



# City of Boulder

## Finance Department

### Tax and License Division

Sales and Use Tax · Community Information · Special Event Liquor ·  
Liquor License · Miscellaneous License · Medical Marijuana Business License

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July 25, 2012

Dear Licensee:

Enclosed you will find a “Notice of Show Cause,” which is issued by the Boulder Liquor Authority. Your Show Cause Order alleges a violation of the Colorado Liquor Code under your alcohol beverage license. Your appearance date is noted in the Show Cause Order and a representative of the licensee is required to appear.

At the Show Cause Hearing, the licensee will need to “show cause” as to why the liquor license should not be suspended or revoked. You may have an attorney represent you at the Hearing, but one is not required. **You or your attorney must contact the prosecutor at least one week prior to the hearing. If you fail to contact him, you may be subject to the maximum suspension/revocation penalty.**

You will also need to provide proof of training for all of your employees that are involved in the sale or service of alcohol. Please use the attached form to summarize attendance by your personnel at a state-certified Responsible Vendor alcohol service training. The Boulder Beverage Licensing Authority has determined that class attendance will be deemed valid for the current term indicated on the card or the certificate. In addition, please provide copies of Certificates of Completion or Class Cards from the state-certified Responsible Vendor alcohol service trainings for all of your employees involved in the sale or service of alcohol (such evidence of complete employee state approved training must be considered by the Authority as to mitigation for violations from compliance checks). Please return completed proof of training chart and above certificates or cards to Mishawn J. Cook, Tax and License Manager, delivering same to 1777 Broadway, 1<sup>st</sup> Floor, Tax and License Division, no later than nine days prior to the hearing (this will fall on a Monday). Please also submit any other Mitigating Facts evidence no later than nine days prior to your hearing. Failure to turn in these documents or to turn in these documents by the deadline may be viewed by the Authority as an “aggravating” factor and could potentially increase any suspension days imposed.

The prosecutor is Michael Whitney, City Attorney’s Office Prosecutor for the Boulder Police Department, his telephone number is 303-441-3020 and his mailing address is City Attorney’s Office, P.O. Box 791, Boulder, CO 80306, Attention: Michael Whitney. Please be advised that it is your responsibility as a liquor licensee to know the state and local liquor codes and regulations. Mr. Whitney will discuss the issues involving your pending Show Cause Hearing, but he cannot provide you with legal advice as to the defense of your case.

A copy of Boulder Liquor Authority “Penalty Schedule” for liquor code violations is attached. If you are found to have committed a violation, this schedule will be used as a guideline to impose your penalty. In certain situations, C.R.S. 12-47-601 permits you to request a monetary fine, instead of a closure. The Liquor Authority will consider these requests on a case-by-case basis but do not have to grant them.

Per state law and local rules, you will be required to display a poster for the duration of all suspension days. Failure to serve your suspension, post during your suspension, or abide by any addition local conditions directed by the Beverage Licensing Authority will result in an additional notice of show cause for violation.

**CITY OF BOULDER  
BEVERAGES LICENSING AUTHORITY  
PENALTY SCHEDULE  
Effective January 1, 2003**

Code Violations	All Other Licenses Days Served	Liquor Store Tavern License Days Served	All Other Licenses Days in Abeyance	Liquor Store Tavern License Days in Abeyance
<b>Sale/service to a minor</b>				
1 count	5	3	9	6
2 counts	10	6	20	12
3+ counts	15	9	30	18
Second Offense w/in 1 yr.	10	6	20	12
<b>Conduct of establishment</b>				
1 count	8	6	6	3
2 counts	13	9	17	9
3+ counts	18	12	27	15
Second Offense w/in 1 yr.	20	11	20	12
<b>Sale/service to intoxicated patron</b>				
First Offense				
1 count	5	3	9	6
2 counts	10	6	20	12
3+ counts	15	9	30	18
Second Offense w/in 1 yr.	10	6	20	12
<b>Sale/service after legal hours</b>				
First Offense	3	2	7	4
Second Offense	10	6	20	12
<b>Removal of alcohol from licensed premises</b>				
1 count	3	3	7	7
2 counts	5	5	5	5
<b>Underage employee selling or serving</b>				
First Offense				
1 count	2	1	5	3
2 counts	4	3	10	6
3+ counts	10	6	20	12
<b>Permitting disturbances</b>				
First Offense	10	6	20	12
Second Offense	20	12	30	18
<b>Purchases of liquor from someone other than a wholesaler</b>				
1 count	3	3	7	7
2 counts	5	5	5	5
<b>Failure to maintain adequate books/records</b>				
First Offense	5	3	9	6
Second Offense	10	6	20	12
<b>Failure to report manager, corporate, financial or trade name change</b>				
First Offense	0	0	5	3
Second Offense	3	2	7	4
<b>Failure to Meet Food Requirements</b>				
First Offense	5	N/A	9 (w/30 to correct)	N/A
Second Offense	10	N/A	20 (w/30 to correct)	N/A

	Days Served	Liquor Store Tavern License Days Served	Days in Abeyance	Liquor Store Tavern License Days in Abeyance
<b>Permitting Illegal Gambling</b>				
First Offense	3	2	7	4
Second Offense	15	9	30	18
Third Offense	20	12	30	18
<b>Video Poker Gambling</b>				
First Offense	15	9	30	18
Second Offense	20	12	30	18
<b>Violations on Follow-Up Inspections</b>				
For each Offense	1	1	2	1
<b>Altered Alcohol</b>				
1 count	5	3	9	6
<b>Shake a Day</b>				
1 count	5	3	9	6
2 counts	10	6	20	12

These suspension penalties represent guidelines only and are not binding on the Authority. The Authority reserves the right to impose any penalty authorized by law.

The Authority may consider the following in imposing suspension periods:

**Mitigating Facts**

- \* Training programs (initial & on-going; Responsible Vendor Training & Supplemental; valid for 3 yrs)
- \* Written policies
- \* Supervision procedures
- \* Self-check programs
- \* Use of birth-date input cash registers
- \* Community involvement
- \* Responsible advertising practices
- \* Active Responsible Hospitality Group (8 of 11 yr. mtgs.)
- \* Other pertinent facts

**Aggravating Facts**

- \* Failure to submit Mitigating Facts evidence 9 days before hearing
- \* Prior Offenses in past five (5) years
- \* Irresponsible advertising policies
- \* Failure to accept responsibility
- \* Lack of effective operational/training programs
- \* Failure to cooperate with liquor enforcement representatives
- \* Multiple Police contacts
- \* Violation occurring outside of compliance checks (aka "stings")
- \* Other pertinent facts

In determining whether or not a second or subsequent violation occurred within a one-year period, the Authority will use the date of conviction for the first violation (usually the date of the hearing) to the actual date of the second violation. For example, if a licensee was "convicted" of their first violation at a March 1, 2001 hearing and had ten days held in abeyance and then they were cited on February 1, 2002, that would be considered a second violation within a year. The licensee would automatically have to serve the ten days held in abeyance from the first violation, plus their new suspension days. If however, the licensee were cited on March 9, 2002, then it would not be considered a second violation within a year.

