

**CITY AND COUNTY OF DENVER  
DEPARTMENT OF EXCISE AND LICENSES**

**POLICIES AND PROCEDURES  
PERTAINING TO  
RETAIL MARIJUANA LICENSING**

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**POLICIES AND PROCEDURES  
PERTAINING TO RETAIL MARIJUANA LICENSING**

**I. GENERAL PROVISIONS**

**A. Information regarding Retail Marijuana Applications**

1. The Department of Excise and Licenses (EXL) strongly recommends, but does not require, that Retail Marijuana (RMJ) applicants engage an attorney to assist them with the application process.
2. Denver will license four categories of RMJ businesses:
  - a. Retail marijuana stores (RMJ Stores)
  - b. Retail marijuana cultivation facilities (RMJ Grows)
  - c. Retail marijuana products manufacturer (RMJ MIP's)
  - d. Retail marijuana testing facility
3. During the two-year "Ramp-Up" period prior to January 1, 2016, only fully licensed Medical Marijuana (MMJ) businesses will be eligible to apply for (RMJ) licenses, and they must have been legally operating under Colorado law and applied for their Denver MMJ licenses prior to October 1, 2013. This restriction only applies to RMJ Stores, Grows and MIP's, not to RMJ testing facilities.
4. The Denver RMJ application processes will be for either "Conversion" or "Co-Location."
  - a. Conversion: The applicant surrenders its MMJ license when it receives its RMJ license. It is then an RMJ business only; the MMJ business no longer exists.
  - b. Co-Location: The applicant keeps its MMJ license and adds an RMJ license, by either:
    - (1) Split Co-Location: Having a physical separation between the MMJ side of a Store and the RMJ side, with separate entrances and Points-of-Sale. This process will simultaneously apply for the RMJ license for its portion of the premises and apply to modify the premises of the MMJ license to its smaller footprint. When fully licensed, customers 18 and older will be able to enter the MMJ center premises, but they must be 21 to enter the RMJ store side.
    - (2) Co-Terminus: Having no separation between the RMJ Store and the MMJ center, the licenses for each are for the same premises. No separate entrances are required. Only customers 21 and older may enter the combined MMJ / RMJ Store, regardless of whether they wish to purchase MMJ.
5. Denver EXL will accept a City RMJ application only after submission of the State application to the State Marijuana Enforcement Division (MED).
  - a. State MED is accepting applications by appointment only, starting October 1st, 2013. Applicants must file two copies of their State application form to the MED, plus one \$250 check made out to the State for their application fee and one \$250 check made out to the City

for Denver's application fee, plus a pre-stamped and addressed envelope. The MED will mail EXL the second copy of the State application and the City application check in the customer-provided envelope.

- b. Because EXL cannot process a City RMJ application until after the applicant has applied to the MED and until EXL receives the City application check, applicants should wait one (1) business day after their State application before applying with the City.
6. Application forms must be filled out completely and legibly, including the right contact person, accurate mailing address, working email and working phone number. The applicant/licensee must notify EXL immediately of any changes to its information.
7. In addition to completing the City application form, all applicants must submit:
  - a. Lease or Deed (if leased, must include written consent from property owner for retail marijuana operations).
  - b. Zone Use Permit.
  - c. Copy of City burglar alarm permit.
  - d. Certificate of Good Standing from CO Secretary of State (entity name must match retail marijuana applicant name).
  - e. A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the establishment and the principal uses of the floor area, including a depiction of where any operations and services are proposed to occur on the licensed premises. Please include dimensions, security cameras, and separate pages for each floor level. The floor plan must be stamped by the Zoning Dept. during its zoning permit review.
  - f. A security plan indicating how the applicant intends to comply with the requirements related to monitoring and securing the licensed premises as required by law.
8. In addition to completing the City application form and submitting the above documents, retail marijuana store applicants must also submit:
  - a. Copy of City sales tax license.
  - b. A description of products and services to be provided, including an indication of whether the establishment proposes to engage in the retail sale of edible marijuana products.
  - c. A tax/surety bond in the amount of twenty thousand dollars (\$20,000.00), in accordance with the requirements of the Denver Retail Marijuana Code.
  - d. An area map, drawn to scale on 8-1/2 x 11" paper, indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map must depict the proximity to the property to any school, child care facility, retail marijuana store, medical marijuana center, or alcohol or drug treatment facility.
9. Many liquor establishments have found a good means of building cooperation and a good working relationship with the neighborhood is

through negotiating Good Neighbor Agreements with the applicable Registered Neighborhood Associations (RNOs). RNO information is available at:

<http://www.denvergov.org/cpd/CommunityPlanningandDevelopment/RegisteredNeighborhoods/tabid/444364/Default.aspx>.

10. During the application process, EXL will issue an Inspection Card. This card is **NOT** a license to operate a marijuana business in Denver.
11. Public licensing hearings will be held for RMJ Stores only. The hearings process is described in detail below.

## **B. Definitions**

1. “Department” or “EXL” shall refer to the Department of Excise and Licenses; and, “Director” shall refer to the Director of the Department of Excise and Licenses, including his or her designee.
2. “Designated Area” in applicable retail marijuana licensing hearings shall refer to the Department’s designation on a map of an area around the proposed or licensed location (the “neighborhood”) from which adult residents or business owners/managers have standing to appear, testify and present evidence at the public hearing. A Designated Area will be determined with the following guidelines:
  - a. Downtown Denver. For an application involving premises located in the downtown area, the Department will count nine (9) square blocks from the proposed location following the pattern of the block ends. The result will be a rectangle shaped area. Downtown Denver includes the Central Business District and Lower Downtown (LoDo).
  - b. All Other Areas. For an application involving premises located in areas outside Downtown Denver, the Department will count five (5) blocks from the proposed location to the north, five (5) blocks to the south, five (5) blocks to the east and five (5) blocks to the west. These four points will then be joined by a straight line following the pattern of the block ends. The result will be a rectangle shaped area.
  - c. The Department may modify a Designated Area at his or her discretion.
  - d. Any party in interest may request the Director to modify an established Designated Area.
  - e. The Department is in the process of converting from an all paper-based filing system to a web-based filing system. The new system will not be able to recognize City blocks. Therefore, upon integration of the new system, the Designated Area size determinations will be replaced by a linear foot diameter measurement of the same average square footage as the current policy and generated by the City’s GIS system. The Policies & Procedures will be updated accordingly.
3. “Party in Interest,” as defined in the Denver Retail Marijuana Code, D.R.M.C. Section 6-212(b), shall mean a person allowed to present evidence and to cross-examine witnesses at public hearings pertaining to retail marijuana license applications.
  - a. A party in interest is defined as:

- (1) The applicant;
- (2) An adult resident of the Designated Area;
- (3) An owner or manager of a business located in the Designated Area;

\*Including individuals who manage (“Manager”) or own properties in a Designated Area, even if they do not reside or have offices in the Designated Area. “Manager” is defined as the one individual who is responsible for managing, directing, and administering the general conduct of the entire business at the business location. A person who manages or oversees a division or department of the business does not qualify as a “Manager” eligible to testify.

- (4) An authorized representative of a registered neighborhood organization (“RNO”) that encompasses all or part of the Designated Area; or
- (5) Any member of City Council elected from a district that encompasses all or any part of the Designated Area.

b. The rights of a party in interest include:

- (1) Opportunity to testify at the public hearing;
- (2) Opportunity to cross-examine witnesses at the public hearing;
- (3) Opportunity to object to Recommended Decision; and
- (4) Opportunity to appeal the Department’s Final Decision.

4. “Relevant Registered Neighborhood Organization (RNO)” for the purpose of retail marijuana licensing hearings shall refer to an RNO whose boundaries encompass any portion of the Designated Area.

- a. The Department will send notice of applicable license applications and hearings to Relevant RNOs.
- b. For further information regarding representation of an RNO before the Department, see Section I.C.2.e. below.

5. “Relevant City Council Member(s)” for the purpose of notification of retail marijuana licensing hearings shall refer to any City Council Member whose district boundaries overlap any portion of the Designated Area.

- a. The Department will send notice of applicable license applications and hearings to Relevant City Council Member(s).

**C. Legal Representation before the Department**

1. Attorney’s Entry of Appearance

- a. A licensed attorney may represent any applicant, protestant, or Registered Neighborhood Organization in a public hearing. A written entry of appearance must be filed with the Department that includes the attorney’s full name, attorney registration number, business address, telephone number, and email address.
- b. Paralegals acting under the direction and supervision of an attorney who has entered an appearance may prepare applications, pleadings, or

other procedural papers for filing before the Department on behalf of the attorney's client.

- c. Once an attorney has entered an appearance on behalf of a client, no action will be taken by request of the client unless the attorney withdraws his or her appearance or the client submits a signed statement that he/she is no longer represented by counsel.
2. Who May Represent Particular Forms of Entity
- a. Individuals and Sole Proprietors. A natural person may appear on his or her own behalf even though not a lawyer.
  - b. Partnerships. A partnership may be represented by an active general partner.
  - c. Corporations. Generally, a corporation or limited liability company may appear before an administrative agency only through an attorney. Subject to certain exceptions, proceedings commenced or advocated and pleadings filed by a corporation or limited liability company without an attorney are a legal nullity, are without legal effect, and will be not be accepted.
    - (1) A closely held corporate entity (3 or fewer owners) may be represented before the Department by an officer of such closely held entity if the officer provides the Department, at or prior to the hearing, with evidence satisfactory to the Department of the authority of the officer to appear on behalf of the closely held entity in all matters before the Department. The Department can provide the applicant with a form to be completed for this purpose.
    - (2) Per C.R.S. § 13-1-127 (2.3) the following persons shall be presumed to have the authority to appear on behalf of the closely held corporate 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; and
      - (d) A member of a limited partnership association.
  - d. Non-Profit Corporations. Where an applicant has established itself as a non-profit entity (see C.R.S. 7-121-101; 501(c)(3) of the I.R.S. Code), the applicant may be represented by a corporate officer only where the requirements of C.R.S. § 13-1-127(1)(a) and (b) are met.
  - e. Registered Neighborhood Organizations. Representatives of Registered Neighborhood Organizations whose boundaries encompass part of or the entire Designated Area are allowed to appear in these hearings, even where they may not individually qualify as a "party in interest." The Representative may either be an attorney or any person who:

- (a) has evidence of authority to represent the Registered Neighborhood Organization specifically at the public hearing at issue, such as through a letter signed by the President or the Chairman of the Board of Directors, and
  - (b) Resides within the boundaries of the Registered Neighborhood Organization.
- (1) The appearance of Registered Neighborhood Organization representatives who are not licensed to practice law is limited to presenting the position taken by the organization, i.e., the process by which the organization reviewed the application and came to a position on the application.
  - (2) A Registered Neighborhood Organization representative may not present his or her personal opinion, if the representative does not otherwise qualify as a party in interest.
  - (3) If the Registered Neighborhood Organization representative also qualifies individually as a party in interest, a concerted effort should be made to separate his or her testimony into separate sections, based upon the various qualifying roles.
  - (4) A person authorized by a Registered Neighborhood Organization and/or coalitions of neighborhood organizations to present the position taken by the organization should begin such testimony with a verbal or written statement that includes as much of the following information as possible:
    - (a) The name of the organization and/or the names of the organizations which comprise the coalition;
    - (b) The boundaries of the organization;
    - (c) The number of people, households, institutions and businesses represented by the organization and the basis for determining membership;
    - (d) The time and date of the meeting when the organization decided on its position;
    - (e) The nature of the meeting, whether the same was a meeting of the board, of a membership subcommittee, or the general membership;
    - (f) The number of members present;
    - (g) A description of the process for reaching the decision, including if and how neighborhood citizens were informed and if and how they were invited to participate; and
    - (h) The votes cast for and against the proposed position.
  - (5) If the person testifying on behalf of an organization does not disclose the information listed above, the person presiding at the public hearing may require the person testifying to provide the information.



- (6) A Registered Neighborhood Organization may submit a response or objection to the Recommended Decision. The submission must be based on the position taken by the organization, and may not be based on an individual representative's personal opinion.
3. Unlicensed Practice of Law
    - a. The Department will not allow an unlicensed person to practice law in matters before it.
    - b. The following will be presumed to constitute the practice of law before this administrative agency:
      - (1) Where one instructs and advises another in regard to the applicable law on an agency matter so that they may properly pursue their affairs and be informed as to their rights and obligations;
      - (2) Where one prepares for another documents requiring familiarity with legal principles beyond the knowledge of the ordinary layman;
      - (3) Where one prepares for another, for filing before the Department, applications, pleadings, or other procedural papers requiring legal knowledge and technique;
      - (4) Where one appears for another before a hearing officer in a disciplinary or public proceeding involving the latter's license(s) according to the law of the State of Colorado or the City and County of Denver.
    - c. The Department does not consider the following common activities to constitute the practice of law:
      - (1) The completion of forms which do not require any knowledge and skill beyond that possessed by the ordinarily experienced and intelligent layman.
      - (2) Performing the services of engineers, non-legal experts, accountants, and clerks.
      - (3) Acting in a Department proceeding involving the adoption of a rule of future action which affects a group and where no vested rights of property are at stake.

## **II. NOTIFICATION, PUBLICATION AND SCHEDULING OF HEARING**

### **A. Designated Areas; Notification and Public Posting**

1. As soon as practicably possible after an Application is received, the Department will create the map of the Designated Area, as defined in Section I.B.2 above.
2. Scheduling the Public Hearing
  - a. Setting a Public Hearing. After license application forms, accompanying documents, and appropriate investigation are complete to the satisfaction of the Department, a public hearing will be set.

- (1) Hearing dates will be scheduled after receipt of a complete application and at least a 20-day posting period.
- (2) Hearing dates are set by the Department based upon availability on the agency's hearing calendar and availability of hearing officers.
- (3) Hearing dates may be revised or continued in the discretion of the Director.
- (4) FAILURE TO APPEAR AT A SCHEDULED HEARING MAY RESULT IN THE APPLICATION BEING DEEMED DENIED. The Department reserves discretion to deem an application "withdrawn" rather than "denied" if an applicant fails to appear at a scheduled hearing and there is no opposition to the license.

b. Evening Hearings

- (1) Any party in interest may request that the Director schedule a public hearing on or after 5:00 p.m. on any regular business day of the City.
  - (a) The request for an evening hearing must be submitted in writing at least fifteen (15) days prior to the scheduled hearing date.
- (2) Requests for evening hearings will be granted at the Director's discretion.
- (3) If a request is granted, the Department will re-schedule the hearing. The hearing will be held on a date as close as possible to the previously scheduled hearing date. The Applicant shall amend its posting to indicate the rescheduled date and time. Petitions for an evening hearing will not be considered to be evidence in support of or in opposition to the issuance of the license.

3. Posting of Notice

- a. The license applicant must post notice of the public hearing at the proposed license location for a period of twenty (20) days prior to the hearing. A Relevant Registered Neighborhood Organization may request that the posting be extended for an additional twenty-five (25) days, for a total of forty-five (45) days, only if such request is submitted in writing (e-mail or letter) within ten (10) days of the e-mailing of notice to the RNOs. The hearing will be rescheduled and the posting will be revised accordingly.
  - (1) The sign posted shall be sturdy and white, not less than 22 inches wide and 26 inches high, with letters not less than one inch high.
  - (2) The Department will provide applicants with contents to be included on the posting sign, including the date, time and location of the hearing. The posting sign shall indicate the name and address of the licensee and any partners or officers of the licensee.
  - (3) The sign must be posted so as to be conspicuous and plainly visible to the general public.

- (4) A map of the Designated Area must be attached to the sign.
  - (5) The sign must inform the public that petitions for evening hearings must be filed 15 days before the scheduled hearing date.
  - (6) An inspector from the Department will make random inspections of the posting.
  - (7) Failure to abide by posting requirements will result in delaying the application process and, in some cases, may disqualify the license applicant from continuing with the application process.
4. Notification to Registered Neighborhood Organizations
    - a. The Department will provide written notification to Relevant Registered Neighborhood Organizations as defined above of the purpose, date, time, and place of a hearing in accordance with the following:
      - (1) This notice will be sent by e-mail to the two (2) contact person(s) for each Relevant Registered Neighborhood Organization.
      - (2) Contact information for registered neighborhood organizations is provided to the Department by the Department of Community Planning and Development. Any updates to this information should be made directly to the Community Planning and Development Department by registered neighborhood organizations because the Department will rely upon that database. Registered neighborhood organizations are responsible for maintaining accurate e-mail addresses with the Department of Community Planning and Development.
      - (3) The Department is not responsible for any failed e-mail communications due to full e-mail boxes, wrong e-mail addresses, failure of the recipient's e-mail system, or recipient's failure to check e-mails.
      - (4) Upon receipt of notification, RNOs may contact the Department for further information or documentation pertaining to an application. When the Department transitions in the future to a web-based filing and notification system, additional materials will be made available online or via email, such as a diagram of the proposed premises. The Policies and Procedures will be updated accordingly.
5. Notification to City Officials
    - a. The Department will send e-mail notice of the application and scheduled hearing to Relevant City Council Members.
    - b. The Department will send e-mail notice of the application and scheduled hearing to the Division Chief of Patrol in the Denver Police Department for distribution to the correct police district.
6. Publication

- a. The Department will publish notice of license applications and hearing dates in a newspaper of general circulation. The publication will contain information that is contained in posted notices, but it will not include the map of the area or any reference thereto.

### **III. HEARING PROCEDURES AND STANDARDS**

#### **A. Hearing Procedures**

1. In accordance with the Denver Retail Marijuana Code, before entering any decision approving or denying a retail marijuana store license application, the Director shall consider the facts and evidence adduced as a result of its investigation and the public hearing, and any other pertinent matters affecting the qualifications of the applicant for the conduct of business as a retail marijuana store.
2. The applicant has the burden of proof for issuance of the license.
3. Hearings on license applications are typically conducted by a Hearing Officer. They may also be conducted by the Director or any individual designated by the Director.
4. The presentation of evidence and cross-examination may be limited by the Hearing Officer in order to prevent repetitive and cumulative evidence or examination.
5. The Hearing Officer will rule on the admissibility of evidence during the hearing proceeding.
6. Hearings will be conducted in accordance with a decorum that reflects fairness and respect to all participating parties including the applicant, parties in opposition to the license application, neighborhood representatives, and the Assistant City Attorney.
7. Testimony and evidence will be considered from parties in interest:
  - a. The Applicant.
  - b. Neighborhood Witnesses.

\*A maximum of three (3) witnesses who qualify as parties in interest may testify at length, excluding the applicant and any representatives of registered neighborhood groups. Other parties in interest who attend the hearing either for or against the application may testify “en masse” (as a group) either for or against the issuance of the license. The Presiding Officer may allow more than three (3) witnesses to testify in his or her discretion.

- c. Registered Neighborhood Organizations whose boundaries encompass any portion of the Designated Area.

\*A representative of a Relevant Registered Neighborhood Organization may testify as to the position taken by the organization regarding an application. Such representative shall reside within the registered neighborhood group’s geographic boundaries and shall be a

member of the neighborhood organization. For further information regarding registered neighborhood organization testimony, see Section I.C.2.e above.

d. City Council Members, as defined in Section I.B.3 above.

8. The usual order of presentation is that the applicant will first present its case, followed by an opportunity for protestants, if any, to introduce evidence in opposition to the license application. This order of presentation can be modified by the Hearing Officer at his or her discretion, for example, to accommodate community residents at an evening hearing.

#### **B. Control of Hearing**

1. The Hearing Officer shall control the conduct of all persons present at the hearing to preserve decorum, prevent disruption of the proceedings, prevent distraction, preserve fairness, and to prevent intimidation of witnesses and others.
2. In order to control the conduct of persons at the hearing the Hearing Officer may, in his or her discretion:
  - a. Admonish any person or order any person to perform any reasonable act or to refrain from any act as may be necessary to preserve decorum, prevent disruption of the proceedings, prevent distraction, preserve fairness, and to prevent intimidation of witnesses and others;
  - b. If the person is a party, an applicant, a party in interest, or a witness, expressly take notice of that person's conduct on the record and consider that conduct as reflecting on that person's credibility, character, or fitness to hold the license at issue;
  - c. Order the person to leave the hearing room; or
  - d. If the person is a party or an applicant, order the party or applicant's application, position, or defense withdrawn, denied, or defaulted as may be appropriate.

#### **C. Introducing Evidence at Hearings**

1. It is recommended that any party intending to participate in the hearing should review the relevant file sufficiently in advance to present an effective case.
2. Any document that may be contained in the Department's official file is not admissible at a hearing unless it is specifically offered up by a proponent such as the author or the representative of an organization's letter.
3. The Hearing Officer may admit a letter or other document written by a person who is not present at the hearing, if a person who is present offers the writing as evidence and provides sufficient information for authentication purposes. If admitted, the appropriate weight given to such evidence is within the discretion of the Hearing Officer.

- a. Hearsay evidence may be admissible if it is offered with indication of its reliability.
- b. Cumulative testimony is discouraged. Witnesses should not repeat the same or very similar testimony of another witness.

**D. Hearing Standards**

1. In accordance with the Denver Retail Marijuana Code, the Director has authority to refuse to issue any retail marijuana store license for good cause, subject to judicial review. “Good cause” means:
  - a. The applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Retail Marijuana Code or any rule and regulations promulgated pursuant thereto, or the Denver Retail Marijuana Code or any rules and regulations promulgated pursuant thereto;
  - b. With respect to a second or additional retail marijuana store license proposed by the same applicant, the Director shall consider the effect on competition of the granting or disapproving of additional licenses to such licensee, and no application for a second or additional license that would have the effect of restraining competition shall be approved.
  - c. For applications to license any retail marijuana store in the same location where any medical marijuana center is or has previously been licensed, evidence that the licensed premises have been previously operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located.
  - d. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the retail marijuana store is proposed to be located.
2. Any party in interest may present evidence or testimony regarding the above standards.
3. All claims must be proved by a preponderance of the evidence.
4. All claims must be reasonably based in fact. Mere speculation or supposition is not sufficient.

**E. Good Neighbor Agreements and Conditions**

The Department encourages regular communication between Registered Neighborhood Organizations and applicants/licensees for resolution of issues that are of concern to the community. Many neighborhood organizations have negotiated “Good Neighbor Agreements” with applicants and licensees.

1. A Good Neighbor Agreement submitted to the Department will remain in the applicant’s/licensee’s permanent license file. An entire Good Neighbor Agreement, however, will not be incorporated into or attached to the license.
2. Upon agreement between the applicant/licensee and the Registered Neighborhood Organization(s), the Department will attach up to four (4)

specific Good Neighbor Agreement provisions as conditions on license and will print those condition on the license, if the conditions are:

- a. Legal – conditions must be legal (for example, “Licensee shall play no Christian music” is not legal);
  - b. Enforceable – conditions must be clearly and objectively enforceable by the Department (i.e. “Licensee shall not dispose of recycling between the hours of 10PM and 7AM” is enforceable; whereas “Licensee shall make best efforts to . . .” may be valid for a private agreement between the parties, but is not enforceable by the Department); and
  - c. Displayable – conditions must be displayable on the face of the license, allowing the public to easily see the conditions or restrictions. The Department will include up to four (4) legal and enforceable conditions. The conditions should not exceed one or two short sentences each.
3. If conditions/restrictions are attached to a license, the conditions will remain on the license in the event of any transfer of the license to new ownership.
  4. The Director may accept modifications to conditions attached to a license, based upon the request of the Registered Neighborhood Organization(s) and the licensee.
  5. Contact information for each applicant is required on the Department’s Retail Marijuana License Application form, including the name of a contact person/responsible party, phone number and email address.

**F. Issuance of Recommended and Final Decisions**

1. Following the public hearing, the Hearing Officer will issue a Recommended Decision. The Recommended Decision should be issued within five (5) business days after the date of the hearing, with a preference for three (3) business days.
2. For retail marijuana license matters that are contested:
  - a. The Director will allow ten (10) calendar days from the date of the mailing/emailing of the Recommended Decision for any party in interest to file written objections; the Director may grant a party five (5) calendar days from the date of the filing of the objections to file a written reply to the objections.
    - (1) Any party who files objections must mail/email a copy to all parties.
    - (2) Any party who files a reply to objections must mail/email a copy to all parties.
3. For retail marijuana license matters that are uncontested:
  - a. The Director may issue a Final Decision after reviewing the Recommended Decision, with a preference for one (1) business day
4. Email/Mailing Policy
  - a. All Recommended Decisions will be sent via email by the Hearing Officer to the following:

- (1) The Director;
  - (2) Department staff;
  - (3) Assistant City Attorney;
  - (4) Applicant's or Licensee's attorney;
  - (5) Applicant or Licensee if not represented by an attorney; and
  - (6) Parties in Interest or representatives of a Registered Neighborhood Organization who request a copy of the Recommended Decision at the hearing.
- b. Parties in Interest requesting to receive a copy of the Recommended Decision must provide their email address to the Hearing Officer. The Department will provide a sheet to collect email addresses at the conclusion of the hearing.
  - c. If an email address is not available for one of the above persons, the Department will send the Recommended Decision to those persons via U.S. mail.
5. The Director will issue a Final Decision following consideration of the Recommended Decision and any objections or replies. The Department will send the Final Decision to all persons who received the Recommended Decision. In accordance with applicable law, Final Decisions are subject to judicial review by the Denver District Court.

#### **IV. INSPECTIONS**

##### **A. Inspections Process**

1. During the application process, EXL will issue an Inspection Card to the applicant to complete.
  - a. For retail marijuana stores, the Inspection Card will be issued after the public hearing.
  - b. For the other retail marijuana license types, the Inspection Card will be issued after application intake and review.
2. The Inspection Card is **NOT** a license to operate a marijuana business in Denver.
3. The applicant must schedule an inspection with each City agency listed on the Inspection Card.
4. Excise and Licenses is the final inspection, and applicants should schedule the EXL inspection only after all others are completed.
5. Following receipt of a completed Inspection Card and satisfactory completion of all other application requirements, Excise and Licenses will issue the retail marijuana license. The license must be visibly posted at the licensed premises at all times.