

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY, FEBRUARY 10, 2020
6:00 P.M.
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET**

I. ATTENDANCE/EXCUSED

Members Present: Kim Archuletta, Brian Casaus, Don DiFatta, Henry Reyes, Jr., Wallace Rice, Lucretia Robinson, and Joseph Treanor.

Members Absent: None

Staff Present: Peter Blood, Assistant County Attorney; Dani Cernoia, Recording Secretary; Jason Chambers, Marijuana Code Compliance Inspector; Carmen Howard, Director of Planning and Development; Melissa Spengler, County Tax Collection Specialist; Tawnya Stringer, Licensing Manager; and Gavin Wolny, Assistant County Attorney.

Staff Absent: Sarah Long, Assistant County Attorney.

Chairperson Treanor called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:00 p.m.

II. APPROVE THE MEETING MINUTES OF JANUARY 13, 2020

Chairperson Treanor asked if there were any additions or corrections to the minutes.

Mr. Casaus motioned to approve the minutes of the January 13, 2020 LMLB meeting as presented. Mr. Reyes seconded the motion. The motion carried unanimously.

Ms. Robinson abstained from voting as she was not present at the January meeting.

III. APPROVE AGENDA OF FEBRUARY 10, 2020

Mr. Casaus motioned to approve the agenda of the February 10, 2020 meeting. Ms. Archuletta seconded the motion. The motion carried unanimously.

IV. CONSENT MEETING AGENDA ITEMS

Chairperson Treanor requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

Mr. Casaus motioned to approve the consent meeting agenda listed below. Mr. Reyes seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

- Renewal Application for a Hotel and Restaurant Liquor License located at 251 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Zaremba Enterprises, Inc. dba Desert Hawk Golf Course at Pueblo West.

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- Renewal Application for a Fermented Malt Beverage Off Premises Liquor License located at 25100 Highway 50 East, Pueblo, Colorado 81006 submitted by JR's Country Stores, Inc. dba JR's Country Store No. 205.

MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Cultivation Facility located at 46795 East State Highway 96, Unit 2, Avondale, Colorado 81022 submitted by Baseball 18, LLC dba Los Suenos Farms.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 5971 Shadow Lane, Pueblo, Colorado 81004 submitted by Best Buds Botanical, LLC dba Best Buds.
- Renewal Application for a Medical Marijuana-Infused Products Manufacturing Facility located at 920 East Spaulding Avenue, Pueblo West, Colorado 81007 submitted by Cold Baked, LLC dba Concentrate Distribution Center.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 8217 Red Creek Springs Road, Pueblo, Colorado 81005 submitted by Colorado Leaf, LLC dba Colorado Leaf.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 46795 East State Highway 96, Unit 4, Avondale, Colorado 81022 submitted by Emerald Fields Grow, LLC dba Los Suenos Farms.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 46795 East State Highway 96, Unit 1, Avondale, Colorado 81022 submitted by Farm Boy, LLC dba Los Suenos Farms.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 9135 Highway 96 West, Wetmore, Colorado 81253 submitted by High Mark Enterprises, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 46795 East State Highway 96, Unit 3, Avondale, Colorado 81022 submitted by Los Suenos Farms, LLC dba Los Suenos Farms.
- Renewal Application for a Retail Marijuana-Infused Products Manufacturing Facility and Retail Marijuana Store located at 30899 Highway 50 East, Pueblo, Colorado 81006 submitted by Mesa Organics, Ltd. dba Purplebee's.
- Renewal Application for a Retail Marijuana Store located at 30899 Highway 50 East, Pueblo, Colorado 81006 submitted by Mesa Organics, Ltd. dba Mesa Orgaincs.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6475 Galbreth Road, Pueblo, Colorado 81005 submitted by Prime Farms, LLC.

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- Renewal Application for a Retail Marijuana Cultivation Facility located at 56 North Precision Drive, Pueblo West, Colorado 81007 submitted by Pueblo West Organics, LLC dba Pueblo West Organics.
- Renewal Application for a Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Optional Premises Cultivation, Retail Marijuana-Infused Products Manufacturing Facility, and Retail Marijuana Cultivation Facility located at 129 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Pueblo West Organics, LLC dba Pueblo West Organics.
- Renewal Application for a Retail Marijuana Store and Retail Marijuana Cultivation Facility located at 609 East Enterprise Drive, Suites 120, 130, & 140, Pueblo West, Colorado 81007 submitted by Pueblo West Organics, LLC dba Pueblo West Organics.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2656 McCormick Avenue, Pueblo, Colorado 81001 submitted by RSCT Services, LLC.
- Renewal Application for a Retail Marijuana-Infused Products Manufacturing Facility located at 80 D Fabrication Drive, Pueblo West, Colorado 81007 submitted by Seven Leaves, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 77 North Magneto Drive, Pueblo West, Colorado 81007 submitted by Steel City Development, LLC dba Platinum Organics.
- Renewal Application for a Medical Marijuana Center located at 1714 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Renewal Application for a Medical Marijuana Optional Premises Cultivation Facility located at 83 North Magneto Drive, Pueblo West, Colorado 81007 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 6401 Galbreth Road, Pueblo, Colorado 81005 submitted by Bear With Us, LLC. The ownership structure is removing one owner and adding two.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 6395 Galbreth Road, Pueblo, Colorado 81005 submitted by Bully's Farm, LLC. The ownership structure is adding one owner.
- Change of Ownership Application for a Retail Marijuana Store located at 78 North Precision, Pueblo West, Colorado 81007 submitted by GoRule, LLC dba Rocky Mountain Blaze. The ownership structure is removing one owner and adding two.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 1840-1850 Pope Valley Ranch Road, Pueblo, Colorado 81005 submitted by

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Greener Heights, LLC dba Greener Heights. The ownership structure is removing one owner.

- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 6475 Galbreth Road, Pueblo, Colorado 81005 submitted by Prime Farms, LLC. The ownership structure is adding one owner.
- Transfer of Ownership Application for a Medical Marijuana Center and Retail Marijuana Store located at 2565 North Interstate 25, Pueblo, Colorado 81008 submitted by Scepter Group, LLC dba LivWell transferring to LivWell IV, LLC dba LivWell.

V. CONSENT HEARING AGENDA ITEMS

Chairperson Treanor requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

Mr. Casaus motioned to approve the consent hearing agenda listed below. Mr. Reyes seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

- Application for a Special Event Permit for a Malt, Vinous, and Spirituous Liquor License located at 67 North Silicon Drive, Unit 110, Pueblo West, Colorado 81007 submitted by Pueblo Angels Fast Pitch Organization for the date of February 29, 2020.
- Application for a Special Event Permit for a Malt, Vinous, and Spirituous Liquor License located at 1141 South Aspen Road, Pueblo, Colorado 81006 submitted by St. Joseph Catholic Church for the date of February 23, 2020.

MARIJUANA ESTABLISHMENT LICENSES – None

VI. REGULAR MEETING AGENDA ITEMS

Chairperson Treanor requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

LIQUOR LICENSE - None

MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Cultivation Facility located at 41751 Harbour Road, Avondale, Colorado 81022 submitted by Happy Tree and Company, LLC dba Happy Tree Farms. Tax Issues.

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Mr. Wolny advised the Board that they have three options since this item is listed on the Regular Meeting Agenda, not the Regular Hearing Agenda. They can approve the application, set it for a hearing, or continue it to the next meeting.

Chairperson Treanor asked if there was anyone present here from Happy Tree Farms. Nobody came forward.

Ms. Spengler stated that as of right now, they are current. They were late two months as listed on the tax renewal sheet. Mr. Wolny asked if they are all paid up now. Ms. Spengler responded yes. Mr. Reyes asked if they were late for January 19, July 19, and October. Ms. Spengler responded yes.

Ms. Stringer added that an email was sent to the applicant requiring them to be at the meeting tonight.

Mr. Casaus asked if the motion can be taken into a hearing. Mr. Wolny responded that the options are to approve if the Board thinks the current status of the applicant is enough to allow approval, if there are concerns they can set it for a hearing, or continue it one more meeting as a regular agenda item to see if the applicant shows up.

Mr. Rice motioned to set this item as a public hearing. Ms. Archuletta seconded the motion. The motion carried unanimously.

Mr. Wolny stated that he was informed the motion needed to be made again stating the specific date.

Mr. Rice amended his original motion to move the agenda item to a public hearing on March 9, 2020. Ms. Archuletta seconded the amended motion. The amended motion carried unanimously.

- Conditional Approval Extension request (**2nd extension request**) by AD Farms, LLC to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within one year of the original approval date of February 12, 2018 for an application for a Retail Marijuana Cultivation Facility located at 6473 Galbreth Road, Pueblo, Colorado 81005. The second extension date is February 12, 2021.

Mr. Dan Dickenson, 1489 West Palmetto Park Road, Suite 484, Boca Raton, Florida 33436, stated that he is the attorney for the landlord, and that the licensee is present as well. Mr. Dickenson continued that the reason for the request was that the power was delayed to this property. This was documented in letters sent to Planning, and he thinks that is why it is being recommended.

Mr. Reyes stated that in the memo, it states that they had problems with Black Hills getting energy to you and asked if that is the reason for the extension. Mr. Dickenson responded yes, they (Black Hills) initially said they could give us power and provided power to several other facilities in the area and came back and said there wasn't enough capacity. They

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requested the extension and were able to get the capacity. Some of the farms are ready to be licensed.

Mr. Casaus asked if the amount of time given for the second extension is enough. Mr. Dickenson replied yes, they have the power now they just didn't have enough time to get it done before February 12. He added that this is the same for the next three items on the agenda.

Mr. Reyes asked to clarify that he said it was the same reason for requesting an extension for the next three items. Mr. Dickenson replied yes, JDW Farms, ZM Farms, and Sun Grown Farms. He represents the landlord for each of those and has the licensees at the meeting if they have questions.

Mr. Wolny asked if he consents to allowing his representations for this item to carry for the others, or if he had an interest in making a record for each of them. Mr. Dickenson replied that he consents to that.

Mr. DiFatta asked if he has power to all four. Mr. Dickenson replied yes. Mr. DiFatta asked Mr. Wolny if they must approve the extensions to February 12, 2021 or can they approve them to next month. Mr. Wolny responded that staff's recommendation is to extend it for the whole year. He would not recommend abridging that because staff has vetted this. His recommendation is to stick with the deadlines.

Mr. DiFatta motioned to approve all four items listed below. Ms. Robinson seconded the motion. The motion carried unanimously.

- Conditional Approval Extension request (**2nd extension request**) by JDW Farms, LLC to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within one year of the original approval date of February 12, 2018 for an application for a Retail Marijuana Cultivation Facility located at 6387 Galbreth Road, Pueblo, Colorado 81005. The second extension date is February 12, 2021.
- Conditional Approval Extension request (**2nd extension request**) by ZM Farms, LLC to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within one year of the original approval date of February 12, 2018 for an application for a Retail Marijuana Cultivation Facility located at 6469 Galbreth Road, Pueblo, Colorado 81005. The second extension date is February 12, 2021.
- Conditional Approval Extension request (**2nd extension request**) by Sun Grown Farms, LLC to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within one year of the original approval date of February 12, 2018 for an application for a Retail Marijuana Cultivation Facility located at 6399 Galbreth Road, Pueblo, Colorado 81005. The second extension date is February 12, 2021.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 6399 Galbreth Road, Pueblo, Colorado 81005 submitted by Sun Grown Farms, LLC. The ownership structure is removing one owner and adding two.

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Ms. Stringer informed the Board that change of ownership was originally listed on the consent agenda but was moved to be after the extension on the regular meeting agenda. This is because they needed the extension, which they just approved, and was asked for by the current owner. Therefore, the change of ownership needed to come after the extension.

Mr. Wolny stated that this is proper as it depended on the extension. He recommended that the Board entertain the item and staff recommends approval.

Mr. Reyes motioned to approve the change of ownership application for a Retail Marijuana Cultivation Facility located at 6399 Galbreth Road, Pueblo, Colorado 81005 submitted by Sun Grown Farms, LLC. Mr. Rice seconded the motion. The motion carried unanimously.

VII. REGULAR HEARING AGENDA ITEMS

Chairperson Treanor requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

LIQUOR LICENSE

- New Application for a Hotel and Restaurant Liquor License located at 395 South Angus Avenue, Pueblo West, Colorado 81007 submitted by Bumperz Entertainment, LLC.

Mr. Wolny recommended to open the hearing, but he believes that staff and the applicant have agreed to a continuance. After opening the hearing, his recommendation after opening the hearing is to continue to the March meeting, but it looks like there is someone present to add a few things.

Chairperson Treanor opened the hearing.

Ms. Stacie Shirley, attorney for the law firm Buxman Kwitek, stated that she is representing the applicant, Trinity and Cynthia Smith. She stated that she didn't know if the Board would entertain hearing some things from them tonight but would like to give the rundown of the issues they have been having. Ideally, they would have liked to have preceded this evening but hope to open in April, so getting their liquor license is critical for some of their systems, setting up their vendors, training their employees properly, things of that nature. Because this is new construction, the building is not yet complete. They do not have a completed routing sheet, a Certificate of Occupancy, and Health Department approval at this point in time. They do understand that conditional licenses can be granted making sure those things are completed before the final license is approved. She doesn't know if the timing was too far out for a conditional license or if that is still the case, and she would like Mr. Smith to speak to the Board about some of the timing issues he is facing to see if there is anything that can be done tonight to move the process forward, or if we will absolutely have to continue to March 9.

Mr. Wolny informed the Board he wanted to address two items. The first has to do with the conditional licenses and conditional approvals, he confirmed that that is okay. There is nothing that would prevent them from issuing an order approving this license conditionally.

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Once they have completed build out and got their State license, they would then, just like a marijuana license, get their local license. His concern, after talking with Ms. Stringer, is that the staff findings required by statute to be issued 5 days in advance of the meeting were not compiled because staff had thought there was agreement on the continuance. His recommendation is typically going to be to play it safe and to continue and allow staff to complete staff findings before the hearing.

Mr. Reyes stated that he would like to speak to the owner.

Mr. Trinity Smith, 654 South Burro Drive, Pueblo West, Colorado 81007, stated that he would like to address the Board to explain the importance of receiving his liquor license even if the approval is contingent upon receiving his Certificate of Occupancy and signing of the Pueblo Department of Public Health and Environment routing sheet. He expressed that it is their goal at Bumperz Entertainment, LLC to complete the building phase in the beginning of April and be open to the public May 1. They are currently finishing drywall and will be painting as of the end of next week. In anticipation of finishing electrical and plumbing, they will be placing fixtures by the end of the month. Their bowling lanes will be installed beginning February 24 and should only take about a week to complete. With the end in sight, they are already putting in motion key aspects of the business such as food and beverage distributors, menus, website launch, and software systems required to run the business. This is a multi-faceted business that will feature bowling, escape rooms, 4D motion theaters, golf simulation, miniature golf, banquet and party room rentals, and a full-service restaurant to include a bar. It will resemble restaurants like Old Chicago, Applebee's, and Chilis with the addition of offering entertainment before, during, and after your meal. He understands that the routing sheet is not signed off and the Certificate of Occupancy is not issued, however, it is paramount that he receives a license. Even if it is only the license number to ensure that the progress of this business does not stall and, in turn, push out his opening date. There are numerous items that need to be taken care of prior to his April completion date. Accounts with liquor distributors need to be established in order to cost analyze the products that will be offered and set up an initial order with his distributors. Once the accounts are set up with the distributors, menus can be formulated as to what type of cocktails will be offered. These menus need to be finalized and sent to print which typically takes 3-5 weeks to receive. Their point of sales systems needs to be programmed with the type of drinks and the amount of liquor in each to ensure proper inventory and control of their products. This is an appointment that will need to be set up and the company will come to their site to complete, they have stated that it will take 3-4 days. Successful businesses understand that training is key to ensure a proper launch. Without having the menus and the point of sale systems finalized and programmed, the employees are flying blind in the training process. Another training avenue they intend to roll out are soft opening nights that will be by invitation and will allow them to work out the bugs in the systems to ensure proper execution once open to the public. They intend to have 2 or 3 of these in the month of April. The programming of their liquor systems from SkyFlo L2F, a real time tracking system that requires the server to unlock the digital spout with their fingerprint and will allow them to monitor the amount of pours versus the amount of sales per employee. The system allows for the company to ensure that the servers are pouring with consistency, servers are not giving away liquor, underage employees cannot gain access to liquor, and every ounce of liquor is accounted for. This is a process that will

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take approximately one week, and they will need to have the liquor on site so that unique viscosity and weight can be programmed per spout. There are a lot of things that have to happen previous to opening the business. A lot of people have the perception that they are opening a 6-lane bowling alley; however, they are so much more. Mr. Smith continued that he is trying to check the boxes in a timely manner to ensure success. They are starting to do dry runs in about 6 weeks and, if continued until March 9, this will highly affect the restrictiveness of his management staff and liquor pros to properly train the employees. He implores the Board to consider granting the license considering the State has already approved this matter so that he can obtain the license number and continue gaining steam towards a successful grand opening. This process, to completion, will take approximately 6-7 weeks to be fully operational prior to their dry runs. By extending this matter to March, they will miss their dates to train and set up, causing them to push out their opening date and, therefore, costing the business valuable time during the month of May. He expressed that playing it safe will cost him nearly a quarter of a million dollars.

Mr. Wolny asked if he was in communication with staff about the possibility of continuing this out. Mr. Smith replied that they had talked about that, and he made it clear to his attorney that he did not want to continue it and that this is something that is paramount to have taken care of immediately so they can go ahead and move forward. Mr. Wolny replied that, from his perspective, his job is to protect the interest of the liquor licensing authority and under CRS 44-3-312(1), there is a requirement that staff findings issue 5 days in advance of a hearing. His concern is that we jeopardize the hearing and its integrity and any other possible parties and interests if those findings are not released. His advice is going to be pretty clear on that, he can't force the Board to do something but is definitely going to advise them to continue simply because he thinks that is the best course of action for them.

Mr. Reyes stated that there are not that many distributors in Pueblo West and 99% of the time if there is a need to get liquor out right away, there is usually a 2-day turn around. He stated that he is in full agreement with the staff that they do need to continue this until March. He made it clear that that is not a motion, only his opinion. He continued that it would allow him (Mr. Smith) to dot all of his boxes and allow staff to have all of their mandated timeframe for any hearing that comes before them (the Board).

Ms. Shirley stated to Mr. Wolny that there was communication between herself and Ms. Stringer to move this meeting to March 9, she apologized if there was miscommunication about what the intent was and certainly wasn't her intention. She asked if it is possible or allowable to do a conditional approval pending the staff memo being completed and sent to the Board for review. Mr. Wolny replied that she has provided quite a bit of testimony and he doesn't necessarily have an objection to taking in that testimony and would feel a little uncomfortable where the statute already says "prior to the hearing" to work its way up to a final decision. He continued that if they went that way, he would want to stop it at the close of evidence, but it has been posted and, as far as he knows, no potential parties and interest in opposition have requested those findings. He confirmed this with Ms. Stringer. Mr. Wolny continued that given that, he would not necessarily oppose completing the testimony and submission of evidence as long as they would be okay with a final decision coming at the March meeting just in case any final people did wish to come to reopen the

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hearing once those staff findings are released. To the extent you want to get everything out tonight, he would advise the Board that it is okay to complete the testimony up until the very end and hopefully cross the box at the next meeting.

Mr. Smith stated that he would like to address Mr. Reyes' comments about the liquor distributors in Pueblo County. He stated that they are trying to be Colorado proud with their spirits, so they want to reach out throughout Colorado and feature some of the smaller distilleries and their products in their establishment. It's not only Pueblo County with distributors like Rocky Mountain Coors and things like that. Being able to reach out and establish accounts with these distributors is a time-consuming process.

Ms. Shirley asked if they were able to put into evidence tonight and this was continued to March 9, would it be added to the consent agenda. Mr. Wolny responded that he might advise the Board to take it up just briefly only because he reads the statute as requiring a public hearing, so he doesn't want to bury it too far. That said, he can say that staff would not add any new evidence except for 2 contingencies; first being if upon investigation of the petitions or any other evidence the staff finds something different, which he thinks is unlikely. The second circumstance would be if any party in interest that is an opponent did request a copy of the findings which he also believes is unlikely. He expressed that those are the 2 reasons he is hesitant to advise the Board to reach a final decision. If neither of those things came to pass, he would tell the Board not to reopen any evidence and simply to vote. Ms. Shirley asked if, by final decision, Mr. Wolny means conditional approval pending the routing sheet. Mr. Wolny responded yes, not a license, but a written order would come out of it explaining the terms of the decision.

Ms. Shirley asked if a conditional approval likely won't be given tonight, one of those conditions being the staff memo circulated. Mr. Wolny responded yes, he would describe it as even a pre-condition to that decision, but once the staff memo is released and those two contingencies don't come to pass he would advise the Board simply to accept it into evidence, not reopen any testimony, and vote on a decision at which point the written order would be approved and the rest would be administrative and no more hearing.

Mr. Wolny addressed the Board that if they are okay with taking that approach, he would advise them to continue taking evidence tonight and at the close of evidence this hearing will be continued to the March meeting for a final submission and review of the staff memo and if there are no issues you won't need to do much at the March meeting, just move into discussion. That is his recommendation since they are already there and offering testimony.

Mr. Casaus asked if they (the Board) need to open a hearing. Mr. Wolny responded that he would construe the hearing as being open even though they may not have said it officially because we have started hearing testimony and discussing.

Chairperson Treanor asked if they need to have some other people that are in favor of this come forward. Mr. Wolny responded that he would invite that once the applicant's case is done, if they are done presenting what they want to present, at that point the Board can ask whether there are any parties in interest that want to speak in favor or against. If there is not, you are welcome to end testimony and continue this to March for that final piece.

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Mr. Reyes asked if Mr. Smith is right on course, because they have seen people come in and ask for extensions or conditionals based on certain items, and it never comes to pass. He continued that, in the past, they wind up at the following meeting with a license that has not met all of the standards. Mr. Smith responded that he has passed all of his inspections through Regional Building. He is 100% on track and able to be finished by April. Next week they will be painting their drywall and, from that point, they need to finish fixtures on the wall, making the electrical conduit boxes, things of that nature and actually energizing the building. They have to put up their kitchen equipment and things of that nature, but are close to being done, it is the homestretch right now. Ms. Robinson asked if this is including their inspections. Mr. Smith replied yes, they have been signed off on their rough-ins, and all they have left is their final inspection. All their MAPs, their mechanical, electrical, plumbing, and framing have all been signed off for their rough-in inspections.

Mr. DiFatta asked Ms. Stringer if there are any other bars in town that have the technology that Mr. Smith is talking about. Ms. Stringer responded that for the City she doesn't no, but the County does not. Mr. Smith commented that the technology was found at the Bowling Proprietors Association of America expo in Las Vegas, and they are trying to introduce it into Colorado. It is in places such as Staples Center and larger bars. They are trying to be innovative and cognizant that the liquor is very important and take it with not a grain of salt. They want to make sure they do everything they can to be as diligent as they possibly can. Mr. Smith then explained how the program works.

Ms. Robinson stated that it sounds like an amazing facility and asked if they will be providing security since there will be children. Mr. Smith replied yes, depending on the time of day and the day, they will be shut down to children maybe after 9:00 p.m. on Saturday. On Friday and Saturday nights, it will be a 21 and up facility and they will card at the gate. Any other time, there will be security on staff at all times.

After no objections from the Board, Ms. Shirley went through the legal technicalities and prima facie elements of a liquor license being approved and how her client meets the technicalities and elements. She then informed the Board that Liquor Pros is usually present at the meeting, but there was confusion and they were not present. She then summarized the results. They canvassed the area over about 7 days (she thinks) and obtained many signatures and canvassed, in total between businesses and residences, 862 locations. A lot of people choose not to participate in the surveys. Of the people that chose to participate, 98% voted in favor of the license being granted and 2% voted no. One hundred percent of the businesses in the area voted in favor; 97% of the residential survey voted in favor. There were 4 opposition signatures; 2 declined to say why they opposed the license, 1 said because of kids, and the other said it was too close to their residence. She reiterated the safety measures that Mr. Smith summarized.

Chairperson Treanor announced a 5-minute recess at 6:58 p.m.

The meeting resumed at 7:04 p.m.

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IN FAVOR

Mr. Ryan Kinnison, 4234 Blueflax Drive, Pueblo, Colorado 81001, stated to staff and Board members that he thinks it is important to support entrepreneurs that startup businesses in Pueblo County. Regardless of the particular details of the situation, getting the continuance or extension is important. It is quite obvious to him that he has made the capital contributions to build this establishment and has followed appropriate procedures through Regional Building and other officials to build this establishment. He is asking the Board to support public safety by education of his staff and through his vendors, he believes it is important to consider working with them to make this happen for the startup of his facility.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Treanor closed the hearing.

Mr. Wolny informed the Board that his advice is that a motion to continue would be proper and to take a final point from the applicant. Before that, he wanted to note that since there is no opposition, seeing that the testimony was put on and there has been testimony in favor, the continuance would be with the caveat that the only final piece of this would be the submission of the staff investigation. As long as there is nothing wrong with that document, his advice would be not to open the hearing for anything else besides that document. He continued that the task ahead of the Board in March would be very limited, they don't envision any issues with the document, and once it is submitted, they would have the chance to vote to approve.

Mr. Reyes asked Mr. Wolny if it would go on consent. Mr. Wolny responded that, functionally, it would operate that way, but he would like to actually have someone from staff come up to the microphone and say here is the report that we submit, but that would be it. The reason he says that is because he is trying to advise the Board on a course that would accommodate the demands here. The statute is pretty clear in requiring a staff investigation of the backgrounds, the petition, and because of some confusion we do not have that tonight. He doesn't envision any problems and agrees that it sounds like everything is in order. He stated that his point is just to have that done because he wouldn't be doing his job unless he advised the Board to take into account the staff findings. Assuming there is nothing wrong with that, there would be no room for more testimony and the Board would be able to move directly to a motion. He asked if the applicant had anything to add.

Ms. Shirley asked if there is a possibility, since the staff memo is only required to be done in 5 days of advance, of allowing a special meeting to be called or is it just once a month and that's it. Mr. Wolny replied that that would rest with the Board and their immediate staff. He doesn't have a problem with that but knows that staff is very busy during the week and Board members have schedules. It is not off the table, but he can't comment on it. It is allowed legally.

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Ms. Stringer asked Mr. Wolny if the routing sheet that needs to be completed is one with a Certificate of Occupancy. She stated to Mr. Smith that, right now, he doesn't have his signoffs on the Mechanical, Electrical, or Plumbing routing sheets; he only has rough-ins. She continued by asking if it is correct that he doesn't have his electrical, plumbing or mechanical completed. Mr. Smith responded that it is correct. Ms. Stringer stated that the license would not be able to be issued until the Certificate of Occupancy is signed off, and that is the document that was missing in the application and the reason she contacted Ms. Shirley to let them know that they can't move forward on this because it hasn't been completed. They still don't have the document submitted and (to Mr. Smith) stated that she doesn't know when he plans on having that done, he had mentioned April. Mr. Smith said they plan on having that done in April and that is the uniqueness about building a new build. If he wanted to go to an already existing bar and transfer ownership, it wouldn't be an issue to transfer the liquor license. However, since he is building this from the ground up if he waits until he is done to do this process, he is two more months out and would lose hundreds of thousands of dollars in revenue. He is coming into the May season with graduations, forming leagues for bowling teams, a season where it is paramount to have a license. He stated that, in regard to having a CO, Chapter 5.04.00, you do not have to be ready for occupancy to have a conditional license. Mr. Wolny responded that we do not contest that part at all, the only part that is an issue is getting the staff findings done within 5 days of the hearing. He would advise the Board to not open any other testimony that is unrelated to that piece of paper. If the piece of paper meets the standards of staff and if no party of interest has problems with that piece of paper, then the hearing is over completely. He can say that approving conditional licenses pending buildout is totally fine.

MOTION

Mr. Reyes motioned to continue the new application for a Hotel and Restaurant Liquor License located at 395 South Angus Avenue, Pueblo West, Colorado 81007 submitted by Bumperz Entertainment, LLC to March 9, 2020 and that at the March meeting, all the Board considers is whether or not all of the paperwork that is required of staff be presented to the Board at that time and they will vote with no more hearing. Mr. Casaus seconded the motion.

Discussion occurred

Mr. DiFatta asked Mr. Smith if that is going to work for him. Mr. Smith responded that it will limit him in order to be able to open in May. There is a lot of money at stake here, and 3 weeks or a month may not sound like a lot, but he has been at this since February of last year. He has got a lot invested in the business. He understands that it doesn't matter to the Board what he is paying. It is a business he got into so that is something he has to take into consideration. However, they submitted all of their stuff, the State has already approved it and they have already paid their fee. Because staff has not finished their findings in time, it has been posted for 10 days so there was ample opportunity for staff to make their findings. He doesn't feel that he should be hindered. Mr. DiFatta asked why this would hinder him, and if he is going to have a soft opening between now and March. Mr. Smith responded that if he waits until March 9 to be able to start contacting beverage distributors, getting initial orders in, start making menus, there would be a lot to do between March 9 and April when they start doing soft openings and it is not feasible timewise. Mr. DiFatta says in his

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mind there isn't anything holding him back from doing everything he just said. Mr. Smith reiterated statements from above.

Mr. Reyes stated that he (Mr. Smith) would be able to get ahold of the distributors, explain the situation, and they would be more than happy to give him how much it is going to cost him. Mr. Smith said they will not. Mr. Reyes repeated his statement and said that Mr. Smith doesn't have electricity or any of the things required in the building. Mr. Smith said they need to put electrical outlets into the boxes and put faceplates on and they will have electricity. He stated they have electricity in the building and to the building, 1,000-amp 3 phase unit from San Isabel. It's there, and they are in the building process. It is going to go very fast over the next 30 days in order to be complete.

Ms. Shirley stated that she wants to be respectful of the County staff's time and of the Board's time. She asked if the Board would consider holding a special meeting before the March 9 meeting. Mr. Reyes replied that Ms. Sarah Long, Assistant County Attorney, and staff needs to get paperwork together because it isn't just a meeting for one item, they would try to get as many items in as they can.

Ms. Stringer asked Mr. Wolny that since this will be a conditional approval in March, until she gets the routing sheet signed off and sent to the State, they won't issue a license so (Mr. Smith) still won't have a license until after the routing sheet. It has to be approved on a local level first; it is conditionally approved on the routing sheet, (to Mr. Wolny) for the application to be complete do they have to have the routing sheet? Mr. Wolny responded that he can't speak to the exact nuances of the State application process, but they will have a local decision approving the application that may pave the way to apply for a State license, but there is no local license, period, until you (Mr. Smith) get the CO done. That decision may pave the way to move forward to the State because you may be able to get a State license earlier than that, he doesn't remember the specifics and doesn't want to talk out of turn.

Ms. Stringer stated that the reason she is thinking this is because when they did this process with Indian Springs, they would not send an approved State license until they received the routing sheet from us as an approved local license.

Mr. Smith asked how a business that serves liquor opens on day one if the process is to not be able to get a license prior to a Certificate of Occupancy. He doesn't understand. Mr. Wolny responded that what happens is he will get a decision guaranteeing him a license without having to come back to a public hearing. He has to prove that he has a State license, a CO, and an inspection by local to verify that your licensed premise matches up and they will give you a license without you having to come back. (Mr. Smith) gets a decision that guarantees a license once you complete those few steps. Mr. Smith responded that that is what they are asking for this evening. Mr. Wolny replied that he is not trying to argue, but his advice to the Board is to wait until the staff findings that review the petition and give other parties an opportunity to see them is submitted. He doesn't think that there will be any issues and is sorry that there may be issues on your (Mr. Smith) end, but he is not making the decision it is just the advice that he is compelled to give.

After discussion, the motioned passed by a 6-1 vote, with Mr. DiFatta voted nay.

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- New Application for a Hotel and Restaurant Liquor License located at 76 North McCulloch Boulevard, Suite 110, Pueblo West, Colorado 81007 submitted by Diaz, LLC dba El Super Taco.

Chairperson Treanor opened the hearing.

Mr. Wolny stated that he does not believe the owner is present for this item. He continued that we will be asking for a motion to continue this hearing to the March meeting, the reason being that there was some confusion on the CBI's end on processing background checks. We like to have the full background checks given to the Board in advance of the meeting and they were not processed in a timely manner at the State. Given that confusion, we talked to the owner and are suggesting the Board continues it to the next meeting.

MOTION

Mr. Casaus motioned to continue the new application for a Hotel and Restaurant Liquor License located at 76 North McCulloch Boulevard, Suite 110, Pueblo West, Colorado 81007 submitted by Diaz, LLC dba El Super Taco to the March 9, 2020 LMLB Meeting. Mr. Rice seconded the motion. The motion carried unanimously.

MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Cultivation Facility located at 6383 Galbreth Road, Pueblo, Colorado 81005 submitted by Seven Leaves, LLC. Tax issues.

Mr. Wolny suggested that Chairperson Treanor open the hearing and accept into the record any staff documentation that has been provided. At that point, he advised that the Board may want to hear from enforcement, as they are the ones pushing forward with the case.

Chairperson Treanor opened the hearing.

Mr. Matthew Schautteet, 6480 Galbreth Road, Pueblo, Colorado, 81005 updated the Board of where they are at since the last meeting (December 9, 2019). He is currently caught up with his taxes and late payment. He reminded the Board of his situation. He has worked hard over the last month to make sure he sold his product and got the taxes paid.

Chairperson Treanor asked Mr. Schautteet if he has paid it off, he responded yes.

Mr. Reyes asked Ms. Spengler if they were good. She responded that they are paid off as of this morning.

IN FAVOR

No one spoke in favor.

IN OPPOSITION

There was no opposition.

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REBUTTAL

There was no rebuttal.

Chairperson Treanor closed the hearing.

MOTION

Mr. Reyes motioned to approve the renewal application for a Retail Marijuana Cultivation Facility located at 6383 Galbreth Road, Pueblo, Colorado 81005 submitted by Seven Leaves, LLC. Ms. Robinson seconded the motion.

Discussion occurred.

Mr. Rice stated that he is always troubled when renewals come before the Board and there are issues with bad taxes or there is issue with payment of those taxes. He isn't sure what to do about that. Everybody makes mistakes and he understands weather conditions, but in Southern Colorado, those things are bound to happen. He asked Mr. Schautteet what he can tell the Board that will make us feel better about paying your taxes on time from this point forward. Mr. Schautteet responded that at this point he has relationships and connections with a few cultivations in town and can hopefully avoid this type of fee in the future. This was a very rare case and basically hit everything at once. They do not anticipate ever having such an extravagant bill that they are hustling to get paid in such a short time. He believes in the future he will have it more strategically planned out to account for the taxes that are coming in and hopefully keep them in a position where they are paying their taxes as they make sales.

Chairperson Treanor stated that this was a rare freeze that usually does not occur in Pueblo County.

After the discussion, the motion carried unanimously.

- A hearing on the Order to Show Cause issued on December 9, 2019 involving alleged violations of the Pueblo County Code by Marisol Therapeutics, LLC located at 922 East Kimble Drive, Pueblo West, Colorado 81007 and 2204 Hickory Street, Pueblo, Colorado 81001.

Chairperson Treanor opened the hearing.

Mr. Wolny provided the Board with a few notes from staff. First, they ask the Chair to make part of the record the Show Cause order and any other documents transmitted to the licensee in this case. Second, he believes it is necessary to mention because it may need to be a Finding that under Pueblo County Resolution 20-009, the Pueblo County Code was amended and introduced a hearing officer that would typically handle some of these cases on the first go around. That said, Section 5.16.030 (a) states that the LMLB retains jurisdiction over violation hearings until the hearings officer is appointed. Mr. Wolny noted to staff that the hearings officer has not been appointed by the Board of County Commissioners, so this Board retains jurisdiction. Finally, Mr. Wolny mentioned that, as a violation hearing, there are two major components to this hearing. The first is to determine whether a violation is sustained. If no violation is sustained, the hearing is over and we are

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done. If a violation is sustained, the next phase is the sanctions phase which is where the Board determines whether there are appropriate penalties. In a violation hearing, the moving party presents the case first and has the burden of proof. That is the Enforcement Division and he will turn it over to them first, but before that he wants to confirm that the Chair or the Board will make part of the record the Show Cause order and all documents transmitted to the licensee as a result of this case.

Chairperson Treanor confirmed that it has been made part of the record.

Mr. Peter Blood, Marijuana Enforcement Legal Counsel, stated that he wanted to go through the process that has got us here. On December 9, an Order to Show cause was requested and granted and immediately sent to the licensee. They continued the case in January after they (Marisol Therapeutics, LLC) obtained legal counsel, who is present tonight, entered an Entry of Appearance. He continued that what they are trying to do now is do an expedited hearing, so we get largely uncontested facts out in the first part of the hearing that Mr. Wolny indicated. There is not a lot of contest about the fact that tax payments were not made on a timely basis. He can happily say that the tax payments were finally made on February 6. The Board will see from an exhibit that he will give them that there was a substantial amount of money and will have Melissa Spengler testify to the document that indicates the history of tax non-payment and the final payments that happened just last week. With the Board's permission, he would like to pass out the summary document that he referred to. Ms. Spengler will authenticate it and will testify before introducing evidence. The Marijuana Enforcement Case is primarily just the fact that Budget has struggled getting the payments, and Ms. Spengler will testify to the chronology of that. As Mr. Wolny indicated, there will be a second part that goes with a proper punishment. Before we reach that stage, the opposing counsel will be able to give his presentation regarding the question of violation or no violation. Then we will repeat the process regarding what the proper punishment would be.

Ms. Melissa Spengler asked the Board if they had any questions.

Mr. Reyes asked what the total outstanding was in December 2019. She responded that including penalties and interest it was a little over \$55,000. Mr. Reyes asked if there was any cooperation with her office as to getting rid of the outstanding debt. When she sent them a letter, did they (Marisol Therapeutics, LLC) come down to her desk and say they will pay? Ms. Spengler responded that she didn't send them a letter through the mail, it has all been through email and the majority of her emails she has not received a response. They paid for January 2019, came in again and paid for April, and paid November. The other months were caught up in February. Mr. Reyes said that, looking at the document they were given, they have been late or made no payment at all since January 2016 on the Retail Cultivation and August 2016 on the retail sales tax. Ms. Spengler responded that there were 2 months in 2016 that were substantially late, 2017 was paid on time, and there were several months in 2018 that were paid late and right before the renewal.

Mr. Rice asked Ms. Spengler if retail sales tax is a tax that is charged to the customer at the time and point of sale. Ms. Spengler responded yes. Mr. Rice stated that he is not understanding that if you are collecting the money, why would it be necessary to be late in forwarding that to the proper authorities. He understands that excised taxes operate slightly differently but doesn't understand if he is charged for the tax, why doesn't it go to the

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County on time. He said it may not be a good question for Ms. Spengler. She replied she couldn't tell him.

Mr. Blood asked to lay a foundation for the document so it can properly come into evidence. He asked Ms. Spengler to go through the document to explain how it was prepared and inform the Board if she stands behind the authenticity of the document.

Ms. Spengler stated that she went through the database in the computer system. Each month she enters all the returns that she received with the amount that was sold, how much they paid, how they paid it and the date they paid it. For the retail sales tax, she went back through dates on when everything was paid. Anything that was paid late she put on the document, figured out how many days late it was paid, and the amount that was paid. For the excised tax, she did the same thing. She gathered it all and put it onto the document.

Mr. Blood said that at this point he would like it to be introduced as an exhibit into the record.

Mr. Reyes motioned to enter the document generated by Pueblo County Budget and Finance by Melissa Spengler into evidence. Ms. Archuletta seconded the motion.

Mr. Wolny asked the counsel for the licensee if he has any objection to the admission of this exhibit. Counsel responded none.

Chairperson Treanor specified that the document is Exhibit A and called for a vote. The motion passed unanimously. Chairperson Treanor stated that the document was accepted as Exhibit A.

Mr. Nadav Aschner, counsel for Marisol Therapeutics, LLC with The Rodman Law Group, 600 South Cherry Street, Suite 835, Denver, Colorado 80246, stated that there are a number of people in the audience, including the owners Mike and Sondra Stetler, that have a good bit riding on the Board's decision. He wants to make sure that he provides enough information in the record for the Board to make an informed, well-educated decision. First and foremost, he would like to address a couple of points within the Pueblo County Marijuana Code Section 5.12.010 et sequitur. The first is 5.12.140(L) states that it is a violation of the terms and conditions of every license issued under this Chapter for a licensee to fail to comply with any regulations governing the collection and administration of any State or local tax. It goes on to say that if the local licensing authority finds that a licensee has violated this provision, it may impose all available sanctions including revocation and sanctions specifically tailored to secure payment of any unpaid taxes. He repeated his last sentence. He continued that 5.12.150(C) discusses violations and rights that this Board has with respect to sanctions and states that if the violation is for the failure to pay taxes, the local licensing authority *may* summarily suspend the license until such time that the taxes are paid or the hearing takes place. First and foremost, after providing those citations, he wants to agree with attorney Peter Blood. There isn't a whole lot of dispute about the facts. There was a tax debt, it was sizeable, it was paid late, but it was paid. What they are here for today is to determine what the impact of that late payment is on this business, employees, and community at large. Section 5.12.150(E) lays out a series of factors for the local licensing authority to consider in determining whether a business should be fined, suspended, revoked and in deciding what conditions to impose in the

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event of a suspension, if any. Essentially there are 13 criteria laid out for this Board to consider when it makes its determination as to what the penalty is against this business (Mr. Aschner did not finish his sentence).

Mr. Blood asked to interrupt for one procedural point. He stated that he limited his presentation to the question of whether there was a violation or not. He asked to get on to the record as to whether or not that is being contested. Then the Board can make a rule on that and we can focus on whatever appropriate punishment or sanctions are appropriate. He believes there are two parts to this.

Mr. Wolny agreed with Mr. Blood and stated that the two ways forward are to see if there is no objection to the approach or if there is an objection, we can take further evidence on that specific point before the Board makes a determination on the violation. He said he will leave it to Mr. Aschner.

Mr. Aschner stated that he will only make a record that as we stand today there is no violation, there is a past violation that has been remedied. To the extent, there is a question of if they are currently in default of anything, no.

Mr. Wolny asked if Mr. Aschner has any additional evidence, he would like to present specifically on the question of whether his client violated 5.12.140(L) and asked if there was any additional evidence he needed to present. Mr. Aschner responded no; they do not dispute the facts.

Mr. Wolny informed the Board members that they have been given all of the information being offered about whether or not there was a violation. He stated that they have heard Subsection L read out loud and continued to read it again for the Board. He stated that Resolution 13-186 is the resolution imposing the special sales tax on marijuana. Resolution 15-203 is the resolution imposing the excised tax on retail marijuana. Those resolutions, in addition to the 2016 collections resolution, mandate monthly payments. The payment is due in the month following the month in which the tax is imposed for both marijuana sales tax and marijuana excised tax. With that background and having the evidence before the Board, the appropriate motion would be to find that this licensee has violated the Section 5.12.140(L) of the Pueblo County Code. If they would like, they can incorporate that motion in reference to what was just said.

Chairperson Treanor asked Mr. Aschner if he had an answer. Mr. Aschner responded that they do not object to that.

Mr. Reyes motioned that the violation in fact was found to be true in violation of 5.12.140(L) of failing to comply with the County tax code. Ms. Archuletta seconded the motion.

Chairperson Treanor asked if there was any discussion. Mr. Aschner responded yes. Mr. Wolny responded that now that the motion has been called, the discussion would be appropriate not with enforcement or staff but with the Board members. If there is a point to the way the motion was phrased that Mr. Aschner objects to and would like to address briefly, they can hear that. Mr. Aschner asked if Mr. Wolny was suggesting that he won't have an opportunity to provide mitigating evidence and circumstances. Mr. Wolny responded not at all, he apologized if he misspoke. His view was that the first stage of the hearing would be to establish whether there was a violation and evidence relating to that

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would be considered first. The very first motion is to consider whether there was a violation. If that motion passes, the question of sanctions and punishments, if any, will be addressed. Mr. Aschner stated that if he understands that, the Board has just made a motion stating that there was a violation to which the licensee does not object. He asked to be advised as to when he is able to speak to the second portion as to what the penalties may be. Mr. Wolny replied that phase will open if this motion passes. Mr. Aschner responded that he understood.

Chairperson Treanor asked if there was any further discussion and called for a vote. The motion carried unanimously.

Mr. Wolny informed the Board that having found a violation, the appropriate question to move to is the degree of sanctions, if any, should be imposed on the licensee.

Mr. Rice asked Mr. Spengler if there are sanctions already imposed in terms of late fees and those kinds of things that she can tell the Board about. Ms. Spengler responded that there was penalty of 10% on the total tax and a daily interest rate that was figured out for each month late. She believes it was about \$5,600.00. Ms. Robinson asked if that has been paid, to which Ms. Spengler responded yes.

Mr. Reyes stated to Ms. Spengler that this doesn't seem like an auditee, it seems like the individual knowingly and deliberately didn't pay his taxes. When she sent him emails, the fact that he refused to respond shows either contempt or malicious intent not to pay taxes. He asked if she would find that to be a true statement, in which she responded yes. Mr. Aschner stated that he would certainly dispute that statement and through what he would like to discuss with the Board he would like to explain why some of those emails have been ignored and why Mr. Rice, in the last hearing, asked the very pointed question of how can you ensure this doesn't happen again. He would like to offer some evidence on that question and first asked procedurally, if the County is to make a recommendation or if he is to provide the evidence that they have. He doesn't want to speak out of turn and knows that Mr. Blood has a position on this.

Mr. Wolny stated that the typical order of things would be for the County to go first in discussing its recommendations for sanctions and then the licensee could go second. Unless there is another arrangement between the two of them, he sees no flaw to that.

Mr. Blood stated that he doesn't mind following the normal procedure and doesn't have a lot. He is going to make a few outlines of his argument that he would ask Ms. Spengler to speak to the seriousness of this tax violation as opposed to the more typical case and will ask Mr. Jason Chambers to do something similar as he is the head of Enforcement. He thinks the document and Ms. Spengler's testimony speak very clear to the fact that this is a long, long running tax problem. He thinks they calculated 38 separate violations since 2016 and are talking about thousands of days and dollars of delay. When the County created this marijuana program, one of the trade offs was tax revenue for the community and the government. Every time that doesn't happen, the County is not getting their end of the bargain. When in good faith efforts were made to collect this, they were largely met with delay. As Ms. Spengler testified, they have been down this road before with these folks. They went through a renewal process and were tens of thousands of dollars behind. They got their act together again, the Board gave them a break and renewed their license and

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what we found in late 2018 and 2019 was far worse ending up \$50,000.00 in arrears and only after this show cause order and only after efforts to let them know this was serious and their license was in jeopardy did some payments get made, not even before the last hearing, but after the last hearing was continued and shortly before this hearing. That is the basic context they are talking about, and the bottom-line question is can this business be trusted to follow the rules after four years of not following the rules and costing the taxpayers' dollars? His position, and he thinks this will be supported by Mr. Chambers and Ms. Spengler, is that they have lost faith in them and there is no particular reason why they should be trusted again. If a business can't pay its taxes, as the Board member indicated, the money is already there. It has already been collected and all they have to do is put it in an envelope or send it to the County some other way. They are particularly concerned with the retail sales tax. Excised tax is more complicated, and you have to account for that. If you have a bookkeeping problem that might be difficult. Thousands of dollars of retail sales tax is essentially taking money from the County coffers(?) and holding it for an interest-free loan and that is what they are particularly upset about. The position from Enforcement is that the license should be revoked or should be suspended for a minimum of 6 months. This is a business that hasn't learned from previous efforts to get their attention. With that, he asked Ms. Spengler to give her opinion of this tax issue compared to similar ones, if there are similar ones, and Mr. Chambers will do the same thing.

Ms. Spengler stated that with retail sales tax, they shouldn't hold onto the tax it needs to be paid. There is a little more wiggle room with the excised tax and some of the situations she has had with them due to them trying to make sales before they can pay the tax. They are not collecting it at that time. She knows with some of the excised tax, it's taken them several months to collect the money from whoever they have sold it to so they have had a hard time paying their taxes. With the retail sales tax, it's different. They are collecting it at the time of sale so there is no reason it should be late. She thinks their license should be suspended.

Mr. Reyes asked Mr. Wolny if it would be proper for him to inquire with Ms. Spengler about another retail cultivation that had one issue that was a substantial amount of money, \$25,000.00 or 30,000.00. Mr. Wolny responded that if he believes it is reflected on the Exhibit given to him and he believes it is related to the two locations that would be appropriate. He would caution against going too far beyond the parameters of that. Mr. Reyes responded okay.

Mr. Jason Chambers stated that, as Mr. Blood and Ms. Spengler stated, this is probably one of the most severe cases they have seen that is from a business that was pretty much one our first businesses in Pueblo County. Quite frankly, he does not see an excuse for not paying retail sales taxes. As the Board member stated earlier, these taxes are collected on every sale and there is really no excuse for this type of behavior of holding onto the County's money and after being contacted by the County on numerous times for payment to not pay those taxes upfront. Along with what Mr. Blood and Ms. Spengler said, in cases like this when you get into extreme violations and you are counting 38 violations since 2016, he believes the severe penalties put forth in front of you (the Board) tonight and the sanctions against this license should be as equal as the violations that occurred.

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Ms. Robinson asked why it took so long to get where they are now. She asked if there was output time and stated that they were communicating and corresponding with the other people here to get the taxes paid and asked why it took to this point. Mr. Blood responded that they have an evolution in their priorities as Enforcement. When they first started in the business, they had a lot of tips and requests for investigations from the State and a lot of chaos in the industry. They basically have an Enforcement staff of one, Jason Chambers, and he is the only attorney that does enforcement work for the marijuana part of the County Attorney's office. There has been a fair amount of turnover in the Planning department which has to run the licensing of this, and the Board was getting a lot of tax cases that were increasing in frequency and severity. As a policy decision, it was determined that Enforcement needed to pour more of its resources into the tax part of it and they developed a very close relationship with the Budget office, Ms. Spengler in particular. They started looking with more scrutiny and they found disturbing things. The Board will probably see more of these, this is the first big one that they uncovered. A lot of the smaller ones are similar to what you saw earlier, decent excuses, one time only, but they found a substantial difference here. This isn't a one-time only, they have been given breaks before. A lot of money is involved, they are not talking about \$200 or \$300 a month, this is talking thousands, sometimes \$5,000.00 or more. That's basically why in terms of priority of resources and the Board's focus increasingly has become tax debtors that are just not paying attention.

Mr. Aschner stated that there is not a ton of dispute over the facts. Certainly, there is some dispute to Ms. Spengler's statement that Marisol Therapeutics, LLC has not cooperated or responded to emails. Mr. John Natoli is the manager for Marisol Therapeutics, LLC Therapeutics and the contact for the tax matters. He is not here tonight as he is with his two and a half month old, but he just received a message from him that he just went through his inbox and there is only one message from Ms. Spengler that he has not responded to and that was in August, every other email was responded to in a matter of days. It could be confusion that emails were sent to the wrong contact person, but they vehemently dispute that there was no attempt to cooperate with Ms. Spengler in the Budget Department. He reiterated that they vehemently dispute that Marisol Therapeutics, LLC even attempted to get on a payment plan for these taxes and were told that the County could not offer such a plan to them. He is not quite clear on the conditions or reasons why that was not offered, but it was not. Nonetheless, the taxes were paid and Section 5.12.150(E) lays out 13 criteria that the Board needs to consider in determining what the sanctions are for this business and he would like to go through each of those, provide a little bit of commentary and some corrections to the record.

Mr. Reyes asked Mr. Aschner if he could have one second of an interruption. Mr. Aschner responded yes. Mr. Reyes asked Ms. Spengler who she sent the emails to. Ms. Spengler responded that she sent them to Mike, the owner, and John, the accountant. Mr. Reyes stated to Ms. Spengler that she is making the statement that she sent them and made the statement under oath, and the owner is back there shaking his head no indicating that you (Ms. Spengler) aren't telling the truth. Mr. Reyes stated to Mr. Mike Stetler that he was appalled.

Chairperson Lowe stated that he would like to have the defense attorney finish what he has to say and then they can ask some questions.

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Mr. Aschner continued with the thirteen criteria mentioned previously:

The first in the criteria is the nature and seriousness of the violation. He believes Mr. Chambers testified that this is of the most serious of violations. That is not how he reads the Code. He stated that this is not a violation that affects public safety and there is no evidence of black-market diversion, of untracked product, of unmarked product, illegal or illicit activity. Specifically, under the rules he cited earlier including 5.12.140(L) and 5.12.150(C) the local licensing authority could have suspended Marisol Therapeutics, LLC's licenses until such time that the taxes were paid or the hearing took place. Without having to impose such a penalty, the taxes were paid. As to the nature and seriousness of the nature of the violation, he does not dispute that there was a violation, he does not dispute that the County wants its money but they do dispute that it is of the utmost severity in terms of violations that exist. In the Code, Section 5.12.150(H1) lays out a series of levels of infraction. The first is a license's infraction, the second is a licensed violation and the third is a violation that affects the public health or safety. This appears to fall between license violation or between the two violations. They do dispute that this is a violation of the utmost severity that would warrant a severe suspension or a revocation.

The second criteria is corrective action, if any, taken by the licensee. The corrective action was payment, timely payment, payment before the hearing. Taxes weren't paid simply because of this hearing. Marisol Therapeutics, LLC has been working towards a sale of the majority stake of its business. Mr. Stetler would like to spend a little less time on the financial management side of the business and more time doing what he excels at, the creation, cultivation, and manufacturing of product. While, circumstantially, the timing could not be worse for this order to show cause and for this hearing because Marisol Therapeutics, LLC truly believes and he truly believes that had we not had this order and had this hearing scheduled, maybe that forced the hand of the business by a couple of days or by a week or two, but Marisol Therapeutics, LLC was working diligently to get the tax paid and before any violation or violation hearing. As Mr. Blood said, it looks like there was only a payment because of the threat of a loss of license, but they dispute that and have been working diligently to sell the business and bring on a new owner. That new owner would be in charge and financially responsible for all of these types of debts and to ensure that this type of situation does not arise again. Marisol Therapeutics, LLC has also taken corrective actions. Mr. John Natoli is not the accountant, he is a general manager. There was an accountant with the company for approximately the last two years. When it was found out by the owner that the person was ignoring reporting accounts and not handling their duties of an accountant that person was let go and a new accountant was brought in. That person, Erica, is here today he does not remember her last name. There is a new person in charge of ensuring that this situation does not happen again and so far that person has been able to work to get this debt paid. He hopes that is a sign of good things to come and the Board will take that into consideration. In the past, sales were not being processed, they were being tracked according to the law in the marijuana inventory tracking system called Metric, the State tracking system mandated by the State of Colorado every business must use to track product from seed to sale. Product moving from business to business, being sold wholesale to customers has been tracked but there was a gap in the past between merging that Metric data into their accounting software. Now, that happens within 24 hours. The goal is that all reporting will not only be ore accurate and up to date

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but also more readily available to submit to the Budget department so there can be reasonable dialogue with the Budget department to ensure they are not in this position again.

The third criteria is prior violations, if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any. He would like to correct the record that was provided. It sounds like there have been 38 violations from what Mr. Blood said. Marisol Therapeutics, LLC has never received a sanction of any sort or violation of any sort in their many years and this is one of the first businesses in this industry. This is the first time they are appearing in front of the Board in response to any sort of order to show cause. There have been penalties imposed on these taxes, but they never received a notice of violation. He thinks there is a very serious distinction to be made. There have been taxes paid late in the past. Those taxes have been paid by whatever date this Board or the Budget department as a final due date, if you will. They have always been made timely by that date but there has not been a notice of enforcement action to this business; this is the first time. To the extent this Board makes the decision that corrective action should be imposed, they hope the Board will take that into consideration, provide a reasonable penalty, if any, and allow this business to prove to the Board that they will not be here again. He addressed Mr. Rice's comments regarding the likelihood of recurrence and what steps have been taken. He has addressed that with corrective action and thinks the business believes the likelihood of recurrence is low at this point. They are working to bring someone on, so the burden doesn't fall only on Mr. Stetler or Mr. John Natoli. Marisol Therapeutics, LLC has already taken the corrective measures mentioned a moment ago. He reiterated his statements from above. As of this month, Marisol Therapeutics, LLC will begin a monthly check-in call with the tax department to make sure there are no assessments that have fallen through the cracks and will coordinate with County staff which day that will be to make sure there is a direct line of communication. He has a packet of information he would like to provide and requested to approach or give the documents to Mr. Wolny. He will discuss these as he continues and will late move to have them entered into the record.

The fifth factor is all circumstances surrounding the violation. He wants to address some of the hardships the business has incurred that have made it difficult to pay the tax burden. First is a product classification issue. He referenced the first picture in the packet of documents. From the inception of this business up until 2019, Marisol Therapeutics, LLC had a certain product labeled as "hashbud" a low-quality trim that Marisol Therapeutics, LLC uses to make hash. The State's tracking system has a couple of classifications of "product" and how product is taxed. How it is taxed is based upon how you classify that product. There is a classification for "trim" and a second for "bud/flower." Marisol Therapeutics, LLC classifies "hashbud" as trim, because that is what it is. In 2018, the State determined that this product should have been classified as bud or flower because they were calling it "hashbud". The name "hashbud" triggered something in the State system, and they decided that Marisol Therapeutics, LLC had to pay the difference between the excised tax for trim and the excised tax for bud/flower. That amounted to \$267,000.00 in additional taxes that Marisol Therapeutics, LLC should not have had to pay but did settle with the State and ended up paying \$180,000.00. That is money they had allocated to pay this burden and many other burdens they have and were not able to pay. That is a very large reason why the tax assessment with the County has lingered. He knows Marisol

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Therapeutics, LLC is not happy that this has lingered and is certainly not something that they have willfully and wantonly done. He respects Mr. Reyes' position and opinion on that, but he has known Mr. Stetler for a very long time, and he is not the type of person that deliberately disobeys the law. They were one of the first businesses in the State which makes it one of the first marijuana businesses legalized in the entire world. It has had no violations of public health or safety; the issue here is money. He reiterated past statements. He continued that, as Ms. Spengler said, there were payments made over time it's not that debts accumulated, and no payments were made on them. Every time Marisol Therapeutics, LLC had the cash to make a payment to the County it did. As you can see on Ms. Spengler's Exhibit A, sometimes the debts were paid in 8 or 16 days and other times it took longer to make payments but those were not willful and wanton delays. He referenced the packet of documents, explaining that the second and third pictures depict a flood. Marisol Therapeutics, LLC's facility flooded in 2015. That was a direct catalyst to a significant amount of product contaminated with mold and they had to destroy approximately one million dollars' worth of product. Its general liability and insurance coverage didn't pay for any of that, not for the flood damage or destruction of product. There has been a drop in sales over the last couple years in part due to heightened competition in the area. The next document, the first paperclip, shows that a former employee ended up destroying hundreds of thousands of dollars worth of product on his way out and sabotaged a multi-million dollar licensing deal with Carlos Santana. The Court awarded Marisol Therapeutics, LLC \$240,000.00 in damages; none of the money has been collected to date and a copy of the judgement is included. He has highlighted a couple of relevant portions to show this business is trying. He reiterated previous statements.

The sixth criteria is whether this violation is willful. He believes he has addressed that. He reiterated past statements. He stated that Mr. Stetler realizes there is a risk to his business, his livelihood and his employees' livelihood if he continues to act poorly or continues to delay or hinder or pay the County the money the County is due and cannot stress enough how much he does not believe this to be a willful violation.

The seventh criteria is the length of time the license has been held by the licensee. He stated that there is a page in his documents with a cannabis leaf on it, it says "First in the Nation January 1, 2014". Colorado passed Amendment 64 in November of 2012 and it legalized retail marijuana. Marisol Therapeutics, LLC is recognized as the first business to make a recreational sale in the State which means they are one of if not the first in the nation and, other than Uruguay, the world. Its medical license was first issued in 2009 and is one of the only businesses from back in that day that still exists today. It is a testament to the drive that Mr. and Mrs. Stetler have to stay where they are and continue to operate and stay a positive impact on the community of Pueblo at large.

Item eight in the criteria is the number of violations by the licensee within the applicable 12-month period. He continued that he recognizes none. He reiterated statements from above. He stated that while there have been unpaid taxes, none of them have amounted to what they would consider a violation in strict terms of Code compliance.

Item nine is previous sanctions, if any, imposed against the licensee. He stated those would be none and part of their plea is to have the Board impose sanctions on them. Impose something reasonable so that the Board can be assured that this business will not be here

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again making this plea. Impose sanctions that are reasonable and do not devastate, cripple, or put this business out of business.

Item ten, whether the licensee has a responsible vendor designation. They do; they received that on November 20, 2013 and is included in the documents. All of the managers and owners have taken the responsible vendor training program and, at the back of the packet, is a receipt from a business called, I Comply, which is one of the only State approved responsible vendor training certificate classes. They have already signed up every manager to retake that class which should be done at the end of this month.

Items eleven and twelve are whether the licensee supports other local businesses including, without limitation, the display of local art or use of local ancillary businesses and whether the licensee has contributed to or been involved in a charitable giving program. He thinks this is where Marisol Therapeutics, LLC shines above and beyond any other business the Board will encounter. They are one of the best in the world in this capacity. They are generous and kind and, in the packet of documents, says charitable donation recipients. When he was sitting down with Mr. Stetler and his staff to come up with who they have helped and touched, they couldn't come up with everyone. There were too many names and businesses. They have donated more money and time to businesses they have forgotten about than they could put on the list. Schools, youth teams, clothing drives, food drives, U.S. pet recovery, March of Dimes, and one thing Mr. Stetler prides himself on is that he is a Vietnam vet, and while the State does not permit giving away free product, Marisol Therapeutics, LLC has always had a 10-cent pre-roll deal for veterans with no purchase required as long as you have proof that you are a veteran. Veterans get 15-20% off any other product that they buy depending on the type of product. Marisol Therapeutics, LLC has many patients, vets included, without financial means to purchase their medicine or recreational product and, for those individuals, Marisol Therapeutics, LLC will sell their products at the cheapest rate it possibly can to stay compliant with the law, often giving discounts of 90% or more. Mr. Stetler has bought 10 lots at Roselawn Cemetery for people who cannot afford a burial plot and is giving those away to those in need. He has loaned his truck and trailer to East High School for the State Fair parade in August of 2019. He sends kids to camp, pays for scholarships, we cannot remember all the organizations and charities Mr. Stetler has donated to. He has paid for 6 funerals for people he doesn't even know just for people who needed his assistance in this community. Items eleven and twelve, if they want to talk about the kind of impact a business can have on it's community, the Board can't look to anyone other than Marisol Therapeutics, LLC as the example and is the case and point for the type of people, group, and business you want operating in this community. They are not in it for the wrong reasons; they are giving everything they can to the community. Incredibly, steeply discounting product to veterans and those in need has financially hampered Mr. Stetler personally and this business. If you are selling product at a 90% discount, that is 90% of revenue that you are not taking in yourself. He happily does that despite the better judgement of many people around him, but he is the type of person that will do that for those in need and not think twice about it.

The thirteenth item would be any other factor making the situation with respect to the licensee or the licensee's premises unique. First, Marisol Therapeutics, LLC is involved in some pretty incredible work. It has significant anecdotal evidence that their product truly works, and a case study about the treatment of advanced cancer and advanced cancer

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symptoms using cannabis is included in the documents. What they relied on was a tar that Mr. Stetler created. He explained the effects and studies of the plant. There are also statements from patients showing the profound effect on the lives. He said one patient claimed that Marisol Therapeutics, LLC's tar gave them a lease on life. He thinks that is a really cool thing to consider and taking away a business that does such good for the community and for people that cannot get their medicine or alleviate their symptoms from traditional medicine would be a mistake. He encouraged the Board to review the statements before making a final decision. Mr. Stetler and Marisol Therapeutics, LLC are in communication with Pueblo County Commissioners in opening a rehabilitation clinic where Marisol Therapeutics, LLC will provide, at no cost or the lowest cost required by law, free product to help those who are addicted to opioids to use the product to wean themselves off their addiction. He encouraged the Board to do some Google searches for the literature suggesting that marijuana and certain cannabinoids within the cannabis plant have been beneficial to those who are dealing with opioid crisis and has had an effect on many of those individuals helping them get off of marijuana. Pueblo would be the trial for this type of clinic and ideally blossom into a business venture where Marisol Therapeutics, LLC, instead of providing free product to the clinics across the nation, would sell its product and be able to pay more in taxes to State and local governments. Marisol Therapeutics, LLC would be donating its product or selling it at the lowest cost possible for this type of clinic. The third unique situation is that Mr. Stetler had a heart surgery in 2016. He had a pace maker installed. He was scheduled for surgery tonight, or this afternoon, but postponed his surgery to ensure that he could be with the Board today to answer any question they might have. He is not suggesting that Mr. Stetler's health is the only factor but it is a factor and part of the reason he is looking to sell a large stake of his business to alleviate some of the stress of complying with the myriad regulations that change every month, complying with the heavy financial burdens and cost of running a business of this nature. When Amendment 64 passed, the people of Colorado said they wanted to tax and regulate this like alcohol but, in reality, it is regulated more like plutonium. The taxes on the businesses amount to 70% or more of gross revenue because of federal, State, and local taxes imposed on a business of this nature. It is not an excuse, but it is mitigation they would like the Board to consider.

Mr. Aschner summarized and reiterated his statements above. Rather than take a punitive approach now, Marisol Therapeutics, LLC is asking for a chance to show that its conduct that has brought it to the hearing today is not the norm. Marisol Therapeutics, LLC, through its sale, it's putting itself in a position not to be here again. Not to have to ask for leniency in the future, just to say here is your chance. Take it and run with it and don't come back again or there will be hell to pay. In this industry of business, any period of time with its doors closed is devastating. It is a retail business and cannot rely on wholesale transfers of product. If the County imposes a suspension as a punitive penalty, Marisol Therapeutics, LLC will still have to pay its rent, employees to maintain product and the grow and all of the overhead that amounts to many hundreds of thousands of dollars. To penalize Marisol Therapeutics, LLC with a suspension lasting more than even a matter of days might as well amount to a revocation of this business. If there is any kind of a lengthy suspension, Marisol Therapeutics, LLC will have to close its doors with so much overhead and competition in this space it's unsustainable to have your doors closed. A revocation of suspension of this nature would absolutely destroy this business; it would have an unintended detrimental

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impact on all of the businesses that Mr. Stetler and Marisol Therapeutics, LLC support, and on the many dozens of people that Marisol Therapeutics, LLC employs as well as their families. Some of Marisol Therapeutics, LLC's more than 40 employees are here tonight, some of them are willing to offer a few words on Mr. Stetler's behalf if the Board is willing to entertain that. A suspension or revocation would also detrimentally impact the County. The County will lose out on significant revenue overtime if the business is suspended. In 2018, Marisol Therapeutics, LLC paid nearly \$96,000.00 in taxes to Pueblo alone and, in 2019, about \$88,000.00. If you extrapolate that over the next couple of years, that is hundreds of thousands of dollars in revenue the County would lose out on. It shouldn't be the only factor but is something for the Board to consider. He ended his presentation with a short personal note. He has known Mr. Stetler for a really long time, about 7 years. He is one of the most kind, loyal, general and caring people he has ever met and he thinks it shows in the work that he does. There are a lot of folks who are not here for the right reasons. They think marijuana is a quick cash grab, set their prices high, act poorly. That is not who Mr. Stetler is. He has truly believed in the power of the plant for the better part of his life. When the laws finally afforded the opportunity for Mr. Stetler to help people the way he knew he could, he jumped at the opportunity. Mr. Aschner continued speaking to Mr. Stetler's character and reiterated statements from above. He stated that they are not asking the Board to disregard the violation or shove it under the rug, but they are asking the Board to consider the 13 factors, many of which they believe are favorable to Mr. Stetler and Marisol Therapeutics, LLC. If anything, impose a fine on this business. Marisol Therapeutics, LLC is willing to pay an additional fine. This falls somewhere between what Section 5.12.150(H) calls a license violation and something that affects the public health and safety of the community. A license violation calls for anything from a written warning up to \$5,000.00. Marisol Therapeutics, LLC would be asking to take one step above that and, if the Board imposes a penalty, impose something within the range of \$5,000.00 - \$10,000.00; impose conditions on the license where if the Board sees them back again, they will have a very serious discussion of suspension that lasts more than a couple of days, they have a voluntary surrender of license if taxes are unpaid for a certain number of months. There are things they can discuss that will ensure the Board that they will not be there again. Given that this is the first time this business has been in front of the Board seeking any sort of leniency in penalty, they ask to take that into consideration and offer this business the opportunity to put its money where its mouth is. Mr. Aschner stated that Mr. Stetler along with some employees would like to say a few words.

Mr. Blood asked to interrupt to get a ruling from the Chair or Mr. Wolny. He stated that he understands the desire of the attorney for Marisol Therapeutics, LLC to put the best face forward, but if they bring in character witnesses, that opens the door (in his opinion) to witnesses that have a very negative opinion of Marisol Therapeutics, LLC in the community. He wanted to let them know that before they go down that path. Unless Mr. Wolny or the Chair does not agree with him that that opens the door, he thinks they should know that going in because not everyone in the community has positive things to say about Mr. Stetler or the company. He is not going to do that unless he (Mr. Aschner) opens the door but is prepared to if he does.

Mr. Aschner stated that the witnesses they have are not character witnesses, they are here to speak to the impact of what shutting the doors of this business would mean.

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Mr. Blood replied that his witnesses have indicated that the open business has been a negative impact on them and are more than relevant to the decision.

Chairperson Treanor announced a 5-minute recess at 8:37 p.m.

The meeting resumed at 8:42 p.m.

Chairperson Treanor stated that according to the County Attorney, he has the authority to move this meeting to the next time we are going to meet.

Mr. Wolny clarified by referencing the LMLB Rules and Procedures Rule 4.7, Continuances, reads that any member, including the Chair, may move at any stage of the hearing to stop and continue the hearing to a later date. Because it says to move, it would require an affirmative vote of the Board. Any member, including the Chair, may make that motion if you believe that you would like to continue the testimony to a later date.

Mr. Reyes stated that because of the severity of the matter brought before them, if we move it to the next meeting there should be a penalty between now and the next meeting to show that the Board is seriously considering other sanctions instead of saying just go about your business until next month and we will see what we can do. Looking at the payment schedule, Mr. Stetler has been anywhere from 145 days to 290 days late on retail sales tax, tax that is already collected not out of his pocket and we (the County) haven't gotten it. He is with them if they move it, but let's do some sanctions between now and the next meeting.

Ms. Archuletta asked if they can do that since they haven't heard all of the testimony. Mr. Wolny stated that his recommendation is to not do that. His view is that they are still in the middle of the sanctions presentation of evidence and until that is done, he would caution against levying any kind of penalty.

MOTION

Mr. Causaus motioned to continue the Order to Show Cause hearing issued on December 9, 2019 involving alleged violations of the Pueblo County Code by Marisol Therapeutics, LLC located at 922 East Kimble Drive, Pueblo West, Colorado 81007 and 2204 Hickory Street, Pueblo, Colorado 81001 to the March 9, 2020 meeting. Ms. Robinson seconded the motion. The motion passed by a 4-3 vote.

Don DiFatta – No
Kim Archuletta – Yes
Lucretia Robinson – Yes
Brian Casaus – Yes
Joe Treanor – Yes
Henry Reyes – No
Wallace Rice – No

Mr. Aschner stated that he did not seek to move his documents provided into the record and asked if he should do that next time around. Mr. Wolny responded yes, and that we will retain the copies for now.

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Ms. Archuletta motioned to adjourn the meeting. Mr. Rice seconded the motion. The motion passed unanimously.

ADJOURN

There being no further regular business before the LMLB, the meeting was adjourned at 8:50 p.m. The next LMLB meeting is scheduled to be held on Monday, March 9, 2020, at 6:00 p.m., in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10th Street.

Respectfully submitted,



Dani Cernoia, Recording Secretary
Department of Planning and Development

LDC