

Guide to Needs and Desires Hearings

Before the Department of Excise and Licenses



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How to use this Guide

Hello! If you're reading this guide, you are probably planning to attend a licensing hearing scheduled by the Department of Excise and Licenses in the City and County of Denver (the "Department"). At many of these hearings, the applicant will need to show "need and desire" for the license to issue under state law. As a result, many of these hearings are known as "needs and desires" hearings. This guide is meant to assist you in understanding the hearing process and Department policies. The information in this document is provided for guidance purposes only, and is not intended to give or replace business or legal advice.

Further, the Department does not warrant or make any representations about the completeness or comprehensiveness of the information provided within this guide. It would be impossible for us to cover every law or scenario that may apply in a specific instance. We encourage hearing participants to conduct their own research and investigation and engage with the services of professionals if necessary. License applicants ultimately bear the responsibility to ensure that they comply with all applicable state and city laws.

Please note that Department policy may change at any time and we may need to update the information in this guide without notice. We will always have the most current version of the guide on our website. Please ensure you are reading the most current version of the guide by referring to the dates on our website and the bottom of this guide's pages.

Section 1 – Types of needs and desires hearings

1.1 New license application

A needs and desires hearing may be required for a new license application for the following types of licenses:

- Retail marijuana store license
- Retail marijuana hospitality and sales business license
- Marijuana hospitality business license
- Cabaret license
- Common consumption area license
- Promotional association certification
- Arts license
- Beer and wine license
- Brew pub license
- Distillery pub license
- Hotel and restaurant license
- Liquor-licensed drug store license
- Lodging and entertainment license
- Optional premises license
- Racetrack license
- Retail gaming tavern license
- Retail liquor store license
- Tavern license
- Vintner's restaurant license
- Fermented malt beverage license
- Special event liquor license
- Social room license

A needs and desires hearing may be required for a liquor license if the department receives relevant, substantial requests or complaints within the time frame noted on the posting. The director may grant or deny a hearing in their discretion.

1.2 Change of location application

A needs and desires hearing is required for every application for a change of location of the licenses listed above.

1.3 Modification of premises application

Liquor and Cabaret Licenses

If a proposed modification to the premises of a liquor or cabaret license is deemed material and substantial, a needs and desires hearing is required. In addition to modifications that have been identified by the Colorado Liquor Enforcement Division, the following types of modifications are considered material and substantial:

- The addition or deletion of a patio or outdoor area;
- Any increase in bar area that lengthens or adds bar space;
- Any additional levels added to the licensed premises;
- Material change in the flow or control of liquor;
- Non-de minimis increase in seating capacity.

Common Consumption Area Licenses

If a proposed modification to the premises of a common consumption area license is deemed material and substantial, a needs and desires hearing is required. Modifications that are considered material and substantial include, but are not limited to:

- Any increase in the total size or capacity of the common consumption area;
- The sealing off, creation of, or relocation of a common entryway, doorway, passage or other such means of public ingress or egress, when such common entryway, doorway, or passage alters or changes the area in which alcohol beverage will be consumed in the common consumption area;
- The addition or deletion of a patio or outdoor area;
- 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 on file with the department. This includes changes that would require additional permits or approvals by other city agencies and changes that would substantially affect the site and security plan, the health and sanitation plan, or the transportation plan.

Marijuana Licenses

A needs and desires hearing is not required for a modification of premises for a marijuana license.

1.4 Change of ownership application

Liquor and Cabaret Licenses

A needs and desires hearing may be required at the director's discretion for a change of ownership of a liquor or cabaret license. For cabaret licenses, any corporate structure change where more than 50% ownership is transferred from one person to another is considered a transfer of ownership and requires a new application.

Common Consumption Area and Marijuana Licenses

A needs and desires hearing is not required for a change of ownership of a marijuana license or a common consumption area license.

1.5 Renewal application

A needs and desires hearing may be required at the director's discretion for a renewal of a liquor, cabaret, common consumption area, or marijuana license.

1.6 Combined hearings

Liquor and Cabaret Licenses

If an applicant files simultaneous applications for a liquor license and a cabaret license, the hearings may be combined into one hearing at the director's discretion. The applicant has the burden of establishing the qualifications for each license.

Common Consumption Area Licenses and Promotional Association Certification

The hearings for the certification of a promotional association and the associated common consumption area license are combined into one hearing. The applicant has the burden of establishing the qualifications for each license.

Section 2 – Intake procedures

2.1 Investigative Findings

An initial review of the application takes place within ten business days of submittal.

Upon completion of initial review, the department will email the applicant the investigative findings and set a due date to cure any deficiencies in the application. Once deficiencies are cured and applicable fees have been paid, the application will move forward.

If the application is for a new liquor license and does not include a cabaret, continue to Section 3.

For any other application, skip to Section 4.

Section 3 – New Liquor application procedures

3.1 Providing Evidence of Need and Desire

As part of the application materials, the Applicant is required to submit Evidence of Need and Desire. If evidence is not provided, the department requests it as part of the investigative findings in Section 2.1. The application moves forward only after that evidence is submitted. Evidence of Need and Desire can include, but is not limited to:

- I. Petitions
- II. Neighborhood Witness Affidavits
- III. GNAs
- IV. Letters of support/non-opposition from RNOs; BIDs; or other entities
- V. Any other documents deemed appropriate by the Director

3.2 Application Notice

Once major investigative findings are resolved, the Department will send a Notification Packet containing notice of application via e-mail to the applicant, relevant registered neighborhood organizations (RNOs), and relevant city council members. For liquor licenses, the department will also send the notice to Denver Public Schools' designated representative.

Notification Packet

The Department will send an email to the Applicant and required parties containing the following:

- **Findings Document:** this contains information specific to your application and may ask you to submit additional items to the department. Failure to submit these additional items may result in a cancellation of your hearing and/or denial of your application, so be sure to read it carefully.
- **Designated Area map:** this map shows the neighborhood under consideration at the hearing, which determines parties in interest and the area that can be canvassed for petitions.
- **Applicant letter** (usually pages 1 of your hearing packet): this contains your assigned licensing technician and the deadline and duration for your notice posting sign. It also contains links to helpful documents and links, including links to the Rules Governing Hearings Before the Department and this Guide to Needs and Desires Hearings
- **Posting Notice Language** (usually page 2 of your hearing packet): this is the language you must post on your notice posting sign.
- **Notice Posting Affidavit** (usually page 3 of your notice packet): you are required to complete this affidavit and submit it as an exhibit. Please allow time to have the affidavit notarized.
- **Inspection Notice** (usually page 4 of your notice packet): this document contains information about how to schedule inspections.

Applicant's posting requirements

The applicant is required to post a sign with notice of the application on the proposed licensed premises. The applicant must place the sign in a conspicuous place that is clearly visible to the public. The sign must be sturdy and white. It must be not less than twenty-two inches wide and twenty-six inches in height. The letters must not be less than one inch in height. The department provides the applicant with the language that must be included on the sign. The Hearing packet will include the deadline to have the sign posted and the number of days the sign must remain posted on the premises.

The department verifies that the notice has been posted and that it meets the requirements. If the applicant fails to post the required notice, the director may reschedule the hearing and require an additional period of posting or deny the application.

3.3 Requested Hearing

The Notice Posting includes a link to the Hearing Request Form. Parties in interest may sign the form to request a Needs & Desires Hearing. If five (5) eligible requestors submit a request via the form, the process will continue to Section 4. If the minimum number of requests is not made, the process will skip to Section 7. Please note that the Director retains the discretion on whether to set a hearing.

Section 4 – Pre-hearing procedures

4.1 Scheduling the hearing

If required, the Department sets a hearing date based on the date of the application, availability on the hearing calendar, and availability of hearing officers.

4.2 Hearing notice

Once a hearing has been set and a hearing date is confirmed, the department updates the hearing schedule on the website and posts notice of the hearing in the Daily Journal, if required. The department sends a Hearing Packet containing notice of the public hearing via e-mail to the applicant, relevant registered neighborhood organizations (RNOs), and relevant city council members. For cabaret licenses, the department also sends the notice to the Denver Police Department's designated representative. For liquor licenses, the department also sends the notice to Denver Public Schools' designated representative.

Hearing Packet

The Department will send an email to the applicant and required parties containing the following:

- **Findings document:** this contains information specific to your application and may ask you to submit additional items to the department. Failure to submit these additional items may result in a cancellation of your hearing and/or denial of your application, so be sure to read it carefully.
- **Designated Area map:** this map shows the neighborhood under consideration at the hearing, which determines parties in interest and the area that can be canvassed for petitions.
- **Applicant letter** (usually pages 1-2 of your hearing packet): this contains your notice of public hearing with details such as the date, time and link to the hearing, your assigned licensing technician, and the deadline and duration for your notice posting sign. It also contains links to helpful documents and links, including links to the Rules Governing Hearings Before the Department and this Guide to Needs and Desires Hearings
- **Posting Notice Language** (usually page 3 of your hearing packet): this is the language you must post on your notice posting sign.
- **Hearing Posting Affidavit** (usually page 4 of your hearing packet): you are required to complete this affidavit and submit it as an exhibit. Please allow time to have the affidavit notarized.
- **Petition affidavits, instructions, and forms** (usually pages 5-10 of your hearing packet): these pages contain the affidavit that must be completed by anyone who is a petition circulator, instructions for completing petitions, and blank petition forms generated to include specific information about the license application at issue.
- **Inspection Notice** (usually page 11 of your hearing packet): this document contains information about how to schedule inspections.
- **Forms:** you will also receive form templates for several types of forms, which are also available on our Public Hearings website.

Applicant's posting requirements

The applicant is required to post a sign with notice of the hearing on the licensed premises or proposed licensed premises. The applicant must place the sign in a conspicuous place that is clearly visible to the public. The sign must be sturdy and white. It must be not less than twenty-two inches wide and twenty-six inches in height. The letters must not be less than one inch in height. The department provides the

applicant with the language that must be included on the sign. The Hearing packet will include the deadline to have the sign posted and the number of days the sign must remain posted on the premises.

The department verifies that the notice has been posted and that it meets the requirements. If the applicant fails to post the required notice, the director may reschedule the hearing and require an additional period of posting or deny the application.

4.3 Accommodation requests

Evening hearing

Hearings normally take place between the hours of 9:00 a.m. and 5:00 p.m. An applicant, licensee, or party in interest may request an evening hearing by submitting a petition for an evening hearing at least five days prior to the scheduled hearing date. The petition must include five valid signatures from parties in interest, along with each individual's address and phone number. The petition must be emailed to EXLApplications@denvergov.org. If granted, the hearing will be rescheduled to a date as close as possible to the previously scheduled hearing date. Evening hearings begin at 6:00 p.m. unless otherwise stated by the director.

Continuance

Any party may request to reschedule the hearing date. This is called a continuance. Hearing dates may be revised or continued at the director or hearing officer's discretion, upon an uncontested motion of the parties, or upon a showing of good cause. Circumstances that might indicate good cause include, but are not limited to, occurrences outside of the requesting party's control, necessity for interpreter services or other similar or relevant accommodations, an unanticipated change in the status of the case, or a significant revision or amendment to the application. The request for a continuance must be emailed to EXLApplications@denvergov.org and include all known parties in interest.

If the hearing date is rescheduled, the applicant must amend the notice posting to reflect the rescheduled date and time of the hearing. Posting notices shall remain in place for a minimum of ten days once the notice has been amended, or for as long as is otherwise specified by the director. The applicant will receive an updated Hearing Packet with instructions for posting. Parties may continue collecting petition signatures.

Interpreter services

Any party may request a foreign or sign language interpreter for any hearing. Parties are encouraged to submit a request for an interpreter as soon as possible as their availability can be limited. For best results, we encourage parties to request an interpreter at least 14 days in advance of a hearing. 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. The request must be emailed to EXLApplications@denvergov.org and EXLRecordsManagement@denvergov.org. If an interpreter cannot be secured in time for the hearing, the hearing will be rescheduled.

Amendment to the Designated Area

Any Party in Interest may request that the Director modify an established designated area. The request must explain the reason(s) for the request. The request must be e-mailed to

EXLApplications@denvergov.org no later than five days after the date of notice posting. The director has discretion to grant or deny the request.

4.4 Communication with the department

Written communications to the department

Unless otherwise specified, all written communications, motions, notices, or petitions submitted to the department must be e-mailed to EXLApplications@denvergov.org.

Requests for records from the department must be e-mailed to EXLRecordsManagement@denvergov.org.

Communications with the director or hearing officer

All communications with the director or hearing officer concerning the subject matter of a hearing or a decision must be made on the record with all other parties present or with all known parties in interest copied on written correspondence.

The director and hearing officer act as quasi-judicial decision-makers. As such, they cannot consider ex parte communications, or consider other communications made to them outside the presence of the known parties in interest, or their lawyers, concerning the subject matter of the hearing, except when scheduling or rescheduling a hearing.

Section 5 – Prepare your case

5.1 Burden of proof

The applicant has the burden of proof in a needs and desires hearing. The applicant must prove by a preponderance of the evidence the need and desire for the license in the designated area.

5.2 Representation

Attorney representation

An applicant or licensee must be represented by an attorney at the hearing, except that an individual or sole proprietor may represent themselves. A closely held entity may be represented by an officer of the entity in accordance with C.R.S. § 13-1-127¹.

¹ Pursuant to C.R.S. § 13-1-127, a corporation, limited liability company, or any other entity must appear before an administrative agency through an attorney. Proceedings commenced or advocated and pleadings filed by a corporation, limited liability company, or other entity without an attorney will not be accepted, EXCEPT that: (i) A closely held entity (three or fewer owners) may be represented by an officer of such closely held entity if the officer provides a corporate resolution authorizing the officer to appear on behalf of the entity in all matters before the Department and the amount at issue is less than \$15,000. (ii) The following persons shall be presumed to have the authority to appear on behalf of the closely held entity upon providing evidence of the person's holding the specified office or status: a. An officer of a cooperative, corporation, or nonprofit corporation; b. A general partner of a partnership or of a limited partnership; c. A person in whom the management of a limited liability company is vested or reserved; or d. A member of a limited partnership association.

Any attorney representing a licensee at a hearing must be licensed to practice law in the state of Colorado. The department cannot recommend an attorney. Prior to representing a licensee at a hearing, the attorney must file a written entry of appearance with the department that includes the attorney's full name, attorney registration number, business address, telephone number, and email address.

RNO representation

An RNO whose boundaries overlap with the designated area may be represented at the hearing by any person who has the authority to represent the RNO at the hearing. The representative may testify to their authority to represent the RNO at the hearing. Only one representative of each RNO may testify regarding the position of the organization on the application.

5.3 Standards for approval

Review the standards for approval for the license application in question. These are the standards the hearing officer considers when making a recommended decision to the director, and they are the standards the director considers when making the final decision. Evidence, testimony, exhibits, and cross-examination should seek to demonstrate that the standards for approval have or have not been met.

Please seek assistance from a legal professional if you need help developing your strategy to meet the applicable standards for approval.

5.4 Witnesses

Generally

Any and all relevant testimony and evidence is admissible at the hearing.

Typically, the hearing officer will limit at-length testimony to a maximum of three neighborhood witnesses in favor of an application and three neighborhood witnesses in opposition to the application. The hearing officer may allow additional witness to testify at length in their discretion, as long as the testimony is not repetitive.

All additional testimony is given "en masse." This means that each witness has an opportunity to state how they qualify as a party in interest and whether they support or oppose the application. En masse witnesses may not be cross-examined except as to their qualifications to testify.

Applicants and licensees should contact their witness(es) and ensure they have the information they need to attend the hearing. All parties are encouraged to ensure witnesses attend the hearing without resorting to a subpoena. However, if necessary, you may request that the department issue a subpoena to a witness compelling them to attend the hearing. You must submit the request at least fourteen days prior to the hearing. A request for a subpoena must comply with the requirements in Rule 1.11(b).

Neighborhood Witness testimony

The applicant or licensee must present at least one neighborhood witness (other than the applicant or licensee themselves) to provide testimony about the reasonable requirements of the designated area and the desires of its adult inhabitants for the license. The witness should be prepared to answer questions which establish the reasonable requirements and desires of the designated area.

Neighborhood Witness Affidavit

Neighborhood witness affidavits may be submitted in lieu of live testimony. The neighborhood witness affidavit form is provided in the hearing packet. To be effective, neighborhood witnesses should answer every question on the affidavit in detail.

Types of Witnesses

The Applicant or Licensee

The applicant or licensee is always a party in interest. They can testify, present evidence, and cross-examine other witnesses.

Neighborhood Witness

A Neighborhood Witness is always a party in interest. They can testify, present evidence, and cross-examine other witnesses.

Authorized RNO Representative

One representative per relevant RNO may testify at length.

If the RNO representative also qualifies as a neighborhood witness, they may also testify en masse or at length as one of the three neighborhood witnesses in support or opposition. In these cases, the witness should make sure to distinguish their testimony as it relates to each role.

City Council Members

Hearing Officers may consider relevant testimony from any city council member whose district encompasses the designated area, including at-large council members.

In liquor hearings, City Council members do not have the ability to present evidence or cross-examine other witnesses like a party in interest, but they can be questioned by other witnesses and by the Department. The information they provide can be considered in the discretion of the hearing officer and the director.

In marijuana hearings, City Council members are considered parties in interest, and may testify, present evidence, and cross-examine other witnesses.

Expert witnesses

Though not required, an applicant/licensee or other parties in interest may call expert witnesses to testify. An expert witness must first be qualified by the hearing officer to give expert opinion testimony at the hearing.

Parties wishing to call expert witnesses must submit a list of expert witnesses to the department at least seven days prior to the hearing. The list must include each expert's name, field of expertise, curriculum vitae, nature of their testimony, and any of the expert's reports or documents to be admitted at the hearing.

Other witnesses

For liquor licenses and liquor common consumption area licenses only, a principal or representative of any school located within five hundred feet of the premises shall be allowed to testify regarding their position on the application

If a principal or representative of any school qualifies as a neighborhood witness, they may also testify en masse or at length as one of the three witnesses in support or opposition.

For cabaret licenses only, the commander of the police district in which the premises are located, or their representative, shall be entitled to testify to the effect of the issuance of the license would have on the health or welfare or morals of the designated neighborhood.

If the commander qualifies as a neighborhood witness, they may also testify en masse or at length as one of the three witnesses in support or opposition.

3.5 Petitions

The applicant/licensee or any party in interest may circulate petitions supporting or opposing the license/application. Petitions are not required. Petitioning is one method of demonstrating the reasonable requirements and desires of the adult inhabitants of the designated area.

Petition requirements

- Petitions must be completed on the petition forms provided by the department.
- Petition circulators must be at least eighteen years of age. They do not have to be residents of the designated area.
- Petition circulators may begin gathering petitions on the day following the date the hearing notice is posted. Signatures obtained before this date will not be considered.
- Only a person who qualifies as a party in interest may sign a petition. This means they must be a resident or business owner/manager in the designated area and be at least 21 years of age (or 18 years of age for a medical marijuana license).
- Petitions must be signed in the presence of the petition circulator. A person signing a petition must respond to every question presented on the petition. A person may not sign more than one petition regarding the same application.
- If a person signs a petition and later decides they want to change their position, that person must appear at the needs and desires hearing and request that their name be removed from one petition and added to the other.
- Any party may challenge the validity of petition signatures. A hearing officer may allow parties additional time after the hearing to file objections to petition signatures prior to issuing a recommended decision.
- The department may strike signatures that do not meet these requirements.
- Petitions must be submitted to the department at least seven days prior to the hearing.
- Petition circulators must sign a notarized affidavit stating that they have complied with circulation procedures. This affidavit is included in the hearing packet.

5.6 Good neighbor agreements and license conditions

Good Neighbor Agreements

The department encourages regular communication between neighborhood representatives and licensees to resolve community concerns. Neighborhood representatives and applicants/licensees may

negotiate a good neighbor agreement (GNA) or other type of private agreement. GNAs are not required. GNAs are private agreements between private parties and are not enforced by the department.

A party to a GNA may submit the GNA to the department as an exhibit for a needs and desires hearing or present the GNA for introduction at a hearing if permitted by the hearing officer.

GNAs may also be submitted to the department at any time for inclusion in the licensee's file by emailing the GNA to EXLRecordsManagement@denvergov.org.

License conditions

The director may place conditions on a license for any number of reasons. One reason may be to incorporate conditions agreed to by the licensee as part of a good neighbor agreement. The department may include specific provisions of a GNA as conditions of the license upon request if:

- Both parties agree to including the provisions as conditions of the license;
- The conditions are legal, meaning they do not violate any rules or laws; and
- The conditions are enforceable, meaning they are objective and clear enough to be enforced by the department.

Conditions may be added to the license during the hearing or anytime thereafter. A licensee wishing to add conditions to the license must e-mail EXLRecordsManagement@denvergov.org and list the conditions to be added to the license. If a Registered Neighborhood Organization or other neighborhood representative has come to an agreement with the licensee, either with or without a GNA, a representative may also email EXLRecordsManagement@denvergov.org and include all parties to the agreement. The licensee must confirm in writing that they have agreed to the conditions.

Where possible, the director may alter the language of provisions requested to be placed as conditions on the license, while keeping the intent of the parties to the agreement, to make those provisions legal and enforceable by the department.²

Conditions attached to a license continue to apply to renewed or transferred licenses until the conditions are removed or modified by the director, and can be enforced by the department.

5.7 Documents and records

Any party may request records from the department by emailing EXLRecordsManagement@denvergov.org. A fee may apply.

5.8 Exhibits

Any exhibits that any party wishes to present at the hearing must be submitted to the department at least seven days prior to the hearing. Exhibits may include but are not limited to petitions, neighborhood witness affidavits, and/or good neighbor agreements. The director or hearing officer may exclude from consideration any exhibits filed after the deadline.

5.9 Pre-hearing briefs

Any applicant, licensee, party in interest, or city attorney may file a pre-hearing brief. Pre-hearing briefs are not required, although the director or hearing officer may require it. Pre-hearing briefs must be filed

² Denver Revised Municipal Code, Sec. 32-11(c)

at least fourteen days before the hearing. If you miss this deadline, the director or hearing officer may exclude the brief from consideration. If a pre-hearing brief is filed, an applicant, licensee, party in interest, or city attorney may file a response. The response must be filed at least seven days before the hearing.

5.10 Pre-hearing conference

Though it is rare, the director or the hearing officer may require a pre-hearing conference. A pre-hearing conference may be held to review matters and clarify issues to expedite the disposition of the hearing.

Section 6 – Hearing procedures

6.1 Hearing procedures

Location and length

Typically, hearings take place virtually on Microsoft Teams. However, the director may require parties to appear in-person at a location determined by the director. Hearings last no more than four hours unless all parties agree to extend it one additional hour. If the hearing is not completed during the allotted time, the hearing officer may continue the hearing to a new or additional date.

Hearing officer

The hearing officer controls the hearing and the conduct of persons attending the hearing. The hearing officer may issue orders to control the hearing, preserve decorum, prevent disruption, and promote fairness and respect. In addition to their other duties, the hearing officer may:

- Order the parties to file pre-hearing statements;
- Order any person to be removed from the hearing;
- Question any party or witness;
- Determine what evidence to exclude; and
- Limit the presentation of evidence, testimony, or cross-examination to prevent irrelevant or repetitive information.

Presentation of evidence

Needs and desires hearings adhere to the following process for presentation of evidence :

1. The applicant or licensee will first present evidence in support of the application.
2. Any opponents will then have an opportunity to introduce evidence against the application.
3. If a Registered Neighborhood Organization is present, the hearing officer may ask the representative to introduce evidence after the applicant.

This order of presentation may be modified by the hearing officer at their discretion. All testimony is given under oath.

Failure to appear

If an applicant/licensee fails to appear at a needs and desires hearing, the application may be denied. If an applicant/licensee fails to appear at a needs and desires hearing and there is no opposition to the application, the director or hearing officer may deem an application withdrawn instead of denied.

Withdrawal

A request to withdraw an application after a needs and desires hearing has been held must be approved by the director.

6.2 Hearing etiquette

During a virtual hearing, you are expected to adhere to the same level of decorum that you would in an in-person, courtroom hearing. Please plan ahead as you are expected to have your camera on for the duration of the hearing without on-camera distractions. Please mute your microphone at all times when you are not speaking. Please be respectful of all hearing participants and follow any additional guidelines provided by the hearing officer.

Hearings are open to the public. The department records all hearings. No one is permitted to record, stream, or photograph a hearing without prior approval from the director or hearing officer. If you would like to record, stream, or photograph a hearing, you must submit a written request to the department at least two business days prior to the hearing. The request must include the information required in Rule 1.5(c).

Section 7 - After the hearing

7.1 Recommended decision

After considering all the evidence presented at the needs and desires hearing, the hearing officer makes a recommended decision to the director. If the hearing is uncontested, the hearing officer strives to issue a recommended decision within seven days of the hearing date.

7.2 Objection to recommended decision

Any party may file an objection within fourteen days of the mailing date of the recommended decision. Objections must be sent by email to the department and all parties who received the recommended decision. Objections that do not comply with these requirements will not be considered.

7.3 Response to objections

Any party may file a response to an objection within seven days of the mailing date of the timely objections. Responses must be sent by email to the department and all parties who received the recommended decision. Objections that do not comply with these requirements will not be considered.

7.4 Final decision

The director considers the recommended decision, objections, responses to objections, the entire record, and the facts and evidence from the department's investigation and the public hearing. The director then issues a final decision. The department sends the final decision via email and certified mail to all parties who received the recommended decision. The final decision is the final agency action. It may be appealed in the Denver District Court.

Section 8 – Frequently asked questions

Where can I find the laws and regulations for liquor licenses?

The city's laws for liquor businesses are in [Chapter 6, Article IV](#) of the Denver Revised Municipal Code.

Learn more about state laws, rules, and regulations for liquor businesses on the state Liquor Enforcement Division's [website](#).

Where can I find the laws and regulations for liquor common consumption licenses?

The city's laws for entertainment districts and liquor common consumption areas are in [Chapter 6, Article II](#) of the Denver Revised Municipal Code. Learn more about the laws, rules, and regulations for liquor common consumption areas on our [website](#).

Where can I find the laws and regulations for cabaret licenses?

The city's laws for cabaret businesses are in [Chapter 6, Article III](#) of the Denver Revised Municipal Code.

Where can I find the laws and regulations for marijuana licenses?

The city's laws for marijuana businesses are in the [Denver Marijuana Code](#) (Chapter 6, Article V of the Denver Revised Municipal Code).

State laws for marijuana businesses are in Title 44, Articles 10 – 12 of the [Colorado Revised Statutes](#). State rules for marijuana businesses are on the state Marijuana Enforcement Division's [website](#).

Learn more about the laws, rules, and regulations for marijuana businesses on our [website](#).

I want to hire an attorney to represent me or my organization at a needs and desires hearing. What resources are available to assist me in obtaining representation?

You may be eligible for a mini-grant to reimburse you for legal costs related to a needs and desires hearing. Learn more about how to apply for a mini-grant from the [Business License Hearing Fund](#). Questions about the fund can be sent to EXLHearings@denvergov.org.

Are applicants/licensees required to sign a good neighbor agreement with an RNO?

No. A good neighbor agreement (GNA) is a private agreement between a business and another party, usually a registered neighborhood organization (RNO). A GNA is not required to obtain or keep a license. A GNA can be a helpful tool for managing the relationship between a business and a neighborhood group, and can be executed at any time. If parties would like to keep a copy of the GNA in the licensee's file with the Department, it can be included by emailing EXLRecordsManagement@denvergov.org.

Section 9 - Glossary

Applicant means an individual or an entity who has submitted an application to the Department for a new business or individual license, a license renewal, a transfer of location, a modification of premises, or a change of ownership.

Brief means a written argument which may highlight or clarify certain issues or arguments to achieve a favorable outcome.

Burden of Proof means the requirement to prove a fact by presenting evidence and testimony.

CAO means the Denver City Attorney's Office.

City means the City and County of Denver.

Continuance means postponement of a hearing to a later date.

CPD means the Denver Department of Community Planning and Development.

Cross examine means to ask questions of a witness.

Department means the Denver Department of Excise and Licenses.

Designated Area means the area surrounding the proposed or licensed location that is determined to be the neighborhood under consideration.

Director means the Executive Director of the Department of Excise and Licenses, or their designee.

Discretion means acting on one's own authority and judgment.

DDPHE means the Denver Department of Public Health and Environment.

DFD means the Denver Fire Department.

D.R.M.C. means the Denver Revised Municipal Code.

En Masse Testimony means testimony delivered as a group stating whether the witnesses qualify as parties in interest and whether they support or oppose the application.

Ex parte means improper contact with the Director or Hearing Officer.

Exhibits means documents presented as evidence at a hearing.

EXL means the Denver Department of Excise and Licenses.

Expert Witness means a witness intending to give expert opinion testimony.

Final Decision means the final order issued by the Department after review and consideration of the Recommended Decision, any objections, responses to objections, and the entire hearing record.

Good Neighbor Agreement means an agreement between a neighborhood organization, like a Registered Neighborhood Organization (RNO) and a business that typically focuses on the business's relationship with neighbors and its impacts on the neighborhood.

Hearing Officer means an individual designated by the Director to conduct a public hearing and make a recommended decision on the matter. The Director can act as a Hearing Officer.

Hearsay is the report of another person's words by a witness.

LED means the Colorado Liquor Enforcement Division.

Licensee means an individual or entity who holds a valid business or individual license issued by the Department

License Conditions means requirements in addition to those in state and local law that are included on the face of the license.

Manager means an individual who is responsible for managing the conduct of a business.

MED means the Colorado Marijuana Enforcement Division.

Motion means a formal request made by any party for a desired ruling, order, or judgment.

Needs and Desires Hearing means a public hearing on an application where the Director may consider the reasonable requirements of the Designated Area and the desires of the adult inhabitants therein.

Neighborhood Witness means an individual who satisfies the age requirement(s) to patronize the type of business for which a license is being sought, and who either resides in the Designated Area or owns or manages a business within the Designated Area.

Order means an official agency document issued by the Director.

Petition means a signature form circulated in support of or opposition to an application.

Preponderance of the evidence means that a claim is more likely true than not.

Recommended Decision means the Hearing Officer's written recommendation to the Director on a licensing matter.

Registered Neighborhood Organization means a voluntary group of residents, property owners, and businesses within a certain area of the city formed for the purpose of collectively addressing issues and interests common to the area.

Testimony means oral or written evidence given by a witness under oath or affidavit.