

CITY OF LITTLETON LIQUOR LICENSING AUTHORITY

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STIPULATION, AGREEMENT AND ORDER

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IN THE MATTER OF:

Walters Bow Mar LLC d/b/a Walter303 Pizzeria & Publik House- Bow Mar  
5194 S. Lowell Blvd.  
Littleton, CO 80123

License # 03-01397

License Type: Hotel & Restaurant  
License Expiration Date: June 12, 2020

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The City of Littleton Prosecutor and Walters Bow Mar LLC d/b/a Walter303 Pizzeria, located at 5194 South Lowell Blvd., Littleton, CO 80123, ("Licensee") hereby stipulate and agree as follows:

1. Licensee was issued an ORDER TO SHOW CAUSE AND NOTICE OF HEARING alleging a violation of Colorado Revised Statutes Section 44-3-901(1)(b)(I).

IT IS ALLEGED THAT:

- A. On May 31, 2019, at approximately 3:51 PM, Licensee sold one (1) twelve (12) ounce Station 26 303 Lager to a person who was under twenty-one (21) years of age. Littleton Police Department was conducting a compliance check to audit the sale of alcohol to underage buyers. Abigail, who was 16 years and 5 months old, walked into Licensee's restaurant with two plain clothes Littleton police officers. They were seated at a booth. Licensee asked the group what they wanted to drink. Abigail ordered a Station 26 303 Lager. Licensee asked Abigail for her identification, but when she stated that she did not have it, Licensee stated "Ok, I trust you." Licensee did not inquire about Abigail's age. Licensee left the table briefly and returned with an opened twelve (12) ounce can of Station 26 303 Lager for Abigail, which had 5% alcohol by volume. Shortly after Abigail was given the alcoholic beverage by Licensee, she left the restaurant. Littleton police officers then informed Licensee of the violation.
  - B. These facts as summarized would constitute a violation of Colorado Revised Statutes Section 44-3-901(1)(b)(I).
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the Order to Show Cause and Notice of Hearing, by entering into this Stipulation, Agreement and Order.
  3. The Prosecutor and Licensee have discussed the merits of the violation and allegations and have come to a mutual agreement and understanding and jointly propose to the Littleton Liquor Licensing Authority ("Authority") a resolution of the allegations in lieu of proceeding to a

hearing on the merits of the alleged violations as detailed in the Order to Show Cause that was issued by this Authority on September 12, 2019.

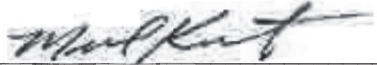
4. Licensee admits the violations as alleged above in paragraph 1 above.
5. Licensee agrees, in lieu of a Hearing on the Order to Show Cause, to submit to the following sanctions
  - A. A ten (10) day suspension of Licensee's liquor license with three (3) days of actual suspension and seven (7) days held in abeyance for one (1) year from the date of the final Order. Licensee shall be allowed to pay a fine in lieu of the actual suspension.
  - B. For purposes of permitting the Licensee to pay a fine in lieu of actual suspension, the parties to this Agreement state as follows:
    - i. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
    - ii. That the books and records of the Licensee are kept in such a manner that the loss of sales of alcoholic beverages that the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
  - C. The fine shall be the equivalent of twenty percent (20%) of the Licensee's gross sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00) pursuant to Colorado Revised Statutes Section 44-3-601(3)(b)(8). The period of proposed suspension for purposes of calculating the fine in lieu of suspension shall be: **May 29, 2019 –May 31, 2019 (Wednesday through Friday)**(inclusive).
  - D. Payment of this fine shall be in the form of cash, certified check, or money order, made payable to the City of Littleton. The fine shall be paid within ten (10) business days of notice from the City Clerk of the final determined amount. Upon payment of the fine, the three (3) day active suspension shall be permanently stayed with the remaining seven (7) days held in abeyance for one year from the date of this stipulation.
  - E. The remaining seven (7) days of suspension are to be held in abeyance for a period of one (1) year from the date of the final order, provided that during said one (1) year period there are no violations of the Colorado Liquor Code, the alcohol related provisions of the Colorado Code of Regulations or the alcohol related provisions of the Littleton Municipal Code.
6. This Stipulation and Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying case or investigation that formed the basis for this Order against Licensee (and any defenses that Licensee may have to the underlying case and investigation) shall specifically not be an issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the Authority determines that the allegations are proven, or Licensee enters into a Stipulation in lieu of such a hearing in which it admits such allegations, the Authority may, in addition to any other penalty imposed, order Licensee to serve all of the days of suspension presently held in abeyance pursuant to this agreement. In the


event an alleged violation of this Order is taken to hearing and the Authority determines that the allegations are unproven, then the Prosecutor shall take no further action and this Order shall remain operative and in full force and effect.

7. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to Colorado Revised Statutes Section 44-3-601, except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by this Authority.
8. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.
9. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
10. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives all the rights it would have had at a Show Cause Hearing.
11. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the City of Littleton or the Authority.
12. This Order shall be effective on the date approved and ordered by the Authority and the Licensing Authority Chair. Should the Authority reject the terms hereof, Licensee's admissions herein shall be withdrawn, and the matter set for a continued Show Cause Hearing.
13. Upon approval and order of the Authority, this Order shall become a permanent part of the record.

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Dahlia Olsher Tannen, # 46822

Prosecutor, City of Littleton  
Date:

  
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Walters Bow Mar LLC d/b/a Walter303 Pizzeria &  
Publik House- Bow Mar  
Licensee  
Date: 10/7/19

  
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Robert Runco, # 41932  
Attorney for Licensee  
(Approved as to form)

**APPROVED AND ORDERED:**

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Licensing Authority Chair

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Date