

RESOLUTION NO. 2019-005

**A RESOLUTION APPROVING THE LOCAL LIQUOR LICENSING AUTHORITY
FOURTH AMENDED AND RESTATED BYLAWS**

WHEREAS, the Town Council of the Town of Castle Rock established the Liquor Licensing Authority by Ordinance No. 1999-29;

WHEREAS, Town Council approved Ordinance No. 2013-14 authorizing a Hearing Officer to serve as the Local Liquor Licensing Authority to approve all new liquor license applications and perform show cause hearings;

WHEREAS, changes were made to reflect current operating practices;

WHEREAS, the Liquor Licensing Authority approved the changes to the Bylaws on January 8, 2019; and

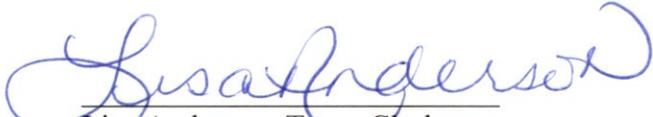
NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Approval of Bylaws. Town Council hereby approves the Local Liquor Licensing Authority Fourth Amended and Restated Bylaws, attached hereto as ***Exhibit 1.***

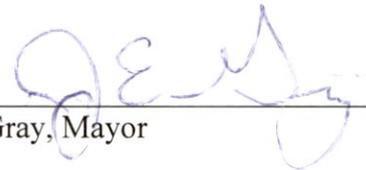
PASSED, APPROVED AND ADOPTED this 22nd day of January, 2019, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of 7 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK



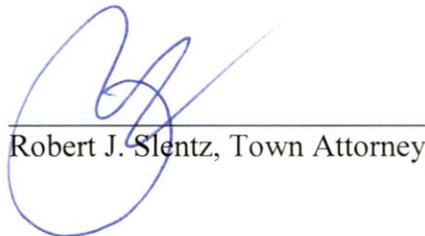
Lisa Anderson, Town Clerk



Jason Gray, Mayor

Approved as to form:

Approved as to content:



Robert J. Slentz, Town Attorney



Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK
LOCAL LIQUOR LICENSING AUTHORITY
FOURTH AMENDED AND RESTATED BYLAWS

1. Applicability of Rules

- A. Applicability. In addition to the ordinances of the Town of Castle Rock and the Colorado Liquor and Beer Codes and related regulations, these rules shall govern all proceedings before the Local Liquor Licensing Authority (the “Authority”) of the Town of Castle Rock.
- B. Effective Date. The effective date of these bylaws shall be January 8, 2019.
- C. Amendments. The Authority may amend these bylaws from time to time. Said revisions shall become effective upon approval by the Authority.
- D. Conflicts. If any of these bylaws shall conflict with any provision of the laws of the state or the rules of the state licensing authority pertaining to the Colorado Liquor or Beer Codes and related regulations, the provisions of state law or state regulations shall govern.

II. Hearing Officer

- A. Function. The Authority consists of a Hearing Officer appointed by and shall serve at the pleasure of Town Council per 2.17.010 of the Town of Castle Rock Municipal Code.
- B. Duties. The Authority shall be responsible for conducting public hearings for new liquor licenses, show cause hearings, or any hearing scheduled by the Town Clerk. The Authority would be responsible for signing all documents concerning the Authority’s business per Section 2.17 of the Town of Castle Rock Municipal Code. The Authority shall have the power to rule on admissibility of evidence, and make similar hearing related rulings, and when necessary, grant continuances.
- C. Alternate Hearing Officer. In the event the appointed Hearing Officer is unavailable, has a conflict of interest, or is no longer able to continue to serve in that capacity, the Castle Rock Municipal Judge or Alternative Municipal Judges may serve as the Hearing Officer until a formal appointment can be made by Town Council.

III. Staff

- A. Town Clerk. The Town Clerk or her representative shall serve as secretary to the Authority and shall be responsible for preparing summary minutes for all meetings.

The Town Clerk or her representative shall receive all applications and coordinate information on all matters going before the Authority. The Town Clerk or her representative shall administer oaths and issue subpoenas on behalf of the Authority. The Town Clerk may administratively approve all liquor license applications outlined in Chapter 2.17.020 of the Town of Castle Rock Municipal Code.

- B. Town Attorney. The Town Attorney, or his representative, shall attend meetings of the Authority when requested by the Authority. The Town Attorney or his representative shall advise the Authority on legal matters pertaining to the matters being discussed, and shall make recommendations to the Authority and may take part in the discussions, but shall have no vote in the meetings of the Authority.

IV. Public Hearings

A. Hearings on New License Applications.

1. All new license application hearings before the Authority shall be public and shall be conducted in a manner prescribed by the Authority.
2. The applicant shall be entitled to representation by an attorney, but no one other than a licensed attorney may represent the applicant at the hearing.
3. Petitions may be circulated within the neighborhood under consideration by a one of the petition companies listed on the Town website. Said petitions shall be submitted to the town clerk no later than two business days before the hearing.

B. Show Cause Hearings.

1. Upon complaint or upon the Authority's motion, the Authority shall consider whether evidence, if substantiated, would constitute a violation of the Colorado Liquor or Beer Codes and related regulations. The Authority shall set a time and place for a hearing of the matter and shall give the licensee or permit holder timely notice of the date and time established for a show cause hearing at which time the licensee or permit holder will be required to show cause why a penalty should not be imposed if a violation is found.
2. Such notice shall contain a brief description of the grounds for conducting the hearing. The hearing shall be held as soon as is reasonably possible, but in no event shall it be held sooner than fourteen (14) days after notice has been mailed or delivered to the licensee or permit holder.
3. All show cause hearings before the Authority shall be public and shall be conducted in a manner prescribed by the Authority.

4. The municipal prosecutor or outside counsel may represent the Town and have the ability to negotiate plea agreements including, but not limited, to a fine in lieu of suspension or any reasonable remedy under the law.
5. The licensee or permit holder shall be entitled to representation by an attorney, but no one other than a licensed attorney may represent the licensee or permit holder at the hearing.
6. Any party shall have the opportunity to cross-examine any witness presented by another party.
7. At the conclusion of a hearing, the Authority may immediately render a verbal decision on the record, or may take the case under advisement and render a written decision thereafter.
8. If, prior to the public hearing, the licensee or permit holder and the prosecuting attorney reach agreement as to the alleged violations and penalty, they may jointly present such stipulation to the Authority at, or prior to, the public hearing. The Authority may, in its discretion, accept or reject the stipulation. If said stipulation is rejected, the show cause hearing shall proceed.
9. The Authority may consider sentencing guidelines as promulgated by the Authority in determining the appropriate sentence for licensees or permit holders found in violation of the Colorado Liquor or Beer Codes or related regulations.

V. Conflicts of Interest and Impartiality

- A. The state statutes prohibit the Authority from performing an official act that directly and substantially affects to their economic benefit a business or undertaking in which they have a substantial financial interest or are engaged as counsel, consultant, representative or agent. Although the Authority may seek legal advice from the Authority Attorney, it is the responsibility of the Authority to identify and disclose any such statutory conflicts, or potential conflicts, of interest in advance of any hearing or application that comes before the Authority and to refrain from voting when required by law.
- B. The Authority shall not independently investigate matters or applications that are to appear before the Authority in its quasi-judicial capacity, and shall avoid *ex parte* contacts regarding such quasi-judicial matters and applications. Any and all *ex parte* contacts shall be disclosed on the record of the proceeding and the Authority shall state whether such contact will influence his or her decision or otherwise impact the Authority's ability to render a decision based solely on the evidence presented at the quasi-judicial hearing. If the *ex parte* contact would cause a reasonable person to conclude that the Authority is no longer impartial, the

Authority shall recuse himself or herself, not participate in the quasi-judicial hearing.

VI. Approvals

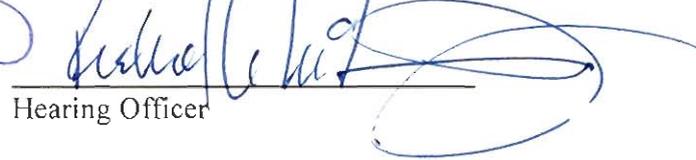
The above Bylaws for the Town of Castle Rock Liquor Licensing Authority have been duly considered and reviewed, and are hereby adopted by the Authority this 8th day of January, 2019.

ATTEST:

LIQUOR LICENSING AUTHORITY:



Lisa Anderson, Town Clerk

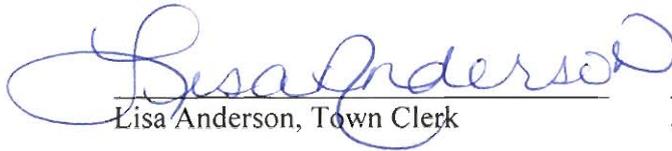


Hearing Officer

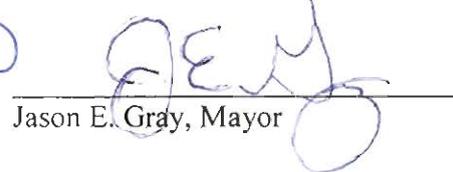
Approved by Town Council this 22nd day of January, 2019.

ATTEST:

TOWN OF CASTLE ROCK



Lisa Anderson, Town Clerk



Jason E. Gray, Mayor

Approved as to Form:



Elizabeth B. Allen, Authority Attorney



Town of Castle Rock

Agenda Memorandum

Agenda Date: 1/22/2019

Item #: 11. File #: RES 2019-005

To: Honorable Mayor and Members of Town Council

From: Lisa Anderson, Town Clerk

Resolution Approving the Local Liquor Licensing Authority Fourth Amended and Restated Bylaws

Executive Summary

The Local Liquor Licensing Authority previously consisted of residents appointed by Town Council; however, in 2015 Town Council authorized a Hearing Officer to serve as the Local Liquor Licensing Authority to approve all new liquor license applications and perform show cause hearings. Town Council also authorized the Town Clerk to approve all other licenses administratively.

Attached are the Local Liquor Licensing Authority Bylaws that have been amended to reflect these changes.

Proposed Motion

"I move to approve the Resolution as introduced by title."

Attachments

Attachment A: Resolution
Exhibit 1: Bylaws