



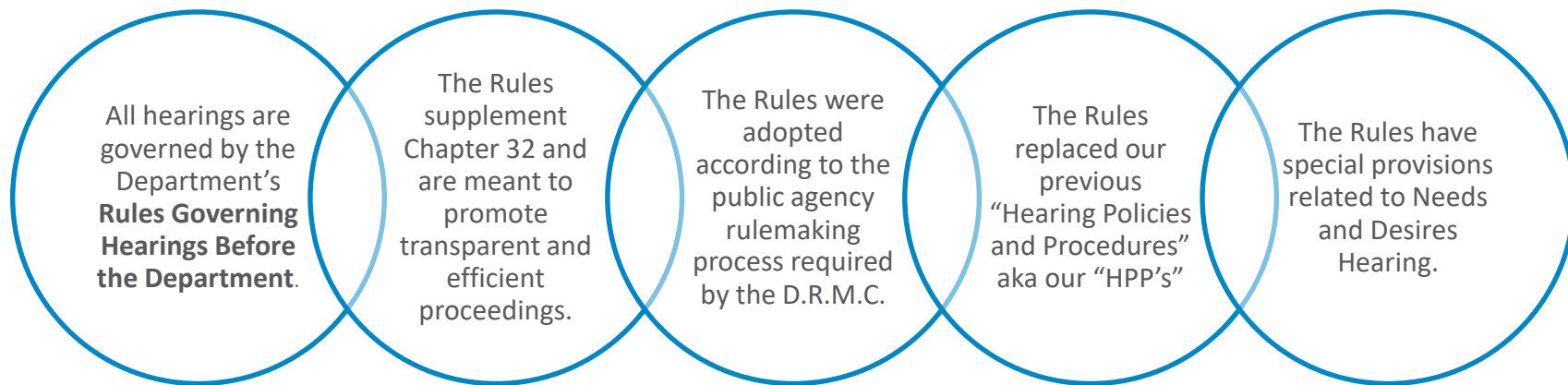
Needs and Desires Hearings

City Council Lunch and Learn
Presented by Excise and Licenses
March 26, 2024

Licensure Process



Rules Governing Hearings Before the Department



The Rules and additional public hearing information is available on our [website](#).

Notification: We're having a hearing!

Hearing Packet

- The Department will send a **Hearing Packet** to these Parties in Interest:
- Applicant/Licensee
- Any RNOs whose boundaries overlap any portion of the Designated Area
- City Council members for the district where the license is/will be

Notice Posting Signs

- The Applicant/Licensee will post a **notice sign** at the location with hearing details.
- Posting signs must be in a conspicuous place, clearly visible to the public.
- Posting signs must follow specific requirements.
- See Rule 2.1

Published Notice

- The Department will publish **printed notice** of the hearing.
- New liquor, marijuana, and cabaret licenses will be published in a newspaper of general circulation. *We use The Daily Journal.*
- The Department makes reasonable efforts to ensure notice of hearings is posted on our website.

We're having a hearing. Now what?

Ex Parte communication (Rule 1.4)

- Contacting the Director of Excise and Licenses outside of the formal hearing process is considered *Ex Parte* communication

Representation (Rule 1.3)

- Attorneys are required to enter their appearance
- Certain applicants and RNOs may represent themselves

Pre-hearing briefs (Rule 1.7)

- Pre-hearing briefs are utilized to address preliminary legal issues and are not usually required

Copy requests (Rule 1.8)

- Any party can request a copy of Department records in preparation for a hearing

Subpoenas (Rule 1.11)

- The Director or Hearing Officer has the power to issue and quash subpoenas
- Parties must request subpoena issuance in writing

Pre-Hearing Requests: What can change?

Request for Interpreter Services

- Any applicant, licensee, party in interest, or City Attorney may request a **foreign language interpreter** for any hearing.
- Requests must be made in writing. If an interpreter is not available for the scheduled hearing, the hearing will be rescheduled.
- See Rule 1.9

Request for Continuance

- Any applicant, licensee, party in interest, or City Attorney may request a **hearing continuance**.
- Continuances may be granted due to occurrences outside the party's control or a significant change to the application.
- See Rule 1.10

Request for Evening Hearing

- Requests for an **evening hearing** may be made by an applicant, licensee, or party in interest.
- Requests must be made in writing at least 5 days prior to the scheduled hearing date.
- Requests must include at least 5 valid signatures from parties in interest.
- If granted, this request may result in a continuance.

Request to Modify the Designated Area

- Any applicant or Party in Interest may request to modify the boundaries **neighborhood under consideration**.
- Requests must be made in writing at least 5 days prior to the scheduled hearing date.
- If granted, this request may result in a continuance.

What does “needs and desires” really mean?

Petitions

- Petitions may be submitted prior to a hearing to indicate support/opposition for issuance of a license

Good Neighbor Agreements (GNAs)

- Neighborhood representatives may negotiate a good neighbor agreement (GNA) or other type of private agreement with an applicant or licensee.
- GNAs are not required.
- GNAs are private agreements between private parties and are not enforced by the department.

Witness testimony

- Live testimony from a neighborhood witness at the hearing
- Neighborhood witness affidavit
- En masse testimony when there are more than three neighborhood witnesses present

We've made it to the Hearing. Who can testify?

Neighborhood Witnesses

- This includes residents and business owners/managers in the Designated Area
- Can provide testimony and evidence and may cross-examine witnesses at liquor, cabaret, and marijuana hearings

Registered Neighborhood Organizations

- Can provide testimony and evidence at liquor and cabaret hearings
- Can provide testimony and evidence and cross-examine witnesses at marijuana hearings

City Council Members

- Can provide testimony and evidence at liquor and cabaret hearings
- Can provide testimony and evidence and cross-examine witnesses at marijuana hearings

Decisions, Objections, Responses – oh my!

Recommended Decision

- Issued by Hearing Officer and shared with applicant and known parties in interest
- Lays out the application history, evidence presented, and a summary of the hearing testimony
- Provides citations to relevant law
- Recommends issuance or denial and provides reasons for recommendation

Objection(s)

- Any applicant, licensee, party in interest, or City Attorney may file written objections to a Recommended Decision
- Objections must be submitted no more than 10 business days after the Recommended Decision is issued
- Objections must be sent to all parties who received the Recommended Decision to be considered

Response(s)

- If any written objections are filed, any applicant, licensee, party in interest, or City Attorney may file a written response to the objections
- Responses must be submitted no more than 5 business days after receiving the objections
- Responses must also be sent to all parties who received the Recommended Decision

Final Decision

- Issued by the Director of Excise and Licenses
- This order is considered a “final agency action” either denying or issuing a license
- The Director reviews the application file to make a determination
- Final Decisions are sent to all parties who received the Recommended Decision

Questions?

Council Members and Aides:

Erica.Rogers@denvergov.org (Policy Director)

Buffy.Palmer@denvergov.org (EXL Hearings Manager)

General Public:

EXLhearings@denvergov.org

EXLpolicy@denvergov.org