

Oedipus, Inc.

Empirical Data Services

Services

**Petitioning on Liquor & 3.2 Beer Licensing,
Rezoning, Private or Charter Schools**

Opinion Polls

Venue Surveys

Special Tax Districts

Liquor Server Training

Distance Restriction Measurements

Max J. Scott — *Curriculum Vitae*

Max Scott incorporated *Oedipus, Inc.*, in 1974. The primary business of the corporation is to perform opinion poll surveys and other services on numerous issues to include:

- Needs and desires surveys on alcohol beverage applications for a new license & changes of location
- Modifications of premises and renewals
- Measurement of restricted distances on retail applications
- Alcohol server training
- Rezoning, modification of zoning and PUD applications
- Commercial site or product usage
- Special tax districts.
- Charter Schools, new applications or existing schools.
- Local laws and a constitutional amendment (TABOR)
- Venue surveys on civil and criminal court cases.

Expert Testimony: Liquor and Fermented Malt Beverage Needs & Desires Surveys and Measurements of Restricted distances

Oedipus, Inc. has performed several thousand alcohol license application and public opinion poll surveys throughout the State of Colorado and in the adjoining States of Wyoming and Arizona. Mr. Scott has testified in public hearings as an expert several thousand times as to survey results and has also testified in Colorado County and District Court cases on Liquor Licensing. Our clients are major corporations, municipal governments and independent businesses in the Restaurant, Micro Brewery, Gaming, Liquor Store, Grocery and Department Store, C-store and QSR industry. Our clients include or have included:

- Applebee's
- Brinker International (Chili's, On the Border, Johnny Carino's and Macaroni Grill)
- Conoco Oil Company, n.k.a., Conoco Phillips (C-stores and QSRs)
- Costco Wholesale
- Cub Food Stores and Sure Fine Foods
- Darden Restaurants (Olive Garden, Red Lobster, and Bahama Breeze)
- Kroger Grocery and C-stores (King Soopers, City Market, Mini Mart, and Loaf 'n Jug)
- PepsiCo (Pizza Hut)

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- Phillips Petroleum, n.k.a. Conoco Phillips (C-stores and QSRs)
- Safeway Stores
- Southland Corporation (7-Eleven)
- Smash Burger
- Target Corporation
- Texaco (C-stores and QSRs)
- Texas Land & Cattle Steak House
- Valero, f.k.a., Diamond Shamrock
- Wal*Mart (Wal*Mart Superstores and Sam's Club)

Distance Measurements: Max Scott has been professionally trained and certified in the accurate three dimensional measurements of distance and to-scale diagramming and performs distance measurements per the Colorado Liquor Code & Regulations and local jurisdiction codes.

Rule 106 Liquor and Fermented Malt Beverage License Application Appeals

The survey procedures, petition formats, and survey reports of *Oedipus, Inc.* have been reviewed in Civil Rule 106 actions with Colorado State District Courts, three Colorado Court of Appeals decisions two of which were published and that was not published. Generally the Rule 106 decisions stated that the survey procedures, survey documents, and the survey reports were found to be legally on-point, and scientifically accurate. The two published cases cite numerous other Supreme Court cases refining the definition of the reasonable requirements of the neighborhoods and the desire of the adult inhabitants, or the Supreme Court phrase “needs and desires”. These cases are:

Southland Corporation v. the City of Westminster City Council, 746 P.2d 1353 (Colorado Court of Appeals 1987). In this case, *Oedipus, Inc.* performed the work per a survey contract with the Local Liquor Licensing Authority of the City of Westminster.

Brass Monkey, Inc., v. Louisville City Council, 870 P.2d 636 (Colorado Court of Appeals 1994). *Oedipus, Inc.* performed work per a survey contract as the surveyor for the applicant, Brass Monkey, a retail liquor store applicant.

Continuing Legal Education (CLE)

Max Scott has taught three CLE seminars utilizing his educational materials and survey procedures which have been reviewed by the Office of Continuing Legal and Judicial Education of the Colorado Supreme Court.

Colorado Liquor Licensing Publication

Max Scott and Larry L. Bohning co-authored “Colorado Liquor and Beer Licensing”, which was published in the February 1980 publication of The Colorado Lawyer.

Local Government Survey Contracts

Oedipus, Inc. has been retained by the following local jurisdictions to conduct surveys on liquor license applications, the TABOR Amendment, special tax districts, and on other public opinion poll issues. Surveys have been performed for:

- Adams County School District, Charter School, Adams County, Colorado
- City of Arvada, Colorado
- City of Boulder, Colorado
- RE/2 Schools, Boulder, Colorado
- City and County of Broomfield, Colorado
- City of Englewood, Colorado
- City of Glendale, Colorado
- City of Northglenn, Colorado
- City of Westminster, Colorado
- City of Wheat Ridge, Colorado
- Kansas City, Missouri

Note: Under the contract with Kansas City, the survey results of *Oedipus, Inc.* were published in Everything You Always Wanted to Know About Regulating Sex Businesses xxx, by Eric Damian Kelly and Connie Cooper, American Planning Association, December 2000.

Retail Site Analysis

Max. Scott has been retained on numerous occasions to evaluate site locations for fermented malt beverage (FMB) and retail liquor stores (RLS) clients. This includes determination of liquor dollars spent in a neighborhood for on- and off-premise consumption, determination of the size of the outlet per the needs of the local neighborhood, patron habits, and competition from other existing outlets. These site location analyses have been used in loan applications with financial institutions to include SBA loans.

Venue Surveys & Expert Testimony, Colorado Court Cases

Max Scott has designed and conducted 24 venue surveys on civil and criminal court cases in the Colorado courts and U.S. District court in Colorado. Mr. Scott testified as an expert witness in some of the cases.

Alcohol Dispensing Training in English & Spanish

Oedipus, Inc., is certified with Colorado Liquor Enforcement, Colorado Department of Revenue, as a Vendor to provide liquor licensees with liquor server training in English and Spanish. The Training includes all classes of CRS 12-46 3.2% FMB licenses, all classes of CRS 12-47 licenses to include retail liquor store and liquor licensed drug store tastings and CRS12-48 Special Event Licenses. Training is performed on-site on a date and time convenient to the licensee.