

<p>COLORADO SUPREME COURT 2 East 14th Avenue, Denver, Colorado 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p>	
<p>Petitioners: STEVEN WARD and LEVI MENDYK</p> <p>v.</p> <p>Respondents/Proponents: ROBERT SCHRAEDER and JOEL ALLEN CATHEY, Proponents,</p> <p>and</p> <p>Ballot Title Setting Board: THERESA CONLEY, JULIE PELEGRIN, and DAVID POWELL</p>	<p>Case Number:</p> <p>Div.: Crtm.:</p>
<p>Attorney for Petitioners: Suzanne M. Taheri, #23411 MAVEN LAW GROUP 6501 E. Belleview Ave, Suite 375 Englewood, CO 80111 Phone Number: (303) 263-0844 Email: staheri@mavenlawgroup.com</p>	
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2021-2022 #96 (“CONCERNING LIQUOR LICENSES”)</p>	

Petitioners Steven Ward and Levi Mendyk, through undersigned counsel, hereby petition this Court pursuant to C.R.S. § 1-40-107(2) to review the actions of the Ballot Title Setting Board (“Title Board”) with respect to jurisdiction to set title for Proposed Initiative 2021-2022 #96.

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative

Proposed Initiative 2021-2022 #96 was filed with Legislative Council on March 22, 2022. The Title Board conducted an initial hearing on the initiative and set ballot title on April 20, 2022. After the initial hearing, Petitioners filed a Motion for Rehearing challenging the Board’s actions on the grounds that the Board failed to set a clear title. A rehearing took place on April 28, 2022, and the Petitioners’ Motion for Rehearing was denied in its entirety.

B. Jurisdiction

Petitioners are timely requesting a review of the actions of the Title Board by the Supreme Court pursuant to § 1-40-107(2), C.R.S. (2021).

As required by § 1-40-107(2), C.R.S. (2021), attached to this Petition for Review are certified copies of (1) the final copy of the Proposed initiative as submitted to the Title Board; (2) the determinations by the Title Board at its initial hearing on the Proposed Initiative on April 20, 2022; (3) the Fiscal Summary for

the Proposed initiative prepared by the Director of Research of the Legislative Council of the General Assembly pursuant to §1-40-105.5(1.5), C.R.S. (2021); (4) the Motion for Rehearing filed Petitioners on April 27, 2022; and (5) the determinations by the Title Board at the rehearing on April 28, 2022.

GROUND FOR REVIEW

Petitioners respectfully submit that the Title Board erred as follows:

1. The Title Board failed to set a ballot title that properly describes the central features of the proposed initiative.

The ballot title as set by the board omits a number of elements which would be useful to voters in evaluating what the initiative does. For instance, the following elements are missing and should be included in the ballot title:

- A description of a “retail liquor store”
- A description of the increase
- A description of “person” that “may hold an interest”
- A description of the number of stores allowed on or after January 1, 2022 and before January 1, 2027
- A description of the number of stores allowed on or after January 1, 2032 and before January 1, 2037.

PRAYER FOR RELIEF

Petitioners respectfully request that, after consideration of the parties' briefs, this Court determine that the titles are legally flawed, and direct the Title Board to correct the title to address the deficiencies outlined in Petitioner's briefs.

Respectfully submitted this 5th day of May, 2022

s/Suzanne Taheri
Suzanne M. Taheri, #23411
MAVEN LAW GROUP
6501 E. Belleview Ave, Suite 375
Englewood, CO 80111
Phone Number: (303) 263-0844
Email: staheri@mavenlawgroup.com
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2022, a true and correct copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2021-2022 #96 (“CONCERNING LIQUOR LICENSES”)** was served via the Colorado Court’s E-Filing System to the following:

Martha M. Tierney, No. 27521
Tierney Lawrence LLC
225 E.16 TH AVE, SUITE 350
Denver, CO 80203
Phone: (720) 242-7577
E-mail: mtierney@tierneylawrence.com
Attorney for Proponents

Michael Kotlarczyk, Esq.
Assistant Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Michael.kotlarczyk@coag.gov
Attorney for Title Board

/s/ Suzanne Taheri

Suzanne Taheri

Duly signed original on file at Maven Law Group

DATE FILED: May 5, 2022 7:10 PM



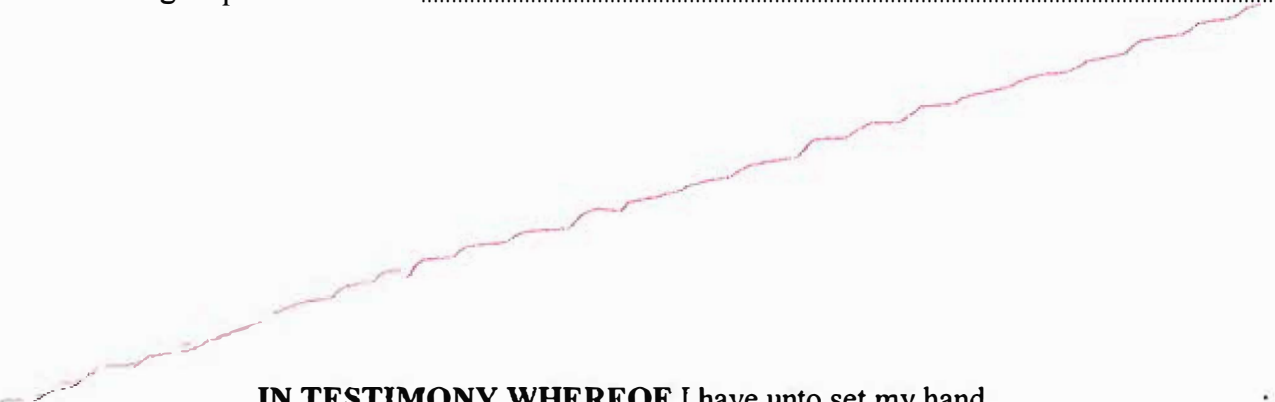
STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal impact statement and abstract, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2021-2022 #96 'Concerning Liquor Licenses'"



..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 3rd day of May, 2022.

Jena Griswold

SECRETARY OF STATE



Be it enacted by the People of the State of Colorado:

SECTION 1. Declaration of Purpose.

The People of the State of Colorado find and declare that it is in the interest of Colorado to create a more level playing field for the different business types that sell alcohol for off-premises consumption by allowing an equal number of licenses for drugstores, grocery stores and liquor stores. Creating parity and an orderly expansion for all businesses will foster competition, create jobs, increase selection and consumer choice, and lower costs for Coloradans.

SECTION 2. In Colorado Revised Statutes, 44-3-409, **amend** (4)(b)(III) as follows:

44-3-409. Retail liquor store license – rules. (4)(b) An owner, part owner, shareholder, or person interested directly or indirectly in a retail liquor store may have an interest in:

(III) For a retail liquor store licensed on or before January 1, 2016, and whose license holder is a Colorado resident, additional retail liquor store licenses as follows, but only if the premises for which a license is sought satisfies the distance requirements specified in subsection (1)(a)(II) of this section:

(A) On or after January 1, 2017, and before January 1, 2022, one additional retail liquor store license, for a maximum of up to two total retail liquor store licenses;

(B) On or after January 1, 2022, and before January 1, 2027, up to ~~two~~ SEVEN additional retail liquor store licenses, for a maximum of ~~three~~ EIGHT total retail liquor store licenses; ~~and~~

(C) On or after January 1, 2027, AND BEFORE JANUARY 1, 2032, up to ~~three~~ TWELVE additional retail liquor store licenses, for a maximum of ~~four~~ THIRTEEN total retail liquor store licenses;

(D) ON OR AFTER JANUARY 1, 2032, AND BEFORE JANUARY 1, 2037, UP TO NINETEEN ADDITIONAL RETAIL LIQUOR STORE LICENSES, FOR A MAXIMUM OF TWENTY TOTAL RETAIL LIQUOR STORE LICENSES;

(E) ON OR AFTER JANUARY 1, 2037, AN UNLIMITED NUMBER OF ADDITIONAL RETAIL LIQUOR STORE LICENSES; OR

SECTION 3. Effective date. This measure shall go into effect upon the proclamation of the governor of the state of Colorado.

Ballot Title Setting Board

Proposed Initiative 2021-2022 #96¹

The title as designated and fixed by the Board is as follows:

A change to the Colorado Revised Statutes concerning increasing the number of retail liquor store licenses in which a person may hold an interest, and, in connection therewith, phasing in the increase by allowing up to 8 licenses by December 31, 2026, up to 13 licenses by December 31, 2031, up to 20 licenses by December 31, 2036, and an unlimited number of licenses on or after January 1, 2037.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be a change to the Colorado Revised Statutes concerning increasing the number of retail liquor store licenses in which a person may hold an interest, and, in connection therewith, phasing in the increase by allowing up to 8 licenses by December 31, 2026, up to 13 licenses by December 31, 2031, up to 20 licenses by December 31, 2036, and an unlimited number of licenses on or after January 1, 2037?

Hearing April 20, 2022:

Single subject approved; staff draft amended; titles set.

Board members: Theresa Conley, Julie Pelegrin, Eric Meyer

Hearing adjourned 3:37 P.M.

Rehearing April 28, 2022:

Motion for Rehearing denied.

Board members: Theresa Conley, Julie Pelegrin, David Powell

Hearing adjourned: 9:02 P.M.

¹ Unofficially captioned “**Concerning Liquor Licenses**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Ballot Title Setting Board

Proposed Initiative 2021-2022 #96¹

The title as designated and fixed by the Board is as follows:

A change to the Colorado Revised Statutes concerning increasing the number of retail liquor store licenses in which a person may hold an interest, and, in connection therewith, phasing in the increase by allowing up to 8 licenses by December 31, 2026, up to 13 licenses by December 31, 2031, up to 20 licenses by December 31, 2036, and an unlimited number of licenses on or after January 1, 2037.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be a change to the Colorado Revised Statutes concerning increasing the number of retail liquor store licenses in which a person may hold an interest, and, in connection therewith, phasing in the increase by allowing up to 8 licenses by December 31, 2026, up to 13 licenses by December 31, 2031, up to 20 licenses by December 31, 2036, and an unlimited number of licenses on or after January 1, 2037?

Hearing April 20, 2022:

Single subject approved; staff draft amended; titles set.

Board members: Theresa Conley, Julie Pelegrin, Eric Meyer

Hearing adjourned 3:37 P.M.

¹ Unofficially captioned “**Concerning Liquor Licenses**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

COLORADO TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE
FOR INITIATIVE 2021-2022 #96

MOTION FOR REHEARING

On behalf of Steve Ward and Levi Mendyk, registered electors in the State of Colorado, the undersigned counsel, hereby submits this Motion for Rehearing of the Title Board's April 20, 2022, decision.

The opponents assert that the titles as set violate clear title as they do not describe the central features of the measure including:

- A description of a "retail liquor store"
- A description of the increase
- A description of "person" that "may hold an interest"
- A description of the number of stores allowed on or after January 1, 2022 and before January 1, 2027
- A description of the number of stores allowed on or after January 1, 2032 and before January 1, 2037.

Respectfully submitted this 27th day of April, 2022.

s/Suzanne Taheri
Suzanne Taheri
MAVEN LAW GROUP
1600 Broadway, Suite 1600
Denver, CO 80202
Phone: (303) 218-7150



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

Initiative 96

Fiscal Summary

Date:	April 19, 2022	Fiscal Analyst:	Anna Gerstle (303-866-4375)
--------------	----------------	------------------------	-----------------------------

LCS TITLE: CONCERNING LIQUOR LICENSES

Fiscal Summary of Initiative 96

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at www.colorado.gov/bluebook. This fiscal summary identifies the following impact.

State revenue. By allowing additional retail liquor store locations, Initiative 96 will increase fee revenue by a minimal amount to the Department Revenue. Applicants for new liquor licenses must pay initial application and licensing fees, as well as annual renewal fees.

State expenditures. By allowing additional retail liquor store locations, Initiative 96 will increase workload by a minimal amount for the Department Revenue to process additional applications for new liquor licenses and conduct enforcement.

Local government impact. Similar to the state impact, local liquor licensing authorities will have an increase in workload to process additional applications, and an increase in fee revenue from local application and licensing fees. The impact will depend on the actual number of new liquor stores in any individual jurisdiction.

Economic impacts. While Initiative 96 may change the number and type of liquor licensed locations, the overall volume of alcohol sales is not expected to change significantly. The measure may also shift income and employment opportunities across different retailers.