



COLORADO
Department of Revenue
Specialized Business Group—
Liquor & Tobacco

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Liquor Advisory Group Licensing Subgroup
Meeting Minutes
June 22, 2023

Seat	Representative	Attendance
Restaurant Licensee	Andrew Palmquist <i>Number Thirty Eight</i>	Absent
National Wholesaler	Andrew Quarm <i>Republic National Distributing</i>	Present
Arts Licensee	Andryn Arithson <i>Newman Center for the Performing Arts</i>	Present
Colorado Municipal Clerks Association	Colleen Norton <i>Littleton Municipal Clerk's Office</i>	Present
Colorado Association of Chiefs of Police	Chief Dave Hayes <i>Estes Park Police Department</i>	Absent
Tavern/Large Dance Entertainment Venue	Don Strasburg <i>AEG Presents</i>	Present
Local Vinous Manufacturer	Juliann Adams <i>Wines 79 Wine Barn</i>	Present by Proxy Ulla Merz
Downtown Partnership/Chamber of Commerce	Loren Forman <i>Colorado Chamber of Commerce</i>	Absent
Restaurant Licensee	Sarah Morgan <i>Martinis Bistro</i>	Absent
Colorado Municipal League	Tara Olson <i>Town of Breckenridge Clerk's Office</i>	Present

- I. Welcome and Introductions
- II. Overview of Subgroup Process and Expectations
 - A. Review the timeline of topics (see page 2 of the [agenda](#)).
 1. Don Strasburg requested that his special event proposal be put on the agenda for July's subgroup meeting. This was approved by the facilitator.
 - B. Select a volunteer to provide the subgroup update at the July LAG meeting.

1. Don Strasburg will provide an overview of the subgroup discussion at the July meeting.

III. Topic Discussion: Application and Renewal Process for Licensees

A. Overview of the current application and renewal process (presented by the LED)

1. For local and state licenses on the retail level, licensees file documents with and make payments to the local licensing authorities. The local licensing authority (LLA) sends the paperwork and payment to the state licensing authority for review.

B. Discussion 1: Streamlining the application and renewal process

1. Background

- a) The division suggested a change to the current process (as described above) to have licensees file retail license applications (including renewals) and payments with *both* the local and state licensing authorities at the same time.
 - (1) At present, the division spends considerable time tracking payments to applications, and local partners spend equal amounts of time emailing back and forth with the division and/or mailing hard-copy documents to the division.
- b) The timeline around this process would be revised to align with the current statutory timeline for local licensing authorities. Licensees must file with the local and state licensing authorities 45 days before the renewal deadline to give both parties time to conduct their respective reviews and finalize the process.
 - (1) The 45-day deadline would be the only deadline licensees would have to comply with. The 30-day deadline currently in statute for filing with the state would be removed.
- c) The division feels that the proposed change would clean up the process, put the onus on the licensee to provide the application and payment to both licensing authorities, and establish a practice where both licensing authorities review the file more promptly.
- d) The state would not issue a retail license until the local licensing authority signs off on the file and communicates its approval to the division.

2. Overview of Discussion

- a) The division's proposal received overall support from the subgroup members. Much of the discussion around this proposed idea focused on clarifying the overall process and addressing concerns from the local licensing authority representatives.
 - (1) The LLA representatives asked that something be built into this new process to ensure the state wouldn't finalize a license until they received full approval from the LLA. The division suggested putting a specific section on the application/renewal forms that clearly denotes the local licensing authority has signed

off on the license. This idea received support from local representatives.

- (2) There was additional discussion around the communication practices between the local and state licensing authorities in this new process to ensure that any concerns with the paperwork (including incomplete or incorrect information) or with the licensee (e.g., probable cause/show cause, taking the licensee to a probationary hearing) would be communicated by both licensing authorities.
 - (a) This communication would include both parties ensuring that the other has the most current and accurate copy of the filed paperwork, especially in situations where the locals have gone back and forth with the licensee correcting errors and missing information.
 - (b) Additionally, if the locals sign off on an application but the state finds an issue, the state would contact the LLA and licensee to discuss what needs to be rectified with the paperwork.
- (3) Another topic of discussion about this proposal was the existence or development of an online mechanism to automatically submit filings to both the local and state licensing authorities. The division appreciated the suggestion and intent behind this discussion; however, at this time, the retail tier involves 350 local jurisdictions, all with different mechanisms that they use. The division does currently have an online payment system that is utilized by local partners, but an online platform that could meet the needs of all local jurisdictions and the state is not currently in existence, though the division stated it would be interested in developing such a platform in the future.

3. Public Comment

a) Lee McRae, *City Clerks Office, City of Colorado Springs*

- (1) Mr. McRae presented a concern that was expressed by the Colorado Municipal League (CML) that, at least for the Colorado Springs jurisdiction, this process change could increase the state workload. There are approximately 1000 liquor licenses in Colorado Springs, and Mr. McRae estimated that for half of those, there is a back-and-forth exchange with the licensee to correct parts of the application packet before it is ever submitted to the state. Mr. McRae also noted that in some circumstances, licensees are filing their documents only with the state and not the local licensing authority because the renewal notice came from the state; because of this, Mr. McRae asked if a mechanism could be built to ensure that both licensing authorities have received the application. He stated that this is especially a

problem when the locals aren't aware that the licensee filed with the state until they receive a notification from the state about the filing.

- (a) The division suggested that something could be put on the state website that lists all the pending items the division has received. In the above-referenced situations, the division wouldn't have received the local sign-off under the new process, so it would communicate with the locals that the state is ready to move forward with the filing. This would be one way to communicate with the locals.
- (b) The division wasn't sure this would increase the state's workload because it currently spends a lot of time searching for records and putting payments together with applications, so it could decrease the workload. The division acknowledged that locals fix a lot of things, and the division is very appreciative of that. There would probably still be some exchange of information; for example, if both the locals and the state receive an incomplete application, the state would work with its local partners to get a complete application. While this would still require some file transfer, the state didn't feel it would be an extreme addition to its workload.
- (c) The division also believes this would ease previous issues with receiving payments. Sometimes, the division does not receive the completed application because items were missed in the application; by the time the division receives the check payment, it's outdated. This requires the division to go back to the licensee and have them reissue a check. However, if the licensee was filing their paperwork at the same time as they provide payment, this would remove issues with outdated checks.

b) Aimee Jensen, *City Clerk's Office, City of Fort Collins*

- (1) Ms. Jensen stated that this new proposed process "sounds way more complicated than it needs to be." She acknowledged the input from other jurisdictions, that they are holding on to renewal applications, but the City of Fort Collins does not do this. Ms. Jensen stated that renewal applications are administratively approved and sent out to the state the same day they are received. Ms. Jensen expressed the opinion that it makes it easier for the licensee to submit the application to the local licensing authority, any errors are fixed at that time, and then the file is sent on to the state. This new process makes things far more complicated for

other jurisdictions like Fort Collins that administratively approve renewal applications.

(2) Ms. Jensen also expressed concern about the licensee being asked to respond to two different government agencies to fix any errors or provide missing information in their application packet. She felt that licensees have more of a relationship with the local licensing authorities (e.g., they know where the office is located, they have contact information, etc.), and she didn't feel it made sense to have the licensee coordinate with both licensing authorities.

(a) There was additional discussion following Ms. Jensen's comment. The facilitator noted that some jurisdictions might not be as "efficient" as Fort Collins and likewise may not have the same relationship with their local licensees.

(b) Ms. Jensen asked for clarification on what problem is being solved with the new proposed process; it seemed to her that the problem was with outdated checks. The division explained that while outdated checks are part of the problem, there are times when the LLA hold onto applications for over a month before forwarding them to the division. The licensee's impression is that the state has had their application from the beginning, which is not the case, and when they are notified by the locals that the application is approved by the locals and is now waiting on the state's approval, the state may have only had that application for a day. This puts the division in a poor position, especially with regard to customer service, because it will have to hold back other applications that have already been in the office in order to make a "quick review" on this other application so that the licensee can establish their business. The new process would ensure that the licensee knows both the local and state licensing authorities have received their application from the beginning.

(i) The division also commented that it interacts with licensees and is an active part of the process; licensees know where the state's office is located and has its contact information.

(ii) The division would continue to support the "first touch" process that local licensing authorities have with retail license applications; during its review, the state would make note of what is missing from the file and asks that the locals

provide the state with additional materials and updated information via a system that will be put in place for the exchange of said information.

- (iii) Overall, the division expressed that this new process would solve timeliness issues, payment issues, and the state receiving applications in three different ways; under the new process, the state would just receive the application from the licensee via whatever medium the licensee chose and be able to service the licensee immediately.

(3) Ms. Jensen's final comment was to note that 70 to 80 percent of the applications she receives have some kind of error in the filing. She admitted that some of these errors are from "overanalyzing" the application (e.g., requiring a missing email address); she also stated that the "standard" of the state's review of applications has been "up and down" over the years, so if she can be less hands-on with correcting things, she would like to know that.

- (a) The division stated it would like the paperwork to be accurate and currently works with licensees to make sure that the paperwork is being completed correctly with both the locals and the state.

c) No additional public comment was put forward on this topic. Members of the public may submit comments on this issue by emailing dor_led_rulemaking@state.co.us.

4. Proposal

a) The current process for filing applications and/or renewals of retail liquor licenses will be amended to a concurrent filing, in which licensees will submit the file to both the local and state licensing authorities simultaneously.

- (1) The licensee will file the paperwork with both licensing authorities 45 days prior to the renewal deadline.
- (2) Both licensing parties will then conduct their respective reviews of the file and exchange information as to any missing information, incomplete applications, or incorrect information submitted by the licensee.
- (3) Both parties will utilize a file transfer system to ensure the other has the most current information and paperwork for the file.
- (4) The application/renewal forms will incorporate a section specifically designated for approval from the local licensing authority. The state will not issue a license until the local licensing authority has indicated its full approval of the application.

- b) The division will draft this proposal and submit it to the Liquor Advisory Group for consideration before the July 13th meeting.
 - 5. Motion and Vote
 - a) A motion to move the proposal to the LAG for a vote was made by Don Strasburg. Andrew Quarm seconded the motion.
 - b) Motion passes with a vote of 5 in support, 0 against, and 0 taking no position.
- C. Discussion 2: Amend statutory language regarding local jurisdiction over state-owned property
- 1. Background
 - a) Statutory reference: 44-3-301(2)(b), C.R.S.
 - (1) “A local licensing authority or the state on state-owned property may deny the issuance of any new tavern or retail liquor store license whenever such authority determines that the issuance of the license would result in or add to an undue concentration of the same class of license and, as a result, require the use of additional law enforcement resources.”
 - b) Currently, some jurisdictions handle this in different ways. Colorado State University, for example, is state-owned property; however, the local licensing authority is a part of the process when issuing liquor licenses on that property, and the state has no concerns with this. For another example, Boulder has delegated authority over their state-owned property to the state, giving the division both local and state licensing authority over the property.
 - (1) Some other examples of other state-owned properties are Chatfield State Park and Cherry Creek State Park.
 - c) The division’s concern is that the current statutory language only delineates two license types and doesn’t encompass all the license types.
 - d) The division suggested that the statutory language about “new tavern or retail liquor store license” be removed and amended to cover all retail liquor license types (including special event permits) if the local licensing authority does not want to handle liquor licenses on state-owned property.
 - 2. Overview of Discussion
 - a) There was a brief discussion to clarify the proposal. When asked what would happen if the language was not stricken from the statute, the division stated that this would mean the local licensing authorities wish to keep this limited to taverns and retail liquor stores. Additionally, the state could not function as both the local and state licensing authority to issue the license; the locals would have to function as the local licensing authority and could not delegate this authority to the state.
 - 3. Public Comment
 - a) No public comment was put forward on this topic. Members of the public may submit comments by emailing dor_led_rulemaking@state.co.us.

4. Proposal
 - a) The statutory language under 44-3-301(2)(b), C.R.S., will be amended to remove the reference to “new tavern and retail liquor store licenses” on state-owned property and instead be expanded to include all retail liquor licenses on state-owned property.
 - b) The division will draft this proposal and submit it to the Liquor Advisory Group for consideration before the July 13th meeting.
 5. Motion and Vote
 - a) A motion to put the proposal to a vote by the LAG made by Don Strasburg. Colleen Norton seconded the motion.
 - b) The motion passes with a vote of 5 in support, 0 against, and 0 taking no position.
- D. Discussion 3: Amend statutory language regarding transfers of ownership and temporary permits
1. Background
 - a) Statutory Reference: 44-3-303(1)(b)
 - (1) “When a license has been issued to a husband and wife, or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license period.”
 - b) In reviewing this statute, the division felt that the language of “husband and wife” should be updated to coincide with EDI standards.
 - c) At this time, the division isn’t sure what the updated language should be and expressed interest in hearing the subgroup members’ opinions on this.
 2. Discussion
 - a) The discussion on this proposal primarily focused on clarifying the exact changes being proposed. The division explained that in today’s era and under current law, the language of “husband and wife” was outdated. The proposal does not aim to change the intent of this statute, which ensures that if one party dies, the surviving party will have ownership of the license transferred to them and the license will not be lost as a result of the other person’s death.
 - b) The subgroup supported changing the language of “husband and wife” in the statute.
 3. Public Comment
 - a) No public comment was put forward on this topic. Members of the public may submit comments by emailing dor_led_rulemaking@state.co.us.
 4. Proposal
 - a) The statutory language under 44-3-303(1)(b), C.R.S., will be amended to remove the specific reference to “husband and wife.” New language will be drafted to coincide with EDI standards and the current law.

- b) The division will draft this proposal and submit it to the Liquor Advisory Group for consideration before the July 13th meeting.

5. Motion and Vote

- a) A motion to move this proposal to the LAG for a vote was made by Andryn Arithson. The motion was seconded by Andrew Quarm.
- b) The motion passed with a vote of 5 in support, 0 against, and 0 taking no position.

IV. Subgroup Discussion: What other topics would the subgroup members like to discuss around the application and/or renewal processes for licensees?

A. Discussion 1: Improvements to the administrative process/application process

1. Overview of Discussion

- a) There was robust discussion around the development of an online dashboard/portal for use by both local and state licensing authorities and licensees. Key elements of this portal that were proposed by the subgroup are as follows:
 - (1) Local jurisdictions would have their own designated section.
 - (2) When a filing is submitted, it automatically transmits to local and state licensing authorities.
 - (3) Licensees who are interested in applying for multiple licenses could see all the license types they can apply for.
 - (4) Licensees with multiple license types can renew all licenses at the same time.
 - (5) When licensees are renewing their licenses, they would not need to submit the same documents every year. For example, if the Articles of Separation are the same for a licensee every year, they would only need to submit it once. The documents that need to be submitted every year with the renewal would be listed separately on the dashboard from the documents that have already been submitted and do not need to be provided again.
 - (6) The dashboard will list which documents have already been submitted on an application/renewal and which are still pending.
 - (7) The renewal form will automatically populate the information that was previously submitted; the licensee will be able to review and update any information.
 - (8) The licensee's dashboard will highlight important information pertaining to the license, including past compliance check violations and reminders about renewal dates.
- b) The second part of this discussion focused on potential concerns/drawbacks/issues with this proposed platform:
 - (1) There was concern expressed over the cost of developing such an expansive platform. One subgroup suggested that a one-time fee might help balance the associated costs.
 - (2) Other subgroup members were concerned with how the platform might accommodate unique circumstances (“oddball situations”)

with applications and renewals. Additionally, there are differing practices at the local level around applications and renewals; some use only the state-provided forms while others utilize additional forms (e.g., “Departmental Sign Off” form, “Liquor Code Acknowledgement” Form), and some municipalities have a completely separate renewal form. Overall, the local licensing authority representatives felt that trying to pair different software so that everything would be electronic is a much larger conversation. A representative from the City of Littleton specifically stated that the city does not have the money or bandwidth for this kind of undertaking, and it would not be high on their city council’s priority list.

- (3) It was also pointed out that local jurisdictions have their own needs and requiring everyone to change to one platform would create complications.
 - (4) The division stated that it is aware of platforms that are utilized in other states, but Colorado does not currently have these platforms. While the division does use an online payment portal and is building state applications to be housed online, these are systems that all divisions under the Department of Revenue currently share. (This includes Marijuana Enforcement, Gaming, Racing, and the Auto Division.) The division expressed concern with trying to figure out how to communicate with all the different licensing systems across its local partners, along with considering the cybersecurity of these existing platforms.
 - (5) Additionally, while some jurisdictions have an online system, these platforms are not set up like the state platform. This would create a shift in the transfer of information (including files).
- c) From this conversation, a proposal came forward about streamlining the submission process; specifically, removing the requirement to resubmit documents that have already been submitted and have not since changed. The intent behind this proposal was to tweak small things to achieve a streamlined process, rather than revamp the whole process.

2. Public Comment

a) Marissa Stoller, *City Clerks Office, City of Pueblo*

- (1) Ms. Stoller noted that the City of Pueblo instituted a system that is similar to what has been proposed by the subgroup. Acknowledging that the state-level system is more complicated than that of a local jurisdiction, Ms. Stoller stated that the platform they use, via OpenGov, allows licensees to fill out the form once, and when they come to reapply/renew their license, the majority of the information auto-populates on the renewal form while providing the option for licensees to change any information that needs to be updated (e.g., mailing address, email

address, etc.) and add documents. The platform also allows licensees to electronically sign the documents.

(2) Ms. Stoller also commented that, during a clerks meeting this morning, it was mentioned that if the LED was able to bring some sort of online platform forward, it could possibly help some of the smaller jurisdictions to implement this renewal technology.

b) Aimee Jensen, *City Clerks Office, City of Fort Collins*

(1) Ms. Jensen commented that the City of Fort Collins is currently looking for an online platform to meet its needs (e.g., tracking Show Cause hearings and compliance issues) and, as they have found nothing, they are leaning towards custom building a platform.

c) No additional public comment was put forward on this topic. Members of the public may submit comments on this issue by emailing dor_led_rulemaking@state.co.us.

3. Proposal

a) Members proposed amending the state's online renewal application to feature a list of documents that, once submitted, do not need to be resubmitted as part of the renewal application unless the information has changed or to otherwise create a verification process where these documents do not have to be submitted on an annual basis if unchanged.

b) Andryn Arithson will draft this proposal and submit it to the LED via dor_led_rulemaking@state.co.us. The division will then forward the proposal to the Liquor Advisory Group for consideration before the July 13th meeting.

4. Motion and Vote

a) A motion to move this proposal to the LAG for a vote was made by Andryn Arithson. The motion was seconded by Don Strasburg.

b) The motion passed on a vote of 3 in support, 1 against, and 0 taking no position.

B. Discussion 2: Sync up renewal dates for multiple licenses

1. Overview of Discussion

a) The division expressed some concerns with syncing up the renewal dates for multiple licenses:

(1) Licenses are issued on the date they are approved, so the date of issuance is important. Additionally, there are statutory references that preclude different activities based on the issuance date. License privileges could be affected if the dates are changed.

(2) Large operating licensees often have multiple licenses (e.g., King Soopers, Safeway) and to have them all renew in the same month would be a heavy cost burden on the division.

b) It was mentioned that a previous division director allowed remote sales room licenses to be renewed at the same time as the associated winery

license. The division stated that the issuance dates for sales rooms are different from retail tier licenses, as these dates do match up with the issuance date of the overarching license. Also, temporary sales rooms do not have an associated fee; it is “rolled up” into the manufacturing license (or wholesale license for beer products).

- c) A proposal was brought forward on implementing a two-year renewal option for licensees. This received robust conversation from the subgroup members and the division:
 - (1) The division initially expressed some concerns over how a two-year renewal plan would work with the division’s budget. Payments would need to be split up so that resources weren’t depleted in one year over another.
 - (a) There was a question of whether the division could stagger payments with a two-year renewal process. The division stated that this wouldn’t work within the restrictions of its budget.
 - (b) An alternative suggestion was for licensees to pay in two installments (one payment each year) to remain in good standing; essentially, the licensee would submit renewal paperwork every two years and submit payments every year. The division was in support of this idea.
 - (2) The local licensing representatives expressed interest in the two-year renewal plan provided that it would be limited to licensees that are in good standing. If a licensee incurred a violation, they would have to go back to the annual renewal plan as a consequence. This was supported by the division.
 - (3) For retail tier licenses, the division expressed that both local and state approval would be required for the license to have a two-year renewal privilege. The local licensing representatives supported this idea. They also felt that revoking this privilege for licensees who receive a violation should be a consequence at the local level, not the state level.

2. Public Comment

- a) Lee McRae, *City Clerks Office, City of Colorado Springs*
 - (1) Mr. McRae asked that the subgroup members put this discussion in context with the earlier discussion around simultaneous renewals and applications.
 - (2) Additionally, Mr. McRae commented that it would take a long time to bring all 350 local jurisdictions on board with this proposal. The City of Colorado Springs would have the same budget questions and concerns as the division expressed, though Mr. McRae felt that incorporating an annual payment system would help with this.

- b) No additional public comment was put forward on this topic. Members of the public may submit comments on this issue by emailing dor_led_rulemaking@state.co.us.
 - 3. Proposal
 - a) Licensees who are in good standing with the local and state licensing authorities will have the opportunity to participate in a two-year renewal plan. Renewal applications would be filed every two years while the licensee submits annual payments to keep them in good standing.
 - b) Colleen Norton will draft this proposal and submit it to the LED via dor_led_rulemaking@state.co.us. The division will then forward the proposal to the Liquor Advisory Group for consideration before the July 13th meeting.
 - 4. Motion and Vote
 - a) A motion to move this proposal to the LAG for a vote was made by Don Strasburg. The motion was seconded by Andryn Arthison.
 - b) The motion passed on a vote of 5 in support, 0 against, and 0 taking no position.
- C. Discussion 3: Remove redundancy with license issue dates
 - 1. The conversation was brought up as a result of the previous discussion about syncing up renewal dates. Specifically, the facilitator asked if there were categories of licenses that could be “grouped together “ and therefore could be synced. While the division expressed appreciation for the thought process involved in this idea, it held the position that the license issuance dates are important. Also, licensees do not always apply for licenses at the same time; for example, a licensee might apply for a manufacturer license on one date and then later decides to apply for a wholesale license. These dates could not be synced together. Additionally, if the division started changing issuance dates, the state would have to prorate the license type.
 - 2. A subgroup member referenced an earlier suggestion, that licensees be able to see a full list of all the different licenses types they could apply for, and that it would be helpful to have all of these licenses renew at the same time. The division commented that if multiple licenses are applied for at the same time, the issuance dates would be fairly close together; however, if the application dates are scattered, the division would need to keep a record of when each license was issued in order to synchronize the renewal dates. While this is something that the division is willing to consider, it maintained that it cannot support the idea at this time.
 - 3. There was a question raised around the “add-on” concept that the Licensing subgroup is currently considering; specifically, could “add-ons” renew with the primary license? Because there isn’t a proposal ready around the concept of license “add-ons,” this idea will be considered when the subgroup revisits the idea.

V. Action Items

- A. The division will draft the following proposals and provide them to the Liquor Advisory Group for consideration before the July 13th meeting:
 - 1. A concurrent filing process for applications and/or renewals of retail liquor licenses, in which licensees will submit the file and payment to both the local and state licensing authorities simultaneously.
 - 2. An amendment to the statutory language under 44-3-301(2)(b), C.R.S., removing the reference to “new tavern and retail liquor store licenses” on state-owned property and instead expanding the language to include all retail liquor licenses on the property.
 - 3. An amendment to the statutory language under 44-3-303(1)(b), C.R.S., removing the specific reference to “husband and wife” and updating the language to coincide with EDI standards and the current law.
- B. Andryn Arithson will draft a proposal to amend the online renewal process to incorporate a list of documents that, once submitted, do not need to be resubmitted as part of the renewal unless the information has changed. This proposal will be provided to the division and then forwarded to the Liquor Advisory Group for consideration before the July 13th meeting.
- C. Colleen Norton will draft a proposal for a two-year renewal plan available to licensees who are in good standing with the local and state licensing authorities. Under this plan, licensees will be allowed to file renewal paperwork every two years while submitting annual payments to remain in good standing. This proposal will be provided to the division and then forwarded to the Liquor Advisory Group for consideration before the July 13th meeting.
- D. If any member of the Liquor Advisory Group wishes to submit an additional topic for the subgroup to discuss, pertaining to application and renewal processes for licensees, they may email it to the division at dor_led_rulemaking@state.co.us.

The next Licensing subgroup meeting will be held virtually on July 27, 2023, from 1:00 p.m. to 3:00 p.m.