

Meeting Minutes of the Board of Public Health and Environment



Date: 11/10/2022

Location: Virtual

<input type="checkbox"/> Genene Duran, Chairperson	<input checked="" type="checkbox"/> Jennifer Jaskolka	<input type="checkbox"/> Cathy Cooney
<input checked="" type="checkbox"/> Celia Vanderloop, Vice-Chairperson	<input checked="" type="checkbox"/> Alisha Brown	<input checked="" 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 #22-21	Petition for board review of recommended decision. Petitioner: Tidiani Sanogo, Dollar Plus. Respondent: Community & Behavioral Health Division, Denver Department of Public Health and Environment	The Board reduces the suspension of sales of tobacco products to 15 days

Summary of Decision

On September 9, 2022, Tidiani Sanogo (“Petitioner”), owner of the Dollar Plus, located at 6460 East Yale Avenue, Unit E70, Denver, CO 80222 (“Store”), filed a petition for the Board of Public Health and Environment (“Board”) to review the Hearing Officer’s Recommended Decision, dated September 13, 2022, and amended on September 21, 2022.

The Board hereby finds that the Department of Public Health and Environment (“Department”) met its burden of proof. The Board also finds that the Petitioner has not met its burden of showing that the Order to Show cause that was issued by the Department was defective in any way or that Petitioner did not commit the violations contained in the citations.

The Board hereby ORDERS that the PETITIONER SHALL SUSPEND THE SALE OF ALL TOBACCO PRODUCTS AT THE STORE, AS DEFINED IN THIS ORDER, TO ANY PERSON WHOMSOEVER FOR A PERIOD OF 15 DAYS BEGINNING ON FRIDAY, NOVEMBER 11, 2022, AT 9:00 AM AND ENDING ON SATURDAY, NOVEMBER 26, 2022 AT 9:00 AM.

The Board further ORDERS that the PETITIONER SHALL PAY ALL OUTSTANDING PENALTY AMOUNTS OWED TO THE CITY AND COUNTY OF DENVER BY 9:00 AM ON SATURDAY, NOVEMBER 26, 2022.

The Board further ORDERS, IF PETITIONER FAILS TO TIMELY PAY ALL OUTSTANDING PENALTY AMOUNTS STATED ABOVE BY 9:00 AM ON SATURDAY, NOVEMBER 26, 2022, THEN THE PETITIONER SHALL SUSPEND THE SALE OF ALL TOBACCO PRODUCTS AT THE STORE, AS DEFINED IN THIS ORDER, TO ANY PERSON WHOMSOEVER FOR A PERIOD OF 30 DAYS BEGINNING ON FRIDAY, NOVEMBER 11, 2022, AT 9:00 AM AND ENDING ON SUNDAY, DECEMBER 11, 2022 AT 9:00 AM.

Agenda Item	Description of Agenda Item	Action/Decisions
BPHE Docket #22-30	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

Summary of Decision

On September 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.

The Department of Public Health and Environment (“Department”) responded with support for the Petition subject to certain conditions.

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:

- Petitioner shall comply with all conditions set forth in the Department’s Recommendation dated September 17, 2022

Agenda Item	Description of Agenda Item	Action/Decisions
BPHE Docket #22-40	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

Summary of Decision

On September 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.

The Department of Public Health and Environment (“Department”) responded with support for the Petition subject to certain conditions.

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:

- Petitioner shall comply with all conditions set forth in the Department’s Recommendation dated November 3, 2022

