



Modernizing Chapter 32 – Licenses

BR23-0551: Amends Chapter 32 of the Denver Revised Municipal Code regarding licensing policies and procedures for the Department of Excise and Licenses to provide clear definitions, as well as update and clarify processes, procedures, and policies.

BIZ Committee Presentation
Department of Excise and Licenses
May 10, 2023

Why are we here?

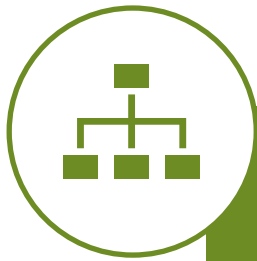
- As we prepare for transition, we want to leave Chapter 32 better than we found it.
- Updating, clarifying, and enumerating standard best practices will reduce confusion for our customers, provide better guidance for our team, and improve the City's ability to foster innovative growth.



Article I – Licensing in General



Define common
licensing terms



Codify and clarify
application and
licensing
procedures



Update policies
for license fees



Codify and update
investigation,
enforcement, and
disciplinary
procedures



Common Licensing Terms

Applicant

Department

Director

Good Cause

Good Moral
Character

Identification
Card

License

Licensed
premises/
establishment

Licensee or
permittee

Person



Application Procedures

Procedure	Current Language	Proposed Language
Application Withdrawal	None	Clarifies that an applicant may request to withdraw their application. The director may approve or deny the request.
Application Denial	Lists 5 general causes for denial applicable to all licenses	Adds moral character to the list of causes for denial
Administrative Closure	Covers only two instances of administrative closure and contains confusing language	Clarifies that all applications are closed administratively one year after date of initial application
License Transaction Applications	None	Clarifies that the department will accept these applications from any person who is an officer, director, or shareholder with 10% or more interest.



Licensing Procedures

Procedure	Current Language	Proposed Language
Address Changes	None	Clarifies that the department may amend license addresses administratively without a new application
License Conditions	Explains procedure for conditions added pursuant to Good Neighbor Agreements	Codifies the director's authority to alter the language of conditions to ensure legality and enforceability
Surrendering a License	Contains loopholes and an outdated requirement to "deliver" the license to the department	Modernizes surrender process and gives director the discretion to deny surrender requests
Transferability	Contains outdated fee and confusing language	Clarifies that licenses are only transferable if the specific licensing ordinance allows for transfer



Fee Policies

Policy

Fee
Waivers

Fee
Proration

Fee
Installments

Fee
Rebates

Current Language

None

Contains outdated
language that is difficult
to operationalize

Prohibits partial payments
of any kind

Contains outdated
instances for rebates and
language that is difficult
to operationalize

Proposed Language

Allows for waiver of fees
through rule
promulgation

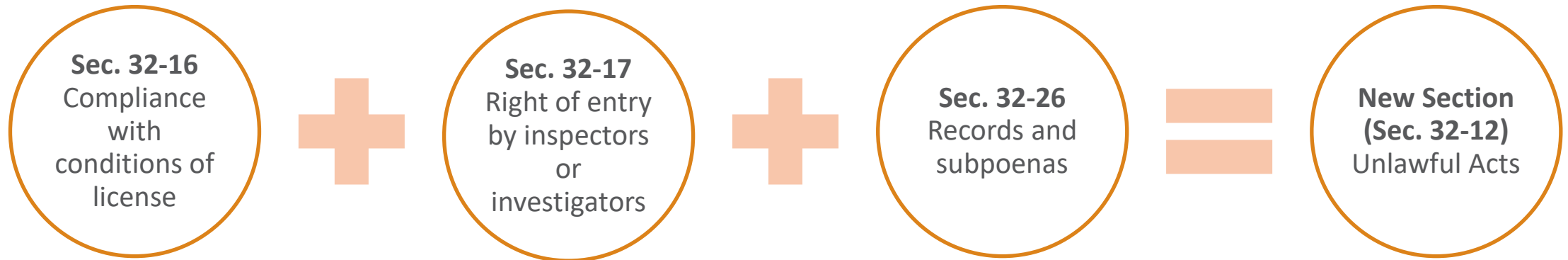
Modernizes proration
language to allow for
standard automated
proration

Modernizes language to
allow for annual licensee
fee installment payments
on multi-year licenses

Modernizes and clarifies
rebate instances and
procedures



Unlawful Acts





Investigative and Enforcement Procedures

Access and Record-Keeping

- **No substantive changes** to these provisions.
- All city **inspectors, investigators, and officials** shall be permitted to access any licensed premises at any time during the course of their duties.
- The department is responsible for keeping all records related to licenses. This language has been **modernized**.

Administrative Subpoenas

- Language been added to clarify that administrative subpoenas are used to compel a person's attendance and testimony **at a hearing**.
- Language has also been added to codify **standard administrative procedures** the department should follow in issuing or seeking enforcement of these subpoenas.
- Additional clarity here provides applicants and licensees with **clearer notice** of department procedures.

Administrative Warrants

- Language has been added to codify the process the department would follow to petition the court for **administrative warrants**.
- The department **may seek** an administrative warrant from the if:
 - A licensee has **refused entry** of city officials during business hours or times of apparent activity;
 - A licensee subject to an administrative hold or summary suspension has **failed to comply** with applicable rules; or
 - A licensee otherwise has acted in a manner demonstrating **disregard for the rules** or **threatens public, health, safety, and welfare**.

Injunctions

- Language been added to codify the process the department would follow to petition the court for a **preliminary or permanent injunction**.
- Additional clarity here provides **clearer notice** of department procedures.



Disciplinary Provisions

Provision

License Suspension

Fines

Waiting Period

Current Language

Suspensions are limited to **6 months**

The **maximum** fine amount for fines is **\$1,000** per violation

Applicants who have had a license revoked must wait **one year** after revocation before they can reapply

Proposed Language

Removes this limit, giving the department has more flexibility to assess an **appropriate penalty** between suspension and revocation.

Increases the maximum amount to **\$5,000** per violation, allowing the department to assess a fine **appropriate for the violation**

Increases the waiting period to **two years**

Questions?

Erica Rogers, EXL Policy Director

Erica.Rogers@denvergov.org

Abbey Soisson, EXL Senior Policy Analyst

Abbey.Soisson@denvergov.org