

Local Licensing Authority

Agenda

May 23, 2016

City Hall, Council Chambers

749 Main Street

7:00 PM

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Action on Minutes – 04/25/16**
- V. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Renewal Application – Los Viejos d/b/a 740 Front – Hotel and Restaurant Liquor License – 740 Front Street
- B. Renewal Application – Village Square Liquor LLC d/b/a Village Square Liquor – Retail Liquor Store License – 645 E. South Boulder Road
- C. Renewal Application – Marsco LLC d/b/a The Huckleberry – Hotel and Restaurant Liquor License – 700 Main Street
- D. Renewal Application – KCSP, Inc. d/b/a Busaba – Hotel and Restaurant Liquor License – 133 McCaslin Blvd. Unit H
- E. Renewal Application – Mr. Sake Sushi & Grill, Inc. d/b/a Mr. Sake Sushi & Grill – Beer & Wine License – 1387 South Boulder Road Suite G

City of Louisville

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- F. Corporate Report of Changes – Cinebarre LLC d/b/a Cinebarre –
Hotel and Restaurant Liquor License – 1164 W. Dillon Road
 - G. Renewal Application – Outback Steakhouse of Florida LLC d/b/a
Outback Steakhouse #616 – Hotel & Restaurant Liquor License –
988 W. Dillon Road
 - H. Renewal Application – Waterloo Icehouse, Inc. d/b/a Waterloo
Icehouse – Tavern Liquor License – 809 Main Street
- VI. Authority Business**
- A. Public Hearing – New Application for Beer and Wine License –
Refuge Décor – 1132 W. Dillon Road #4
 - B. Set Boundaries of Neighborhood and Public Hearing – New
Application for Hotel and Restaurant Liquor License – OYSY, Inc.
d/b/a Sushi Yoshi Restaurant – 917 Front Street Suite 100
 - C. Discussion/Direction – Rules of Procedure
- VII. Police Department Report**
- VIII. Secretary’s Report**
- A. Marijuana stores hours of operation Ordinance
- IX. Authority Attorney’s Report**
- X. Authority Comments**
- XI. Discussion Items for Next Meeting – June 27, 2016 @ 7:00 p.m.**
- XII. Adjournment**

Local Licensing Authority

Meeting Minutes

April 25, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Vice Chairperson Lipton called the meeting to order at 7:00 p.m.

Roll Call was taken:

Authority Members Present: Marguerite Lipton, Tom Tennessen, Matt Machado, John Carlson, Bart Watson and Tim Hervey (arrives 7:09 p.m.).

Staff Members Present: Melinda Culley - Light, Harrington & Dawes, P.C.
Ben Redard, Police Sergeant
Carol Hanson, Deputy City Clerk

Approval of Agenda – Vice Chairperson Lipton called for changes to the agenda. Carlson moved the agenda be approved. Machado seconded. All in favor. Agenda approved. Hervey absent.

Approval of Meeting Minutes – 3/28/2016 – Lipton called for any changes to the minutes. Machado asked a phrase be added on page 3 to indicate the downtown area was crowded due to the Parade of Lights and a correction on page 6 to show Tennessen as chair. Tennessen moved to approve the minutes as amended. Carlson seconded. All in favor. Amended minutes approved. Hervey absent.

Approval of Consent Agenda – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

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- A. Special Event Permit Application – Louisville Chamber of Commerce – Taste of Louisville – 6/4/16 9am – 4pm
- B. Special Event Permit Application – Downtown Business Association of Louisville – Street Faire – 7 nights June to August
- C. Special Event Permit Application – Craig Hospital – Pedal 4 Possible – 101 S. Taylor Ave. – 6/18/16
- D. Renewal Application – Chipotle Mexican Grill Inc. d/b/a Chipotle Mexican Grill – Hotel and Restaurant Liquor License – 375 S. McCaslin Blvd. #D
- E. Renewal Application – Jalisco Dos Amigos, Inc. d/b/a Casa Alegre – Hotel and Restaurant Liquor License – 1006 Pine Street
- F. Renewal Application – Tilt! Entertainment LLC d/b/a Tilt! Pinball – Beer and Wine License – 544 County Road
- G. Special Event Permit Application – Coal Creek Theater of Louisville – May 7, 13, 14, 16, 20, 21, 2016 – 801 Grant Ave.
- H. Renewal Application – Lulu's BBQ LLC d/b/a Lulu's BBQ – Tavern Liquor License – 701 Main St
- I. Renewal Application – Twelve Degree Brewing LLC d/b/a Twelve Degree Brewing – Brew Pub Liquor License – 820 Main St.

Lipton called for any changes to the consent agenda. Carlson moved to approve the consent agenda. Machado seconded. Roll Call Vote: Carlson – yes, Lipton – yes, Machado – yes, Tennessen - yes and Watson – yes. Hervey absent. Consent agenda approved.

Authority Business

- A. Petition to Pay Fine in Lieu – Union Jack Liquor, Inc. d/b/a Union Jack Liquor – Retail Liquor Store – 1160 South Boulder Road

Michael Rennich, attorney for Union Jack Liquor, noted he had provided Authority members with a petition to pay a fine in lieu of suspension with attachments providing seven days of receipts used to calculate the fine of \$3,642.89. If the Authority approved the petition and signed the order, the check would be submitted to the Authority Secretary the next day.

Carlson moved to accept the petition to pay a fine in lieu. Lipton seconded. All in favor.

B. Public Hearing – Application for New Beer and Wine License –
Best Pizza LLC d/b/a MOD Pizza – 994 W. Dillon Road Suite 600

Vice Chairperson Lipton opened the public hearing on the beer and wine liquor license application. Secretary Hanson stated the application was complete and included in the Authority packet. Background checks were conducted and returned showing no criminal history. The hearing had been posted and published in accordance with state law. There was no reason found to require denial of the application.

Vice Chairperson Lipton called for any member disclosures, hearing none, she called for any objections to the boundaries of the neighborhood being the current city limits of the City of Louisville. Hearing no objections, she moved the entire application be made a part of the record of this hearing. Carlson seconded. All in favor.

Vice Chairperson Lipton noted Authority member Hervey was now present.

Vice Chairperson Lipton called for the applicant to take the oath and proceed with a presentation. Kevin Coates, attorney for the applicant, with Dill and Dill, 455 Sherman St. Suite 300, Denver, CO introduced himself to the Authority and asked the client and witness to take the oath. He noted Scott Schooler, Chief Operating Office for the state of Colorado for MOD Pizza was present along with Max Scott, with Oedipus, Inc. who conducted the petitioning. Mr. Schooler and Mr. Scott took the oath.

Mr. Coates asked Mr. Scott to describe the petitioning process. Mr. Scott noted the map included in their report showed the areas within the city limits of Louisville where the petitioners collected signatures. He described the petitioning process and pointed to the tabulation in the paperwork presented to the Authority, showing what he believed was a need and desire for another beer and wine license.

Mr. Coates introduced Scott Schooler, Chief Operating Officer for the State of Colorado as a franchisee for MOD Pizza. He noted there are currently three outlets in Colorado, two pending which includes this one in Louisville. The owners have worked together for years and have a long history in the restaurant business. The concept of the restaurant is like a Chipotle, except with pizza. Any number of toppings is picked out by the customer and the pizza is then cooked in three minutes. Beer and wine are sold as just a small part of the business. The sale of alcohol is taken very seriously. Managers go through Serve Safe for both food and beverage service along with company training. Since the building is open concept, every employee can see every part of the

business and has a responsibility to watch anyone consuming alcohol and are trained concerning the signs of intoxication. The patio will have signs describing no alcohol beyond it and it is visible from the interior. There will be a dining room host going throughout the dining room and patio to maintain control. The three locations currently open have a similar layout and have had no issues with control of the premises concerning alcohol.

Mr. Schooler expressed his desire to have the beer and wine license granted.

Vice Chairperson Lipton called for any interested parties speaking for or against the application. Hearing neither, she called for any closing statement. Mr. Coates asked the license be issued.

Authority member Carlson moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character, the inhabitants of the neighborhood desire the license be granted, the license will meet the reasonable requirements of the neighborhood. All City and State law requirements have been met and based on these findings, the Local Licensing Authority approve the issuance of a beer and wine liquor license for Best Pizza LLC d/b/a MOD Pizza. Machado seconded. All in favor.

- C. Modification of Premises – KCM Restaurant Holdings LLC d/b/a Mudrock's Tap & Tavern – Hotel and Restaurant Liquor License – 585 E. South Boulder Road

Secretary Hanson noted the establishment wants a one day modification to allow them to do a pig roast and beer tasting in the breezeway beside their establishment. Sergeant Redard was asked if he could see any reason the police department would object. He responded he did not, but would talk to the licensee to make sure everything was in order.

Machado moved the Authority approve the modification of premises for Mudrock's Tap & Tavern. Tennessen seconded. All in favor.

- D. Conversation with Police Chief Hayes

Authority members and Chief Hayes discussed incident reports, timeliness, needed information, follow-up and police presence in the establishments. Authority members thanked the Chief for having the conversation. Chief Hayes offered to return once a quarter to talk with the Authority.

- E. Set Boundaries of Neighborhood and Public Hearing – New Application for Beer and Wine License – Refuge Décor – 1132 W. Dillon Road #4

Tennessee moved the Authority establish the boundaries of the neighborhood as the city limits of the City of Louisville and set the public hearing on Monday, May 23, 2016. Lipton seconded. All in favor.

AUTHORITY COMMENT

Tennessee asked if a letter should be sent to establishments to let them know if they had passed a state compliance check. Carlson noted the compliance check is not ours to report on. Lipton noted if there was a problem, the establishments would definitely know. Sergeant Redard noted he receives notice of which establishments were checked and what happened.

F. Discussion/Direction – Rules of Procedure

Authority Attorney Culley noted she had provided a memo stating how show cause hearings work. She stated she could go over it in detail or just answer questions. It was decided she would address questions.

Machado asked about the note in Rule 18 concerning the Secretary doing investigation and felt it was ambiguous. Authority Attorney Culley agreed and noted the language in the rules of procedure could be tightened up.

Tennessee asked what discussion could be had once a stipulation has been reached and is presented to the Authority. Authority Attorney Culley noted the stipulation is the agreement between the special prosecutor and the licensee. If the Authority doesn't like the stipulation, it can be rejected. The penalty guidelines can be updated in the rules of procedure if the Authority thinks they need to be revised.

Authority members discussed the timing of ordering a show cause, conversation with the special prosecutor, mitigating and aggravating factors, considering state violations and whether the rules of procedure needed revised. It was decided no revisions would be done right now, however, Authority members asked this item be on next month's agenda for discussion.

Police Department Reports

No report.

Secretary's Report

Secretary Hanson reported on the seller/server training provided by the police department. There were a large number of attendees, including some from local wineries. She thanked the police department for continuing to provide this program.

Hanson reported an ordinance for expanding the hours at the marijuana stores will be presented to the City Council for public hearing on May 3, 2016.

Authority Attorney's Report

No report.

Authority Comment

No comments

Adjourn – Tennessen moved to adjourn. Lipton seconded. All in favor. The meeting was adjourned at 8:39 p.m.

**SUBJECT: RENEWAL APPLICATION – LOS VIEJOS D/B/A 740 FRONT
– HOTEL AND RESTAURANT LIQUOR LICENSE – 740
FRONT ST.**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, 740 Front, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 740 Front Street.

Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no reports of liquor incidents requiring filing of police reports over the past year.

City sales tax is current.

RECOMMENDATION:

Authority approve the renewal application for a Hotel & Restaurant Liquor License for 740 Front.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – VILLAGE SQUARE LIQUOR
LLC D/B/A VILLAGE SQUARE LIQUOR – RETAIL LIQUOR
STORE LICENSE – 645 SOUTH BOULDER ROAD**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Village Square Liquor LLC d/b/a Village Square Liquor, has submitted an application for renewal of its Retail Liquor Store License located at 645 South Boulder Road.

The lease for the licensed premises is current and on file.

There were no employees who attended city liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Retail Liquor Store License – Village Square Liquor LLC d/b/a Village Square Liquor – 645 South Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – MARSCO LLC D/B/A THE
HUCKLEBERRY - HOTEL & RESTAURANT LIQUOR
LICENSE – 700 MAIN STREET.**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, MARSCO LLC d/b/a The Huckleberry, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 700 Main Street.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for– MARSCO LLC d/b/a The Huckleberry – Hotel & Restaurant Liquor License – 700 Main Street.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – KCSP, INC D/B/A BUSABA –
HOTEL AND RESTAURANT LIQUOR LICENSE – 133
MCCASLIN BLVD. UNIT H**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, KCSP, Inc. d/b/a Busaba, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 133 McCaslin Blvd., Unit H.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for– KCSP, Inc. d/b/a Busaba – Hotel & Restaurant Liquor License – 133 McCaslin Blvd.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – MR. SAKE SUSHI & GRILL, INC.
D/B/A MR. SAKE SUSHI & GRILL – BEER AND WINE LICENSE –
1387 E. SOUTH BOULDER ROAD UNIT G**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Mr. Sake Sushi & Grill, Inc. d/b/a Mr. Sake Sushi & Grill, has submitted an application for renewal of its Beer and Wine Liquor License at 1387 E. South Boulder Road.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for – Mr. Sake Sushi & Grill, Inc. d/b/a Mr. Sake Sushi & Grill – Beer and Wine Liquor License - 1387 E. South Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: CORPORATE REPORT OF CHANGES – CINEBARRE,LLC
D/B/A CINEBARRE – HOTEL AND RESTAURANT LIQUOR
LICENSE 1164 W. DILLON ROAD**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Cinebarre LLC d/b/a Cinebarre, has submitted a Corporate Report of Changes.

David Ownby replaces Terrell Braly as VP/Treas.

John Curry appointed VP

Todd Boruff appointed VP/ Asst. Sec.

Corey Coggin appointed VP/ Asst. Treas.

RECOMMENDATION:

For informational purposes.

SUBJECT: RENEWAL APPLICATION – OUTBACK STEAKHOUSE OF FLORIDA, LLC D/B/A OUTBACK STEAKHOUSE – HOTEL AND RESTAURANT LIQUOR LICENSE – 988 DILLON RD

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse – has submitted an application for renewal of its Hotel and Restaurant Liquor License 988 Dillon Road.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville Sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for a Hotel and Liquor license for Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse – 988 Dillon Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – WATERLOO ICEHOUSE, INC,
D/B/A WATERLOO ICEHOUSE - TAVERN LIQUOR LICENSE
– 809 MAIN STREET**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Waterloo Icehouse, Inc, d/b/a Waterloo Icehouse, has submitted an application for renewal of its Tavern Liquor License at 809 Main Street.

The premises are leased by the licensee and the lease is current.

Certificate of Good Standing is current and on file.

City sales tax is current.

There were 16 employees who attended liquor training over the past year.

There were four incidents with police reports mentioning the establishment over the past year. Only one resulted in a show cause being ordered and a stipulation was reached for a 14 day suspension with 7 days held in abeyance. The licensee petitioned for and paid a fine in lieu.

RECOMMENDATION:

Authority approve the renewal application for a Tavern Liquor License for Waterloo Icehouse, Inc, d/b/a Waterloo Icehouse at 809 Main St.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: PUBLIC HEARING – NEW BEER AND WINE LIQUOR
LICENSE – REFUGE DÉCOR – 1132 W. DILLON RD. #4**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

An application has been submitted for a new Beer and Wine Liquor License.

RECOMMENDATION:

Authority hold a Public Hearing for a new Beer and Wine License – Refuge Décor LLC located at 1132 W. Dillon Road #4.

**SUBJECT: SET PUBLIC HEARING DATE – SET BOUNDARIES OF THE
NEIGHBORHOOD – NEW BEER AND WINE LIQUOR
LICENSE – OYSY, INC. D/B/A SUSHI YOSHI RESTAURANT –
917 FRONT ST. #100**

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

An application has been submitted for a new Beer and Wine Liquor License.

RECOMMENDATION:

Authority motion is required to establish Boundaries of the Neighborhood and set a Public Hearing Date for a new Beer and Wine License – OYSY, Inc. d/b/a Sushi Yoshi Restaurant. Boundaries have traditionally been established as the boundaries of the City of Louisville.

Staff recommends the public hearing be set for June 27, 2016 at 7:00 PM.

SUBJECT: DISCUSSION/DIRECTION – RULES OF PROCEDURE

DATE: MAY 23, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Members of the Local Licensing Authority had a conversation at the last meeting and asked a discussion of the Rules of Procedure around show cause hearings be included on this agenda.

RECOMMENDATION:

Discussion and Direction.

RULE 18

SUSPENSION AND REVOCATION; HEARINGS AND PROCEDURE.

(a) The 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 suspend or revoke any license issued by the Authority for any violation by the licensee, or by any of the agents, servants or employees of such licensee of the provisions of the Colorado Liquor or Beer Code, or any of the rules, City ordinances or regulations authorized pursuant to such Codes or of any of the terms, conditions or provisions of the license issued by the Authority.

(b) Proceedings to suspend or revoke a license shall be initiated as follows:

- (1) Whenever a written complaint shall be filed with the Authority, charging the licensee with a violation of any provisions of the Colorado Liquor or Beer Code, or of the rules, City ordinances or regulations promulgated thereunder, or any of the provisions of the license issued, or
- (2) By motion of the Authority, when information has been received from the Louisville Police Department or the State Department of Revenue which, if substantiated, could be grounds for a suspension or revocation of license. In determining whether such proceedings shall be initiated by such motion, the Authority shall consider the relevant circumstances of the alleged violations, the number of alleged violations concerning the licensee, and the severity of the violations alleged. If information is received by the Authority, which if substantiated, could be grounds for suspension or revocation of the license, but the Authority determines not to initiate formal suspension or revocation proceedings, notification regarding the alleged violation shall be mailed, by first

class mail, to the licensee. The notification shall be in the form of a letter, and shall contain such information as the Authority deems appropriate.

(c) If suspension or revocation proceedings are initiated, the Licensing Authority shall determine, by investigation, the probable truth of the charges against the licensee. The Authority Secretary is hereby authorized to conduct such investigation on behalf of the Authority.

(d) If it shall appear upon such investigation, or otherwise come to the attention of the Authority, that there is probable cause to believe that grounds for revocation or suspension exists, the Authority shall issue a notice of hearing and order to show cause why the license should not be suspended or revoked, and shall appoint counsel to represent the City at the hearing. Such notice and order shall be sent by certified mail to the licensee at the address contained in the license, and shall contain such information as will reasonably notify or inform the licensee of the charges or alleged grounds for suspension or revocation.

(e) The hearing shall be held at the place and time designated in the notice, or upon such other day as may be set for good cause shown. At the hearing, evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the licensee is found to have committed the violation charged, or any other violation, evidence and statements in aggravation of the offense shall also be permitted.

(f) At such hearing, the Local Licensing Authority has the power to administer oaths. The Authority has the power to issue subpoenas to require the presence of persons and the production of all papers, books and records necessary to its determination.

(g) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone establishes a violation of some other law, rule or regulation, the licensee shall be permitted to give evidence and statements in defense,

explanation and mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee, the licensee shall state the substance thereof and upon his request, the hearing may be recessed for not more than 10 days and shall continue under the same procedure as though no recess had occurred.

(h) In the event the licensee is found not to have violated any law, rule or regulation, the charges against him will be dismissed. If the licensee is found to have violated some law, rule or regulation, his license may be suspended or revoked.

(i) The Licensing Authority shall furnish the licensee its decision, in writing, within 60 days following the hearing. Such notice shall be certified mailed to the licensee at the address contained in such license.

- (j) In the event of revocation, or suspension, no portion of the license fee or occupation tax shall be refunded.
- (k) If a license has been suspended, the Authority has the power to order the posting of notices of suspension on the premises.
- (l) No suspension of a license shall be for a period longer than six months.
- (m) Where the Authority has reasonable grounds to believe and finds that a licensee has been guilty of a deliberate and willful violation of any applicable law or regulation or that the public health, safety or welfare imperatively requires emergency action and incorporates such findings in an order, the Authority may temporarily or summarily suspend the license pending proceedings for a suspension or revocation hearing, which shall be promptly instituted and determined. A temporary suspension of a license without notice pending any prosecution, investigation or public hearing, shall be for a period not to exceed 15 days.
- (n) The following suspension penalties represent guidelines only and are not binding on the Authority. The Authority reserves the right to impose any penalty authorized by law.

| LICENSE TYPE | 1st Offense | | 2 nd Offense | |
|--|-------------|---------|-------------------------|---------|
| | Minimum* | Maximum | Minimum** | Maximum |
| Retail Liquor Store | 1 day | 3 days | 2 days | 5 days |
| 3.2% Beer – Off Premises | 3 days | 5 days | 7 days | 21 days |
| On Premises Hotel-Restaurant Beer & Wine Tavern Club 3.2% Beer – On Premises Bed & Breakfast | 3 days | 5 days | 7 days | 21 days |

*Service of a one day suspension is required for first offense

**Service of the listed minimum suspension period required for second offense

- (o) The Authority may consider the following among other things, in imposing suspension periods:

Mitigating Facts

- √Training programs (initial & on-going)
- √Written policies
- √Supervision procedures
- √Self-check programs

- √Use of birthdate-input cash registers

Aggravating Facts

- √Prior violations in past five years
- √Irresponsible advertising policies
- √Failure to accept responsibility

- √Failure to institute
corrective
measures/policies
- √Prior police reports or other reports
of disturbances on the licensed premises

- (p) Any period of suspension imposed by the Authority, or agreed to by the Licensee in a stipulated settlement of a hearing, must be served within thirty (30) days of the hearing at which the suspension is imposed or the stipulation approved.

The Authority will consider requests for the abeyance of imposition of all or any part of the suspension period and requests to pay a fine-in-lieu of suspension on a case-by-case basis. The Authority may also require managers and/or all employees involved with sales or service of alcoholic beverages to attend a training program if the Licensee has been found guilty of a violation.

In addition to the foregoing penalties, the Authority may revoke any future permits for special events or tastings where a violation has occurred at a special event or at a tasting.