City of Boulder
Finance Department
Tax and License Division

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

May 1, 2014

Dear Licensee:
Enclosed you will find a "Notice of Show Cause," which is issued by the Boulder Liquor Authority (BLA). 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, 1st 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 prosecutors are Lucas Markley or Janet Michels, City Attorney's Office Prosecutor for the Boulder Police Department, the telephone number is 303-441-3020 and the mailing address is City Attorney's Office, P.O. Box 791, Boulder, CO 80306, Attention: Lucas Markley/Janet Michels. Please be advised that it is your responsibility as a liquor licensee to know the state and local liquor codes and regulations. Mr. Markley or Ms. Michels will discuss the issues involved in your pending Show Cause Hearing, but they 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, at the discretion of the BLA, to impose your penalty. In certain situations, C.R.S. 12-47-601 permits you to petition the BLA for permission to pay a monetary fine or "fine in lieu" of having your license suspended for all or part of the suspension period. If you decide to petition the BLA to pay a fine in lieu, you must bring to the hearing your books and records for the period of the last 90 days of your overall sales totaled and your alcohol sales totaled for that period. The fine amount shall be not less than $200 or more than $5,000. The BLA may, in its sole discretion, grant the petition to pay a fine, instead of a closure. The BLA 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 additional local conditions directed by the BLA will result in an additional notice of show cause for violation.

Trade Name: _____

Location Address: _____

PROOF OF TRAINING: The Beverage Licensing Authority has determined that it is a local condition of a liquor license that everyone involved in service/sale of alcohol is required to take a State approved Responsible Vendor Alcohol Service training within 6 months of premise opening or 6 month of hire date and that such training is valid and current at the time training certification is provided.
Please fill out the following form, list any and all employee training below, and attach all Certificates of Training and Class Certification cards, or other evidence of training completion for each listed employee.

Employee's Name	Training Title	Hire Date	Previous Training Date	Latest Training Date

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
Sale/service to a minor				
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**
Conduct of establishment				
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
Sale/service to intoxicated patron				
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**
Sale/service after legal hours				
First Offense	**3**	**2**	**7**	**4**
Second Offense	**10**	**6**	**20**	**12**
Removal of alcohol from licensed premises				
1 count	**3**	**3**	**7**	**7**
2 counts	**5**	**5**	**5**	**5**
Underage employee selling or serving				
First Offense				
1 count	**2**	**1**	**5**	**3**
2 counts	**4**	**3**	**10**	**6**
3+ counts	**10**	**6**	**20**	**12**
Permitting disturbances				
First Offense	**10**	**6**	**20**	**12**
Second Offense	**20**	**12**	**30**	**18**
Purchases of liquor from someone other than a wholesaler				
1 count	**3**	**3**	**7**	**7**
2 counts	**5**	**5**	**5**	**5**
Failure to maintain adequate books/records				
First Offense	**5**	**3**	**9**	**6**
Second Offense	**10**	**6**	**20**	**12**
Failure to report manager, corporate, financial or trade name change				
First Offense	**0**	**0**	**5**	**3**
Second Offense	**3**	**2**	**7**	**4**
Failure to Meet Food Requirements				
First Offense	**5**	**N/A**	**9 (w/30 to correct)**	**N/A**
Second Offense	**10**	**N/A**	**20 (w/30 to correct)**	**N/A**

Adopted: 12/15/99

Revised: 5/1/14

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

The suspension penalties are only guidelines and are not binding on the Authority. WRITTEN MITIGATING FACTOR EVIDENCE NEEDS TO BE SUBMITTED AT LEAST 9 DAYS PRIOR TO HEARING. The Authority reserves the right to impose any penalty authorized by law.

The Authority MAY, in their discretion, consider the following in imposing suspension periods:

Mitigating Factors

- **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 Factors

- **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.