



City of Boulder Finance

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 prosecutor is Lucas Markley, 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. Please be advised that it is your responsibility as a liquor licensee to know the state and local liquor codes and regulations. Mr. Markley will discuss the issues involved in your pending Hearing, but they cannot provide you with legal advice as to defense of your case.

A copy of Boulder Liquor Authority “Penalty Schedule” for 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. Dates of Suspension are selected by the BLA, and generally start on the Monday after the hearing date. 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.

CITY OF BOULDER'S BEVERAGE LICENSING AUTHORITY MITIGATING AND AGGRAVATING
FACTORS FOR VIOLATIONS AND PENALTY SCHEDULE GUIDELINES
Effective January 1, 2003 and last updated on September 22, 2016

The Beverage Licensing Authority MAY, in their discretion, consider the following mitigating and aggravating factor evidence in imposing penalties. **WRITTEN MITIGATING FACTOR EVIDENCE NEEDS TO BE SUBMITTED TO CITY LICENSING OFFICE AT LEAST 9 DAYS PRIOR TO ANY SHOW CAUSE HEARING.**

Mitigating Factors	Aggravating Factors
Training Programs- initial and on-going. Responsible Vendor Training and supplemental. Must be current.	Failure to submit Mitigating Factor evidence at least nine days before hearing to City Licensing
Written Policies	Prior Offenses in the past five (5) Years
Supervision Procedures	Violations occurring outside of compliance checks (aka "Stings")
Self-check programs	Lack of effective operational/training programs
Use of birth-date input cash registers	Multiple Police Contacts
Community Involvement	Failure to cooperate with liquor enforcement representatives
Responsible advertising practices	Irresponsible advertising policies
Active Responsible Hospitality Group membership (8 out of 11 yearly meetings)	Failure to Accept Responsibility for Violation
Other Pertinent Facts	Other Pertinent Facts

These suspension penalties are guidelines only and are not binding on the Authority. The Authority reserves the right to impose any penalty authorized by law. Suspension dates are selected by the Authority, but generally start on the Monday after the hearing date. Also, Fines in lieu of suspension days served are generally not granted by Authority.

Code Violation	All Other Licenses Days Served	Liquor Store Tavern License Days Served	All Other Licenses Abeyance Days	Liquor Store Tavern License Abeyance Days
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 within 1 year	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 within 1 year	20	11	20	12
Sale/Service to Intoxicated Person				
First Offense				
1 count	5	3	9	6
2 counts	10	6	20	12
3+ counts	15	9	30	18
Second Offense within 1 year	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 wholesaler				
1 count	3	3	7	7
2 counts	5	5	5	5
Failure to maintain adequate books and records				
First Offense	5	3	9	6
Second Offense	10	6	20	12
Failure to report manager, corporate, financial or trade name changes				
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 [Includes Taverns]	N/A	20 (w/ 30 to correct) [Includes Taverns]	N/A
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

In determining whether or not a second or subsequent violation occurred within a one-year period for abeyance days, the Authority will use the date of conviction for the first violation (usually the date of the show cause 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 for one year 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 determined by the Authority. If however, the licensee were cited on March 9, 2002, then it would not be considered a second violation within a year.

Please Note: if a recording of the compliance check interaction inside of your liquor license premise was produced, it is made available so that the licensee may hear it on our liquor licensing website at:

www.bouldercolorado.gov/licensing and select "Liquor Licensing", "BLA Hearing Agenda & Packets-Search", and then select the applicable Year and Month for your BLA Hearing date.

Having access to the audio recording associated with your show cause hearing is an important part of your review of the allegations against you, so please do not hesitate to call so that City Licensing may assist you in accessing the recording.

Please call us at 303-441-4192 and select "Liquor Licensing" immediately if you cannot find the recording or if you have any issue with your ability listening to it.

