



WESTMINSTER

SPECIAL PERMIT AND LICENSE BOARD APRIL 24, 2024 – 7:00 P.M.

1. Roll Call
 - A. Approval of Absences
2. Procedures
3. Public Hearings and New Business
 - A. Continued Liquor License Renewal Hearing – Mercury Event Center
4. Miscellaneous Business/Reports
5. Adjournment



Agenda Item 3 A

Special Permit and License Board Agenda Memorandum

Date: April 24, 2024

Subject: Continued Public Hearing re Mercury Event Center License Renewal Hearing

Prepared by: Mary Joy Barajas, Deputy City Clerk

The Special Permit and License Board set a continued public hearing for April 24, 2024, to consider a renewal application pending for Mercury Event Center. A notebook with documentation of the Police Departments case will be available to the board at the hearing.

Special legal counsel, Mary Lynn Macsalka of the Hayashi & Macsalka Law Firm, has been retained to represent the Board in this matter.

Attachments

Special Permit and License Board Bylaws

CITY OF WESTMINSTER
SPECIAL PERMIT AND LICENSE BOARD
BYLAWS

PART I - AUTHORITY AND COMPOSITION OF THE BOARD

1. APPLICABILITY OF BYLAWS
2. OFFICERS
3. MEETINGS
4. QUORUM
5. PUBLIC NOTICE
6. CONTINUED MEETINGS
7. CONTINUING A PUBLIC HEARING
8. NATURE OF PUBLIC HEARINGS
9. DUTIES OF THE BOARD

PART II - BOARD'S DUTIES RELATED TO LIQUOR LICENSES

10. LIQUOR LICENSE ISSUANCE
11. ROLE OF THE BOARD
12. PARTIES IN INTEREST
13. THE RIGHTS OF PARTIES IN INTEREST
14. PREHEARING PROCEDURES
15. CONDUCTING THE HEARING
16. STANDARDS OF CONDUCT
17. CONDUCT OF BOARD MEMBERS
18. RECESS
19. PROCEEDINGS SHALL BE PUBLIC
20. RECORDING
21. ORDER OF PROCEEDINGS
22. OATHS AND AFFIRMATIONS
23. EVIDENCE
24. FORMS OF EVIDENCE
25. ADMISSIBILITY
26. EXCLUSION OF EVIDENCE
27. OBJECTIONS
28. EXHIBITS
29. THE BOARD'S DECISION
30. BURDEN OF PROOF
31. TRANSCRIPT ON APPEAL
32. ORDERS TO SHOW CAUSE
33. SUBSTANTIAL VIOLATIONS

PART III - BOARD'S DUTIES RELATED TO OTHER TYPES OF LICENSES

34. REVIEW OF ADVERSE ACTION
35. HEARING FEE
36. INTERESTED PARTIES
37. BURDEN OF PROOF
38. ORDER OF PROCEEDINGS

PART I
AUTHORITY AND COMPOSITION OF THE BOARD

1. APPLICABILITY OF BYLAWS:

1.1 In addition to the Charter and Ordinances of the City of Westminster and the Colorado Beer and Liquor Codes and other applicable laws, these Bylaws shall govern all proceedings before the Special Permit and License Board of the City of Westminster. If there is any conflict between these Bylaws and the above-cited laws, the laws shall prevail. These Bylaws replace and supersede any previously adopted bylaws or rules of procedure for the Special Permit and License Board.

1.2 These Bylaws shall apply to all applications or other matters received on or after the date of adoption.

1.3 These Bylaws shall be reviewed by the Board periodically. The Board may amend the Bylaws when it determines such amendment is necessary.

2. OFFICERS:

2.1 Officers of the Board shall consist of a Chairperson, Vice Chairperson, and Secretary. At its first regular meeting of an odd-numbered calendar year, the Board shall elect one of its members to be chairperson and one of its members to be vice-chairperson, for a two-year term. In the event that either position becomes vacant before the end of the term, the Board shall elect a regular member to serve as chairperson or vice-chairperson until the end of the term. No member shall be eligible for election as chairperson or vice-chairperson unless that member has previously served at least one year as a member of the Board; provided, however, that if no member is so eligible, the Board shall elect the member it deems best qualified. Elections shall be by secret ballot, conducted by the City Clerk. The City Clerk shall serve as Secretary.

2.2 The Chairperson shall preside at all meetings, and shall rule on all points of order or procedure, and on the admissibility of evidence. The Vice Chairperson shall assume the duties of the Chairperson in the Chairperson's absence. In the event that the Chairperson and Vice Chairperson are both expected to be absent or unavailable, the present board members will appoint a chairperson for that meeting by majority vote. The Secretary shall conduct all official correspondence, keep the minutes of proceedings, publish all notices required by ordinance or statute, and keep the files on each case which comes before the Board.

3. MEETINGS:

3.1 Regular meetings shall be held on the first and third Wednesday of each month, unless there is no business to transact or the Board votes to modify the future schedule at least 7 days in advance due to scheduling problems.

3.2 Special meetings may be called by the Chairperson or by a majority vote at a regular meeting, or by a poll of all members with the majority assenting. All members shall be notified of a special meeting at least twenty-four hours prior to the meeting.

3.3 Meetings shall be held at 7:00 p.m. in the City Council Chambers, unless otherwise established by the Board.

4. **QUORUM:** A quorum shall consist of four members. All motions, decisions, and other actions of the Board shall be by majority vote of those present. If the vote is a tie, the action is defeated.

5. **PUBLIC NOTICE:** Notice of all public hearings and other actions shall be given as required by City ordinance and state statute. The City Clerk shall publish such notices.

6. **CONTINUED MEETINGS OR PUBLIC HEARINGS:**

6.1 The Board may continue any matter to a later date upon motion of any member and majority vote thereon. If the matter is continued to a date certain after consideration of the item has begun, no further public notice need be given. If the matter is continued prior to Board consideration and public notice is required, the notice shall be re-published.

6.2 In the case of inclement weather or other emergencies, the Chairperson may cancel the meeting and continue all scheduled items to the next regularly scheduled meeting. The Secretary shall post notice of such cancellations and continuances on the City's website and, to the extent feasible, notify the Board members and any anticipated attendees by email or phone.

7. **CONTINUING A PUBLIC HEARING:** A continuance of a public hearing requested by the applicant or licensee prior to the scheduled date of the hearing may be granted by the Chairperson upon good cause shown. If the request for a continuance is made at the hearing, the Board shall grant or deny the request by majority vote.

8. **NATURE OF PUBLIC HEARINGS:** All hearings before the Board may be less formal than judicial proceedings and should be conducted so as to serve the best interests of the public. The Board must conduct the hearing in accordance with the requirements set out in the Charter and ordinances of the City of Westminster

9. **DUTIES OF THE BOARD:** The Board is responsible for the issuance, renewal, revocation, and suspension of licenses issued pursuant to the Colorado Beer and Liquor Codes. In addition, if appealed by an applicant or licensee, the Board is responsible to review adverse actions that have been proposed against most other types of City-issued licenses. Part II of these Bylaws applies to the Board's duties related to licenses issued pursuant to the Colorado Beer and Liquor Codes. Part III of these Bylaws applies to the Board's duties related to appeals of proposed adverse actions against other types of City-issued licenses.

PART II BOARD'S DUTIES RELATED TO LIQUOR LICENSES

10. **LIQUOR LICENSE ISSUANCE:** The Board must conduct a public hearing to determine whether the applicant has shown that the application meets the criteria of city ordinances, state statutes, and other applicable law so that a license should be issued.

11. **ROLE OF THE BOARD:** The Board's responsibility at a hearing is to act as a fact-finder and to reach a decision regarding the approval or denial of the application or regarding the upholding or reversing of a proposed adverse action. The Board is responsible for conducting the hearing.

12. **PARTIES IN INTEREST:**

12.1 There are several parties in interest in a public hearing regarding an application or modification of a liquor license:

“Interested parties” for application or modification of a liquor license are the applicant, those persons who are adult residents in the neighborhood, owners or managers of businesses located in the neighborhood, the principal or representative of a school located within five-hundred feet of the premises, and, for purposes of presenting evidence only, a representative of an organized neighborhood group which encompasses part or all of the neighborhood, all as defined by state law.

12.2 There are separate parties in interest in a public hearing regarding suspension or revocation of a liquor license:

“Interested parties” for suspension or revocation of a liquor license are the licensee; the City of Westminster through the City Attorney’s office, police department, or any other department within the City; those persons who are adult residents in the neighborhood; or owners or managers of businesses located in the neighborhood.

12.3 In addition, testimony and evidence may be presented by the City Clerk, a representative of the petitioning company hired by the City, a representative of the police department and other departments as appropriate to the application or proceeding.

13. THE RIGHTS OF PARTIES IN INTEREST: A party in interest has the right to appear and be heard, either in person or by counsel. Neither the Board nor the City has the responsibility to appoint or pay for counsel for the participants. If a party in interest does not appear after receiving proper notice, the party has waived his/her right to appear and the Board may proceed with the hearing without the presence of the party.

14. PREHEARING PROCEDURES:

14.1 Prehearing procedures required or permissive:

(a) The procedures in this section 14 are required only where both the City and the applicant or licensee will be represented by an attorney, or if the City opposes the application.

(b) An applicant or licensee not represented by an attorney may request to participate in and be bound by these procedures. The request shall be made in writing to the City Attorney no later than thirty (30) days before the initial date scheduled for the hearing. Upon making the request, the procedures in this section shall be binding upon both the City and the applicant or licensee.

14.2 APPLICATION HEARINGS: The procedures of this subsection 14.2 apply only if the City opposes an application for a license or permit:

(a) No later than forty-five (45) days before the initial date scheduled for the hearing on the application, the City Attorney shall mail the applicant a written notice of the City's intention to oppose the license or permit and shall confirm that the licensee has a copy of or access to this section 14.

(b) If the applicant will be represented by an attorney at the hearing, the City Attorney and applicant's attorney shall, no later than twenty (20) days before the initial date scheduled for the hearing:

(i) Exchange written lists of the name, address, and telephone number of each witness the attorney intends to call at the hearing and a brief statement of the subject matter about which the witness will testify. The disclosure of any expert witness shall also include a brief statement of the expert's opinion and the expert's qualifications.

(ii) Exchange copies of exhibits each intends to present at the hearing. Oversize or other exhibits which cannot be copied easily need only be made available for inspection.

(iii) Attempt to stipulate to admissibility of exhibits and matters of fact, and agree to an estimate of the time needed for the hearing.

(c) If an attorney wishes to present additional witnesses or exhibits as a result of the disclosures by the other attorney, then no later than ten (10) days before the initial date scheduled for the hearing, the attorney shall so advise the other attorney and provide a supplemental witness list and copies of any additional exhibits.

(d) At or before the scheduled hearing, the City Attorney shall provide the Chairperson with a list of all exhibits, witnesses, stipulations, and time estimate.

(e) Any witness or exhibit not disclosed as set forth above may be excluded from evidence; however, the Chairperson may allow witnesses or exhibits if the need for them was not reasonably foreseeable at the time the disclosures were due; and the Chairperson may alter the time limits for good cause.

14.3 SHOW CAUSE HEARINGS: The procedures of this subsection 14.3 apply only to a hearing held in response to a show cause order:

(a) No later than forty-five (45) days before the initial date scheduled for a show cause hearing, the City Attorney shall confirm the licensee has a copy of or access to section 14.

(b) If the licensee will be represented by an attorney at the hearing, the City Attorney and the licensee's attorney shall comply with and be bound by sections 14.1 and 14.2 above.

15. CONDUCTING THE HEARING: It is the responsibility of the Chairperson to ensure that the hearing proceeds smoothly. The Chairperson's powers shall include, but not be limited to:

(a) Taking action necessary to maintain order;

(b) Ruling on motions and procedural and evidentiary questions arising before or during the hearing;

(c) Calling recesses, adjourning the hearing, or granting continuances;

(d) Prescribing and enforcing general rules of conduct and decorum;

(e) Setting time limits on testimony, presentation of evidence, or questions.

16. **STANDARDS OF CONDUCT:** To ensure a fair but efficient hearing, the Chairperson must enforce proper conduct on the part of persons present. The Chairperson shall recognize the person who is entitled to speak, and refuse to allow any person to speak until that person has been recognized. In case of disturbance, the Chairperson may ask the offending person to be quiet or to leave the hearing. If necessary, after appropriate warning, the Chairperson may rule that a person has forfeited the right to participate in the hearing. The Chairperson may order a person removed from the room.

17. **CONDUCT OF BOARD MEMBERS:** Board Members should plan to attend all of the sessions necessary to conclude a hearing on a particular case. Board Members may examine witnesses and ask questions of counsel. Board Members should avoid any impression of prejudice against or favoritism toward any party, attorney, or witness, especially in questioning a witness.

18. **RECESS:** The Chairperson may, at any time, call a recess in order to discuss with the Board's counsel any questions of law or procedure arising during the course of the proceedings.

19. **PROCEEDINGS SHALL BE PUBLIC:** All hearings shall be open to the public and the Board's decision shall be public information.

20. **RECORDING:** Meetings of the Board shall be electronically recorded. Public hearings shall be recorded electronically or by a certified court reporter, as the City Clerk deems necessary.

21. **ORDER OF PROCEEDINGS:**

21.1 The Chairperson shall announce the application or other matter to be considered, and briefly explain the procedure to be followed.

21.2 The City Clerk shall present the Clerk's report, summarizing the application, the documents accompanying it, and the result of the Clerk's investigation. The Clerk's file shall be offered into evidence.

21.3 The Chairperson shall then ask the parties in interest to identify themselves and their counsel, when present. All parties in interest shall then be allowed to state for the record any objections they have to the proceedings.

21.4 All exhibits that have been stipulated to by the parties and all other exhibits, including petitions, received by the Board prior to the hearing should be marked and made a part of the record. Petitions may be presented by the City, the applicant or other interested parties. Signatures on petitions must be accompanied by the address of the person signing. Such petitions shall be considered as evidence, but the total numbers for or against shall not be the sole criteria in reaching a decision.

21.5 The person presenting the evidence for the applicant may make an opening statement summarizing what the evidence will show, and why the application should be approved.

21.6 The applicant shall present testimony or other evidence, including witnesses in support of the application. In liquor license matters, the applicant or the supporting witnesses may be cross-examined by an interested party. Interested parties wishing to cross-examine are encouraged to

appoint a spokesperson to conduct the cross-examination to avoid repetition and to expedite the hearing.

21.7 Interested parties other than those called by the applicant shall present their testimony or other evidence in support of the application. In liquor license matters, these interested parties may be cross-examined by an interested party. Interested parties wishing to cross-examine are encouraged to appoint a spokesperson to conduct the cross-examination to avoid repetition and to expedite the hearing.

21.8 Interested parties in opposition to the application shall present their testimony or other evidence. These interested parties may be cross-examined by the applicant.

21.9 The applicant may present testimony or evidence to rebut the testimony or evidence of interested parties in opposition. Cross-examination shall be as above.

21.10 Members of the Board may ask questions of any witness.

22. OATHS AND AFFIRMATIONS: As a general rule, all testimony should be given under oath. When an oath or affirmation is required, its purpose is to impress on the witness the seriousness of the occasion in order to assure that his/her testimony will be truthful. If the witness objects to "swearing" or "taking an oath," the word "affirm" may be substituted. If the testimony of the witness is interrupted by a recess, it is not necessary to administer the oath again when the hearing reconvenes. The witness may, however, be reminded that he/she is still under oath.

23. EVIDENCE:

23.1 The purpose of evidence is to provide the facts necessary to reach a decision in a case. The Board is not bound by the strict rules of evidence which govern court proceedings, except that the evidence admitted must be of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

23.2 A Board Member must consider evidence presented at the hearing, and may consider only such evidence. A Board Member may not consider information obtained outside the hearing. A Board Member is entitled to draw inferences from the evidence and to assign to the evidence the weight he/she believes appropriate.

24. FORMS OF EVIDENCE: Evidence includes testimony, documents, reports, technical and scientific facts, and items such as physical illustration of a fact before the Board.

25. ADMISSIBILITY:

25.1 The Board may admit some hearsay evidence, even though this would not be admitted in a court.

25.2 An interested party should inform the Chairperson if he/she objects to the admission of any evidence. If the Chairperson sustains the objection, the evidence shall be immediately withdrawn from consideration. If not, the proceeding shall continue with the evidence admitted. If a document is offered but not admitted into evidence, it shall remain a part of the record, but the Board shall not consider it in reaching a decision.

25.3 The Members of the Board may utilize their experience and general knowledge of the community in the evaluation of evidence presented.

26. EXCLUSION OF EVIDENCE: Evidence that is irrelevant, immaterial, or unduly repetitious may be excluded.

27. OBJECTIONS:

27.1 An interested party may object to evidence being offered by another party.

27.2 Upon making an objection, the party shall state the basis for the objection, with a very short statement in support of the objection. The opposing party shall be allowed to make a short reply to the argument.

27.3 The Chairperson shall note the objection for the record, consult with the Board's attorney if necessary, and rule whether the evidence is admissible or not.

28. EXHIBITS: The Chairperson shall see that all documentary and physical evidence is marked for identification and that a list is kept that describes the exhibits and their identification. The list shall note whether the exhibit was admitted as evidence. The original shall be given to the Chairperson, unless the Chairperson allows a copy to be substituted. Copies shall generally be allowed in evidence in lieu of original documents unless a party challenges the copy's authenticity.

29. THE BOARD'S DECISION:

29.1 At the conclusion of the testimony of the applicant and all interested parties, the Chairperson shall declare the public testimony portion of the hearing closed. No further evidence shall be presented or considered by the Board, unless the hearing is reopened after all parties are notified and given an opportunity to be heard. Hearings will be reopened only in unusual circumstances and only if required by justice and fundamental fairness.

29.2 The Board shall consider and discuss the evidence. The Board may decide the matter and announce its decision at the hearing, or, in its discretion, take the matter under advisement for a reasonable time. If the matter is continued, the decision shall be scheduled for a date certain and the Board shall reach its decision at that time.

29.3 The Board shall issue its decision with its reasons for the decision, including its findings of fact. The Board may, in its discretion, request the Board's attorney to draft a written statement for its consideration.

29.4 If a member of the Board is absent from the hearing and the matter is continued for a later decision, the member may participate in the decision after reviewing the application and documentary evidence and listening to the recorded testimony.

30. BURDEN OF PROOF: The burden of proof shall be on the applicant to show that the application meets the criteria of City ordinances, state statute, and other applicable law.

31. TRANSCRIPT ON APPEAL: Any person seeking review of the Board's decision may request a transcript of the proceeding before the Board. The transcript shall be prepared after the person seeking the transcript deposits the estimated cost thereof with the City Clerk, with the

final cost due at delivery of the transcript. The cost will be the actual cost of preparation at the rates charged by the certified court reporter.

32. ORDERS TO SHOW CAUSE: Upon complaint or upon the Board's motion, the Board shall determine whether a public hearing is required to consider whether evidence exists of violations of City ordinance or state statute which, if proven, would result in the sanctions of suspension, revocation, or non-renewal. If the Board determines that a public hearing is required, the Board shall schedule such a hearing, request that the City Attorney draft a show cause order, and authorize the Chairperson to sign the order.

32.1 Public hearings for possible suspension, revocation, or non-renewal of a license shall be conducted according to the rules stated above for public hearings excluding section 21, Order of Proceeding. Notice requirements and time requirements shall be as stated in City ordinance or state statute.

32.2 If, prior to the public hearing, the licensee and the prosecuting attorney reach agreement as to the alleged violations and appropriate penalty, they may jointly present such stipulation to the Board at, or prior to, the public hearing. The Board is not obligated to accept such stipulation. The Board may, in its discretion, accept the stipulation, or reject the stipulation and conduct the public hearing. The Board may designate portions of a stipulation to be acceptable and request the parties to reconsider their agreement and submit a further stipulation, but neither the Board nor the parties are obligated to do so if the original stipulation is rejected. If a stipulation is rejected and the parties decide not to submit a new stipulation, the Board shall grant a continuance of the hearing.

33. ORDER OF PROCEEDINGS FOR SUSPENSION, REVOCATION, OR NON-RENEWAL:

33.1 The Chairperson shall announce the show cause matter to be considered, and briefly explain the procedure to be followed.

33.2 The City Attorney shall be afforded the opportunity to make an opening statement summarizing what the evidence will show relating to the alleged violation.

33.3 The licensee will then be afforded the opportunity to make an opening statement summarizing what the evidence will show and why there was not a violation.

33.4 All exhibits that have been stipulated to by the parties should be marked and made a part of the record. Any exhibits offered during the course of the hearing by either party shall be ruled on as to admissibility by the Chair, who may consult with the Board's attorney before making a ruling. Any accepted exhibits will be presented to the board and made a part of the record.

33.5 The City Attorney may then present the evidence for the City. The City Attorney may present exhibits or call on people to testify (direct examination). The licensee shall have the opportunity to cross-examine each witness who testifies on behalf of the City immediately after direct examination. The City will be allowed a re-direct examination.

33.6 The licensee may then present the evidence for itself. The licensee may present exhibits or call on people to testify (direct examination). The City Attorney shall have the opportunity to cross-examine each witness who testifies on behalf of the licensee immediately after direct examination. The licensee will be allowed a re-direct examination.

33.7 The City Attorney shall be allowed to rebut any evidence presented by the licensee by presenting exhibits or having anyone else testify following the procedures listed in section 21.5.

33.8 Members of the Board may ask questions of any witness at any point during the hearing.

If the Board determines that a violation did occur, interested parties shall be allowed to present testimony or other evidence in aggravation or mitigation of any suspension, revocation, or non-renewal action.

34. SUBSTANTIAL VIOLATIONS:

34.1 Pursuant to Section 5-14-6(B). W.M.C., the following are designated "substantial violations." Where such violations are alleged, the City Clerk shall not renew a license, but shall instead report the matter to the Board for its consideration before renewal.

- (a) Sale of alcoholic beverages to a visibly intoxicated person.
- (b) Sale of alcoholic beverages to a minor where it is the second offense within one year, or where a pattern of conduct by the licensee exists such as numerous sales to minors in one incident.
- (c) Gambling violations.
- (d) After-hours sales or consumption where it is the second offense within one year.
- (e) Failure to conduct the premises in a decent, orderly and respectable manner, where it is the second offense within one year, or where a pattern of conduct by the licensee exists such as fighting or disturbances on the premises or adjacent parking areas and failure to make reasonable efforts to prevent such offenses.
- (f) Repeated failure to report disturbances.
- (g) Failure to conduct the premises in a decent, orderly and respectable manner where the conduct involves the use, distribution, or sale of illegal substances.
- (h) Unlawful financial interest.
- (i) Any other violations which, in the judgment of the City Clerk, should be referred to the Board for its consideration.

34.2. The following are not considered substantial violations, and the City Clerk may renew the license if all other requirements of City ordinance and state statute are met. However, the Clerk, in the Clerk's discretion, may refer any of the following to the Board and not renew the license until the Board has considered the matter.

- (a) Contaminated liquor.
- (b) Signs not properly posted.

(c) Business license not timely renewed.

(d) Disturbances in adjacent parking areas if there is no pattern of repeated failure to report or cooperate in investigations of disturbances.

(e) Failure to timely report or apply for approval of change of manager, change of corporate officers or corporate structure, modification of premises, and change of trade name.

PART III BOARD'S DUTIES RELATED TO OTHER TYPES OF LICENSES

35. **REVIEW OF ADVERSE ACTION:** Upon request from an applicant or licensee, the Board must conduct a public hearing to determine whether grounds exists for an adverse action proposed by the City against an applicant or licensee. Hearings to review a proposed adverse action may concern any type of City-issued license other than a liquor license. Adverse actions against liquor licenses proceed under Part II of these Bylaws. The Board is responsible for conducting the hearing. Except where noted in this Part III, procedures described in Part II of these Bylaws apply to hearings conducted and decisions issued by the Board when reviewing possible adverse actions.

36. **HEARING FEE:** As permitted by Westminster Municipal Code, Section 5-1-10(D), the Board has set a hearing fee of three hundred fifty dollars (\$350), which fee shall be paid at the time the applicant or licensee submits its request for an appeal hearing.

37. **INTERESTED PARTIES:** The definition of "interested parties" in section 12 does not apply outside the context of liquor licenses; rather, the only interested parties are the applicant or licensee and the City.

38. **BURDEN OF PROOF:** Section 30 does not apply to hearings conducted by the Board when reviewing possible adverse actions. For an adverse action to be upheld, the City must show by a preponderance of the evidence that the grounds for the adverse action existed at the time the adverse action was taken.

39. **ORDER OF PROCEEDINGS:** Section 21 does not apply to hearings conducted by the Board when reviewing possible adverse actions on non-liquor licenses. Rather, the order of proceedings shall be as follows:

39.1 The Chairperson shall announce the proposed adverse action to be reviewed and briefly explain the procedure to be followed.

39.2 The Chairperson shall ask the parties in interest to identify themselves and their counsel, when present. The applicant or licensee shall be allowed to state for the record any objections they have to the proceedings.

39.3 City staff shall present the City's case, including evidence and testimony. All exhibits that have been stipulated to by the parties and all other exhibits received by the Board prior to the hearing should be marked and made a part of the record. The applicant or licensee may cross-examine City witnesses.

38.4 The applicant or licensee may present evidence or testimony. The City may cross-examine witnesses presented by the applicant or licensee.

38.5 The City may present testimony or evidence to rebut the testimony or evidence of the applicant or licensee. Cross-examination shall be as above.

38.6 Members of the Board may ask questions of any witness.

ADOPTED by the Westminster Special Permit and License Board at its regular meeting, this 23rd day of July, 1997.

ADOPTED, as REVISED, by the Westminster Special Permit and License Board at its regular meeting, this 20th day of April, 2011, with an effective date of May 9, 2011.

ADOPTED, as REVISED, by the Westminster Special Permit and License Board at its regular meeting, this 7th day of January, 2015, with the an effective date of January 8, 2015.

ADOPTED, as REVISED, by the Westminster Special Permit and License Board at its regular meeting, this 3rd day of October, with an effective date of *October 4, 2018*.