

Douglas County Liquor Licensing Authority

Friday, November 19, 2010
100 Third Street, Castle Rock
BCC Conference Room

Attendees: Scott Lemmon, Don Bammes, Chris Carlson
Staff: Holly Carrell, Dru Campbell, Kelly Dunnaway

Meeting was called to order at 1:45pm.

1. Debrief on HRCAA violation

The Authority discussed the HRCAA violation and the outcomes as well as their preferred sentences in the future.

2. Policy Discussions:

- a. First offense sentence authorization**
- b. Escalating sentences for future violations**
- c. 12-month time frame for abeyance**
- d. Consecutive-day closure**
- e. No Holiday option for closure**

Scott Lemmon provided his thoughts via a matrix with all potential violation sentencing framed with increasing consequences. Licensees will be allowed to request specific dates should a suspension be imposed, but the Authority will ultimately approve or deny the dates. A list of holidays to be excluded from possible suspension dates was included along with the caveat that the matrix is simply a guideline for consistency. It should not be expected that it will be followed exactly due to the possible presence of mitigating and escalating circumstances, although the Authority will make every attempt to follow it closely while still tailoring consequences to specific situations. The purpose was to provide a general framework so that licensees will have an idea of what to expect. Kelly will no longer be offering plea agreements in advance of the Show Cause hearing so all licensees will be ordered to appear and explain the circumstances in front of the Authority.

One factor that could be deemed a mitigating element is whether employees received liquor training. The Authority asked that staff provide a list of approved organizations that provide liquor code training to all applicants and to strongly encourage them to provide training for their employees before they serve. Should a violation occur, the Authority will ask about training provided, how often there is a refresher and for a copy of their liquor training policy, if one exists. Members may also require a licensee to obtain training as part of their sentence.

Members also discussed breaking down the suspension categories further than off-premise and on-premise licenses as they view establishments as suffering differing

impacts of the same suspension depending on the amount of profit the business makes from alcohol sales. It was discussed that grocery stores have a much lower percentage of alcohol sales than a liquor store, but both have off-premise licenses and should have different sentencing guidelines. The same situation exists with a restaurant and a bar, although both have on-premise licenses. Holly will update Authority bylaws, where necessary, to reflect these decisions. Scott will offer suggestions for changes to the matrix and will send out a revised matrix to members for their feedback in advance of the next hearing in January. Kelly will research how to enact a fine in lieu of suspension days to prepare the Authority in case they decide to make it an option in the future.

3. Change suspension letter to specifically explain conspicuous or call out specific location

Members reviewed and discussed the suspension letters that are currently sent out after a Show Cause hearing and asked that more specific language be inserted to clarify for licensees that they must post the provided sign(s) in the main entrance(s). Staff was directed to provide them more than one sign, if applicable, and will revise the letter to a non-personalized boilerplate. It will be handed out to the licensees at the hearing to avoid issues with the mail and the delay in delivery should an ordered suspension date be immediately following. If an establishment remains open during a suspension day, they will be required to post an additional sign near the cooler or as close to wherever alcohol is normally served, per the Colorado Liquor Code and that all other State requirements are met such as covering the alcohol, etc. The Order will still be sent out via regular mail the following business day.

4. Indulge posting violation

The Authority discussed the details of the posting violation on October 31, 2010 as documented by Detective Dieck, and concluded that because of the vagueness of the word "conspicuous" they did not feel it appropriate to further punish the business. They asked that staff order Indulge to appear for a Show Cause Hearing in January in order to explain their reasons for posting the sign in a side entrance door near the floor. The Authority requested that staff get a new letter to Indulge on Monday, November 22, 2010 in order to clarify public posting expectations in advance of their next scheduled closure date of November 25, 2010. Should they incorrectly post signage again after receiving clear direction on Monday, they could face further consequences. Compliance checks will be done on the next two scheduled suspension dates.

Adjournment at 3:55pm.