### **ORDER TO SHOW CAUSE**

# IN THE MATTER OF A BUSINESS LICENSE(S) HELD BY M&J EVENT AND ENTERTAINMENT LLC, DOING BUSINESS AS THE ROO - BAR LOUNGE, AT 1777 LARIMER STREET # 2111, DENVER, COLORADO

## DANCE CABARET LICENSE # 2008-BFN-1032015 HOTEL AND RESTAURANT LIQUOR LICENSE # 2008-BFN-1032015

M&J EVENT AND ENTERTAINMENT LLC, doing business as THE ROO - BAR LOUNGE, (the "Respondent") is hereby ordered to appear at the Denver Department of Excise and Licenses (the "Department"), located at 201 West Colfax Avenue, Dept. 206, Denver, Colorado, on December 1, 2022 at 9:00 a.m. and SHOW CAUSE why its Dance Cabaret, and Hotel and Restaurant Liquor License(s) at 1777 Larimer Street # 2111, Denver, Colorado, should not be suspended or revoked for alleged violations of law or regulations.

## ALLEGED VIOLATIONS

As a result of the investigation conducted by the Denver Police Department between January 23, 2022 and October 16, 2022, and the attached complaint, the Department has sufficient grounds to believe that the Respondent, through its managers, employees, or agents has violated the following state or local laws or regulations

- 1. 1 Colo. Code Regs. § 203-2: 47-900 (A) Conduct of Establishment Orderliness, loitering, serving of intoxicated persons.
  - A. Each person licensed under Article 3, Article 4, and Article 5 of Title 44, and any employee or agent of such licensee shall conduct the licensed premises in a decent, orderly and respectable manner, and shall not serve a known habitual drunkard or any person who displays any visible signs of intoxication, nor shall they permit a known habitual drunkard or any person who displays any visible signs of intoxication nor shall the licensee, his employee or agent knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S., nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

- 2. D.R.M.C. § 6-35(a) Disorderly behavior
  - (a) Each licensee shall conduct his establishment in a decent, orderly and respectable manner. No licensee, manager, agent, or employee of a licensee, nor a member of any organization licensed herein, shall permit within or upon the licensed premises: the loitering of intoxicated persons or persons under the influence of alcohol, narcotic drugs, stimulants or depressants; nor lewd or obscene displays or activities; nor disturbances, disorderly conduct, or undue noise; nor any unlawful act; nor other activity offensive to the residents of the neighborhood in which the establishment is located; provided, however, this section shall not apply to the possession, consumption, display, or use of cannabis or cannabis accessories as may otherwise be permitted by the Revised Municipal Code or state law.
- 3. D.R.M.C. § 42-132 (B)(1), (3) License required
  - (1) It shall be unlawful for any person to act as a security guard without first obtaining a license as provided in this article.
  - (2) It shall be unlawful for a private security employer to permit or direct any person to perform security services unless the person has obtained a license as provided in this article.
  - (3) It shall be unlawful to operate as a private security employer without first obtaining a license as provided in this article.

## **LICENSE VIOLATIONS**

Due to the above allegations, the Department is seeking disciplinary action on your licenses pursuant to D.R.M.C. § 32-22 or C.R.S. § 44-3-601, as well as D.R.M.C. § 6-61.

## **CORPORATION MUST APPEAR WITH AN ATTORNEY**

Subject to certain exceptions, a corporation or limited liability company must appear before an administrative agency through an attorney. Proceedings commenced or advocated and pleadings filed by a corporation or limited liability company without an attorney will be not be accepted, EXCEPT that a closely held corporate entity (3 or fewer shareholders) may be represented by an officer of such closely held entity if the officer provides a corporate resolution form (attached hereto) authorizing the officer to appear on behalf of the entity in all matters before the Department.

### **DISCOVERY REQUESTS**

Copies of the reports regarding this show cause, as well as photos, floorplans, and applications will be available from the Department by submitting a request via email at <u>EXLRecordsManagement@denvergov.org</u>.

### **CONTINUANCES**

All requests to continue the hearing must be made in writing and emailed to the Department at <u>CAOExciseandLicense@denvergov.org</u>, and must copy the Assistant City Attorney below. Any Order granting or denying a continuance shall be within the sole discretion of the Director.

### STIPULATION WITH ASSISTANT CITY ATTORNEY

In order to resolve this matter without a hearing, your attorney or legally authorized corporate representative may contact Assistant City Attorney Su Cho at <u>Su.Cho@denvergov.org</u> or (720) 913-8060, or Chris Gaddis at <u>Chris.Gaddis@denvergov.org</u> or (720) 913-8095, prior to the hearing to reach a stipulated agreement. Any stipulation reached with the Assistant City Attorney should be completed at least twenty-four (24) hours prior to the show cause hearing date. Stipulations may be rejected by the Department for failure to comply with the procedures above.

### VIRTUAL HEARING

In light of the COVID-19 (Coronavirus) pandemic, the continued spread of the virus throughout communities in Colorado, and public health orders regarding mitigating the spread of the virus, all in-person hearings are being rescheduled to virtual hearings. Parties are encouraged to premark and submit exhibits electronically prior to the hearing as provided for in the Department Policies and Procedures Governing Public Hearings.

This Show Cause hearing shall be scheduled for **December 1, 2022, at 9:00 a.m.**, via virtual hearing. You can access the virtual hearing via telephone by calling +1720-388-6219 code: 111 591 49# or via video conference using this link: https://tinyurl.com/477vcb4z

If the Respondent does not have access to a computer or telephone, needs assistance from an interpreter, or requires closed-captioning assistance, they must notify the Department in writing at the following address: Department of Excise and Licenses, 201 W. Colfax Avenue, Dept. 206, Denver, CO, 80202, at least seven (7) days prior to the hearing. If possible, notification may also telephone provided verballv bv at (720)913-1311 or bv emailing be EXLApplications@denvergov.org.

## FAILURE TO APPEAR AT HEARING

If you fail to appear for the hearing, the hearing may proceed on the scheduled date. Testimony and evidence may be taken regarding the allegations, and your license may be suspended, fined, or revoked <u>without further notice</u>.

## LICENSE TRANSFER AND RENEWAL

The Department will not accept any application to transfer the ownership of this license during the pendency of the show cause. Any licensee attempting to submit any application with the Department regarding this license shall notify the Department of pending disciplinary action on this license. Any licensee attempting to transfer ownership shall notify the potential purchaser of all liabilities associated with this license and shall notify the transferee that she may be responsible for the actions of the previous owner, and subject to discipline based upon the same.

The Department will accept a complete renewal application along with the requisite fees, however no license shall issue until this matter is resolved. The Department's renewal investigation shall be consolidated with the Show Cause proceeding. The Respondent must notify the Department that its license is under disciplinary action upon a request for renewal.

Ordered this \_10<sup>th</sup> \_\_ day of \_November \_\_\_\_\_ 2022.

Mely Ruplach

Molly Duplechian, Executive Director Department of Excise and Licenses

### **CERTIFICATE OF DELIVERY**

The undersigned hereby certifies and states that one true and complete copy of the above Order was sent via email and certified prepaid mail postage on this \_10<sup>th</sup> \_\_ day of \_\_\_\_\_\_ November\_\_\_\_\_\_ 2022, to the following:

M&J EVENT AND ENTERTAINMENT LLC THE ROO-BAR LOUNGE 3480 PARK AVE WEST DENVER, CO 80216

MOHAMMED HASSAN SAFIEDDINE 1777 LARIMER ST., #2111 DENVER, CO 80202 DANNYSAFIEDDINE@YAHOO.COM

JUGURTA TIGHRINE 644 N SANTA FE DR DENVER, CO 80204 amorepizzaco@gmail.com amorejuice@gmail.com

Det. Paul Streate, Denver Police Department, Paul.Streate@denvergov.org

Det. Tom Sanchez, Denver Police Department, Tom.Sanchez@denvergov.org

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Dept. of Excise and Licenses

#### **City and County of Denver**

DEPARTMENT OF EXCISE AND LICENSES 201 W. Colfax Ave. Dept. 206 Denver, CO 80202 P: 720.865.2740 F: 720.865.2881 www.denvergov.org/businesslicensing

# **RESOLUTION**

### **Recitals:**

- 1. \_\_\_\_\_\_ is a closely held corporation within the context of Section 13-1-127, C.R.S., since it is a privately held corporation with no more than three (3) shareholders.
- 2. \_\_\_\_\_\_is the duly elected \_\_\_\_\_\_, (Office) of the corporation.
- 3. The following signatories to this resolution are shareholders of the corporation holding the specified percentage of stock ownership:

Shareholder	Stock Ownership Percentage (%)	

- 4. The corporation is a Colorado corporation in good standing which is in compliance with the requirements imposed on corporations by law.
- 5. The amount at issue does not exceed ten thousand dollars (\$15,000.00), exclusive of costs, interest or statutory penalties.
- 6. The corporation holds/has applied for a License.

It is therefore RESOLVED that \_\_\_\_\_\_is authorized to appear on behalf of the corporation before the Denver Department of Excise & Licenses at the hearing

scheduled on \_\_\_\_\_\_ and represents the corporation at the hearing.

	Shareholder Signatures		
Subscribed and	sworn to before me this	day of	20
SEAL			
SEAL		NOTARY PUBLIC	
	My commission expires		
FOR CITY SERVICES VISIT CALL DenverGov.org 311			

### COMPLAINT

# IN THE MATTER OF BUSINESS LICENSES HELD BY M&J EVENT AND ENTERTAINMENT LLC, DOING BUSINESS AS THE ROO – BAR LOUNGE, AT 3480 PARK AVE. WEST, DENVER, COLORADO

## DANCE CABARET LICENSE # 2008-BFN-1032015 HOTEL AND RESTAURANT LIQUOR LICENSE # 2008-BFN-1032015

Su Cho, Assistant City Attorney, respectfully notifies the Denver Department of Excise and Licenses (the "Department") of the City's request to pursue disciplinary action against both the Dance Cabaret as well as the Hotel and Restaurant Liquor Licenses held by M&J EVENT AND ENTERTAINMENT, LLC, doing business as THE ROO – BAR LOUNGE, located at 3480 Park Ave. West, Denver, Colorado. The City states as follows:

## I. Legal Authority to Show Cause

C.R.S. § 44-3-601(1)(a) grants local licensing authorities the power to show cause alcohol licenses which it issues: "[T]he state or any local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to fine a licensee or to suspend or revoke, in whole or in part, any license or permit issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of the licensee of this article 3; any rules authorized by this article 3; or any of the terms, conditions, or provisions of the license or permit issued by such authority."

DRMC § 32-22(a)(3) states that the Department may hold a show-cause hearing if: "The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any of the conditions required for the license as specified in this Code or rules and regulations adopted pursuant thereto."

D.R.M.C. § 32-22(a)(5) states that the Department may hold a show-cause hearing if: "[t]he licensee, or any of the agents, servants or employees of the licensee, have violated any ordinance of the city or any state or federal law or have permitted such a violation by any other person."

D.R.M.C. § 6-61 states that the Department "[i]n addition to the grounds shown in chapter 32 of this Code for revocation or suspension of a license, the director may revoke or suspend a cabaret license if he finds that:

(1) The nature of the licensed premises or of the business conducted therein encourages a disturbance of the peace; or

(2) The conduct of persons in or about the licensed premises is such as to annoy or disturb the peace of the residents in the vicinity, or of the passersby on any public sidewalk, street, highway or any other public right-of-way."

D.R.M.C. § 32-30(b) states that "Any act or omission committed by any employee, agent, or independent contractor that occurs in the course of his or her employment, agency, or contract with the licensee shall be imputed to the licensee or permittee for purposes of imposing any suspension, revocation or other sanction on the licensee or permittee."

### **II. Factual Background**

Several reports filed by the Denver Police Department ("DPD") indicate the following:

On or about January 23, 2022, officers with the Denver Police Department responded to the licensed establishment on a report of a fight involving ten parties. When officers arrived, they contacted Savino Aragon, who indicated that he had been assaulted inside of Roo Bar by an unknown black male wearing a shirt that had "security" written on it. Mr. Aragon indicated that after being struck, he heard the male yell, "get him" and Officers observed facial injuries on Mr. Aragon and that he was slurring his speech and stumbling around. Officers contacted security staff who admitted to punching Mr. Aragon once in the face. Upon review of surveillance video, officers were able to determine that Mr. Aragon was with another female who not being allowed back into the club, but that it escalated when the female pushes another male in the parking lot. Mr. Aragon then strikes a security guard twice, which results in the security guard striking Mr. Aragon one time that causes Mr. Aragon to fall to the ground. Upon getting back up, Mr. Aragon is then pushed against another vehicle causing him to get struck on the left side of his face by another male. This situation then escalates to both Mr. Aragon and the female he was with to start fighting additional patrons to the point that Mr. Aragon is then continuously struck by another unknown male in the face until the fight could be broken up. Despite providing the surveillance video to law enforcement, the license establishment was not being cooperative in assisting law enforcement in their investigation of the incident.

On or about February 19, 2022, members of the Denver Police Department's Vice and Narcotics Unit conducted a liquor license business and business guard license inspection operation at "Roo Bar" located at 3480 Park Avenue West. Upon arriving at the location, the Denver Police Department contacted a person by the name of John Kelly, who identified himself as the front door manager of the establishment. Mr. Kelly indicated that there were seven individuals working as security guards at the location that day. During the inspection, the Denver Police Department contacted Wes Hakeem El and Devin Ray. Mr. Hakeem El was dressed in all black along, a tac vest covering his upper torso; and was carrying a large knife in the front pocket of the tac vest. Mr. Ray was also wearing a black sweatshirt that had "High Tower Security" printed on it. Both individuals were unable to provide documentation of their security guard licenses and indicated that they did not have licenses. Additionally, both individuals were employed by High Tower Security and were providing security services and at licensed establishment without having obtained the requisite licenses through the

Department. Furthermore, another manager by the name of Nicholas Montanaro, informed the Denver Police Department that he was aware of a situation in which a firearm entered the licensed premises through a hole in the patio. It was at this time that officers were able to see a patron freely exit through an unsecured door on the patio and attempt to re-gain entrance. It was also noted that several parties inside the licensed premises were wearing backpacks and that there were numerous tobacco hukkahs in the back storage room. This prompted the Denver Police Department to inform management that allowing patrons to carry or wear backpacks inside the establishment allows for easy concealment of weapons, and that a license would be necessary to allow patrons to use the hukkah pipes within the establishment.

On or about April 16, 2022, at around 12:29 am, an employee, Brandon McBride, had been working as security/clean up crew at the licensed establishment when a fight broke out inside the establishment. When the Denver Police Department made contact with Mr. McBride, he indicated that he was assisting in breaking up the fight by taking people outside to the parking lot when additional fights were continuing to break out and additional people were joining in the fights. Mr. McBride along with another security guard were both struck by an unknown party. Mr. McBride was later transported to the hospital by ambulance Eventually, Denver Police arrived and everything was broken up and the club closed down early.

On or about May 1, 2022, at around 1:30 am, the Denver Police Department responded to Roo Bar to provide extra patrol and to monitor the out-crowd from this establishment. While at the location, an unknown suspect described as: a Hispanic male, approximately five feet two inches, wearing a white plaid shirt, and having a black handgun in his front waistband, unlawfully discharged a 40 mm bullet from a handgun while in the parking lot of the Roo Bar Lounge. Upon further investigation, it was later discovered that said Hispanic male had engaged in an argument inside of the licensed establishment that led to employees of the establishment trying to stop the argument. The Hispanic male then left the licensed establishment and proceeded to a gray Jeep that was parked in the parking lot. The Hispanic male then entered the passenger door and obtained the gun. Shortly thereafter, a shot was heard and a spent .40 caliber cartridge casing was found in the parking lot.

On or about June 19, 2022, officers with the Denver Police Department were dispatched to the licensed premises to assist off-duty officers relating to a fight. Two female patrons engaged in a verbal altercation inside of the licensed establishment over people cutting in line for the bathroom. The verbal altercation then started up again in the parking lot of Roo Bar, which ultimately resulted in the two females physically fighting with one another and the fight only stopped when the police arrived. Both females were cited for violation of D.R.M.C. § 38-93.1 ~ Public Fighting, and D.R.M.C. §38-89 ~ Disturbing the Peace.

On or about July 2, 2022, at around 1:40 am, officers Denver Police Department responded to the location of 3480 Park Ave West on a call of shots fired in the parking lot. After containing the chaotic situation, officers were able to locate several witnesses who indicated that they heard several shots being fired in the location of 3480 Park Ave West. Interview with staff and witnesses revealed that a male identified as Isaiah Adams, had been a

patron of Roo Bar and had been unable to pay for his bar tab. Mr. Adams had been physically escorted out of the bar after physically assaulting one of the staff members in the face. Upon Mr. Adams leaving the establishment, he was seen joining another group in the parking lot, which began throwing gang signs to another group in the parking lot. Shortly after this exchange between the groups, several gun shots were heard. Although officers were able to recover several fired casings, no known persons or property were discovered to be injured and/or damaged.

On or about July 30, 2022, members of the Denver Police Department's Vice and Narcotics Unit conducted a liquor license business and business guard license inspection operation at "Roo Bar" located at 3480 Park Avenue West. Upon arriving at the location, the Denver Police Department contacted a person by the name of Sean Ford, who identified initially himself as a security guard for the establishment, but then stated that he was just conducting crowd control despite officers having observed Mr. Ford conducting pat down searches of individuals entering the establishment. Mr. Ford indicated that he worked for a business guard company by the name of, "Denver's Finest," but had yet received his license. Officers then contacted a person by the name of Anthony Wilson, who was observed wearing a black hooded sweatshirt with "SECURITY" written in bold white lettering on both sleeves, radio earpiece and lapel mic, bullet resistant vest over the security sweatshirt, tan tactical pants, tactical belt with handgun holster and double magazine carrier, handcuff case, and ASP baton. While Mr. Wilson was able to produce a security guard license, the license listed that listed his employer as Invicta Acquisition LLC, and that he was only able to carry a firearm while working with Invicta. There was no evidence that Invicta had been hired by the licensed establishment to provide security on July 30, 2022, nor that Mr. Wilson was permitted by the Department to provide security services while carrying a firearm at Roo Bar.

On or about August 6, 2022, at around 1:49 am, the Denver Police Department responded to the location of 3480 Park Ave West on a call for service regarding shots fired. Upon arrival, officers noted that there were still a lot of vehicles in the parking lot of the address. Officers made contact with a hired patrol officer who indicated that he had heard approximately six (6) gun shots and then saw a male throwing a black handgun int a four-door sedan before getting into said vehicle and driving off. Shortly thereafter, another gun shot was heard from another black sedan that had been associated with the other vehicle that drove off. Based upon the shots being fired, officers were able to locate a car owned by a person hired to conduct patrol for the entire property had been struck in the radiator by one of the bullets. No other businesses are known to be operating past midnight at said location.

On or about August 28, 2022, at approximately 1:32 am, officers with the Denver Police Department responded to the location of 3480 Park Ave West on a call of a shooting. After containing the chaotic situation, officers were able to locate several witnesses who indicated that they heard several shots being fired in the location of 3480 Park Ave West which caused patrons to take cover. Officers were able to recover numerous shell casings and were able to identify that a patron of the licensed establishment had her vehicle damaged by 2 bullets and sustained some cuts from the broken glass while she was in her car; and that one patron had been shot in the leg while fleeing from the gunshots. A suspected bullet was discovered to have struck the southwest facing window of the Well Haven Veterinary Office. On or about October 15-16, 2022, which was the re-opening of the licensed establishment after a temporary restraining order had been lifted in a civil nuisance abatement, the Denver Police Department had to respond to calls for service of vehicles blocking the entry to the apartment building in the same vicinity of the licensed premises; and an aggravated assault on a male who was standing outside of the licensed establishment when he was struck with a baseball bat from patrons that came out of the bar.

### **III. Alleged Violations**

Respondent is alleged to have violated:

- 1. 1 Colo. Code Regs. § 203-2: 47-900 (A) Conduct of Establishment Orderliness, loitering, serving of intoxicated persons.
  - A. Each person licensed under Article 3, Article 4, and Article 5 of Title 44, and any employee or agent of such licensee shall conduct the licensed premises in a decent, orderly and respectable manner, and shall not serve a known habitual drunkard or any person who displays any visible signs of intoxication, nor shall they permit a known habitual drunkard or any person who displays any visible signs of intoxication nor shall they permit a known habitual drunkard or any person who displays any visible signs of intoxication to remain on the licensed premises without an acceptable purpose, nor shall the licensee, his employee or agent knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S., nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.
- 2. D.R.M.C. § 6-35(a) Disorderly behavior
  - (a) Each licensee shall conduct his establishment in a decent, orderly and respectable manner. No licensee, manager, agent, or employee of a licensee, nor a member of any organization licensed herein, shall permit within or upon the licensed premises: the loitering of intoxicated persons or persons under the influence of alcohol, narcotic drugs, stimulants or depressants; nor lewd or obscene displays or activities; nor disturbances, disorderly conduct, or undue noise; nor any unlawful act; nor other activity offensive to the residents of the neighborhood in which the establishment is located; provided, however, this section shall not apply to the possession, consumption, display, or use of cannabis or cannabis accessories as may otherwise be permitted by the Revised Municipal Code or state law.
- 3. D.R.M.C. § 42-132 (B)(1), (3) License required
  - (1) It shall be unlawful for any person to act as a security guard without first obtaining a license as provided in this article.
    - (2) It shall be unlawful for a private security employer to permit or direct any person to perform security services unless the person has obtained a license as provided in this article.
    - (3) It shall be unlawful to operate as a private security employer without first obtaining a license as provided in this article.

### Specifically:

- a. Respondent violated Colorado Liquor Rule Regulation 47-900(A) Conduct of Establishment by allowing disorderly conduct such as physical fights on the premises.
- b. Respondent violated D.R.M.C. 6-35(a) by permitting disorderly conduct such as physical fights on the premises.
- c. Respondent violated D.R.M.C. 42-132(B)(1)(3) by having unlicensed security guards working at the business.

### **IV.** Conclusion

Respondent holds licenses issued by the Department and is alleged to have violated the above referenced Colorado Revised Statutes, Denver Revised Municipal Codes, and Colorado Liquor Rules. Therefore, pursuant to DRMC § 32-22(3)(5), DRMC § 6-61, DRMC § 32-30(a)(b) and CRS § 44-3-601(1)(a) the City requests that the Department issue, and cause to be served upon Respondent, an Order to Show Cause why the Respondent's Dance Cabaret as well as the Hotel and Restaurant Licenses should not be suspended or revoked.

Respectfully submitted this 7th day of November, 2022.

Respectfully,

\*/s/ Su Cho

Su Cho, Reg. No. 43538 Assistant City Attorney 201 West Colfax Avenue, Department 1207 Denver, Colorado 80202 Phone: (720) 913-8060 Fax: (720) 913-8010 Email: <u>Su.Cho@denvergov.org</u>





