



Date:

Dear Applicant:

Thank you for the **application** you recently filed for a _____ at _____, Denver, Colorado. The Department of Excise and Licenses is in receipt of your application and has scheduled a public hearing for this application.

Notice of Public Hearing

You are hereby notified to appear remotely for the **public hearing** scheduled on _____ at _____. You can access the remote hearing via telephone by calling _____, code: _____ or via video conference using this link: _____.

Your assigned Licensing Technician is _____. They can be reached at _____ or by emailing _____.

Policies and Procedures for Your Public Hearing

Your public hearing and all related procedures will be governed by the Denver Excise and Licenses Hearing Policies and Procedures, which are available to the public on our [website](#) or by clicking [here](#). **Please read the Hearing Policies and Procedures carefully, paying close attention to the following:**

- Article I – General Provisions
- Article II – Procedures Applicable Only to Needs & Desires Hearings
- Article _____

In addition, please take special notice of the Temporary Modifications to the Hearing Policies and Procedures, which have been included in the attached documents

Posting Notice of Your Public Hearing

You must post notice of your public hearing at your proposed or licensed premises. This notice must be posted for a minimum of _____ calendar days prior to the hearing, and in the manner outlined in Section 2.1.6 of the Hearing Policies and Procedures. Please note that the notice must be posted in a clear manner (not behind tinted glass) at the front entrance of your building or another location that is conspicuous to the public. Failure to properly post may result in the continuance of your hearing or a denial of the application. Included in this hearing packet is a template for the *notice posting language* that must appear on your sign.

You must post the notice of your hearing on _____ no later than **8:00 a.m.**, and you shall maintain the notice posting **through** _____, the date of your hearing.

General Communication Procedures

The procedures for communicating with the Department can be found in Section 1.6.1 of the Hearing Policies and Procedures.

Map of Designated Area

The Department of Excise and Licenses has designated the neighborhood in question by selecting an area surrounding your location. A *Map of the Designated Area* is included in this hearing packet. For complete information about the Designated Area, please refer to the Hearing Policies and Procedures.

Findings

Included in this hearing packet is a *Findings document* stating the findings rendered in this matter. Failure to submit any of the requirements stated in the Findings document may result in a cancellation of the above-set public hearing date, and/or denial of your application that would require you to submit a new application and application fees. Please do not hesitate to contact your Licensing Technician should you have any questions regarding the Findings document.

Circulating Petitions

If you intend to circulate petitions, please read, sign, and return the *Circulating Petitions* form included in this hearing packet. Please note that petitions must be pre-filed with the Department at least seven (7) days prior to the date of the hearing. For complete information regarding the circulation of petitions, please refer to Section 2.1.7 of the Hearing Policies and Procedures.

Legal Representation

As the Applicant, you have the right to be represented by an attorney at your own expense. A corporation or limited liability company must appear before an administrative agency through an attorney, subject to a few exceptions. For complete information regarding legal representation before the Department, please refer to Section 1.5 of the Hearing Policies and Procedures.

If you believe you are exempt from the corporate representation requirements, please complete the *Corporate Resolution Form* included in this hearing packet and submit it to your Licensing Technician via e-mail no later than two (2) days prior to your hearing date.

If you will be represented by an attorney, please have your attorney submit an Entry of Appearance to your Licensing Technician via e-mail no later than two (2) days prior to your hearing date.

Exhibits

All parties are responsible for their own. Except for the Hearing Posting Affidavit, all exhibits must be pre-filed seven (7) days prior to the hearing. All exhibits must be marking in numerical sequence with a pre-identifier (A-1, A-2, A-3...for Applicant; P-1, P-2, P-3... for Protestant, etc.) and emailed to . Applicants may elect to testify at the hearing that all posting requirements have been met, instead of filing a Hearing Posting Affidavit.

Your Burden of Proof at the Hearing

At your public hearing, you will be required to prove why said application should be approved. You will be required to present evidence demonstrating the neighborhood need for the license and that the residents and/or business owners or managers in the area around your location desire that the license issue. You must also establish that the issuance of this license will not have an adverse effect on the health, welfare or morals of the neighborhood in question and that there is not good cause to deny the application. Please refer to the Hearing Policies and Procedures, as well as applicable state and local laws in order to properly understand your burden. You must present this evidence, even if the application is not contested.

Special Circumstances

Virtual Participation in a Hearing: If you have any questions about participating virtually or remotely, please contact your assigned Licensing Technician.

Requesting an Evening Hearing: Any Applicant, Licensee, or Party in Interest may request an evening hearing pursuant to Section 2.2 of the modified Hearing Policies and Procedures.

Contested or Continued Hearings: Hearing dates may be revised or continued at the discretion of the Director or Hearing Officer upon a showing of good cause or for purposes of accommodating opposition to an Application pursuant to Section 1.6 of the modified Hearing Policies and Procedures.

Foreign Language Interpreter: Any Applicant, Licensee, Party in Interest, or City Attorney may request a foreign language interpreter for any hearing. Such requests must be made in writing per the guidelines in Section 1.6.3.8 of the Hearing Policies and Procedures.

Thank you for your attention to these matters.

Molly Duplechian
Executive Director
Denver Department of Excise and Licenses

Certificate of Delivery:

The undersigned hereby states and certifies that one true copy of the foregoing Findings, together with the application hearing packet were e-mailed to the following on the ____ day of _____, 2023.

CC:

Colorado Liquor Retail License Application

* Note that the Division will not accept cash Paid by check Will pay Paid online Uploaded to MoveIt on Date

New License New-Concurrent Transfer of Ownership State Property Only Master file

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor, Beer and Wine Code: SBG.Colorado.gov/Liquor

1. Applicant is applying as a/an Individual Limited Liability Company Association or Other
 Corporation Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation
Bennell LLC FEIN Number **92-2723762**

2a. Trade Name of Establishment (DBA) **House of Copa** State Sales Tax Number **957040500001** Business Telephone **805-585-9373**

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
1200 Clayton Street

City **Denver** County **Denver** State **CO** ZIP Code **80206**

4. Mailing Address (Number and Street) **[REDACTED]** City or Town **[REDACTED]** State **[REDACTED]** ZIP Code **[REDACTED]**

5. Email Address
chaim@houseofcopa.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA) N/A	Present State License Number N/A	Present Class of License N/A	Present Expiration Date N/A
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Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
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- | | |
|---|---|
| <input type="checkbox"/> Application Fee for New License \$1,100.00
<input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$1,200.00
<input type="checkbox"/> Application Fee for Transfer \$1,100.00 | <input type="checkbox"/> Liquor-Licensed Drugstore (County) \$312.50
<input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00
<input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00
<input type="checkbox"/> Manager Registration - H & R \$30.00
<input type="checkbox"/> Manager Registration - Tavern \$30.00
<input type="checkbox"/> Manager Registration - Lodging & Entertainment \$30.00
<input type="checkbox"/> Manager Registration - Campus Liquor Complex \$30.00
<input type="checkbox"/> Optional Premises License (City) \$500.00
<input type="checkbox"/> Optional Premises License (County) \$500.00
<input type="checkbox"/> Racetrack License (City) \$500.00
<input type="checkbox"/> Racetrack License (County) \$500.00
<input type="checkbox"/> Resort Complex License (City) \$500.00
<input type="checkbox"/> Resort Complex License (County) \$500.00
<input type="checkbox"/> Related Facility - Campus Liquor Complex (City) \$160.00
<input type="checkbox"/> Related Facility - Campus Liquor Complex (County) \$160.00
<input type="checkbox"/> Related Facility - Campus Liquor Complex (State) \$160.00
<input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00
<input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00
<input type="checkbox"/> Retail Liquor Store License-Additional (City) \$227.50
<input type="checkbox"/> Retail Liquor Store License-Additional (County) \$312.50
<input type="checkbox"/> Retail Liquor Store (City) \$227.50
<input type="checkbox"/> Retail Liquor Store (County) \$312.50
<input type="checkbox"/> Tavern License (City) \$500.00
<input type="checkbox"/> Tavern License (County) \$500.00
<input type="checkbox"/> Vintners Restaurant License (City) \$750.00
<input type="checkbox"/> Vintners Restaurant License (County) \$750.00 |
|---|---|

Section B Liquor License Fees*

- | | |
|---|---|
| <input type="checkbox"/> Add Optional Premises to H & R \$100.00 X _____ Total _____
<input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____
<input type="checkbox"/> Add Sidewalk Service Area \$75.00
<input type="checkbox"/> Arts License (City) \$308.75
<input type="checkbox"/> Arts License (County) \$308.75
<input checked="" type="checkbox"/> Beer and Wine License (City) \$351.25
<input type="checkbox"/> Beer and Wine License (County) \$436.25
<input type="checkbox"/> Brew Pub License (City) \$750.00
<input type="checkbox"/> Brew Pub License (County) \$750.00
<input type="checkbox"/> Campus Liquor Complex (City) \$500.00
<input type="checkbox"/> Campus Liquor Complex (County) \$500.00
<input type="checkbox"/> Campus Liquor Complex (State) \$500.00
<input type="checkbox"/> Club License (City) \$308.75
<input type="checkbox"/> Club License (County) \$308.75
<input type="checkbox"/> Distillery Pub License (City) \$750.00
<input type="checkbox"/> Distillery Pub License (County) \$750.00
<input type="checkbox"/> Hotel and Restaurant License (City) \$500.00
<input type="checkbox"/> Hotel and Restaurant License (County) \$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City) \$227.50 | <input type="checkbox"/> Liquor-Licensed Drugstore (County) \$312.50
<input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00
<input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00
<input type="checkbox"/> Manager Registration - H & R \$30.00
<input type="checkbox"/> Manager Registration - Tavern \$30.00
<input type="checkbox"/> Manager Registration - Lodging & Entertainment \$30.00
<input type="checkbox"/> Manager Registration - Campus Liquor Complex \$30.00
<input type="checkbox"/> Optional Premises License (City) \$500.00
<input type="checkbox"/> Optional Premises License (County) \$500.00
<input type="checkbox"/> Racetrack License (City) \$500.00
<input type="checkbox"/> Racetrack License (County) \$500.00
<input type="checkbox"/> Resort Complex License (City) \$500.00
<input type="checkbox"/> Resort Complex License (County) \$500.00
<input type="checkbox"/> Related Facility - Campus Liquor Complex (City) \$160.00
<input type="checkbox"/> Related Facility - Campus Liquor Complex (County) \$160.00
<input type="checkbox"/> Related Facility - Campus Liquor Complex (State) \$160.00
<input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00
<input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00
<input type="checkbox"/> Retail Liquor Store License-Additional (City) \$227.50
<input type="checkbox"/> Retail Liquor Store License-Additional (County) \$312.50
<input type="checkbox"/> Retail Liquor Store (City) \$227.50
<input type="checkbox"/> Retail Liquor Store (County) \$312.50
<input type="checkbox"/> Tavern License (City) \$500.00
<input type="checkbox"/> Tavern License (County) \$500.00
<input type="checkbox"/> Vintners Restaurant License (City) \$750.00
<input type="checkbox"/> Vintners Restaurant License (County) \$750.00 |
|---|---|

Questions? Visit: SBG.Colorado.gov/Liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$
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Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: SBG.Colorado.gov/Liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input checked="" type="checkbox"/> E. All sections of the application need to be completed N/A <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8½" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input checked="" type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
IV.	Background information (DR 8404-I) and financial documents <input checked="" type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved State Vendor. Master File applicants submit results to the State using code 25YQHT with IdentoGO. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: IdentoGO – https://enroll.identogo.com/ Phone: 844-539-5539 (toll-free) Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 Details about the vendors and fingerprinting in Colorado can be found on CBI's website here: https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input checked="" type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor/husband and wife partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
VIII.	Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
IX.	Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application <input type="checkbox"/> A. \$30.00 fee <input type="checkbox"/> B. If owner is managing, no fee required

Name Bennell LLC	Type of License Beer & Wine	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
a. Been denied an alcohol beverage license? <input type="checkbox"/> <input checked="" type="checkbox"/>				
b. Had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/>				
c. Had interest in another entity that had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/>				
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. <input type="checkbox"/> <input checked="" type="checkbox"/>				
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? <input type="checkbox"/> <input checked="" type="checkbox"/>				
or Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>				
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <input type="checkbox"/> <input type="checkbox"/>				
N/A				
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <input type="checkbox"/> <input type="checkbox"/>				
N/A				
13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? <input type="checkbox"/> <input type="checkbox"/>				
b. Are you a Colorado resident? <input type="checkbox"/> <input type="checkbox"/>				
N/A				
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. <input type="checkbox"/> <input checked="" type="checkbox"/>				
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? <input checked="" type="checkbox"/> <input type="checkbox"/>				
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Clayton Properties, L.L.C.	Tenant Bennell LLC	Expires 3/26/2025		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. <input type="checkbox"/> <input checked="" type="checkbox"/>				
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name First National Bank of Omaha	First Name N/A	Date of Birth N/A	FEIN or SSN N/A	Interest/Percentage Lender
Last Name Bankers Healthcare Group, LLC	First Name N/A	Date of Birth N/A	FEIN or SSN N/A	Interest/Percentage Lender
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted? <input type="checkbox"/> <input type="checkbox"/>				
N/A				
Number of additional Optional Premise areas requested. (See license fee chart) _____				
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions. N/A				

Name Bennell LLC	Type of License Beer & Wine	Account Number
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19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: N/A
 a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? Yes No
If "yes" a copy of license must be attached.

20. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation** Yes No
N/A
 a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? Yes No
 b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? Yes No
 c. How long has the club been incorporated?
 d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? Yes No

21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: N/A
 a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) Yes No

22. Campus Liquor Complex applicants answer the following: N/A
 a. Is the applicant an institution of higher education? Yes No
 b. Is the applicant a person who contracts with the institution of higher education to provide food services? Yes No
If "yes" please provide a copy of the contract with the institution of higher education to provide food services.

23. For all on-premises applicants.
 a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.

Last Name of Manager Corrado	First Name of Manager Kaitlin
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24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

25. Related Facility - Campus Liquor Complex applicants answer the following: N/A
 a. Is the related facility located within the boundaries of the Campus Liquor Complex?
 If yes, please provide a map of the geographical location within the Campus Liquor Complex.
 If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.
 b. Designated Manager for Related Facility- Campus Liquor Complex

Last Name of Manager	First Name of Manager
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26. Tax Information. Yes No
 a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes No
 b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes No

27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the applicant**. **All persons listed below** must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

Name	Home Address, City & State	DOB	Position	%Owned
Chaim David Bennell	[REDACTED]	[REDACTED]	Manager & Member	100%
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

Name Bennell LLC	Type of License Beer & Wine	Account Number
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** If applicant is owned 100% by a parent company, please list the designated principal officer on above.
 ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:
 Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature <i>Chaim Bennell</i>	Printed Name and Title Chaim David Bennell, Manager & Member	Date 09/06/23
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority 9/11/2023	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)
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For Transfer Applications Only - Is the license being transferred valid? Yes No

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

- Fingerprinted
- Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000? Yes No

Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?

NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for Denver	Telephone Number (720) 865-2685	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
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Signature	Print	Title	Date
Signature	Print	Title	Date



Cabaret License Application

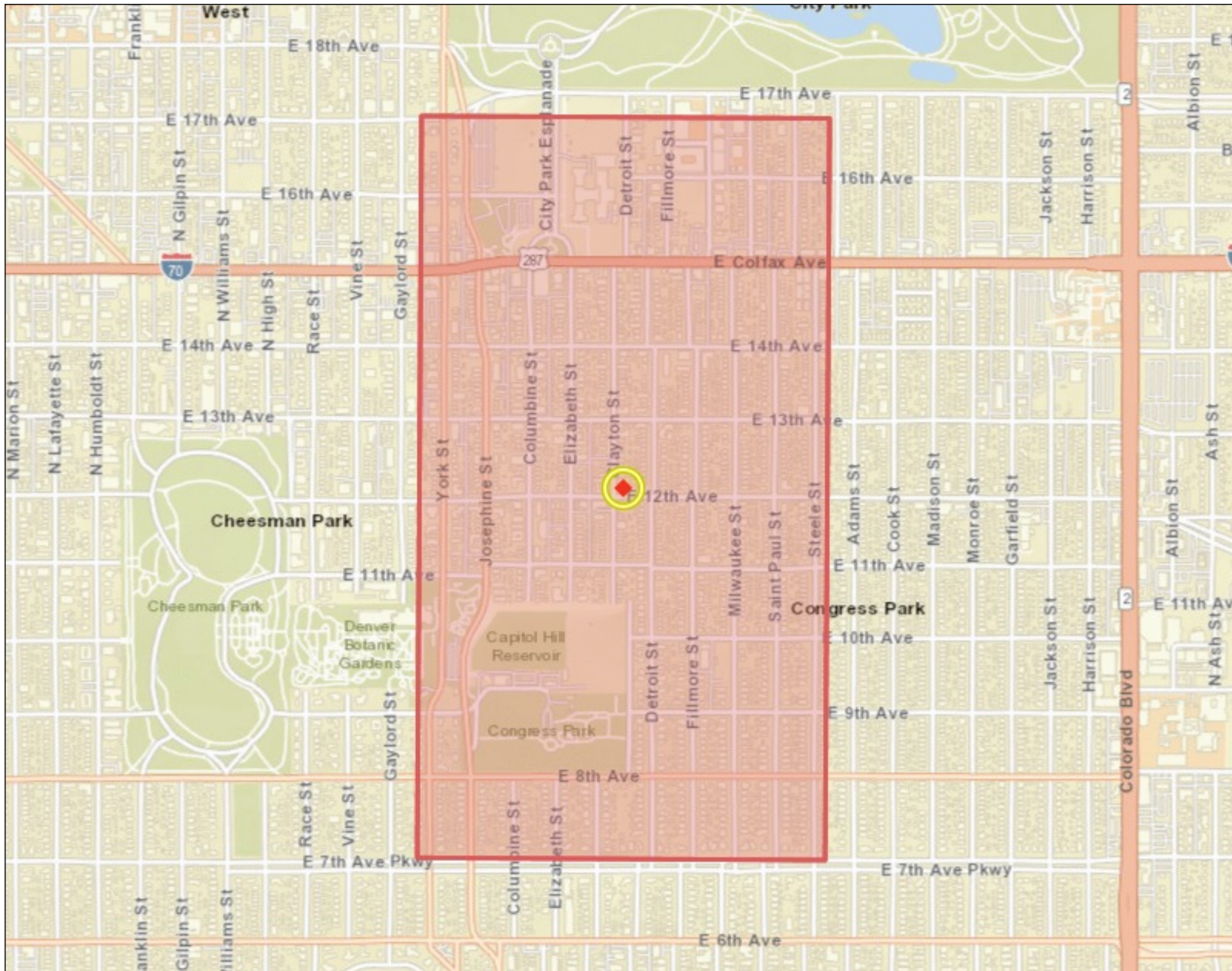
<input checked="" type="checkbox"/> New License Application <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Modification of Premises	Type of License Applied for and Application Fees:		
Instructions: 1. Attach appropriate application and license fees. 2. Attached approved Zoning Use Permit. 3. Attach detailed sketch of interior showing entertainment and/or dance areas (include dimensions). 4. Include this application with liquor license application (if applicable).		Application	License
1. Name of Applicant Bennell LLC	1b. Trade Name of Establishment (DBA) House of Copa		
1c. Address of Business to be Licensed (Number and Street) 1200 Clayton Street	City or Town Denver	State CO	Zip Code 80206
1d. Applicant is Applying as a: <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other			
2. Applicant has completed DR 8404, Retail License Application or DR 8403 3.2% Beer License Application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
2a. If yes, I declare under penalty of perjury in the second degree that all information contained in DR 8404, Retail License Application or DR 8403 3.2% Beer License Application and all attachments are true, correct, and complete to the best of my knowledge. Further, I agree that all information contained in DR 8404, Retail License Application or DR 8403 3.2% Beer License Application and all attachments may be used to support this application for cabaret license.			
Authorized Signature: <i>Chaim Bennell</i>	Title: Manager & Member	Date: 09/06/23	



3a. Type of Entertainment to be offered Live entertainment such as music.	b. Premises square footage Interior: 1210 s.f.; Exterior: 1150 s.f.									
c. Seating Capacity Interior: 41; Exterior: 44	d. Square footage of entertainment entertainment areas Interior: 108 s.f.; Exterior 108 s.f.									
4. Has a cabaret license been denied for the premises within the last 2 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
5. Has applicant or any of applicant's officers, directors, stockholders, members, partners, or managers ever been: <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">a. Denied a cabaret license?</td> <td style="width: 15%;"><input type="checkbox"/> Yes</td> <td style="width: 15%;"><input checked="" type="checkbox"/> No</td> </tr> <tr> <td>b. Had a cabaret license suspended or revoked?</td> <td><input type="checkbox"/> Yes</td> <td><input checked="" type="checkbox"/> No</td> </tr> <tr> <td>c. Been convicted of a felony, any alcohol related offense, or any non-traffic misdemeanor? See attached.</td> <td><input checked="" type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table> <p>(If yes to any of the above, please attach an explanation.)</p>		a. Denied a cabaret license?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	b. Had a cabaret license suspended or revoked?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	c. Been convicted of a felony, any alcohol related offense, or any non-traffic misdemeanor? See attached.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
a. Denied a cabaret license?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No								
b. Had a cabaret license suspended or revoked?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No								
c. Been convicted of a felony, any alcohol related offense, or any non-traffic misdemeanor? See attached.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No								
OATH OF APPLICANT I declare under penalty of perjury in the second degree that this application, our liquor license application, and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Denver Revised Municipal Code, which govern my cabaret license.										
Authorized Signature: <i>Chaim Bennell</i>	Title: Manager & Member	Date: 09/06/23								
CABARET LICENSE TYPES: Standard – Live Entertainment. No adult entertainment, no patron dancing. Acoustic Cabaret – Unamplified live entertainment. No Patron dancing permitted. Dance Cabaret – Live or recorded entertainment and patron dancing, no adult entertainment. Special Dance Cabaret – Live or recorded entertainment and patron dancing is permitted. Entertainment is confined to the interior of the building or located upon the licensed premises as defined in the Colorado Liquor Code. Unamplified live entertainment or recorded entertainment and patron dancing may be provided beyond the interior of the building before 8:00 p.m. Event Center Cabaret – Seating capacity of at least 2,000 in which both live and/or recorded entertainment is provided and in which patron dancing is permitted. Adult Cabaret – Adult entertainment is provided, as well as the entertainment included in the Dance Cabaret.										

Revised March 2019

House of COPA - 1200 Clayton St.



Legend



NOTICE

On September 11, 2023, a business applied for a Beer and Wine License with a Standard Cabaret at this location, 1200 Clayton St. Denver, CO 80206.

The name of the entity is Bennell, LLC, doing business as House of COPA, at 1200 Clayton St. Denver, CO 80206. The partners, managers, or officers are: Chaim David Bennell, Manager / Member.

A virtual hearing on this application will be on October 30, 2023 at 1:00 p.m.. Please contact the Department of Excise and Licenses at (720) 865-2685 for participation information. If you would like to request a night hearing, please do so by October 24, 2023. The request must be made in writing at least five days prior to the scheduled hearing date.

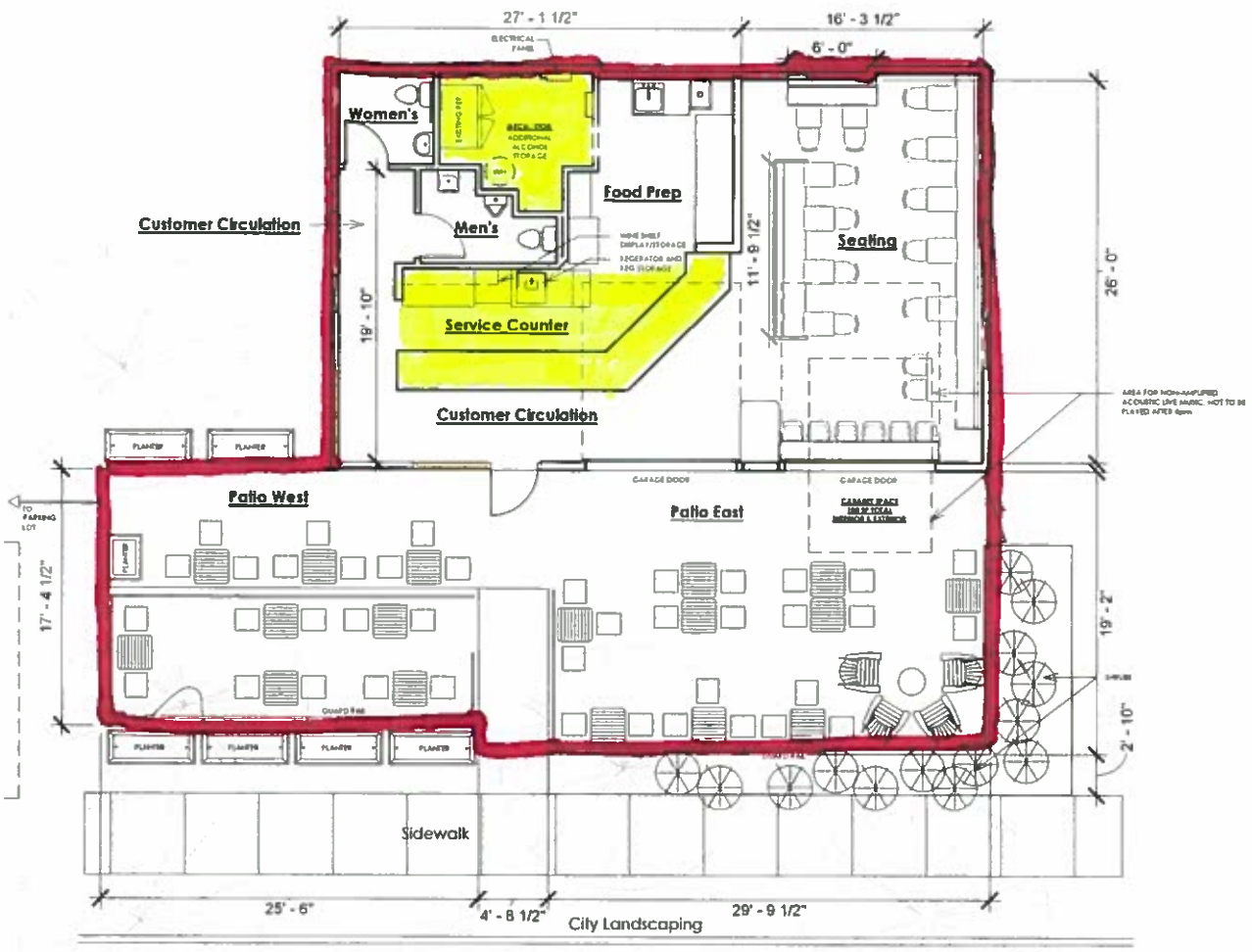
A map of the designated area is attached to this notice. Petitions regarding the application may be circulated within this designated area. All petitions must be filed with the Department on October 23, 2023.

More information about the hearing process may be found at www.denvergov.org or by contacting 311.

DIRECTOR OF EXCISE AND LICENSE

ENTITY NAME: Bennell LLC DBA
 TRADE NAME: House of CoPa
 ADDRESS: 1200 Clayton St. Denver, CO 80206

GROSS SQUARE FOOTAGE INTERIOR: 1210 SF
 GROSS SQUARE FOOTAGE EXTERIOR: 1103 SF
 INTERIOR SEATS: 41 SEATS
 EXTERIOR SEATS: 44 SEATS



E 12th Ave

Guide to Resident Participation in Needs & Desires Hearings

To participate in a needs and desires hearing for a liquor license or a marijuana license, you must be at least 21 years old, or 18 for a medical marijuana license, and live or own/manage a business in the designated area around the business. You may choose one of the following ways to participate in a needs and desires hearing:



Sign a circulated petition



- Petitions may be circulated in opposition to or support for a license.
- You may only sign one petition for the same license application.
- See section 2.1.7 of the Hearing Policies and Procedures for more information. Petition forms and instructions are included in the hearing notice packet.

Submit a neighborhood witness affidavit



- A neighborhood witness affidavit allows you to explain your position on a license in more detail than a petition.
- The neighborhood witness affidavit must be notarized and submitted to EXLApplications@denvergov.org at least 7 days before the hearing.

Speak at the needs and desires hearing



- Three neighborhood witnesses may testify at length in support of the license. Three neighborhood witnesses may testify at length in opposition to the license.
- Additional neighborhood witnesses will have an opportunity to say whether they support or oppose the license, but they may not testify at length.

How do I attend a virtual hearing?

Use the link provided in the hearing notice packet or call the phone number listed on the hearing posting to request the link.

How do I know if my residence or business is in the designated area?

See the map of the designated area that is included in the hearing notice packet and posted at the proposed location of the business.

How can I request an evening hearing?

To request an evening hearing, email a written request to EXLApplications@denvergov.org with at least five signatures of parties in interest (this may include residents or business owners/managers in the designated area). Include each individual's address and phone number. Submit the request at least five days prior to the hearing date.

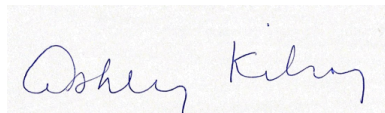
How can I request a foreign language or sign language interpreter?

To request a foreign language interpreter, email EXLApplications@denvergov.org at least five days before the hearing. Include the name, address, and preferred language of the person who requires interpretation services, the license number, and whether the recommended and final decisions require translation. If you need a sign language interpreter or real-time captioning via CART Services, contact SignLanguageServices@denvergov.org with at least a three (3) business day notice. For other public accommodation requests/concerns related to a disability, please contact DisabilityAccess@denvergov.org.

**CITY AND COUNTY OF DENVER
DEPARTMENT OF EXCISE AND LICENSES**

MEMORANDUM

TO: All parties in interest for Excise and Licenses hearings
FROM: Ashley Kilroy, Executive Director, Excise and Licenses



DATE: April 15, 2021
RE: Modifications to the Department's Hearing Policies and Procedures affecting the Common Consumption Area license and making certain temporary Hearing Policies and Procedures permanent

INTRODUCTION

The Department's Hearing Policies and Procedures shall be modified as described below. The modifications serve to add necessary provisions for common consumption area licenses, as well as provisions that make certain temporary provisions permanent.

The provisions addressing common consumption areas are intended to supplement Chapter 6, Article II of the Denver Revised Municipal Code, regarding Entertainment Districts and Common Consumption Areas. These provisions were drafted with input from the Liquor Common Consumption Work Group, convened in early 2020 and comprised of a diverse roster of stakeholders. Find out more about Entertainment Districts and Common Consumption Areas on the Department's [website](#).

Other provisions addressing virtual hearings have been utilized by the Department during the COVID-19 pandemic to allow for the facilitation of electronic and remote participation in Department hearings and increased flexibility for parties in interest who may wish to testify. These provisions were first announced in a Department Memorandum dated May 1, 2020. This Memorandum effectively rescinds the May 1, 2020 Memorandum.

Questions about the Hearing Policies and Procedures may be sent to licenses@denvergov.org.

MODIFICATIONS

New language is shown below using a double underscore and omitted language is shown below using a ~~strikethrough~~.

1. In section **1.2 Definitions**, the following language shall be modified:

The following definitions of terms shall apply, unless the context requires otherwise:

“Applicant” means a natural person ~~who~~ that has applied for a business or individual license with the Department, or any transaction relating thereto.

“Certified Promotional Association” means a promotional association that has been authorized by the director.

“Common Consumption Area License” means an area as defined in C.R.S. § 44-3-103(11), as amended, where persons over the age of twenty-one (21) may consume alcohol beverages outside of a liquor licensed premises.

“Entertainment District Designation” shall have the same meaning as in C.R.S. § 44-3-103(15).

“Licensee” means a natural person or entity ~~who~~ that currently holds a business or individual license with the Department.

“Party in Interest” means a person who is afforded certain legal rights at a licensing hearing. The specific rights afforded to a Party in Interest varies depending on the type of license for which the Applicant is applying. The table below indicates with an “X” which persons are considered a Party in Interest for each license type, and the legend below the table indicates which rights are afforded to a particular Party in Interest.

Party Type	License Type			
	Marijuana	Liquor	Cabaret	<u>CCA</u>
Applicant	X	X	X	<u>X</u>
RNOs	X	X**	X**	<u>X</u>
City Council	X	X***	X***	<u>X***</u>
DPD Commander			X	
School Principal		X		<u>X</u>
Business Owner/Manager	X*	X*	X*	<u>X*</u>
Resident	X*	X*	X*	<u>X*</u>

X with no asterisk - The Party in Interest may testify, present evidence, and cross-examine witnesses.

X - The Party in Interest must live or work within the Designated Area and may testify, present evidence, and cross-examine witnesses. In addition, the individual must be at*

least 21 years of age, or for medical marijuana hearings, must be at least 18 years of age AND be registered as a medical marijuana patient with the State.

*X** - The Party in Interest may testify and present evidence, but may not cross-examine witnesses or seek judicial review of the Department's Final Decision.*

*X*** - The Party in Interest may testify and present evidence, but may not cross-examine witnesses, nor is their testimony afforded any weight.*

“Promotional Association” shall have the same meaning as in C.R.S. § 44-3-103(39), as amended.

2. In section **1.6.2 Use of Cameras at Hearing**, the following subsection shall be added:

1.6.2.4 Use of Cameras to Facilitate Remote Hearings - The Director or Hearing Officer, in their discretion, may allow for the use of cameras to record, stream, or otherwise enable remote participation at any licensing hearing or proceeding initiated by the Department.

3. In section **1.6.3 General Pre-Hearing Procedures**, the following subsection shall be added:

1.6.3.1.1 Remote Participation Authorized – Unless otherwise ordered by the Director or Hearing Officer, remote participation in licensing hearings or proceedings is permitted.

4. In section **1.6.3 General Pre-Hearing Procedures**, the following language shall be modified:

1.6.3.8 Request for Interpreter Services – Any Applicant, Licensee, Party in Interest, or City Attorney may request a foreign language interpreter for any hearing. Such requests must be made in writing per the guidelines outlined in sections 1.6.1.2 and 1.6.1.3 no later than ~~ten~~ (40) five (5) days before the scheduled hearing date. Requests must include the name of the person who requires interpreter services, the address that qualifies the person as a Party in Interest (if applicable), the Business File Number, the language for which an interpreter is needed, and whether the Recommended and Final Decisions need to be translated.

5. In section **1.6.3 General Pre-Hearing Procedures**, the following language shall be modified:

1.6.3.9.1 Grounds for Continuance - Hearing dates may be revised or continued at the discretion of the Director or Hearing Officer upon a showing of good cause or for purposes of accommodating opposition to an Application. For purposes of this section 1.6.3.9 circumstances that might indicate “good cause” include, but are not limited to, occurrences outside of the requesting party’s control, or an unanticipated change in the status of the case,

or a significant revision or amendment to the application. For purposes of this section 1.6.3.9 circumstances that might indicate “opposition” include, but are not limited to, opposition to virtual or remote testimony or participation or opposition to an Application by a Party in Interest.

6. In section **1.6.4 General Hearing Procedures**, the following language shall be modified:

1.6.4.5 Exhibits – All parties shall provide at least four (4) identical copies of each exhibit that they intend to introduce as evidence at the hearing for the Hearing Officer, City Attorney, and all other known Parties in Interest. All parties shall be responsible for making copies of their own exhibits. This requirement is waived for remote hearings and proceedings.

7. In section **1.6.5 General Post-Hearing Procedures**, the following language shall be modified:

1.6.5.7 Conditions - At the Director’s discretion, the Director may place additional conditions on the license as a result of evidence or testimony introduced at the hearing or as a result of the Department’s investigation or general policies. Conditions may be placed on a license to ensure that the licensee will operate lawfully or to incorporate the specific and enforceable provisions of a good neighbor agreement. The Department will print license conditions on the face of the license. If conditions are attached to a license, the conditions will remain on the license in the event of any transfer of the license to new ownership unless specifically removed by the Department or Director.

8. In section **2.1.1 Designated Area**, the following language shall be modified:

2.1.1.3 Modification of the Designated Area – Upon Request – Any Party in Interest may request, in writing per the guidelines outlined in sections 1.6.1.2 and 1.6.1.3 that the Director modify an established Designated Area. The request must explain the reason(s) for the request and must be filed no later than ~~ten (10)~~ five (5) days after the date that notice posting commences. The decision to grant or deny such a request shall be within the sole discretion of the Director.

9. In section **2.1.4 Notification to Other Parties**, the following language shall be modified:

When scheduling a hearing, the Department will ~~also~~ send a Notice Packet to the following:

- (i) Any RNOs whose boundaries overlap any portion of the Designated Area;
- (ii) Relevant City Council Members;

- (iii) For Cabarets Licenses only, the Denver Police Department's designated representative; and
- (iv) For Liquor Licenses and Common Consumption Area Licenses only, the Denver Public School's designated representative.

10. In section **12.1.6 Posting Signs and Notices**, the following language shall be modified:

2.1.6.1 Posting Sign Location - Posting signs must be placed in a conspicuous place on the licensed premises or proposed licensed premises which is clearly visible to the public. For Common Consumption Area Applications and Licenses, a posting sign must be placed in a conspicuous place at each participating business.

2.1.6.2 Posting Sign Requirements

(v) The sign must inform the public that ~~petitions~~ requests for evening hearings must be ~~filed fifteen (15)~~ submitted in writing at least five (5) days before the scheduled hearing date.

11. In section **2.2.2 Requesting an Evening Hearing**, the following language shall be modified:

Requests for evening hearings may be made only by Applicants, Licensees, or Parties in Interest. Such requests must:

- (i) Be submitted at least ~~fifteen (15)~~ five (5) days prior to the scheduled hearing date or rescheduled hearing date; and
- (ii) Be made in writing per the guidelines outlined in sections 1.6.1.2 and 1.6.1.3 using a form provided by the Department; and
- (iii) Contain at least ~~fifteen (15)~~ five (5) valid signatures of Parties in Interest, along with each individual’s address and phone number.

12. In section **3.4.1 Posting Requirements**, the following language shall be modified:

The Applicant must post notice of the public hearing at the proposed location for a minimum of ~~twenty (20)~~ ten (10) days or as otherwise provided in the Application Letter and/or Order.

13. In section **3.5.1 Presentation of Evidence and Testimony**, the following language shall be modified:

3.5.1.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;
 - (a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed

affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

14. In section **4.4.1 Posting Requirements**, the following language shall be modified:

The Applicant must post notice of the public hearing at the proposed location for a minimum of ~~twenty (20)~~ ten (10) days or as otherwise provided in the Application Letter and/or Order.

15. In section **4.5.1 Presentation of Evidence and Testimony**, the following language shall be modified:

4.5.1.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;

(a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

16. In section **7.4.1 Posting Requirements**, the following language shall be modified:

The Applicant must post notice of the public hearing at the proposed location for a minimum of ~~twenty (20)~~ ten (10) days or as otherwise provided in the Application Letter and/or Order.

17. In section **7.5.1 Presentation of Evidence and Testimony**, the following language shall be modified:

7.5.1.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;

(a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

18. In section **9.5.1 Presentation of Evidence and Testimony**, the following language shall be modified:

9.5.1.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;

- (a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

19. In section **10.5.1 Presentation of Evidence and Testimony**, the following language shall be modified:

10.5.1.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;

- (a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

20. In section **13.5.1 Presentation of Evidence and Testimony**, the following language shall be modified:

13.5.1.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;

- (a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

21. In section **14.2.2 Notice of Posting and Publication**, the following language shall be modified:

The Applicant must post notice of the public hearing at the proposed location for a minimum of ~~twenty (20)~~ ten (10) days or as otherwise provided in the Application Letter and/or Order.

22. In section **14.3.3 Presentation of Evidence and Testimony**, the following language shall be modified:

14.3.3.1 Qualified to Testify – Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;

(a) The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.

23. After **ARTICLE XXI – DISCIPLINARY PROCEEDINGS, ALL LICENSES**, the following language shall be added:

ARTICLE XXII – HEARINGS FOR NEW COMMON CONSUMPTION AREA LICENSES

Section 22.1 Applicability

The provisions contained in Article I (General Provisions) and Article II (Procedures Applicable Only to Needs & Desires Hearings), shall apply to all hearings for new Common Consumption Area Licenses conducted by the Department. The following provisions of this Article XXII apply in addition to those provisions outlined in Article I and Article II.

Section 22.2 Public Hearing Requirement

A public hearing shall be required for certification of a promotional association and for issuance of a common consumption area license.

Section 22.3 Combined Hearings

The hearings for the certification of a promotional association and the common consumption area license shall be combined into one hearing. The Applicant shall have the burden for establishing the qualifications for each license.

Section 22.4 Pre-Hearing Procedures

22.4.1 Setting of the Hearing

20.4.1.1 Scheduling - The director shall schedule a public hearing upon the application not less than sixty (60) days from the date of the application.

22.4.2 Posting Requirements

20.4.2.1 Notice Posting – Required - The Licensee must post notice of the public hearing for a minimum of thirty (30) days prior to such hearing unless otherwise provided in the Application Letter/Order.

22.5. Hearing Procedures

22.5.1 Presentation of Evidence and Testimony

22.5.1.1 Qualified to Testify - Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses:
 - a. The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.
 - b. A maximum of three (3) Neighborhood Witnesses may testify at length in favor of the Application and three (3) may testify at length against the Application. This number does not include “en masse” (as a group) testimony.
 - c. The Hearing Officer may allow testimony at length from additional Neighborhood Witnesses if the Hearing Officer finds that the witness’s interests are not adequately represented by one of the three (3) Neighborhood Witnesses, and if the testimony will not be cumulative or repetitive.
 - d. Other Neighborhood Witnesses who attend the hearing may testify en masse either for or against the issuance of the license. En masse testimony shall be limited to a determination of whether the witnesses qualify as Parties in Interest and whether the witnesses support or oppose the issuance of the license. En masse witnesses may not be cross-examined, except as to their qualifications to

testify. At the Hearing Officer's discretion, the Hearing Officer may take en masse testimony at any time during of the hearing.

(iii) City Council Member:

- a. Any member of City Council, whose area of representation includes any part of the Designated Area, shall be allowed to testify in his or her official capacity regarding his or her position on the Application and/or to convey the position of his/her constituents.
- b. Testimony given by members of City Council will have no evidentiary value. However, if a member of City Council resides within the Designated Area, he or she may testify en masse or at length as one of the three (3) witnesses allotted to either side.

(iv) Authorized RNO Representatives:

- a. Any RNO may submit testimony regarding its position on the Application and/or to convey the position of its members. Only one representative of each RNO may testify regarding the position taken by the organization on the Application.
- b. If an RNO representative resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.

(v) A principal or representative of any school

- a. The principal or representative of a school located within five hundred (500) feet of the premises shall be allowed to testify in his or her official capacity regarding his or her position on the application and/or to convey the qualifications of the school. A principal or representative may cross-examine any witness.
- b. If a principal or representative of any school resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.

(vi) Expert Witnesses.

- a. A witness intending to give expert opinion testimony must first be qualified by the Hearing Officer as an expert at the hearing.
- b. At least five (5) days prior to the hearing, parties shall file a list of any witnesses they intend to call as an expert witness. The list should include the expert's name, the expert's field of expertise, curriculum vitae, and any reports created by the expert or document used to support the expert's opinions.

22.5.1.2 Qualified to Cross-Examine – The City Attorney, the Applicant, and any Party in Interest as defined in Article I may cross-examine witnesses.

22.5.2 Standards for Certification

The Director may refuse to certify a promotional association upon a showing by preponderance of the evidence that the promotional association:

- (i) Does not have a board of directors;
- (ii) Does not have at least one director from each licensed premises attached to the common consumption area on the board of directors;
- (iii) Has not agreed to submit annual reports by January 31 of each year to the local licensing authority showing a detailed map of the boundaries of the common consumption area, the common consumption area's hours of operation, a list of attached licensed premises, a list of the directors and officers of the promotional association, security arrangements within the common consumption area, and any violation of this article 3 committed by an attached licensed premises;
- (iv) Failed to submit the report required by C.R.S. 44-3-301(11)(c)(II)(C) by January 31 of each year;
- (v) Failed to establish that the licensed premises and common consumption area can be operated without violating applicable laws or creating a safety risk to the neighborhood;
- (vi) Failed to have at least two licensed premises attached to the common consumption area; or
- (vii) Failed to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that meets the standard laid out in rule.

22.5.3 Standards for Issuance

In deciding whether to issue a Common Consumption Area License, the Department shall consider evidence and testimony presented on each of the following:

- (i) Good Cause. Under the D.R.M.C., the Director has the authority to refuse to issue any common consumption area for good cause, subject to judicial review. "Good cause" means:
 - a. The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Liquor Code or any rules and regulations promulgated pursuant thereto, or this article II or any rules and regulations promulgated pursuant to thereto.
 - b. The applicant or licensee has failed to comply with any special terms or conditions that were placed on its license.
 - c. The applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants by a preponderance of the evidence.
 - d. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the common consumption area is proposed to be located.
- (ii) Needs and Desires. The Department will consider whether the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants, as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that the Department has placed or may place upon the license.

- (iii) Additional Considerations:
- a. The applicant or licensee fails to establish and maintain evidence of community support.
 - b. The information and evidence available to and considered by the director fails to reasonably establish that the proposed procedures for security and admission control will prevent the consumption of alcohol beverages by underage persons.
 - c. The proposed common consumption area does not have adequate physical barriers to close the area to motor vehicle traffic and limit pedestrian access;
 - d. The promotional association board is not composed of at least one (1) director from each liquor licensed premises attached to the common consumption area.
 - e. The proposed premise of the common consumption area is not a single, contiguous area.
 - f. The proposed common consumption area overlaps with another common consumption area or any other liquor licensed premises, except the premises may overlap with a special event license operating in compliance with all state and local laws.
 - g. The promotional association fails to establish, by a preponderance of the evidence, any of the qualifications for the license at a public hearing pursuant to section 6-14.
 - h. The application fails to comply with all state and local laws, and any rules and regulations adopted pursuant thereto.

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ARTICLE XXIII – HEARINGS FOR RENEWAL OF COMMON CONSUMPTION AREA LICENSES

Section 23.1 Applicability

The provisions contained in Article I (General Provisions) shall apply to all Common Consumption Area License renewals conducted by the Department. However, Article II (Procedures Applicable Only to Needs & Desires Hearings) only applies to hearings for Common Consumption Area License renewals upon proper notice to the Applicant. The following provisions of this Article XXIII apply in addition to those provisions outlined in Article I.

Section 23.2 Public Hearing Requirement

Public hearings for Common Consumption Area License renewals are not automatic. The Director may hold a hearing upon an Application for renewal of any Common Consumption Area License at the Director's discretion or upon relevant and substantial complaints. Complaints must be submitted in writing per the guidelines outlined in section 1.6.1.3.

Section 23.3 Combined Hearings

In the event that a hearing is scheduled for a Common Consumption Area License renewal where a Promotional Association is also subject to decertification, the hearings for the common consumption area license and decertification may be combined into one hearing at the Director's discretion.

Section 23.4 Pre-Hearing Procedures

23.4.1 Setting of the Hearing

20.4.1.1 Scheduling - The director will issue an Order if a hearing is required and will notify the Licensee of the hearing at least ten (10) days before the hearing.

23.4.2 Posting Requirements

20.4.2.1 Notice Posting – Required - The Licensee must post notice of the public hearing for ten (10) days or as otherwise provided in the Order. Public notice shall be given by the conspicuous posting of a sign at each participating business within and attached to the common consumption area.

23.5 Hearing Procedures

23.5.1 Introduction of Evidence at Hearings

23.5.1.1 Permissible Evidence - Presentation of evidence at the hearing will be limited to allegations concerning standards for non-renewal.

23.5.1.2 Order of Presentation – Parties will first present evidence in support of the Order for Renewal Hearing. The Licensee will then have an opportunity to introduce evidence against the allegations contained in the Order. This order of presentation may be modified by the Hearing Officer at his or her discretion.

23.5.2 Presentation of Evidence and Testimony

23.5.2.1 Qualified to Testify - Testimony and evidence for or against the Application may be considered from the following witnesses:

- (vii) The Licensee;
- (viii) Neighborhood Witnesses:
 - a. The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.
 - b. A maximum of three (3) Neighborhood Witnesses may testify at length in favor of the Application and three (3) may testify at length against the Application. This number does not include “en masse” (as a group) testimony.
 - c. The Hearing Officer may allow testimony at length from additional Neighborhood Witnesses if the Hearing Officer finds that the witness’s interests are not adequately represented by one of the three (3) Neighborhood Witnesses, and if the testimony will not be cumulative or repetitive.
 - d. Other Neighborhood Witnesses who attend the hearing may testify en masse either for or against the issuance of the license. En masse testimony shall be limited to a determination of whether the witnesses qualify as Parties in Interest and whether the witnesses support or oppose the issuance of the license. En masse witnesses may not be cross-examined, except as to their qualifications to testify. At the Hearing Officer’s discretion, the Hearing Officer may take en masse testimony at any time during of the hearing.
- (ix) City Council Member;

- a. Any member of City Council, whose area of representation includes any part of the Designated Area, shall be allowed to testify in his or her official capacity regarding his or her position on the Application and/or to convey the position of his/her constituents.
- b. Testimony given by members of City Council will have no evidentiary value. However, if a member of City Council resides within the Designated Area, he or she may testify en masse or at length as one of the three (3) witnesses allotted to either side.
- (x) Authorized RNO Representatives:
 - a. Any RNO may submit testimony regarding its position on the Application and/or to convey the position of its members. Only one representative of each RNO may testify regarding the position taken by the organization on the Application.
 - b. If an RNO representative resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.
- (xi) A principal or representative of any school
 - a. The principal or representative of a school located within five hundred (500) feet of the premises shall be allowed to testify in his or her official capacity regarding his or her position on the application and/or to convey the qualifications of the school. A principal or representative may cross-examine any witness.
 - b. If a principal or representative of any school resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.
- (xii) Expert Witnesses.
 - a. A witness intending to give expert opinion testimony must first be qualified by the Hearing Officer as an expert at the hearing.
 - b. At least five (5) days prior to the hearing, parties shall file a list of any witnesses they intend to call as an expert witness. The list should include the expert's name, the expert's field of expertise, curriculum vitae, and any reports created by the expert or document used to support the expert's opinions.

23.5.2.2 Qualified to Cross-Examine – The City Attorney, the Applicant, and any Party in Interest as defined in Article I may cross-examine witnesses.

23.5.3 Standards for Non-Recertification

The Director may refuse to recertify a promotional association upon a showing by preponderance of the evidence that the promotional association:

- (i) Does not have a board of directors;

- (ii) Does not have at least one director from each licensed premises attached to the common consumption area on the board of directors;
- (iii) Has not agreed to submit annual reports by January 31 of each year to the local licensing authority showing a detailed map of the boundaries of the common consumption area, the common consumption area's hours of operation, a list of attached licensed premises, a list of the directors and officers of the promotional association, security arrangements within the common consumption area, and any violation of this article 3 committed by an attached licensed premises;
- (iv) Has failed to submit the report required by C.R.S. 44-3-301(11)(c)(II)(C) by January 31 of each year;
- (v) Has failed to establish that the licensed premises and common consumption area can be operated without violating applicable laws or creating a safety risk to the neighborhood;
- (vi) Has failed to have at least two licensed premises attached to the common consumption area; or
- (vii) Has failed to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that meets the standard laid out in rule.

23.5.4 Standards for Denial of Renewal

In deciding whether to deny the renewal of a Common Consumption Area License, the Department shall consider evidence and testimony presented on each of the following:

- (iv) Good Cause. Under the D.R.M.C., the Director has the authority to refuse to issue any common consumption area for good cause, subject to judicial review. "Good cause" means:
 - a. The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Liquor Code or any rules and regulations promulgated pursuant thereto, or this article II or any rules and regulations promulgated pursuant to thereto.
 - b. The applicant or licensee has failed to comply with any special terms or conditions that were placed on its license.
 - c. The applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants by a preponderance of the evidence.
 - d. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the common consumption area is proposed to be located.
- (v) Needs and Desires. The Department will consider whether the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants, as evidenced by petitions,

remonstrances, or otherwise, and all other reasonable restrictions that the Department has placed or may place upon the license.

(vi) Additional Considerations:

- a. The applicant or licensee fails to establish and maintain evidence of community support.
- b. The information and evidence available to and considered by the director fails to reasonably establish that the proposed procedures for security and admission control will prevent the consumption of alcohol beverages by underage persons.
- c. The proposed common consumption area does not have adequate physical barriers to close the area to motor vehicle traffic and limit pedestrian access;
- d. The promotional association board is not composed of at least one (1) director from each liquor licensed premises attached to the common consumption area.
- e. The proposed premise of the common consumption area is not a single, contiguous area.
- f. The proposed common consumption area overlaps with another common consumption area or any other liquor licensed premises, except the premises may overlap with a special event license operating in compliance with all state and local laws.
- g. The promotional association fails to establish, by a preponderance of the evidence, any of the qualifications for the license at a public hearing pursuant to section 6-14.
- h. The application fails to comply with all state and local laws, and any rules and regulations adopted pursuant thereto.

23.5.5 Failure to appear

Failure to appear at a scheduled hearing may result in the hearing proceeding on the scheduled date. Testimony and evidence may be taken regarding the allegations, and the license may be denied a renewal without further notice.

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ARTICLE XXIV - HEARINGS FOR CHANGE, ALTERATION, OR MODIFICATION OF COMMON CONSUMPTION AREA PREMISES OR USAGE

Section 24.1 Applicability

The provisions contained in Article I (General Provisions) and Article II (Procedures Applicable Only to Needs & Desires Hearings) shall apply to all hearings for a change, alteration, or modification of the licensed premises or usage of a common consumption area license conducted by the Department. The following provisions of Article XXIV apply in addition to those provisions outlined in Article I and Article II.

Section 24.2 Public Hearing Requirement

24.2.1 Prior Approval Required

A Licensee must seek and obtain approval from the Department and the State Liquor Enforcement Division prior to any material or substantial modification of a licensed common consumption area. No licensed common consumption area shall be expanded, enlarged, or modified without the written approval of the Director.

24.2.2 Material or Substantial Modification – Determination

The Director will determine whether a modification is material or substantial. Modifications that are considered “material and substantial” include, but are not limited to:

- (i) Any increase in the total size or capacity of the common consumption area;
- (ii) The sealing off, creation of, or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway, or passage alters or changes the area in which alcohol beverages will be consumed in the common consumption area;
- (iii) The addition or deletion of a patio or outdoor area; or
- (iv) Any significant change in the common consumption area that would affect the basic character of the premises or the physical structure detailed in the latest approved plans and specifications on file with the Department, including changes that would require additional permits or approvals by other city agencies, as well changes that would substantially affect the implementation of the site and security plan, the health and sanitation plan, or the transportation plan for the common consumption area.

24.2.3 Material or Substantial Modification – Hearing Required

A public hearing shall be required if the Director determines the proposed modification is material and substantial.

Section 24.3 Pre-Hearing Procedures

24.3.1 Posting Requirements

Applicant must post notice of the public hearing at the proposed location for a minimum of thirty (30) days or as otherwise provided in the Order. Public notice shall be given by the conspicuous posting of a sign at each participating business within and attached to the common consumption area.

Section 24.4 Hearing Procedures

24.4.1 Presentation of Evidence and Testimony

24.4.1.1 Qualified to Testify - Testimony and evidence for or against the Application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;
 - a. The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue.
 - b. A maximum of three (3) Neighborhood Witnesses may testify at length in favor of the Application and three (3) may testify at length against the Application. This number does not include “en masse” (as a group) testimony. If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.
 - c. The Hearing Officer may allow testimony at length from additional Neighborhood Witnesses if the Hearing Officer finds that the witness’s interests are not adequately represented by one of the three (3) Neighborhood Witnesses, and if the testimony will not be cumulative or repetitive.
 - d. Other Neighborhood Witnesses who attend the hearing may testify en masse either for or against the issuance of the license. En masse testimony shall be limited to a determination of

whether the witnesses qualify as Parties in Interest and whether the witnesses support or oppose the issuance of the license. En masse witnesses may not be cross-examined, except as to their qualifications to testify. At the Hearing Officer's discretion, the Hearing Officer may take en masse testimony at any time during of the hearing.

(iii) City Council Member;

- a. Any member of City Council, whose area of representation includes any part of the Designated Area, shall be allowed to testify in his or her official capacity regarding his or her position on the Application and/or to convey the position of his/her constituents.
- b. Testimony given by members of City Council will have no evidentiary value. However, if a member of City Council resides within the Designated Area, he or she may testify en masse or at length as one of the three (3) witnesses allotted to either side.

(iv) Authorized RNO Representatives;

- a. Any RNO may submit testimony regarding its position on the Application and/or to convey the position of its members. Only one representative of each RNO may testify regarding the position taken by the organization on the Application.
- b. If an RNO representative resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.

(v) A principal or representative of any school

- a. The principal or representative of a school located within five hundred (500) feet of the premises shall be allowed to testify in his or her official capacity regarding his or her position on the Application and/or to convey the qualifications of the school. A principal or representative may cross-examine any witness.
- b. If a principal or representative of any school resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.

(vi) Expert Witnesses.

- a. A witness intending to give expert opinion testimony must first be qualified by the Hearing Officer as an expert at the hearing.
- b. At least five (5) days prior to the hearing, parties shall file a list of any witnesses they intend to call as an expert witness. The list should include the expert's name, the expert's field of expertise, curriculum vitae, and any reports created by the expert or document used to support the expert's opinions.

24.4.1.2 Qualified to Cross-Examine – The City Attorney, the Applicant, and any Party in Interest as defined in Article I may cross-examine witnesses.

24.4.2 Standards for Approval

In deciding whether to grant approval for the modification, the Department shall consider evidence and testimony presented on each of the following:

In deciding whether to issue a Common Consumption Area License, the Department shall consider evidence and testimony presented on each of the following:

- (i) Good Cause. Under the D.R.M.C., the Director has the authority to refuse to issue any common consumption area for good cause, subject to judicial review. “Good cause” means:
 - a. The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Liquor Code or any rules and regulations promulgated pursuant thereto, or this article II or any rules and regulations promulgated pursuant to thereto.
 - b. The applicant or licensee has failed to comply with any special terms or conditions that were placed on its license.
 - c. The applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants by a preponderance of the evidence.
 - d. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the common consumption area is proposed to be located.
- (ii) Needs and Desires. The Department will consider whether the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants, as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that the Department has placed or may place upon the license.
- (iii) Additional Considerations:
 - a. The applicant or licensee fails to establish and maintain evidence of community support.
 - b. The information and evidence available to and considered by the director fails to reasonably establish that the proposed procedures for security and admission control will prevent the consumption of alcohol beverages by underage persons.
 - c. The proposed common consumption area does not have adequate physical barriers to close the area to motor vehicle traffic and limit pedestrian access;
 - d. The promotional association board is not composed of at least one (1) director from each liquor licensed premises attached to the common consumption area.
 - e. The proposed premise of the common consumption area is not a single, contiguous area.

- f. The proposed common consumption area overlaps with another common consumption area or any other liquor licensed premises, except the premises may overlap with a special event license operating in compliance with all state and local laws.
- g. The promotional association fails to establish, by a preponderance of the evidence, any of the qualifications for the license at a public hearing pursuant to section 6-14.
- h. The application fails to comply with all state and local laws, and any rules and regulations adopted pursuant thereto.