Meeting date: December 12, 2019  
Location: Denver Animal Shelter  
Time: Meeting was called to order at: 5:47p.m.  
Meeting was adjourned at: 9:16p.m.

Board Secretary: Diana Altermatt

<table>
<thead>
<tr>
<th></th>
<th>Jim Rada, Chair</th>
<th>☐ Catherine Cooney Absent</th>
<th>☒ Jim Garcia</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☒ Celia Vanderloop, Vice Chair</td>
<td>☐ Genene Duran Absent</td>
<td>☒ Cole Zanetti</td>
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<td>☒ Patti Shwayder</td>
<td>☐ Alisha Brown Absent</td>
<td>☒ Chris J. Wiant</td>
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<th>Agenda Item</th>
<th>Description of Agenda Item</th>
<th>Action/Decisions</th>
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<tbody>
<tr>
<td>Appeal of an Administrative Hearing Officer’s Recommended Decision Regarding Violation of Rules Governing Sale of Tobacco Products</td>
<td>Board of Public Health &amp; Environment docket number 19-35</td>
<td>The Administrative Hearing Officer’s Recommended Decision is upheld</td>
</tr>
</tbody>
</table>

Summary of Decision

The Board upholds the Order and the Recommended Decision and orders the Petitioner, CST Metro LLC, doing business as Circle K, located at 3490 North Colorado Boulevard, to pay the $750.00 fine within 30 days of the date this Order is mailed.
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<tr>
<td>Appeal of an Administrative Hearing Officer’s Recommended Decision Regarding Violation of Rules Governing Sale of Tobacco Products</td>
<td>Board of Public Health &amp; Environment docket number 19-37</td>
<td>The Board reversed the Hearing Officer’s Recommended Decision and upheld the Department’s Order</td>
</tr>
</tbody>
</table>

**Summary of Decision**

The Board reverses the Hearing Officer’s Recommended Decision and upholds the Department’s Order, and orders the business owner and/or Freaky’s Head Shop, located at 5136 West 41st Avenue to suspend the sale of tobacco for a period of 30 days beginning on Thursday, January 9, 2020 at 9:00 a.m. and ending on Saturday, February 8, 2020 at 9:00 a.m. During this suspension, Petitioner must:

1. Remove all tobacco products from all displays (including, but not limited to, self-service and behind the counter displays) and
2. Cease any sale or distribution of tobacco or tobacco products

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<td>Petition for a Variance from Denver Revised Municipal Code Chapter 24-157. Petitioner: Denver Department of Public Health &amp; Environment</td>
<td>Board of Public Health &amp; Environment docket number 19-115</td>
<td>Variance request was granted with conditions</td>
</tr>
</tbody>
</table>

**Summary of Decision**

The Board finds that the Petitioner has met its burden of proof pursuant to section 3.10 of the Rules and Regulations Governing Hearings Before the Board of Environmental Health and approves the Petition with the following conditions:

1. Petitioner’s request for a variance to the maximum of three (3) needle exchange and treatment referral programs under section 24-157 of the Denver Revised Municipal Code is granted to allow for four (4) such programs; and
2. Petitioner’s variance shall be for twelve (12) months beginning on December 12, 2019 through December 12, 2020
### Agenda Item
- **Petition for a Variance from Denver Revised Municipal Code 24-159 (b) 1000-foot distance requirement from schools. Petitioner: Colorado Nonprofit Development Center, doing business as Harm Reduction Action Center**

### Description of Agenda Item
- Board of Public Health & Environment docket number 19-114

### Action/Decisions
- Variance request was granted

### Summary of Decision
The Board finds that the Petitioner has met its burden of proof pursuant to section 3.10 of the Rules and Regulations Governing Hearings Before the Board of Environmental Health and approves the Petition with the following conditions:

1. Petitioner’s request for a variance to the 1,000-foot setback rule under section 24-157(c) of the Denver Revised Municipal Code is approved for a term of five (5) years beginning on December 12, 2019 through December 12, 2024;
2. Petitioner is required to report back to the Board by June 2020 and December 2020 to provide the Board a progress report on Petitioner’s community engagement plan; and
3. Petitioner’s request for a variance to the number of needle exchange and treatment referral programs under section 24-157 of the Denver Revised Municipal Code was withdrawn by Petitioner during the Board hearing and is hereby denied

### Agenda Item
- **Election of Board Officers**

### Description of Agenda Item
- Election of Chair and Vice Chair

### Action/Decisions
- Election of Chair and Vice Chair

### Summary of Decision
Jim Rada will be Chair and Genene Duran will be Vice-Chair for 2020.