



Clerk & Recorder

Tammy Raschke, Clerk & Recorder

Introduction

The Colorado Legislature has determined that the issuance and supervision of liquor licenses shall be closely regulated. Moffat County Board of County Commissioners is the "Local Licensing Authority" for all licenses issued within the County of Moffat, and is thus charged with carrying out these State-delegated duties. The following procedure is designed to enhance the efficient, prompt and responsible performance of these duties. General information and forms may also be obtained from the Colorado Division of Liquor Enforcement at www.colorado.gov/revenue/liquor

Application Forms

The State has prescribed certain forms to be filled out for different aspects of a liquor license application and for different types of applications. The County Clerk distributes such forms upon request and will provide a checklist and routine information concerning the requirements. The Clerk cannot provide legal advice; therefore an applicant should consult a private attorney for any legal questions concerning the application. The application provides for specific documentation that should accompany it. An applicant should read it and fill it out carefully and tender to the County Clerk in one packet all information required, together with all fees in the appropriate amounts.

Sequence and Timing

Getting a new license will generally take three to four months. The advisement of public hearing procedures informs the applicant of your burden of proof regarding needs of neighborhood to be affected and desires of the adult inhabitants of that neighborhood. (See comment in the Public Hearing Procedures). The method used to prove needs and desires is at the discretion of the applicant. (Because a petition is a popular choice, sample wording is included for your reference). But, because use of a petition is not specifically required by law, there is no wording that you are required to use, nor are there a recommended number of signatures to obtain. This sample is provided as a reference tool for you to customize to suit your particular needs.

Liquor License Applicants Written Advisement Public Hearing Procedures

You will be appearing before the Board of Moffat County Commissioners, which serves as the Local Liquor Licensing Authority, for a public hearing to determine whether or not your liquor license application should be granted or denied.

Colorado Liquor Code stipulates that this hearing must be no sooner than 30 days after acceptance of your application. You will be notified of the hearing date by regular mail. The hearing will take place in the Moffat County Board of Commissioner Chambers at the Moffat County Courthouse 221 West Victory Way Craig, Colorado. The hearing will be conducted according to the laws of the State of Colorado and the procedures set for by Moffat County. The purpose of the hearing is to receive information, data, and

testimony by interested parties, in order to enable the Board of County Commissioners to make findings and reach the conclusions required to be made by state law as to whether or not the application should be approved or denied. The statutory criteria that the Commissioners will be concerned with throughout the hearing are the reasonable requirements of the neighborhood and the desires of the adult inhabitants of that neighborhood (the County is outside of the incorporated areas of Craig and the Town of Dinosaur). You may either accept the presumptive neighborhood, or provide evidence that the neighborhood boundaries are something other than the presumptive neighborhood prior to the hearing. Those persons who will be heard during the hearing are parties in interest, who are defined by the Colorado Liquor Code as being the applicant, adult residents of the neighborhood, and owners/managers of businesses located in the defined neighborhood.

If the results of the background investigation produce items that give the Board of Commissioners cause to question the moral character, record, or reputation of the applicant, the applicant will be notified in accordance with State law, and will have the opportunity to present evidence and respond to questions from the Board of Commissioners during the hearing regarding these issues.

The hearing sequence is summarized as follows:

- The applicant has the burden of going forward and the burden of persuading the Board of County Commissioners with sufficient evidence to indicate that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood would be met by granting the application. Because you have the burden of proof, you will present your evidence, testimony, and witnesses first to support granting of the application.
- Other members of the public who want to speak in favor of the application will then be given an opportunity.
- Those who want to speak in opposition to granting the application will then be given an opportunity.
- The applicant will have the opportunity for rebuttal to any opposition.
- Regardless of whether or not opposition is presented, the applicant may make closing comments to the Board.
- The Board may ask questions of anyone who testifies.

This is not a trial, and is not subject to courtroom rules of procedure. However, a sufficient record is kept to prepare a transcript if necessary to allow the record to be examined by the District Court to verify that there was sufficient evidence to support the findings. Anyone who testifies must come to the microphone, identify themselves, and be sworn in. There are no formal rules of evidence, but the hearing officer has the duty to ensure that everyone gets a full, fair, and impartial hearing. The hearing officer reserves the right to limit testimony that is repetitive, inapplicable, or given by someone who is not a party of interest.

The Board of County Commissioners normal procedure is to make a decision at the meeting following the public hearing.