



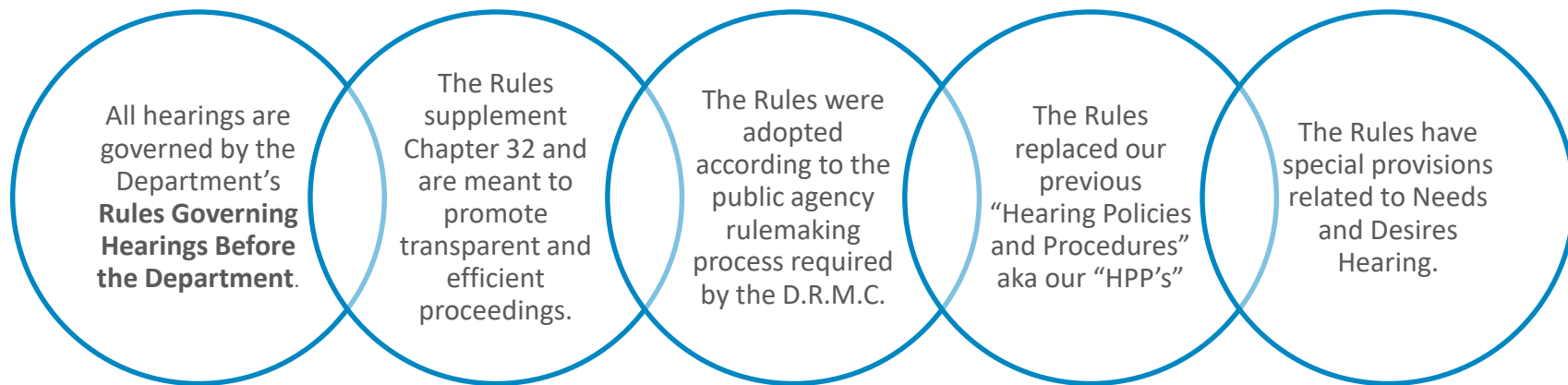
# Needs and Desires Hearings

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:

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