

Community Action

Handbook

New Liquor License Procedures

**Denver District Attorney's Office
Capitol Hill Community Justice Initiative**

*in cooperation with
Denver City Attorney
The Unsinkables
Capitol Hill United Neighborhoods*

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Introduction

In many Denver neighborhoods, residents complain about problem liquor establishments. While most liquor licensees are law abiding and respectful of residents, some are not “good neighbors.” Disruptive and unruly patrons, a pattern of sale to minors and visibly intoxicated patrons, traffic, noise, vandalism, and congestion problems are some of the primary complaints associated with these businesses. Other neighborhood residents who live close to downtown complain that the high concentration of liquor establishments aggravates these problems. Community members also express frustration that the legal system does not provide an effective forum for residents to express how these problematic liquor establishments impair their safety and security. These concerns may be due to the increasing number of liquor establishments in the Denver area. In 1996 there were 804 licensed establishments and by April 18, 2002 there were 1304 licensed establishments.¹

There are two principal legal steps in the issuance and regulation of liquor licenses. The first is the initial application for the license, which is addressed in this handbook. The second is the process of sanctioning a licensee for conduct that violates the State Liquor Code or other laws.

In response to these concerns, the Denver District Attorney’s Community Justice Unit prepared these materials in cooperation with the Denver City Attorney and the Denver Department of Excise and Licenses. We hope this guide can serve as a starting point for neighborhood organizations and activists in determining how to effectively participate in the liquor license application process.

Acknowledgements

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Application

The first step in applying for a liquor license is to fill out an application from the Denver Department of Excise and Licenses, an executive department of the city.² Although there are different classes of licenses available the application procedure is the same. (See Appendix A) For any type of license being requested, the following documents must be submitted with the application in duplicate and must be printed in black ink or typed:

- the application fee of \$500
- a deed, lease or other formal agreement showing that the applicant has a right to possession of the premises.
- a zoning permit
- a detailed sketch of the interior of the building (or if not built, the architect's drawing of the proposed building) drawn accurately and to scale that is on 8 ½ by 11-inch paper. The sketch needs to include all equipment (sink, range, refrigerator, dishwashers, and other equipment) placement and the areas in which alcohol is to be sold, served or consumed must be marked
- three maps of the area, obtained from the City Reproduction Center at 1445 Cleveland Place
- a "plat plan" which is a breakdown of the uses allowed on the property provided by the City
- individual history form and fingerprints which have to be taken by the Department of Excise & Licenses
- a completed financial questionnaire that details all sources of money for the business such as:
 - information on all investors
 - how much money being invested
 - the source of the money being invested
 - information on any loans such as:
 - the lender
 - the address of the lender
 - the amount of the loan
 - where the money for the business will be located (bank/credit union)
 - whose name is on the account
 - who has authorization to use that account

- corporate applicants must submit copies of the articles of incorporation, corporate minutes, and a certificate of good standing that were filed with the Secretary of State³
- limited liability companies must submit copies of the articles of organization, the operating agreement, and if filed with the Secretary of State, copies of the corporate minutes and trade name affidavit⁴
- any other documents the Director of the Department of Excise and Licensing may require on a case-by-case basis⁵

The application and other required documents are available for public inspection after filing a form with the Department of Excise and Licenses. For a copy of the record, the form must be filled out and charge paid for the photocopying.

The department then designates a diamond shaped area, whose size depends upon the location.⁶ For locations outside of the downtown Denver area, a diamond shaped area created by the ten blocks north, south, east and west will be created.⁷ If the location is downtown, the size of the area marked will depend upon the location as downtown is divided into two areas. In one downtown area the surrounding eight blocks would be designated, in the other downtown area the six blocks north, south, east and west (creating a diamond shaped area) would be marked.⁸ The Department may modify the area to avoid going through blocks or residences. For example, if not in the downtown area, the designated area could look like this:

Under Colorado law, a “party in interest” to the liquor license proceeding includes⁹:

- the applicant
- an adult resident of the neighborhood
- the owner or manager of a business in the neighborhood¹⁰
- the principal or representative of any school within 500 feet of the property where a license has been applied for

Representatives of recognized neighborhood organizations that do include part (or all) of the neighborhood may present evidence in the hearing.¹¹ However, the representative must reside in the area the neighborhood organization represents and be a member of the group.¹² A

neighborhood organization representative cannot cross examine witnesses or appeal the decision.¹³ The testimony of the neighborhood organization representative is usually limited in content to:

- the area of the neighborhood group includes all or a portion of the designated neighborhood
- the number of members in the group
- notice of the meeting pursuant to the group's bylaws
- that a quorum was present at the meeting
- a motion was made regarding the organization's position on the application
- the motion passed by a vote of how many

Any individual who meets these requirements can petition the director of the Department of Excise and Licenses to change the designated neighborhood and can also participate in later stages of the licensing procedure (e.g., giving testimony and receiving copies of legal "objections" and other documents). The designated neighborhood may be modified if there is a good reason for the change (e.g., if the boundary passes through a residence, splits a block or is located in an area with relatively few residents).

Notice to the Public

The Department of Excise and Licenses will notify the applicant by letter of the time, place and date of the hearing.¹⁴ Thirty days before the hearing, the applicant must post a notice on the premises to notify the public of the hearing. The department will publish the notice of the hearing in a newspaper of general circulation. This will contain the same information required for the posting on the building. The sign will be on white cardboard, not less than 22 inches wide and 26 inches high with letters not less than 1 inch high. It must also include the diamond shaped area that is a map of the neighborhood. (See information on how this map is drawn in the “Application” section on page 3.) It must also be posted on the building in a way that is plainly visible to the public.

The sign must inform the public that the Department of Excise and Licenses can be petitioned to hold the hearing in the evening.¹⁵ To request an evening hearing, an application available from the department requesting an evening hearing *must be filed at least 20 days before the hearing and have a minimum of 25 signatures.*

For example, if the original hearing were set for the 30th of the month, the evening meeting petition would be due no later than the 9th of the month (the day of the hearing does not count). The hearing will be reset for 6 p.m. on the same day or as close to the original date as possible.¹⁶ The evening hearing option is only available for new applications and modifications to licenses.¹⁷ A modification is any substantial physical change, alteration or a modification that changes the premises or the uses of the property.¹⁸

If the notice is not correctly posted, in any significant way, upon random inspection by the department, the hearing will be postponed until the first available hearing date after the sign is correctly posted for the required 30 days. For example, if the map is not included on the sign, the required 30 day time period will begin when the map is included. If the hearing was set for the 30th, and the map was not included until the 10th the hearing will be postponed. If upon random inspection by the department, the sign is found to be incorrectly posted in a significant way, the applicant must obtain a new hearing date from the Department of Excise and Licenses. The new posting must show the new hearing date for a new 30-day period upon inspection by the Department. The Department requires that there be a posting of a public hearing thirty days prior to a hearing; the day of the hearing is not counted as one of the 30 days. For example, if the hearing is set for November 30th, the notice must be posted on October 31st.

The Hearing

The public hearing is conducted before a Department of Excise and Licenses hearing officer.¹⁹ The purpose of the public hearing is to gather facts (through testimony, petitions, and letters) so the licensing authority can evaluate: 1) the reasonable requirements of the neighborhood, 2) the desires of the adult inhabitants, 3) whether there is a need for additional licenses given the existing licenses of the same or a similar type in the designated neighborhood, and any potential conditions that could be placed on the license if it is granted.²⁰ Conditions cannot be placed on a liquor license at the application hearing unless the applicant and the city agree to the conditions.²¹ The director of the Department has several hearing officers, each of whom may conduct the public hearing. The hearing officer will hear the evidence from the licensee, the City, and the parties in interest and then submit a Recommended Decision to the director. The applicant for the license must prove²²:

- notice of the hearing was properly posted and published
- there is a need and desire in the neighborhood for the establishment
- existing similar licenses in the neighborhood do not presently satisfy the needs of the neighborhood for service of alcohol beverages.
- the applicant is of good character
- the applicant has possession of the property
- The premises are suitable for the requested license

If the applicant does not prove the above, the license is not granted.²³ If the applicant does satisfy these legal requirements, the opposition to the application must present evidence to show why the license should be denied.

Needs of the Neighborhood

The applicant for the license must prove that the neighborhood needs the proposed liquor establishment. The need to be evaluated is only the “thirst need” of the neighborhood.²⁴ The applicant establishes thirst need by showing that the neighborhood has an unmet need for the type of alcoholic beverages to be sold in the manner the applicant will be selling them.²⁵ If the applicant does not prove there is an unmet need, the license will be denied.²⁶ Proving the needs and desires of the neighborhood is done through the presentation of evidence such as petitions, letters and testimony at the public hearing.²⁷

Desires of the Neighborhood

The hearing officer must also consider the desires of the adult inhabitants of the designated neighborhood. Desires can be based on anything except the belief that alcohol is evil or should be banned. Thus, a person who does not drink alcoholic beverages can still testify that

he or she does or does not desire the new establishment. For example, a person may testify that as an adult inhabitant of the neighborhood, he or she just does not want more bars in the neighborhood regardless of the potential need in the neighborhood. Alternatively, a person can testify that he or she does support the granting of the license because it would attract more business to the area.

Undue Concentration

“For purposes of determining if the issuance of a new tavern or retail liquor store license would result in or add to an undue concentration of the same class of license and, as a result, require the use of additional law enforcement resources,”²⁸ the department evaluates the existing and proposed liquor licenses in the neighborhood. The evaluation consists of factors such as, but not limited to:

- the ratio of the number of similar licenses within the county of the neighborhood’s population in comparison to the ratio of licenses statewide of the same class to the state population²⁹
- “the ratio of the number of tavern or retail liquor store licenses within the census tract or census division in the neighborhood in which the applicant premises are located to the population of the census tract or division exceeds the ratio of number of licenses of the same class in the county or municipality to the population of the county or municipality where the application has been made”³⁰
- the distance between the applicant’s premises and other establishments with the same license³¹
- published information regarding the concentration of tavern and liquor establishments and the effect it has on the need for law enforcement resources³²
- testimony of local law enforcement personnel concerning the use of law enforcement resources in the neighborhood³³

Existing Similar Licenses in the Neighborhood

A separate factor in the analysis by the hearing officer is whether the neighborhood’s existing licenses (of the same or similar class) are already meeting the reasonable requirements of the neighborhood for beer, wine, and spirituous liquor.³⁴ If there are existing similar licenses in the neighborhood, the applicant must prove that the licensed businesses currently in the neighborhood do not meet the “thirst needs” of the neighborhood at issue.³⁵ This has been proven through:

- closure of licensed business in the neighborhood
- inadequate hours or inaccessibility
- recent population growth
- long waits for a table

- crowd or atmosphere undesirable
- establishments not serving the type of liquor desired
- expensive establishments
- inconvenient locations of establishments³⁶

Evidence

Petitions

Both the applicant and the public can utilize petitions³⁷ as evidence of the neighborhood needs and desires.³⁸ The petition must follow the sample available at the Department of Excise & Licenses and must be circulated only in the neighborhood designated on the map provided by the city for the application. The person who circulates the petition must be 18 years of age or older and witness every signature on the petition.³⁹ Do not leave the petition out where it can be signed outside the presence of the circulator and make sure there is only one circulator for each petition to ensure that the circulator witnesses every signature. To ensure the petitions can be used as evidence of the needs and desires of the neighborhood, the only topic that should be discussed when circulating the petition is the applicant's proposed liquor license.⁴⁰ When circulating the petition, the circulator should not:

- attempt to persuade anyone to sign the petition
- make statements for or against the applicant for the license
- distribute any material for or against the license while circulating the petition⁴¹

Petitioning for both the applicant and the public can begin the second day after the notice is posted and published in the newspaper.⁴² For example, if the notice is posted and published on the 3rd of the month, petitions can be circulated starting the 5th of the same month. Any party in interest in the designated neighborhood is eligible to sign petitions regarding the issuance of a liquor license. Each signature on the petition must be signed in the presence of the individual circulating the petition (circulators must be at least 18 years old) and must include certain information about the person signing including:

- name (signed and clearly printed)
- address
- the date signed
- indication that the person signing is over 21 years old

If all of the petition requirements are not met, they may not be allowed as evidence of the needs and desires of the neighborhood. The petitions can then be submitted with an affidavit⁴³ to the department and notarized⁴⁴ five days before the hearing to be submitted into evidence.⁴⁵ For example, if the hearing is set for the 27th, the petition can be submitted the 22nd; however, if the 22nd is during a weekend or holiday, the petitions must be submitted the business day before that weekend or holiday. If the petitions are not filed five days prior to the hearing, each circulator must appear in person with the petitions to testify. The Department of Excise and Licenses reserves the right to verify all signatures.⁴⁶ If there is a question about the validity of the petition, the department may verify the signatures by reviewing each address on the petition to determine if the address is within the designated neighborhood.

Letters

Individuals, community organizations, and elected officials can send letters to the Director of the Department of Excise and Licenses to express their opinions before the hearing

about the granting of a new liquor license in their neighborhood. Although there are no guidelines for letter writing, the most effective letters focus on the specific liquor license application. Letter writing can be an effective supplement to the testimony provided at the hearing.

Testimony⁴⁷

At the public hearing, testimony can be given for and against the license by a maximum of three persons at least 21 years old, who are residents, owners or managers of businesses in the neighborhood.⁴⁸ Individuals can also testify “en masse” (or as a group) to supplement the testimony by individuals.⁴⁹ The person applying for the license as well as at least one witness must testify regarding the need and desire of the neighborhood for the proposed establishment. One representative of each registered neighborhood organizations may testify to the official position of the organization regarding the specific license. However, they cannot cross-examine witnesses.⁵⁰ Law enforcement officials can also testify regarding the use of law enforcement resources in the area in which the property is located. Elected officials (such as city council members or state legislators) who represent any part of the neighborhood may testify regarding their position on the issuance of the license. The parties in interest may elect a spokesperson or retain counsel but that individual is not permitted to present arguments or testimony of behalf of others.⁵¹

Hearing Procedures

The hearing officer may limit the presentation of evidence and questioning of witnesses to exclude repetitive evidence. He/she also rules on whether the evidence presented is admissible as there are no guidelines set for the public hearings by the Department.⁵² Evidence admitted is usually evidence that is reasonably reliable and applicable to the matter at hand.⁵³ The hearing officer then presents a written Recommended Decision to the director.

The Recommended Decision is given to the applicant, the City Attorney's office, and any party in interest who participates in the hearing and leaves his or her address with the department. All parties of interest are given ten calendar days from the mailing of the decision to file objections to the Recommended Decision.⁵⁴ The director has 30 days after the public hearing to make a final decision.⁵⁵ However, if after any objections are filed, the director gives the applicant ten days to file a response, that 30-day requirement is extended.⁵⁶ After all objections and responses are received, the director will issue a final decision.

If the license is denied based upon the needs and desires or the reasonable requirements of the neighborhood, the property (or another property within 500 feet) will not be granted a same class liquor license for two years after the date of denial.⁵⁷ To side step this restriction, an applicant may apply for different classes of liquor licenses for the same property, one after the other.⁵⁸ This strategy may have the effect of "wearing down" the opposition. For example, an applicant can be denied a beer and wine license, then apply for a hotel and restaurant license, then a tavern license, all at the same location where the first was denied.

If a license is granted, and the concept for the establishment presented by the licensee changes, this change is not grounds for suspension or revocation of the license unless the establishment no longer meets the requirements for the class of license that they were issued. For example, hypothetically, when applying for the license, the concept for an establishment may include serving an array of Middle Eastern appetizers, upscale wines and playing jazz music. However, after the issuance of the license, the licensee plays "techno" dance music and serves primarily hard liquor. Even with such a notable concept change in the establishment, there would be no available action for the department to take unless the establishment no longer meets the requirements for that specific class of license. For example, if an establishment was issued a tavern license and after opening changes the establishment to a private club, this change could be grounds for suspension or revocation of the license.

License Renewal

Community members may get involved in the department's evaluation of whether to renew a liquor license, which occurs on a yearly basis.⁵⁹ These renewal dates are available at the department but notice is not provided to neighborhood organizations or other interested parties.⁶⁰ Generally a hearing is not held on a license renewal as each license is automatically renewed each year. However, the department may decide to hold a hearing.⁶¹ The following factors are evaluated by the department in determining whether to hold a hearing at renewal:

- whether the owner/manager permitted the commission of a crime or ordinance violation upon the licensed premises during the prior year⁶²
- commission of a violation of the Colorado Liquor or Beer Code during the prior year⁶³
- violations of any conditions placed on the license in prior disciplinary proceedings or which arose in the context of potential disciplinary proceedings⁶⁴
- receipt by the Department of letters of complaint from residents or owners or managers of businesses in the neighborhood that detail good cause for non-renewal of the license (the letters must be received *at least 35 days* prior to the renewal date)⁶⁵
- evidence of any grounds for good cause (see below)⁶⁶
- failure of mediation efforts to resolve issues between the licensee and the neighborhood⁶⁷

The department may refuse to renew a liquor license for “good cause”. This decision may be appealed.⁶⁸ For license renewal, good cause is defined under Colorado law as:

- the licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this article or any rules and regulations⁶⁹
- the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or which arose in the context of potential disciplinary proceedings⁷⁰
- evidence that the licensed premise has been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located (evidence must include a continuing pattern of fights, violent activity, or disorderly conduct)⁷¹

The process for a renewal hearing is similar to that for a new license hearing with some exceptions. In a renewal hearing, the city bears the burden of proving why the license should not be renewed.⁷² The evidence submitted must be relevant to the incident[s] being presented which would constitute good cause for denial of the renewal.⁷³ Neighborhood organization representatives, residents and business owners/managers will be allowed to testify if their testimony concerns the issue of good cause for non-renewal of the license.⁷⁴

Board Decision

After the local licensing authority approves the new license, the State Liquor Enforcement Division grants the license unless the Division decides to hold a hearing before issuing a decision.⁷⁵ However, it is rare for the Division to hold such a hearing.

If the state decides to have a hearing, it must give the applicant and the local authority 15 days notice in writing with the reason for the hearing. The Division must deny the application when:

- the premises does not meet the building requirements for the establishment
- the character of the applicant makes it likely that he/she would violate the law⁷⁶
- the division finds that the licenses in the area are sufficient for the community based upon the evidence presented at the public hearing (it is very rare for the state board to challenge the local board on this factor)

The decision to grant a license may be appealed to the Denver District Court by any residents or business owner or manager in the “neighborhood” as marked by the map. Parties in interest who did not participate in the hearing may also appeal the decision.⁷⁷ The decision is subject to review by the Denver District Court should either side wish to appeal. If the license is granted, any business owner/manager or resident may appeal the decision.⁷⁸ However, if the license is denied, only the applicant for the license may appeal. The application for District Court review must be filed within 30 days of the State board’s decision. However, the board ruling will not be set aside unless it was found to be arbitrary, capricious or without good faith.⁷⁹

¹ These numbers are based upon research conducted by The Unsinkables in the Spring 2002.

² Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 1.

³ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 2.

⁴ See note 2.

⁵ See note 2.

⁶ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 3.

⁷ See note 6.

⁸ See note 6.

⁹ Colorado Revised Statutes, 12-47-311 (2002).

¹⁰ A “manager” must have decision-making authority for the business to be a party in interest. See, Kurt G. Stiegelmeier, *A Primer on Liquor License Application Hearings in Colorado*, 31 *The Colorado Lawyer* 11, 12 (September 2002) citing Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 5.

¹¹ Colorado Revised Statutes 12-47-311(d) (2002).

¹² See note 11.

¹³ Colorado Revised Statute 12-47-311(5)(d) (2002).

¹⁴ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 4.

¹⁵ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 7.

¹⁶ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 8.

¹⁷ See note 16.

¹⁸ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 14.

¹⁹ Denver City Charter Section A9.10-1.

²⁰ Should the licensing authority grant a license but want to add conditions (such as limited hours or a limited selection of items sold) these conditions must be agreed to by the applicant.

²¹ However, conditions can be placed on cabaret licenses without the consent of the applicant even when the cabaret license is issued at the same time as a liquor license.

²² Kurt G. Stiegelmeier, *A Primer on Liquor License Application Hearings in Colorado*, 31 *The Colorado Lawyer* 11 (September 2002).

²³ Stiegelmeier 11

²⁴ Stiegelmeier 14

²⁵ Stiegelmeier 14

²⁶ Stiegelmeier 15 citing Board of County Comm'rs v. Evergreen Lanes, 391 P.2d 372, 373 (Colo. 1964); Jennings v. Hoskinson, 382 P.2d 807, 809 (Colo. 1963); Tavella v. Eppinger, 383 P.2d 314, 315 (Colo. 1963).

²⁷ Stiegelmeier 14

²⁸ Colorado Code of Regulations 203-2, Regulation 47-301(A) (2001).

²⁹ Colorado Code of Regulations 203-2, Regulation 47-301(A)(1) (2001). The number of licenses is determined by the number published by the state licensing authority and the population is based upon the most recent United States Census as explained in Regulation 47-301(B)(1) and (2).

³⁰ Colorado Code of Regulations 203-2, Regulation 47-301(A)(2) (2001).

³¹ Colorado Code of Regulations 203-2, Regulation 47-301(A)(3) (2001).

³² Colorado Code of Regulations 203-2, Regulation 47-301(A)(4) (2001).

³³ Colorado Code of Regulations 203-2, Regulation 47-301(A)(5) (2001).

³⁴ Colorado Revised Statutes 12-47-312 (2002) and *see* Board of County Comm'rs v. Bova, 385 P.2d 590 (Colo. 1963). In Bova, the court held that the decision to deny the license as based upon the reasonable requirements of the neighborhood being met was affirmed. The testimony for the license came from the patrons of the applicant that did

not indicate that they were unable to get the desired beer, wine or liquor from one of the currently licensed establishments, merely that they wanted to drink alcohol at the applicant's restaurant.

³⁵ Board of County Comm'rs v. Bova, 385 P.2d 590 (Colo. 1963).

³⁶ Stiegelmeier 16

³⁷ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 5.

³⁸ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 6.

³⁹ See note 37.

⁴⁰ See the Recommended Decision of the Department of Excise and Licenses case No. 01-0751153-2, In the matter of a Retail Liquor License (Bonanza). (although this was a sanction case, the issue of petition guidelines was raised in the hearing officer's opinion and as yet no further information has been published by the department).

⁴¹ Stiegelmeier 15

⁴² See note 37.

⁴³ An affidavit is a statement made under the pains and penalties of perjury.

⁴⁴ The department provides notary services.

⁴⁵ See note 37.

⁴⁶ It may be a good idea to have individuals signing the petition to both print and sign their name so fewer are eliminated.

⁴⁷ Colorado Revised Statutes 12-47-311 (2002).

⁴⁸ See note 38.

⁴⁹ See note 38.

⁵⁰ Stiegelmeier 12

⁵¹ Stiegelmeier 12 citing Cloverleaf Kennel Club v. Board of County Comm'rs, 319 P.2d 487, 488-489 (Colo. 1958).

⁵² Stiegelmeier 11

⁵³ Stiegelmeier 11

⁵⁴ Denver Department of Excise and Licensing Policies and Procedures March 2001 at page 7.

⁵⁵ See note 54.

⁵⁶ See note 54.

⁵⁷ Colorado Revised Statutes 12-47-313 (2002).

⁵⁸ Stiegelmeier 18

⁵⁹ Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 12.

⁶⁰ See note 59.

⁶¹ Colorado Revised Statutes 12-47-302(1) (2002).

⁶² Denver Department of Excise and Licenses Policies and Procedures March 2001 at page 13.

⁶³ See note 62.

⁶⁴ See note 62.

⁶⁵ See note 62.

⁶⁶ See note 62.

⁶⁷ See note 62.

⁶⁸ Colorado Revised Statutes 12-47-302(1) (2002).

⁶⁹ Colorado Revised Statutes 12-47-103(9)(a) (2002).

⁷⁰ Colorado Revised Statutes 12-47-103(9)(b) (2002).

⁷¹ Colorado Revised Statutes 12-47-103(9)(c) (2002).

⁷² See note 14.

⁷³ See note 14.

⁷⁴ See note 14.

⁷⁵ Colorado Revised Statutes 12-47-305 (2002).

⁷⁶ Colorado Revised Statutes 12-47-305(2) (2002). Generally, the applicant must show they are of good moral character. Evidence of such need only be a lack of a criminal history (although misdemeanors are a factor if it was for a crime of moral turpitude) and intent to follow the law for the applicant good character is proven. *See*. Stiegelmeier 16.

⁷⁷ *See*, C.F. Norris v. Grimsley, 41 Colo. App. 231, 585 P.2d 925 (1978); Kornfeld v. Perl Mack Liquors, Inc., 193 Colo. 442, 567 P.2d 383 (Colo. 1977).

⁷⁸ See note 75. Any interested party may appeal, including an owner of a competitor business who resides in the neighborhood.

⁷⁹ Colorado Revised Statutes 24-4-106(7) (2002).