

Meeting Minutes of the Board of Public Health and Environment



Date: 9/8/2022

Location: Virtual

<input checked="" type="checkbox"/> Genene Duran, Chairperson	<input checked="" type="checkbox"/> Jennifer Jaskolka	<input checked="" type="checkbox"/> Cathy Cooney
<input type="checkbox"/> Celia Vanderloop, Vice-Chairperson	<input checked="" type="checkbox"/> Alisha Brown	<input type="checkbox"/> Jim Garcia
<input checked="" type="checkbox"/> Jim Rada	<input checked="" type="checkbox"/> Chris Wiant	<input type="checkbox"/>

Agenda Item	Description of Agenda Item	Action/Decisions
BPHE Docket #22-05	Petition for review of an administrative hearing officer’s recommended decision. Petitioner: Natalee Salcedo, Tobacco Administrator, Denver Department of Public Health and Environment. Respondent: Jared Zigmond, Boardway Smoke Shop	The Board affirms the Administrative Hearing Officer’s Recommended Decision
<p>Summary of Decision</p> <p>On March 21, 2022, the Department of Public Health and Environment (“Department”) issued Administrative Citation 2022-TE-AC-0026 (“Citation”) to Broadway Smoke Shop for violation of Ch. 24, Article XI, Division 1, Section 402(b), sale of tobacco products to persons under twenty-one (21), in the amount of \$500. On May 3, 2022, Jared Zigmond, owner of Broadway Smoke Shop (“Petitioner”), filed a Petition for Review of the Citation. On May 24, 2022, an Administrative Hearing Officer issued a Recommended Decision to uphold the Citation and reduce the associated fine amount to \$250. On May 31, 2022, the Department filed a Petition for Board Review of the Recommended Decision and requested the original fine amount of \$500 be reinstated.</p> <p>The Board hereby affirms the Administrative Hearing Officer’s Recommended Decision. Petitioner is ordered to pay \$250.00 within 30 days. If the fine is not paid in full by the thirtieth (30th) calendar day following the date of mailing shown on the Final Order, a late fee shall be applied, and the responsible party shall be referred to the Manager of Finance for collection of monies owed.</p>		
Agenda Item	Description of Agenda Item	Action/Decisions

BPHE Docket #22-18	Petition for variance from Chapter 36 of the Denver Revised Municipal Code governing noise control. Petitioner: Insituform Technologies, LLC. Respondent: Public Health Investigations Division, Denver Department of Public Health and Environment	The Board approves the variance with conditions
<p>Summary of Decision</p> <p>On August 8, 2022, Insituform Technologies, LLC (“Petitioner”), filed a petition for variance (“Petition”) with the Board of Public Health and Environment (“Board”) requesting a variance from Chapter 36 of the Denver Revised Municipal Code governing noise control.</p> <p>The Department of Public Health and Environment (“Department”) responded with support for the Petition subject to certain conditions.</p> <p>The Board finds that Petitioner has met its burden of proof pursuant to section 3.10 of the Rules and Regulations Governing Hearings Before the Board of Public Health and Environment, dated June 21, 2022, and, as such, hereby grants the variance with the following conditions:</p> <ul style="list-style-type: none">○ Petitioner shall comply with all conditions set forth in the Department’s Recommendation dated August 17, 2022, attached hereto.		