

**Liquor Enforcement Division
Colorado Liquor Compliance Working Group**

**Meeting of April 11, 2014
Beginning at 1:00 p.m.**

**Office of Bryan Cave, P.C.
1700 Lincoln Street
Denver, CO**

Working Group Members Present: Ron Kammerzell, Chair; Patrick Maroney, Vice Chair; John Viverito, Assistant Attorney General; Eric Bergman, Colorado Counties, Inc.; Kevin Bommer, Colorado Municipal League; Kevin Patterson, Governor's Office; Officer Brady Allen, Breckenridge Police Department; Andrew Lemley, New Belgium Brewing Company; Bob Hunt, Miller Coors; Laura Long, Weist Capitol Group; Stephen Gould, Golden Moon Distillery-Maison DeLaVie; Joan Green Turner, J. Andrew Green & Associates; Jeanne McEvoy, Colorado Licensed Beverage Association; Tanya Kelly-Bowry for Jim Shpall, Applejack Wine & Spirits; Pete Meersman, Colorado Restaurant Association; Dave Reitz, Tavern League; Micki Hackenberger, Wine & Spirit Wholesales of Colorado; Doug Caskey, Colorado Wine Industry Development Board; Chuck McGrigg, Wine Institute; John Tipton, The Tipton Law Firm, P.C.; Manuel Martinez, Bryan Cave, P.C.; Ilana Kurtzig, Mothers Against Drunk Drivers; Sharon Liu, Department of Human Services.

Director Kammerzell, Chair, opened the meeting by welcoming the Working Group Members and thanking them for their time and the public for their attendance. Each member introduced themselves.

- Review and Prioritize 5 Broad Discussion Categories and Assignment of Specific Issues
 - Director Kammerzell stated that this meeting will begin where the last one left off by discussing the five broad categories and exploring each one as a group. Several suggestions were made including changing the Education category to read: Education for the Liquor Industry and the Division. A suggestion was also made to create an advisory document that gives an idea of violations and penalties that would be helpful for the Division staff for consistency when talking with industry personnel; similar to a question/answer sheet.
- Discussion of the violation matrix
 - Director Kammerzell suggested beginning the next part of the discussion by looking at the matrix that was distributed at the previous meeting. He stated that understanding the matrix is paramount to the industry and all stakeholders and how the Division will react to certain situations; it provides a benchmark of predictability for the Division. It was agreed to refer to the original Matrix as the "prior" and the updated to the "current." He then continued the discussion with the public comment from the last

meeting from Laura Harris who asked the group to explore the concept of getting rid of ‘days in abeyance’ and redefining appropriate penalties.

- Mr. Reitz stated that the Governor just signed SB54 taking away time limits and fines. There will be an opportunity to pay a fine instead of being shut down. The licensee will still have to petition the Division to pay a fine even for suspensions longer than 14 days or for violations within a two-year period. Concerning days in abeyance, Mr. Bommer explained that from the local perspective, there are times when closing down the business is not served by a penalty alone and that closure can be incentive to not repeat.
 - Further discussion was had among the members regarding holding the day in abeyance for repeat offenders only and enforcing a stipulation and agreement instead of closure. Historical perspectives were given by Mr. Reitz, Mr. Meersman and Mr. Maroney. Pros and Cons of each approach were discussed along with what penalties would constitute days in abeyance versus a stipulation or other penalties.
 - Director Kammerzell stated that he advocates progressive discipline for all Enforcement Divisions and suggested introducing an Assurance of Voluntary Compliance into the Liquor Division as an interim between a Warning Letter and more aggressive fines.
 - It was agreed that the matrix will be reconstructed based on suggestions at this meeting to make it easier to understand and the Division will email the matrix out as an Excel spreadsheet to allow additional comments. A list of licenses will also be emailed in Excel format and the Division also wants to get out a list of those past 90 days expired so each licensee will know if they are doing business with an expired license.
- The discussion transitioned to training and how that applies to progressive discipline. Mr. Bommer stated that the words progressive discipline require you to provide a proper amount of training. The conversation continued regarding compliance checks and training and the need for local government and law enforcement to be part of the training process. It further went on to discuss online training and webinars for vendors. Mr. Tipton directed a question to Mr. Patterson from the Governors’ Office asking if there would be any blockage for the Liquor Division to use webinar technology and would it be possible for the industry, who already utilizes similar technology, to assist the Division with training seminars and webinars. Mr. Patterson responded that getting training in place through industry resources would get everybody to the same goal and he would not be opposed.

Break

Director Kammerzell reconvened the working group at 3:05 pm.

- Mr. Maroney opened the discussion for Model Guidelines and asked Mr. Rietz for guidance on the history of the document so a foundation can be laid. Mr. Reitz explained the background of the document.
 - The subject of “stings” ensued and how the Division conducts these operations and what is fair and unfair practice. Director Kammerzell stated that at the end of the day, the Division would like to come as close as possible to what happens in the real world when conducting a sting operation.
- Mr. Maroney asked the group if they thought sub groups would be more effective in discussing different issues brought up at today’s meeting. It was decided that two groups would form, one discussing Education and Training and the other Model Guidelines for Compliance Checks.
 - The Division will send out an email soliciting participation for each group. The two groups will meet and will present their ideas and suggestions to the main working group in the future.

Director Kammerzell concluded the meeting by stating the working group will be held on April 25 from 1:00 – 4:00 pm, with the location to be determined. He also stated that a new Doodle invite will be emailed out to determine the date of the fourth meeting that was originally scheduled for May 16.

Meeting Adjourned at 4:15.