

OFFICE OF THE DIRECTOR OF EXCISE AND LICENSES
DENVER, COLORADO

RESPONSE TO OBJECTIONS TO RECOMMENDED DECISION

IN THE MATTER OF THE APPLICATION OF MAT-DENVER, LLC, DOING BUSINESS AS THE MATADOR, FOR A HOTEL AND RESTAURANT LIQUOR LICENSE FOR THE PREMISES KNOWN AND DESIGNATED AS 3496 WEST 32ND AVENUE, DENVER, COLORADO, 80211

COMES NOW THE LAW FIRM of DILL DILL CARR STONBRAKER & HUTCHINGS, P.C., by H. Alan Dill, and hereby responds to objections made to the Recommended Decision by Hearing Officer Kimberly Chandler.

In this matter, a hearing was held on April 8, 2013 and a Recommended Decision was issued by the hearing officer on April 12, 2013.

The objections filed with the Department of Excise and Licenses after the Recommended Decision reflect no legal basis for objecting to the Recommended Decision of the hearing officer and attempt to voice objections based upon the same evidence presented at the hearing. No new evidence or legal arguments are raised in the objections.

The Applicant presented 15 witnesses, 3 of which testified at length as to the needs and desires of the neighborhood. Max Scott of Oedipus, Inc., testified that 97% of the entire neighborhood which was surveyed was in favor of the Application.

Eric Melang, the representative for Matador, testified that the company currently holds 10 licenses in Washington and Oregon and that in its 9 years of operations has never had a violation. The company intends to invest \$900,000 to renovate the location and will employ 40 people. The restaurant seats 80 people and 20 in the bar area. Food will be served at all hours the restaurant is open.

Mr. Melang testified that the Matador will agree to all of the Good Neighborhood Letter requirements save and except that it close at 12:00 midnight, because it would be placed at a competitive disadvantage. The restaurant will operate weekdays until 10:00 p.m. or 12:00 midnight, depending on business volume, and will operate weekends until 2:00 a.m. if there is business to support the restaurant being open.

The Neighborhood Association, through Daniel Schachtner, testified that if the Matador Restaurant would have signed the Neighborhood Agreement as presented (which included the limitation of hours) the Neighborhood Association would not have opposed the license. In fact, 2 of the 3 protestants testifying at length stated that their primary concern was the restaurant's "ability to be open from 12:00 midnight to 2:00 a.m.", and did not directly address the overall needs and desires of the neighborhood.

The Applicant has presented substantial evidence to sustain its burden of proof and demonstrated that the needs of the neighborhood are not currently being met and that the residents and business owners desire that the license be issued. Therefore, the Applicant respectfully requests that the Recommended Decision be approved.

Respectfully submitted on April 25, 2013.

DILL DILL CARR STONBRAKER &
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing RESPONSE TO OBJECTIONS TO RECOMMENDED DECISION was on 4/25/13, sent to the following via e-mail:

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