

**BEFORE THE LOCAL LIQUOR AND BEER
LICENSING AUTHORITY, CITY OF COLORADO
SPRINGS, STATE OF COLORADO**

Address: 30 South Nevada Avenue, Suite 101
Colorado Springs, CO 80903
Telephone: (719) 385-5901
Email: cityclerk@coloradosprings.gov

CITY CLERK'S OFFICE
2024 SEP 3 AM 11:39

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

**BJB ENTERTAINMENT, LLC
d/b/a NOVA NIGHTCLUB**
18 S. Nevada Avenue
Colorado Springs, CO 80903
APPLICANT

**Application No: 0856516A
(LED# 03-21862)**

Mailing Address:

1908 Turnbull Drive
Colorado Springs, CO 80921

ATTORNEY FOR THE CITY OF COLORADO SPRINGS

David Elliott, Atty. Reg. No. 42779
Prosecuting Attorney
224 E. Kiowa Street, Suite 410
Colorado Springs, CO 80903
Telephone: 719-385-5925

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

WHEREAS, on March 18, 2024, BJB Entertainment, LLC d/b/a Nova Nightclub, 18 S. Nevada Avenue, Colorado Springs, CO 80903 ("Applicant") submitted an application for a Transfer of Ownership of the then existing Tavern Liquor License issued to DS Holdings, LLC d/b/a Indvstry Video Bar at 18 S. Nevada Avenue, 80903; and

WHEREAS, the Applicant is subject to the provisions of C.R.S. §44-3-101 *et seq.* ("State Liquor Code"), the State Liquor Enforcement Division regulations of 1 CCR 203-2 ("LED Rules"), the City Code, §2.5.101 *et seq.* ("City Liquor Code"), and the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Liquor Rules"); and

WHEREAS, pursuant to C.R.S. §§44-3-303(2) and City Liquor Rule 17.00, Temporary Permit #0856516A was issued to the Applicant on March 26, 2024 authorizing the Applicant to conduct business and sell alcohol beverages at retail in accordance with the license of the transferor subject to compliance with all the listed conditions. The Temporary Permit was issued with an initial July 24, 2024 expiration date, pending action for approval or denial of the application; and

WHEREAS, on July 23, 2024, the Applicant's Temporary Permit expiration date was extended 60 days for a new extended expiration date of September 22, 2024 pursuant to C.R.S. §44-3-303(4) and City Liquor Rule 17.00; and

WHEREAS, it has been made to appear to the Local Licensing Authority ("LLA"), City of Colorado Springs, State of Colorado that the Applicant has violated the statutes and/or the rules and regulations of the State of Colorado, or City of Colorado Springs governing its Tavern Liquor License Temporary Permit; and

WHEREAS, it has been made to appear to the LLA that good cause exists pursuant to the Code of the City of Colorado Springs 2001, as amended ("City Code") to revoke the Tavern Liquor License Temporary Permit and deny the Transfer of Ownership application of the Applicant in the following particulars:

- I. On or about August 2, 2024, the Applicant, and/or its managers, employees or agents, did sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of an alcohol beverage to or for a person under the age of twenty-one (21) years on the licensed premises in violation of C.R.S. §44-3-901(1)(b)(I) and City Code §§2.5.801 and 2.5.805.
- II. On or about August 9, 2024, the Applicant, and/or its managers, employees or agents, did knowingly permit the illegal sale of, and/or negotiate for the sale of, a controlled substance as defined in C.R.S. §18-18-102(5), on the licensee's licensed premises, in violation of C.R.S. §44-3-901(6)(q).
- III. On or about April 14, 2024, and proceeding up to and including on or about August 17, 2024, Applicant's licensed premises have been operated in a manner that adversely affects public health, welfare, and/or safety of the immediate neighborhood in which the establishment is located as defined in C.R.S. §44-3-103(19)(d) and City Liquor Rule 14.03(B)(3). The premises has repeatedly been the location of violent and dangerous activity among both its patrons and/or its managers, employees, and/or agents. This includes, but is not limited to, the following:
 - a. On August 11, 2024 Colorado Springs Fire Department responded to an automatic alarm at Applicant premises. Upon arrival, a man identifying himself as head of security for Nova nightclub physically prevented fire fighters from checking the alarm panel. This occurred during Nova business hours with the building fully occupied with people dancing and music playing. The fire department noted a failure to evacuate during the automatic alarm and the likely inability for patrons in the building to be able to hear an audible alarm, nor notice the alarm strobes due to the use of strobe lights by the Applicant. The behavior by the security guard resulted in criminal Municipal Court case 24M22020, which is pending as a violation of Municipal Code §8.2.308.

The report also indicates multiple other violations from Applicant, including using extension cords in lieu of permanent wiring, the blocking of a stairwell by a chain and table, no crowd managers (which are required when dealing with events or facilities involving 500 or more people), no fire safety and evacuation plan, materials resting on (or hung on) sprinkler piping, among other violations.

- b. Applicant employs or contracts with individuals/groups for security services, however it appears that nearly all (if not all) of these individuals acting as “security,” “bouncers,” and/or “guards” are not trained nor licensed security guards, and thusly the Applicant has engaged in a pattern and practice of allowing unlicensed persons to engage in security services in contravention of Colorado Springs Municipal Code §2.3.216(B). Licensed security guards must pass a criminal background check and show proof of training. These requirements are there for the safety of the general public at large, and specifically for the safety of the patrons/customers of the businesses that licensed security guards monitor.
- c. This pattern of illegal, disruptive, and dangerous activity at Applicant's premises comprises at least twenty reported incidents with CSPD/EPSO between the four month period of April through August. Of those, nearly all contain an element of violence, many involve guns, and whether explicitly stated or not, alcohol and/or intoxication are always present. An additional recurring theme with these incidents is resisting police orders, which creates further danger and chaos for the Colorado Springs Police Department and the community citizens. See:
 - i. April 14, 2024, CSPD 24-01020826, police responded to Applicant premises on a report of a physical disturbance. Dispatch indicated that a male patron was seen assaulting females in the women’s restroom. He was ultimately cited for a municipal violation of resisting/interfering with a public official for fighting with police. That case is ongoing in Municipal Court, 24M09913.
 - ii. April 20, 2024, CSPD 24-01024611, police were dispatched on a report of a physical altercation. It would be discovered that a male patron suffered serious bodily injury (fractured mandible) during a fight on Applicant premises. Both parties were cited for disorderly conduct / fighting in public in El Paso County Court. 24M973 & 24M972.
 - iii. April 21, 2024, CSPD 24-01025131, police responded to a report of a person acting as a security guard at the premises assaulting a patron. The patron was described as a friend of one of the owners of Nova. Due to the nature of the injuries seen by officers on each party, they were unable to develop

probable cause as it was unclear which party started the altercation. A co-owner of Nova was a witness in this report.

- iv. May 17, 2024, CSPD 24-01042062, police responded to a report that a patron was choked by another patron. The suspect had left and was unable to be identified. A co-owner of Nova was a witness in this report.
- v. May 20, 2024, CSPD 24-01043841, police responded to a call that bouncers at Nova were attacking a patron. By the time police were able to respond, the night club was closed and all parties had left. Police spoke to the victim who said two bouncers grabbed him, punched him, and threw him outside. The report indicates police were unable to determine who the suspects were at the time of its writing.
- vi. May 24, 2024, CSPD 24-01046655, police responded to a call from a patron reporting that he had been choked and his phone stolen. A man identifying as security personnel at Nova told CSPD that the victim had been inappropriately touching female patrons and asked to leave. The security agent told police no security guard touched the victim, but another unknown patron grabbed him and "put him to sleep." An owner of Nova is listed as a witness in this report. No charges were filed, and the missing phone was never found. The attacking patron was not able to be identified.
- vii. May 26, 2024, CSPD 24-01047836, while the establishment was closing, CSPD officers watched patrons fight on the sidewalk on front of the premises. One party was charged with fighting and damage to property for causing harm to a rented limousine parked on the street. That case is currently pending in Municipal Court, 24M13579.
- viii. June 2, 2024, CSPD 24-01053490, a patron of Nova reported to police that a bouncer at the club "body slammed" him onto the concrete sidewalk outside the front door. The bouncer was charged with felony second degree assault with serious bodily injury (the patron victim suffered a fractured wrist). That case is El Paso District Court case 24CR3117 and the defendant is/was a person acting in the capacity of a security guard at Nova. This same person would be charged for another similar incident approximately one month later.
- ix. June 9, 2024, CSPD 24-01056928, police respond to a major incident at the Applicant premises. The report indicates that patrons became involved in an argument, a male patron allegedly hit a female patron and pointed a gun at a male in her

party. This incident ultimately ended with an officer firing his weapon, striking the suspect, who himself was charged with multiple felonies, including First Degree Assault, threatening a peace officer with a weapon, second degree assault causing injury with a deadly weapon, and two counts of felony menacing with a real or simulated weapon. This case is currently still proceeding, El Paso County District Court case 24CR2391.

- x. July 4, 2024, CSPD 24-01073772, police were dispatched to reports of a male lighting large Roman candle fireworks outside Applicant Premises. He was seen then walking into Nova.
- xi. July 12, 2024, CSPD 24-01078352, officers were dispatched to Applicant premises on a report of a large group of females causing a disturbance. Ultimately one person was cited into El Paso County Court for disorderly conduct, case 24M4677. An owner of Nova is listed as a witness in this report.
- xii. July 12, 2024, CSPD 24-01078359, officers were dispatched to Applicant premises on a report of a disturbance. A suspect was charged with resisting and fighting, and tased by CSPD. That case is in Municipal Court, 24M17222.
- xiii. July 20, 2024, CSPD 24-01083540, officers respond to a call for service at Applicant premises where the call notes indicated the reporting party was pepper-sprayed, a female party was punched and hit in the head with a thrown bottle. Police were unable to identify the suspects and no charges were filed.
- xiv. July 21, 2024, CSPD 24-01084187, police respond to a hospital to speak with a victim that was assaulted at Applicant premises by a Nova security guard. The victim told police the security guard wrapped his arm around her neck from behind, choking her until she lost consciousness, and a witness would tell police he then threw her onto the concrete outside the club. The victim is listed as 5'2' and 116 pounds in the police report. The suspect was charged with First Degree Assault-strangulation, with a sentence enhancer that includes an allegation of serious bodily injury based on the medical documents provided by a physician. That case is ongoing, and this is that Nova security agent's second felony assault case, El Paso County District Court case 24CR3055.
- xv. July 21, 2024, CSPD 24-01084150, police were at the Applicant premises and saw a suspect standing in the middle of Nevada street. When they told him to get out of the roadway he refused. Ultimately, he would be cited for resisting arrest. That case is pending in Municipal Court, 24M17907.

- xvi. July 21, 2024, CSPD 24-01084152, police were already at the Applicant premises for an incident, and when an officer was taking an individual into custody for that issue, he watched another group of people begin to fight. He saw a male and female who were approaching the fight to presumably engage in it themselves. They refused to stop and obey his command to get back and those two were eventually cited for resisting. Those cases are currently pending in Municipal Court, 24M17966 and 24M17906.
- xvii. July 25th, CSPD 24-01086844, police were dispatched to Applicant premises on reports of a disturbance involving a handgun. Witnesses told police a suspect got into his face, attempted to start a fight, and threatened him with a handgun. That suspect would be arrested by police and was found with a loaded handgun with an illegal 16 round clip, and a second handgun with an illegal 24 round extended clip. The second gun had previously been reported stolen by its owner. This suspect has previously been convicted of attempted murder, and this incident led to multiple counts of both felony menacing with a real or simulated weapon, and possession of a weapon by a previous offender being charged. That case is pending, 24CR3046. A friend of that suspect was also charged with assault in the third degree during this same incident, El Paso County Court 24M4941.
- xviii. July 28th, CSPD 24-01088885, police were outside Nova nightclub and observed a fight between patrons of Applicant premises. A suspect was seen holding a handgun, which he discarded as he attempted to run from police. The gun was later found in a flower pot, the suspect was tased by police, and the incident led to charges of fighting in public, obstruction, and felony possession of a weapon by a previous offender, as the suspect had previously been convicted of aggravated robbery with a weapon. The present case is pending in El Paso County District Court as 24CR3123.

NOW THEREFORE, you are hereby **ORDERED** to appear before the Local Licensing Authority, City of Colorado Springs, State of Colorado on Friday **September 20, 2024** at **9:00 A.M.** at the Municipal Court Building, in Division 2, 224 East Kiowa Street, Colorado Springs, CO 80903, or at such other time and place as the Local Licensing Authority may direct to **SHOW CAUSE** why your Tavern Liquor License Temporary Permit should not be suspended or revoked and the Transfer of Ownership application be denied as by law provided. Said hearing is conducted pursuant to C.R.S. §44-3-601 and §2.5.601 of the Code of the City of Colorado Springs, 2001 as amended (“City Code”) and governed by the Liquor and Beer Rules and Regulations for the City of Colorado Springs (“Local Rules”).

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing.

You are entitled to utilize the services of a qualified foreign language interpreter pursuant to Rule 9.10 of the Local Rules. Any interpreter must meet the requirements of that rule, and any relationship to you may disqualify a proposed interpreter. You will be responsible for securing and paying the costs associated with foreign language interpretation services and you should do so well in advance of the hearing. A foreign language interpreter will not be provided for you. If you are unable to locate a qualified foreign language interpreter, you should contact the City Clerk's Office well in advance of the hearing to obtain a list of qualified interpreter services.

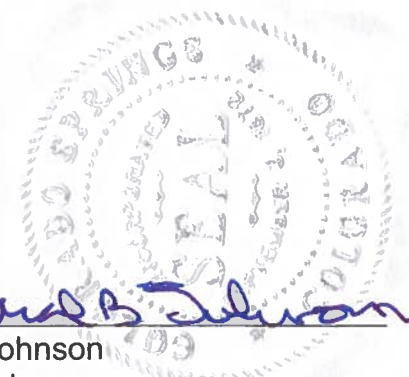
If you are hearing impaired and require the services of a sign interpreter, you should notify the City Clerk's office in advance of the hearing and one will be provided for you free of cost.


A postponement of the hearing will not be granted except for good cause shown. **If you should fail to appear at the scheduled time and place for the hearing, or appear despite an inability to present evidence in the absence of a qualified interpreter or counsel, testimony may be taken in reference to the allegations, upon which evidence your Retail Liquor Store License may be suspended or revoked.**

If you have any questions concerning these proceedings, you should contact David Elliott, Prosecuting Attorney, at (719) 385-5925.

IT IS FURTHER ORDERED that a copy of this Order and Notice shall be served upon the above-mentioned Licensee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of my office this 30th day of August, 2024.




Sarah Johnson
City Clerk

CERTIFICATE OF SERVICE

I, Colin M. Gordon, hereby certify that I have served the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** on this 4th day of September, 2024 by personally delivering to:

Name: Vince Linden, Attorney for Applicant
Address: 30 S. Nevada Ave, #101, C. Springs, CO 80903

AND

I hereby certify that I have mailed a true copy of the foregoing **ORDER TO SHOW CAUSE AND NOTICE OF HEARING** by United States mail, first class postage paid, this 3rd day of September, 2024 to the following mailing addresses of record:

BJB Entertainment, LLC
d/b/a Nova Nightclub
C/O Bryson Harris
1908 Turnbull Drive
Colorado Springs, CO 80921

CC: brysonsharris@gmail.com
jjean_piere@hotmail.com
brandon.klett@gmail.com
vince@lindenlawgroup.com


Colin M. Gordon
License Enforcement Officer
City Clerk's Office
30 S. Nevada Avenue
Colorado Springs, CO 80903