

157 S Mesa St, Fruita, CO 81521
Phone (970) 858-3008 / Fax (970) 858-3665
fpdrecords@fruita.org

MEMO

To: Deb Woods
From: Paula Rajewich
Date: February 20, 2024
Re: **Local Records Check**

The following background information check was completed through local computer records with the Fruita Police Department and the results will be listed below.

I have checked the local records management system for the person(s) listed below and there have not been any contacts with the Fruita Police Department and this individual.

Linfan Tang
311 E. Concord Dr.
Fruita, CO 81521

DOB: [REDACTED]
SSN# [REDACTED]

Thank you,

Paula Rajewich

Fruita Police Department
157 S. Mesa St.
Fruita, CO 81521
970-858-3008 ext. 6104

Web Search No Record Found Report

Washington State Patrol

Identification and Criminal History Section

P. O. Box 42633

Olympia, Washington 98504-2633

Telephone (360) 534-2000 Option 2

THE FOLLOWING TRANSCRIPT OF RECORD
IS FURNISHED FOR OFFICIAL USE ONLY

This report was generated from a transaction ran on 2/14/2024 at 1:46 PM
Conviction Criminal History RCW 10.97.050(1)

Pursuant to the purpose of inquiry, **NO RECORD** was found in the **Washington State Criminal History Repository** based on descriptors provided:

LINFAN, TANG DOB [REDACTED] SEX M RACE U

ALIAS:

TANG, LINFAN

This may mean that the person you searched for has no criminal conviction record OR that your search criteria did not match the spelling of the person's name or date of birth.

Positive identification or non-identification in the Washington State Patrol's database can only be determined by fingerprint comparison.



Debra Woods

From: Records Police <Police.Records@rcgov.org>
Sent: Friday, February 16, 2024 3:15 PM
To: Debra Woods; Records Police
Subject: RE: WEBFORM: Pennington County Sheriffs Office - Contact Us

We handle records for the Pennington County Sheriff's Office and the Rapid City Police Department. I conducted a search and found no records for either agency.

Thank you,

Kailey Stringer | Police Support Technician Rapid City Police Department P : 605-394-4117 | F : 605-355-3069 We are hiring - Apply online at Rapid City Police Jobs COMMUNITY – SERVICE – INTEGRITY

-----Original Message-----

From: Debra Woods <dwoods@fruita.org>
Sent: Friday, February 16, 2024 2:13 PM
To: Records Police <Police.Records@rcgov.org>
Subject: RE: WEBFORM: Pennington County Sheriffs Office - Contact Us

Absolutely. I'm attaching the Background Check Request letter that I use for jurisdictions in Colorado, but I wasn't sure of your process there in South Dakota. Please let me know if there's anything else you require of me. Thanks in advance for all your help!

Deb Woods
Deputy City Clerk
City of Fruita
325 E. Aspen Ave.
Fruita, CO 81521
(970) 639-4210
dwoods@fruita.org

-----Original Message-----

From: Records Police <Police.Records@rcgov.org>
Sent: Friday, February 16, 2024 1:52 PM
To: Debra Woods <dwoods@fruita.org>; Records Police <Police.Records@rcgov.org>
Subject: RE: WEBFORM: Pennington County Sheriffs Office - Contact Us

Will you please include SSN and DOB so we check by those as well?

Thank you,
Kailey Stringer | Police Support Technician Rapid City Police Department P : 605-394-4117 | F : 605-355-3069 We are hiring - Apply online at Rapid City Police Jobs COMMUNITY – SERVICE – INTEGRITY



FRUITA COLORADO

SURVEY



An application has been filed with the City of Fruita for a liquor license. In its consideration of this application, the Fruita City Council must consider the reasonable requirements of the neighborhood and the desires of the inhabitants. An "inhabitant" is an individual who resides in a given neighborhood or community for more than six months each year. The "neighborhood" is defined generally as the area between L Road to the North and the Colorado National Monument to the South, and between 15 1/2 Road to the West and 20 Road to the East. A public hearing will be advertised and held on this application in the Council Chambers at the Fruita Civic Center, 325 E. Aspen, Fruita, Colorado on the first and third Tuesdays of the month at 7:00 pm.

Do not sign this survey unless you are 21 years or older and reside within the area bounded on the north by L Road, on the south by Colorado National Monument, on the west by 15 1/2 Road, and on the 20 Road to the East.

As an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood and/or an inhabitant who resides in the neighborhood for more than six months each year:

Question 1. *I believe the reasonable requirements of the neighborhood are already being met by other existing outlets. (Yes or No)*

As an inhabitant who resides in the neighborhood for more than six month each year:

Question 2. *It is my desire that the license be issued. (Yes or No or Not Applicable (N/A))*

| Name (signature) | Address | Business (B) Residence (R) | Question 1 | | Question 2 | | | Date |
|---------------------------|-------------------------|-------------------------------|------------|----|------------|----|-----|----------|
| | | | Yes | No | Yes | No | N/A | |
| <i>[Signature]</i> | 1726 K 3/4 Rd | R | | X | X | | | 2/8/24 |
| <i>John Rojas</i> | 715 E Cleveland | R | | X | X | | | 2/15/24 |
| <i>[Signature]</i> | 1094 red sky rd | R | | X | X | | | 02/13/24 |
| <i>Jackie Stowell</i> | 975 Karp Ave | R | | X | X | | | 2/15/24 |
| <i>Obba Hulley</i> | 525 Greenbriar St. | R | | X | X | | | 2/15/24 |
| <i>[Signature]</i> | 525 Greenbriar St | R | | X | X | | | 2/15/24 |
| <i>London [Signature]</i> | 1146 18 Rd. | R | | X | X | | | 2/17/24 |
| <i>Robin [Signature]</i> | 1146 18 Rd. | R | | X | X | | | 2/17/24 |
| <i>MARGARET ROMANTE</i> | 1225 Sunrose | R | | X | X | | | 2/17/24 |
| <i>Janette Hastings</i> | 1208 Periwinkle Ln | R | | X | X | | | 2/17/24 |
| <i>Joanne Sanders</i> | 1260 Periwinkle Ct. | R | | X | X | | | 2/17/24 |
| <i>Drewa [Signature]</i> | 718 Crystal Way Fruita | R | | X | X | | | 2/17/24 |
| <i>Ether [Signature]</i> | 1393 17 1/2 Rd Fruita | R | | X | X | | | 2-17-24 |
| <i>[Signature]</i> | 1210 B 17 1/2 Rd Fruita | R | | X | X | | | 2/17/24 |

CIRCULATOR'S AFFIDAVIT

I, Linfan Tang, who resides at 1058 E Laura Ave
(print name) (print address)

do hereby swear or affirm:

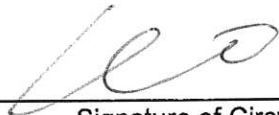
That I circulated the foregoing survey for a HOTEL AND RESTAURANT
(print type of license)
liquor license application within in the area described as the neighborhood,
on the date(s) of 2/8/24 - 2/17, 2024, and;

That each signature thereon was affixed in my presence;

That each signature thereon is the signature of the person whose name it purports to be;

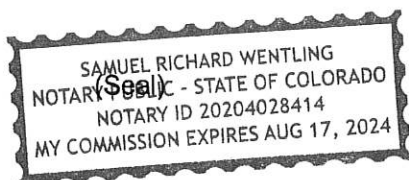
That to the best of my knowledge and belief, each of the persons signing was, at the time of signing, an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood for more than six (6) months each year, and;

That the signers were not paid and will not be paid, directly or indirectly, any money or other thing of value for the purpose of inducing or causing signature of this survey.


Signature of Circulator
02/26/24
Date

The foregoing instrument was executed before me this 26 day of February, 2024.

My commission expires 08-17-24



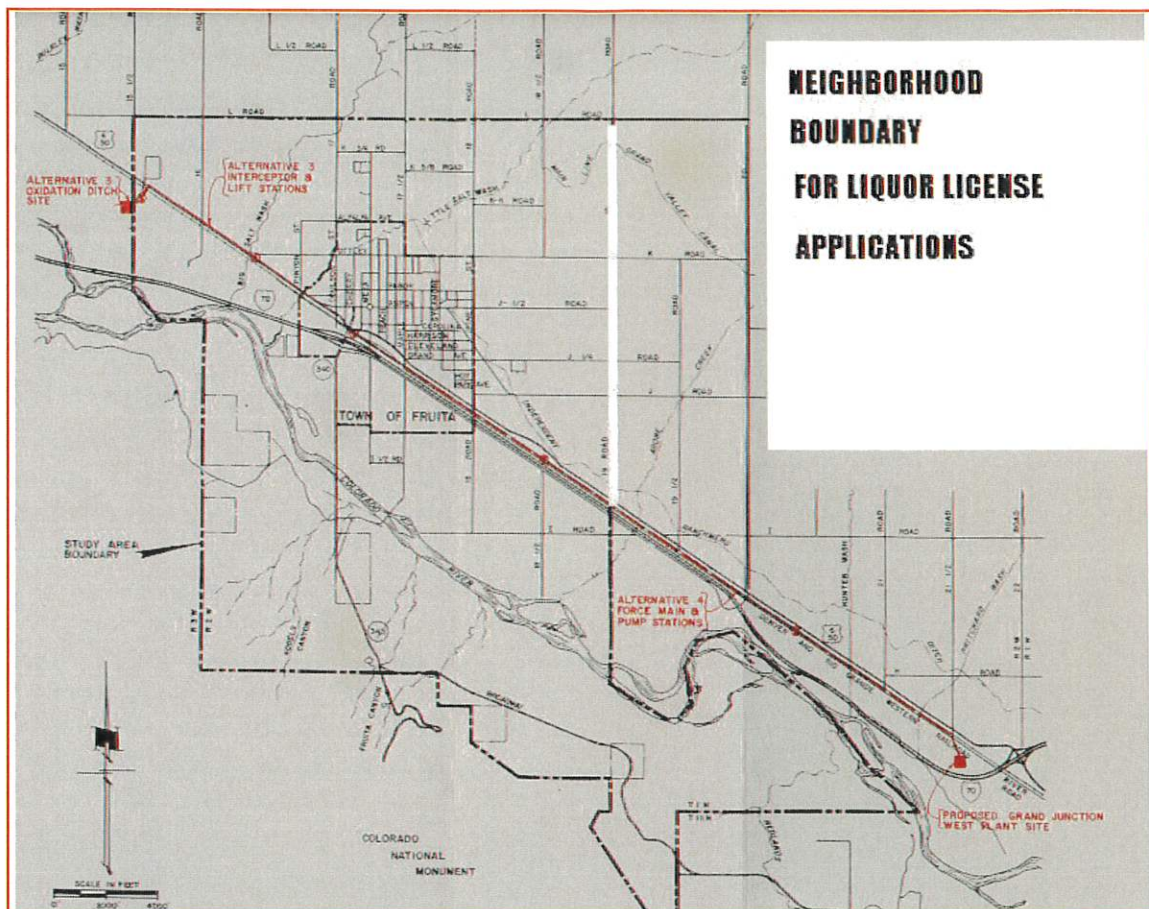

Notary Public



NEIGHBORHOOD DEFINED

DATE: February 1, 2019

The Fruita City Council amended the “neighborhood” definition for purposes of surveys for new liquor license applications at their regular meeting of October 5, 1999. The neighborhood is now defined as the 201 Boundary, with the east border of the 201 Boundary located north of the Colorado River extended from 19 Road to 20 Road. The map below indicates the boundary of the neighborhood.





- **QUASI-JUDICIAL** – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:
 - 1) **Staff presentation** Staff will present the comments and reports received from review agencies and offer a recommendation.
 - 2) **Applicant Presentation** The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
 - 3) **Public Input** (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
 - 4) **The public hearing is closed to public comments.**
 - 5) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
 - 6) **Make a motion.** A member of the City Council will make a motion on the issue.
 - 7) **Discussion on the motion.** The City Council may discuss the motion.
 - 8) **Vote.** The City Council will then vote on the motion.