

Exhibit A

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LOCAL LICENSING AUTHORITY
CITY OF THORNTON, COLORADO
RULES OF PROCEDURE
May 28, 2024**

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**LOCAL LICENSING AUTHORITY
CITY OF THORNTON, COLORADO
RULES OF PROCEDURE**

RULE I **APPLICABILITY OF RULES AND DEFINITIONS**

In addition to any other rules or laws which may be applicable, these Rules of Procedure (Rules) shall govern all proceedings before the Local Licensing Authority (Authority) of the City of Thornton. All meetings shall be conducted in compliance with these Rules and Robert's Rules of Order. These Rules shall govern in the event of a conflict with Robert's Rules of Order. Any provision of these Rules not governed by the Charter or Code, may be temporarily suspended at any meeting of the Authority by a majority vote of all members of the Authority. Any rule may be suspended by general consent if presented by the Chairperson and if there are no objections from any member.

The definitions for terms, contained in Section 42-26 of the Thornton City Code (Code), are to apply for all such terms used in these Rules. Section 42-26 is therefore incorporated by this reference as if set forth fully herein. For purposes of these Rules, "City Clerk" means the City Clerk or designee.

RULE II **CHAIRPERSON, VICE CHAIRPERSON, DUTIES OF MEMBERS AND MEMBERSHIP**

A. CHAIRPERSON AND VICE CHAIRPERSON

1. Chairperson - The Chairperson shall preside at all regular and special meetings of the Authority.
2. Vice Chairperson - In the absence of the Chairperson, the Vice Chairperson shall preside. If the Chairperson and Vice Chairperson are both absent, the members present shall designate a person to act as Chairperson during their absence.
3. The members shall rotate the position of Chairperson and Vice Chairperson whenever possible. In the event that no members accept nomination for Chairperson or Vice Chairperson, the City Clerk shall inform the City Council immediately.

B. DUTIES OF CHAIRPERSON

The Chairperson shall have the responsibility to ensure that all meetings are conducted in an open and fair manner and that no individual member's opinion is allowed to dominate a meeting. The Chairperson shall clearly document any problems or issues and work with members who deviate from acceptable procedural standards. If a member has not taken steps to comply with such standards, on the second incident, which is noted by the Chairperson, the Chairperson will notify the City Clerk to advise the City Manager and the City Council of the matter. If the Chairperson is not following the standards, the City Clerk shall notify the City Manager who will forward the issue to City Council. The Chairperson shall attend the Mayor and Chairperson meetings and report the results to the Authority. The Chairperson shall assist the City Clerk in training of new members. The Chairperson shall act as liaison with the City Council and communicate City Council goals and policies to the Authority.

C. DECORUM DURING MEETING

The Chairperson shall preserve decorum during a meeting. The Chairperson shall have the right to eject, after reasonable warning, any person disrupting a meeting. No signs or placards will be displayed by an applicant or audience in the audience section during a public hearing. Loud sounds such as cheering, applause, or booing shall be limited by the Chairperson. Video or audio recording of a hearing by persons other than City employees is at the discretion of the Chairperson and in no event shall any recording interfere or impede a meeting.

D. CODE OF ETHICS AND CODE OF CONDUCT; DISQUALIFICATION OF MEMBER FROM PARTICIPATION

1. The Authority and its members are subject to the Thornton Code of Ethics ("Code of Ethics") in Chapter 2, Article V, Division 2 of the Thornton City Code and the Boards, Commissions and Committees Code of Conduct adopted by City Council, as from time to time amended.

2. No member may participate in the debate or vote upon any question when in violation of the Code of Ethics. A request to be excused from participation in or voting upon a question for any other reason must be made before the vote is taken.

E. MEMBERSHIP

The Authority shall consist of nine (9) members. At the time of appointment or reappointment of members to the Authority, the membership shall consist of at least two (2) and not more than three (3) members from each ward, except that City Council may appoint members irrespective of this provision as it determines appropriate.

RULE III MEETINGS - GENERALLY

A. REGULAR, SPECIAL AND ORGANIZATIONAL MEETINGS

1. All regular meetings of the Authority shall be held on the third Wednesday of each month in the Council Chambers of the Thornton Civic Center, however a meeting can be canceled by the City Clerk if there is no business to transact no later than 24 hours prior to the meeting. Notification of the cancellation shall be by telephone, electronically or by other technology, or first-class mail. Meetings shall start promptly at 6:00 p.m. and shall end no later than 11:00 p.m. unless otherwise approved by the Authority.
2. Special meetings shall be held as necessary, as scheduled by the Authority or upon call of the City Clerk who shall provide adequate notice to each member of such meeting. All special meetings where practical shall be held on Wednesdays. Adequate notice shall mean by first-class mail, electronically, by telephone, or by other technology at least 24 hours prior to the meeting. Oral or written consents and waivers of notices of meetings or continuances are permitted. Cancellation procedures for special meetings shall be the same as for regular meetings.
3. The Authority shall hold an organizational meeting in April of each year. At said organizational meeting, the Chairperson and Vice Chairperson shall be elected and such other organizational matters as it deems appropriate considered.
4. Participation by the Authority in regular and special meetings and shall be in-person. However, if extenuating circumstances do not permit in-person attendance, members may

participate virtually by electronic or telephonic means ("Electronic Participation") on an infrequent or occasional basis. In such instances, the member shall endeavor to provide the City Clerk notice of intent to use Electronic Participation twenty-four hours in advance of a public meeting. For purposes of this policy, "infrequent or occasional" shall mean no more than two different meeting dates within one calendar year. Should Electronic Participation be required for reasons protected by state or federal law, that required accommodation shall take precedence over this rule.

- (a) The member using Electronic Participation shall maintain a good connection such that they are able to hear the proceedings and are able to be heard when speaking during the proceedings.
- (b) The member using Electronic Participation may vote and participate in all legislative matters, including votes to go into executive session.
- (c) The member using Electronic Participation may not participate or vote in a quasi-judicial public hearing and does not count for purposes of establishing a quorum for that hearing. However, the member may maintain the electronic connection and monitor and listen to the hearing.
- (d) The members may only attend executive sessions in person and may not use Electronic Participation.
- (e) When any member is using Electronic Participation, all votes shall be conducted by roll call.
- (f) If the City Clerk or designee, in consultation with the Chairperson, determines that meeting in person is not practical or prudent because of a health, weather or other emergency affecting the City, the regularly scheduled meeting may be conducted entirely as a remote meeting or cancelled. If the meeting is conducted entirely remotely, members are able to participate and vote in quasi-judicial matters.
- (g) If the decision is to conduct a fully remote meeting, the City Clerk or designee shall provide notice to the Authority and the public as soon as such decision is made, but no later than three (3) hours before the time the meeting is scheduled to begin. If the meeting is cancelled, the items will be rescheduled to another meeting.

B. ORDER OF BUSINESS

The following Order of Business will normally be used for meetings:

- Call to Order
- Roll Call
- Approval of Agenda
- Motion to Admit the License Applications and the City Clerk's Communication Documents into Evidence
- Consent Agenda
- Business
- Public Hearings
- Other Matters
- Adjournment

The Authority may change the Order of Business to assist and facilitate the conduct of its meetings.

C. PROCEDURE FOR MEETINGS

1. The City Clerk will prepare the meeting room, and provide public hearing sign-up sheets to be placed in the lobby or council chamber prior to the meeting for the benefit of those persons wishing to speak on those matters on the agenda. On the Friday preceding any meeting, if possible, but no later than 48 hours prior to any meeting, the City Clerk will have an agenda showing the order of business, copies of communications, resolutions, if applicable, with supporting documents, and other related items, made available for each Authority member.
2. The Chairperson calls the meeting to order and reads the next order of business. The Chairperson should request such information, evidence and testimony as is appropriate for the item being considered.
3. Except during a public hearing, persons other than members of the Authority and City officials shall not be permitted to address the Authority except upon recognition by the Chairperson. Any Authority member may request the Chairperson recognize any person other than a City official. If permission is not granted, the decision of the Chairperson may be appealed. Any member may appeal a ruling of the Chairperson to the Authority. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the Chairperson may briefly explain the reason for the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chairperson shall then put the question, "Shall the decision of the Chairperson be sustained?" If a majority of the members present vote "Yes," the ruling of the Chairperson is sustained; otherwise it is overruled.
4. At the conclusion of the evidence and testimony, the Chairperson should entertain a motion regarding the disposition of the item.
5. When a motion is made and seconded, the Chairperson should ask for and allow discussion of the motion by the Authority.
6. Upon completion of discussion, the Chairperson should request a vote by the Authority. The City Clerk will record the vote.
7. The meeting may be adjourned by motion of the Chairperson or any member. A recess may be called at any time either by the Chairperson or upon motion by a member with the consent of the majority. The Authority shall not adjourn while in recess but must reconvene prior to adjournment.

D. MINUTES OF THE MEETING

The City Clerk shall prepare and keep the minutes of all Regular and Special Meetings of the Authority. The minutes shall not be a verbatim transcript of the proceedings, provided tape recordings of all proceedings are retained by the City Clerk's office in accordance with the State Archives retention schedule for reference when and if necessary. The purpose of the minutes shall be to record the Authority's transactions rather than its deliberations; therefore, debates, arguments, and discussion among the Authority shall not be included. Specific direction to the support staff, the City Clerk and City Attorney, shall be included in the minutes when such direction may affect the outcome of a decision to be made by the Authority. A court reporter may be in attendance for the purpose of recording the proceedings when the Authority, an applicant or a Party

in Interest so requests; however, anyone requesting a court reporter is responsible for paying the full cost thereof.

The City Clerk should include the following in the minutes of each meeting:

1. Name - Meeting of the Local Licensing Authority of Thornton, Colorado
2. Kind of meeting (Regular, Special)
3. Place and date of meeting
4. Officer presiding, Authority Members and Staff present
5. The decision in each point of order arising
6. A record of the Authority's actions which will in most instances be a motion reflecting the decision taken by the Authority
7. The time and place of re-assembling unless it is the regular meeting time and place
8. A record of the applicant(s) and witnesses in attendance and the purpose of their presence
9. Whether previous minutes were approved
10. The signature of the City Clerk and the Chairperson at the time the minutes were approved
11. All motions, seconds, the vote thereon (including abstentions), and any subject matter reports given and disposition of same

E. ATTENDANCE AT MEETINGS

1. Attendance —If a member of the Authority does not attend two consecutive Authority meetings or more than 50% of the meetings within a one-year period, without being excused by the Chairperson, the Authority may recommend that member resign or may request that the City Council consider the member's removal from the Authority and seek a replacement for that individual.
2. Notice of Absence – Any member who is going to be absent from an Authority meeting shall notify the City Clerk prior to the meeting. No member may leave during the meeting without permission from the Chairperson.

F. SUPPORT SERVICES

1. Legal - The City Attorney or designee of the City Attorney may designate may attend all regular and special meetings of the Authority as the legal and procedural advisor to the Authority. In any public hearing where evidence is to be presented in regard to a show-cause hearing in support of a suspension or revocation, special counsel may be appointed to represent the City or the Authority.
2. Secretarial; records custodian - The City Clerk shall serve as the secretary and records custodian for the Authority and perform the functions that a corresponding secretary and

recording secretary normally perform. Additionally, the City Clerk shall be responsible for overseeing the publication concerning public hearings and other required notifications.

RULE IV PUBLIC HEARING PROCEDURES FOR NEW, TRANSFER, CHANGE OF LOCATION, CHANGE OF CORPORATE STRUCTURE, AND REQUEST TO MODIFY APPLICATIONS

- A. The Chairperson or presiding member shall have full authority to control the proceedings, to admit or exclude testimony or other offers of evidence and to rule upon all motions and objections. A majority of the Authority members present may overrule the Chairperson on any such rulings.

Unless the member has reviewed all the evidence and a transcript of the prior proceedings, any member who has been absent during any portion of a public hearing may not vote or participate in deliberations and discussions at the public hearing.

- B. The Authority shall not be bound by strict rules of evidence prevailing in courts of law or equity, however the right of cross-examination shall be preserved. Irrelevant, repetitive and cumulative testimony and evidence should be excluded when possible. Motions may be written, but, shall be read into or summarized for the record. Objections shall be stated orally for the record. All testimony shall be given under oath. In all Public Hearings under this Rule IV, the applicant has the burden of persuading the Authority that the application should be granted.
- C. All exhibits or other documentary evidence to be admitted shall be submitted to the City Clerk and pre-marked no later than the Monday before the hearing. These exhibits shall be introduced as in Civil Cases. If the applicant desires to distribute copies of exhibits to the Authority at the hearing, the applicant shall provide a sufficient number of copies. Neighborhood petitions signed by inhabitants and submitted to the Authority in accordance with these Rules and Section 42-118 of the Code, shall be considered by the Authority when determining the "requirements" and "desires" of the neighborhood.
- D. The following order for the presentation of evidence shall apply:
1. Call the public hearing to order
 2. Opening remarks by Chairperson
 3. Opening statement by the applicant or the applicant's attorney
 4. Opening statement by the City Attorney
 5. Presentation of applicant's evidence and witnesses. Prior to excusing applicant's witnesses, cross-examination shall be permitted in the following order:
 - a. City Attorney
 - b. Authority members
 - c. Any person who is a "party in interest" (if applicable) as defined in (C.R.S. 12-47-311) (hereafter, Party in Interest)
 6. Presentation of City's evidence and witnesses. Prior to excusing any of the City's witnesses, cross-examination shall be permitted in the following order:
 - a. Applicant's attorney
 - b. Authority members

c. Any Party in Interest (if applicable)

7. Presentation of witnesses and evidence by any Party in Interest (if applicable). Prior to excusing witnesses, cross examination of interested parties and their witnesses shall be permitted by applicants, City and Authority members.
8. Applicant's rebuttal evidence
9. City's rebuttal evidence
10. Applicant's closing statement
11. City's closing statement
12. Applicant's reply closing statement
13. Close the public hearing
14. Deliberation and call for motion
15. Applicable motion to grant or deny application, discussion and vote

E. Reopening of a Public Hearing - Whenever a public hearing has been opened and continued to another date or where it has been closed and the Authority wishes to take additional evidence prior to a vote or a reconsideration of a vote, the Chairperson may reopen the public hearing for purposes of taking such additional evidence. The Chairperson may limit the scope of such evidence to be taken. Whenever a public hearing is reopened and additional evidence is taken, all such additional evidence shall be incorporated into the original public hearing.

F. Evidence for Public Hearings - New licenses, transfer of ownership, change of location, change of corporate structure, and request to modify.

1. Evidence concerning whether the Applicant (individual, corporation, or other entity) is qualified to hold the type of license applied for (not applicable for request to modify or change of location), which evidence may include:
 - a. other facilities operated by applicant
 - b. training and experience of applicant
 - c. familiarity with laws both state and local
 - d. procedures and policies regarding enforcement of liquor laws
 - e. reputation and particular history of applicant regarding liquor laws
2. Evidence concerning the reasonable requirements of the neighborhood and whether existing outlets are adequate (not applicable for transfer, or change of corporate structure, which evidence may include:
 - a. number of existing outlets and proximity
 - b. testimony from adults residing in the relevant neighborhood
 - c. testimony from applicant or applicant's officers
 - d. testimony from petitioner or company submitting petitions

3. Evidence concerning the desires of adult residents for existing outlets (not applicable for transfer, or change of corporate structure, which evidence may include:
 - a. testimony from adults residing in the relevant neighborhood
 - b. testimony from a manager or business owner in the relevant neighborhood
 - c. petitions submitted by the applicant or petition company
 - d. testimony from applicants
 4. May have other evidence concerning:
 - a. nature of establishment and location
 - b. discussion concerning meeting all applicable City codes or ordinances
 - c. discussion concerning financial interest in establishment
- G. Any Party in Interest wishing to participate in the hearing must so inform the Authority at the onset of the hearing. That party may cross-examine witnesses and introduce evidence with regard to the following matters:
1. Reasonable requirements of the neighborhood and the number and type of relevant existing outlets
 2. Any other pertinent matters affecting the qualifications of the applicant, including but not limited to the applicant's character, record or reputation
 3. Any other evidence which would indicate that the building or location proposed for the operation of the license is not suited for the intended purposes
 4. Desires of the inhabitants in opposition to the issuance of the licenses expressed by witnesses and/or through petitions
- H. The City Clerk may grant an applicant's or the City's request to continue a matter set for hearing to a following regular or special meeting, if such request is made prior to the time that publication and posting of notice of hearing on the matter is to be made. Once a matter has been scheduled for public hearing and public notice thereof has been given, the matter may be continued only by the Authority upon a showing of good cause. The Authority may, in its discretion, grant or deny an applicant's request for a continuance, or it may condition the grant of a continuance upon the payment of costs or other expenses reasonably caused by applicant's request.
- I. Unless excused by the Authority, the following persons shall be in attendance at the public hearing on the application:
1. if the applicant is an individual, that individual; or
 2. if the applicant is a partnership, any managing or general partner or his authorized designee; or
 3. if the applicant is a corporation, the president of the corporation, an officer or director or such other corporate representative as the president may designate; or
 4. If the applicant is a limited liability company, a managing officer, or his authorized designee.

- J. The Authority may deliberate in open session or may, upon proper motion, recess into Executive Session. The Executive Session will not be for the purpose of receiving any evidence nor shall a final determination be made during such Executive Session.
- K. It is within the discretion of the Authority, whether to make an immediate decision upon the conclusion of the public hearing or require the City Attorney's office to prepare written findings within a reasonable time after the hearing, not to exceed 30 days.
- L. Any findings, either written or oral, which shall mean findings of fact, conclusions of law and order, may be prepared by the City Attorney's office and may be available for execution by the Chairperson and adoption by the Authority at the public hearing or at a subsequent regular or special meeting. Written findings of fact shall be mailed by certified mail to the applicant within 30 days after the determination is made.
- M. All decisions of the Authority are final, subject only to appeals made directly to a court of competent jurisdiction.

RULE V PUBLIC HEARING PROCEDURES FOR RENEWALS, SUSPENSIONS, FINES, AND REVOCATIONS

- A. The Authority has the power after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend, deny renewal of or revoke any license issued by the Authority for violations by the licensee, or by any of the agents, servants, or employees of such licensee of the provisions of the Colorado Liquor or Beer Codes, or any of the rules, ordinances and regulations authorized pursuant to such Codes or of any of the terms, conditions or provisions of the license issued by the Authority.
- B. Suspension and revocation proceedings shall be commenced by the Authority by issuing and causing to be served upon the liquor licensee by first-class mail to the licensee at the address contained in the license, an Order to Show Cause and Notice of Hearing (Notice). The Notice shall command the licensee to appear and show cause why its license should not be suspended or revoked as it appeared to the Authority that there was probable cause to believe that the licensee or any of the agents, servants or employees violated laws, rules or regulations of the Colorado Liquor or Beer Code or any of the terms, conditions or provisions of the license issued by the Authority. The Notice shall notify or inform the licensee of the charges or alleged grounds for suspension or revocation and will be prepared for the Authority by the City Attorney or designee.
- C. All proposed settlements and dispositions of matters scheduled for a public hearing shall be in the form of joint stipulations and shall be submitted in writing to the offices of the City Clerk and the City Attorney at least ten days prior to the scheduled public hearing date. The Authority has the discretion to consider a proposed disposition prior to the hearing.
 - 1. The scheduled public hearing shall be automatically vacated if:
 - a. The proposed settlement or disposition is properly and timely made in writing in accordance with Section C; and
 - b. The proposed settlement is approved as to legal form by the Thornton City Attorney's office; and
 - c. No prior proposed settlements or dispositions on the same matter have been previously submitted to the Authority for consideration.

2. The City Clerk shall provide the Authority members with a copy of the written notice of proposed settlement or disposition in their packets, or shall provide the Authority members with electronic or other technology or first-class mail notification of the matter.
3. Consideration of proposed disposition by the Authority; continuance of hearing upon rejection.
 - a. Upon timely filing of the notice of the proposed disposition as provided in Section C above, the Authority shall, at the time of the scheduled hearing, consider the proposed stipulations and recommendations. The Authority may however, upon good cause shown, consider dispositions presented either orally or in writing without regard to the provisions of Section C above. Upon a finding that the public interest is not served by the proffered disposition, or if the Authority significantly changes the proposed settlement order and during the Authority's consideration of such, either party has an objection to such changes, the hearing on the merits shall be continued and rescheduled to the next regular or special meeting of the Authority. The continued hearing shall be at least ten days after the original scheduled hearing date, unless both parties are prepared and agree to proceed immediately after rejection of the proposed disposition.
 - b. In the event of rejection of the proposed disposition, the Authority shall identify the reasons for such rejection, which may include, without limitation, seriousness of the violations, aggravating or mitigating circumstances, the history of the subject establishment, corrective actions taken, likelihood of reoccurrence, and any other relevant matters impacting the public health, safety and welfare.
4. Subsequent proposed dispositions.

In the event that the Authority, in the exercise of its discretion, should reject the proposed disposition of a matter, and the issues are rescheduled for hearing on the merits as set forth in Section 3(a), and the parties submit an amended notice of proposed disposition, the parties should nevertheless be fully prepared to proceed on the merits of the case at the rescheduled hearing in the event the amended proposal for disposition is also rejected by the Authority as herein contemplated.
5. Effect of rejection of proposed disposition--no prejudice.

In the event that the Authority should reject any proposed disposition pursuant to the provisions of these Rules, neither the City nor the licensee shall suffer any prejudice or detriment as a result of such rejection. The legal standards and burden of proof applicable to the proceedings shall be as if the proposal had not been presented, and a licensee shall suffer no detrimental presumption or inference as a result of such rejection upon hearing the merits.
6. Factual stipulations.

Nothing in these Rules shall be deemed or construed to preclude or limit either party before or during a hearing from offering to stipulate as to the existence of any fact.

7. Notice to licensees.

Along with the Notice sent to any licensee or Notice of Non-Renewal to be considered at a public hearing, the City Clerk shall include a copy of Rule V of the Rules.

- D. All requests for continuance of a scheduled public hearing where the Authority will be considering whether a license may be suspended or revoked shall be submitted in writing to the offices of the City Clerk and the City Attorney, or if the City is requesting the continuance, to the City Clerk and the business address of the applicant/licensee or their legal counsel at least ten days prior to the scheduled public hearing date.
1. A continuance of the public hearing shall be granted by the City Clerk to the next available meeting of the Authority if:
 - a. The written request is properly and timely submitted to the City Clerk's office in accordance with Section D; and
 - b. Both parties or their representatives agree to the continuance; and
 - c. Neither party has been previously granted a continuance in the matter under consideration; and
 - d. The City Clerk's office has not incurred any costs for publication of the public hearing date.
 2. In the case of a renewal scheduled for a public hearing, a continuance of the public hearing shall be granted by the City Clerk to the next available meeting of the Authority if such request is made prior to the time that posting of notice of hearing on the matter is to be made.
 3. If the request for continuance is not made and granted in accordance with Subsection D(1), both parties or their representative shall appear before the Authority at the scheduled public hearing time ready to proceed with their case.
 4. Upon a showing of substantial hardship or other good cause by the requesting party, the Authority may grant continuances upon such terms and conditions as it deems just and proper.
- E. A hearing on the suspension, revocation, or non-renewal shall be held at a place, day and time designated by the Authority as stated in the notice of 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 of the charges, followed by the cross-examination of those testifying thereto.
- F. 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, the license shall be suspended, revoked or not renewed in accordance with the procedures set forth in Subsection L.
- G. The City Clerk shall mail the licensee the Authority's decision by first-class mail for a liquor licensee to the address contained in such license within 30 days following the hearing.

- H. In the event of revocation, or suspension, no portion of the license fee shall be refunded.
- I. Orders of suspension shall indicate the effective date of suspension. For suspensions of 14 days or less, the effective date shall be at least ten business days after announcement of the suspension unless the Authority makes findings, which indicate the need for an earlier effective date.
- J. Where the Authority has probable cause to believe 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, the Authority may temporarily or summarily suspend the license for a period not to exceed 15 days pending a hearing on the suspension or revocation, which hearing shall be promptly instituted and determined. Any finding by the Authority that a temporary summary suspension is appropriate under this section must be by a two-thirds vote of the entire nine member Authority, and specific findings of a willful violation or immediate threat to the public health, safety or welfare must be made and entered in the record and incorporated into any suspension or revocation order.
- K. A licensee wishing to petition the Authority to pay a Fine for a suspension as provided by Code Section 42-127(c), must submit a written petition to the City Clerk's office at least three working days prior to the effective date of the suspension and follow the procedures outlined in C.R.S. 12-47-601(3).
 - 1. The petition for payment of a Fine shall include all information and documentation which the licensee would like the Authority to consider when acting on the petition. The petition shall include, among other things, such information which indicates the licensee is eligible for the payment of a Fine pursuant to the Code and the laws of the State of Colorado, and a calculation of the proposed fine as set out in Section 42-127(c) of the Code with sufficient financial documentation so as to permit the Authority to substantiate the amount of the proposed fine.
 - 2. The City Clerk shall not accept for filing a petition for payment of a Fine unless the petition is timely filed and is accompanied by a non-refundable petition fee as provided in Section 42-127(c) of the Code.
 - 3. Except as provided in Section K of this Rule, upon the acceptance of filing of a petition for payment of a Fine, the suspension of the license shall be temporarily stayed until such time as the Authority acts upon the petition for payment of a Fine. The petition will be presented to the Authority at the next available regular meeting of the Authority following the filing of the petition.
 - 4. If the Authority denies the petition for payment of a Fine, the suspension shall be reinstated and the Authority shall indicate the effective date of the suspension.
 - 5. If the petition for payment of a Fine is granted, the granting of the petition shall be deemed to be conditioned upon the payment of the fine within ten working days of the action of the Authority. A new suspension period will be set out in any order granting a petition for payment of Fine that period of suspension automatically becoming effective in the event that the licensee fails to pay the fine.
- L. The public hearing for a revocation, suspension or non-renewal shall be conducted following the same applicable procedures as outlined in Rule IV, however, the City will have the burden of persuading the Authority that a violation occurred or the license should not be renewed, as follows:

1. The following order for the presentation of evidence shall apply:
 - a. Opening statement by the City Attorney
 - b. Opening statement by the Licensee
 - c. Presentation of City's evidence and witnesses. Prior to excusing any of the City's witnesses, cross-examination shall be permitted in the following order:
 1. Licensee's attorney
 2. Authority members
 - d. Presentation of Licensee's evidence and witnesses. Prior to excusing applicant's witnesses, cross-examination shall be permitted in the following order:
 1. City Attorney
 2. Authority members
 - e. City's rebuttal evidence
 - f. Licensee's rebuttal evidence
 - g. City's closing statement
 - h. Licensee's closing statement
 - i. City's reply closing statement
 - j. Close the public hearing
 - k. Deliberation and call for motion
 - l. Applicable motion to suspend, revoke, or not renew license, discussion and vote
2. Evidence for Public Hearing - Suspension, Non-Renewal

City presents evidence concerning whether the licensee committed the violations listed in the Verified Complaint, which evidence may include:

 - a. Evidence from individual witnesses either employees or contractors who were present when events occurred
 - b. Evidence from experts including health or other County or State officials concerning events surrounding the incident
 - c. Evidence from City officials including Code Enforcement officers, Finance officers, and Building Code officials
 - d. Evidence from the Police Department including the Local Licensing Investigator
3. In the event the Authority finds that a violation occurred, the Sentencing Guidelines shall be applied to assist the Authority in determining a penalty.
4. In the event that the Authority finds that a violation occurred, then the licensee may also present evidence in mitigation or explanation and the City may present evidence in aggravation prior to the Authority issuing its Order relating to the penalty, conditions or sanctions to be imposed.
5. The Authority may deliberate in open session or may, upon proper motion, recess into Executive Session to deliberate upon the evidence presented. The Executive Session will not be for the purpose of receiving any evidence nor shall a final determination be made during such Executive Session.
6. It is within the discretion of the Authority whether to make an immediate decision at the conclusion of the public hearing or require the City Attorney's office to prepare written findings within a reasonable time after the hearing, not to exceed 30 days.

7. Any findings, either written or oral, which shall mean findings of fact, conclusions of law and order, may be prepared by the City Attorney's office and may be available for execution by the Chairperson and adoption by the Authority at the public hearing or at a subsequent regular or special meeting. Written findings of fact shall be sent by first class mail to the licensee within 30 days after the determination is made.
8. All decisions of the Authority are final subject only to appeals made directly to a court of competent jurisdiction.

RULE VI PETITIONS

- A. Petitions circulated by the applicant and any protestants or their agents shall be submitted to the City Clerk no later than 5:00 p.m. on Friday prior to the public hearing. The Authority may continue any hearing where the City Clerk has not had sufficient time to verify the accuracy of the petitions. The Authority may waive the three-day requirement upon a majority vote.
- B. Petitions shall be circulated within the designated relevant neighborhood and signed by residents, business owners, or managers within the designated area. Petitions must be signed with the full given name. No signatures will be accepted where the wife or husband has signed for both unless accompanied by a proper and sufficient Power of Attorney for the non-signing spouse.
- C. All signatures shall be identifiable with a residence or business address listed on the petition, together with the age of the person signing the petition and the date signed. Each individual signing a petition shall indicate his/her relationship to the relevant neighborhood (e.g. resident, business owner, employee, business manager, etc.) Signatures will not be accepted if it is not clear whether the signer is a business owner or manager or a resident of the designated area.
- D. Each petition shall contain an Affidavit signed by the circulator of the petition that the circulator personally witnessed each signature appearing on the petition, that each signature thereon is the signature of the person whose name it purports to be, that the address given opposite that person's name is the true business or residence address of the person signing the petition and that the requirements of this Rule have been complied with.
- E. All petitions shall be in substantial conformity to the format furnished by the City Clerk. Petitions will not be accepted unless a signed Affidavit is submitted for each circulator and the applicant is clearly identified on the face of each petition.
- F. All petition signers for or against the issuance of a fermented malt beverage or malt, vinous or spirituous liquor license must be 21 years of age or older.