

**RECORD OF PRECEEDINGS  
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD  
MONDAY DECEMBER 14, 2020  
6:00 P.M.  
VIRTUAL MEETING**

*The following are summarized statements from the Pueblo County Liquor and Marijuana Licensing Board members and County Staff. Please refer to the Pueblo County Facebook page to watch the full video of the meeting.*

**I. ATTENDANCE/EXCUSED**

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

Members Absent: Don DiFatta

Staff Present: Carmen Howard, Director of Planning and Development; Sarah Long, Assistant County Attorney; Tawnya Stringer, Licensing Manager; Peter Blood, Assistant County Attorney; Jason Chambers, Marijuana Code Compliance Inspector; Jessica Lopez, Marijuana Code Compliance Inspector; Dani Cernoia, Recording Secretary; Chasity Jiron, Recording Secretary

Vice-Chair Casaus called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:00 p.m.

**II. APPROVE THE MEETING MINUTES OF NOVEMBER 9, 2020 AND THE SPECIAL MEETING MINUTES OF NOVEMBER 30, 2020.**

Mr. Rice requested to approve the minutes individually. He was absent from the November 9 meeting and must abstain from that vote.

Mr. Reyes motioned to approve the minutes from the November 9, 2020 meeting. Ms. Archuletta seconded the motion. The motion carried unanimously with the exception of Mr. Rice who abstained.

Ms. Robinson motioned to approve the minutes from the November 30, 2020 special meeting. Mr. Rice seconded the motion. The motion carried unanimously.

**III. APPROVE AGENDA OF DECEMBER 14, 2020**

Ms. Stringer requested to add an item to the regular meeting agenda, 6.B.4, Approval of the Hearing Officer Findings and Order for Mesa Greens, LLC dba Wolfpac Cannabis located at 749 East Enterprise Drive, Pueblo West, Colorado 81007.

Ms. Archuletta motioned to approve the amended agenda. Mr. Reyes seconded the motion. The motion carried unanimously.

**IV. CONSENT MEETING AGENDA ITEMS**

Vice Chair Casaus requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings

Mr. Reyes motioned to approve the consent meeting agenda items as read. Ms. Robinson seconded the motion. The motion carried unanimously.

#### **A. LIQUOR LICENSES**

- Renewal Application for a Hotel and Restaurant Liquor License located at 332 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Cheerco, LLC dba Bella Pasta and Chicken.
- Renewal Application for a Tavern Liquor License and Cabaret License located 327 Highway 50 East, Avondale, Colorado 81022 submitted by Birner Erica G dba Chuck's Place.
- Renewal Application for a Tavern Liquor License and Cabaret License located at 324 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by PSM Holdings, LLC dba Jimmy's Tavern.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 24500 Highway 50 East, Pueblo, Colorado, 81006 submitted by Mi Ranchito, Inc dba Mi Ranchito.
- Renewal Application for a Tavern Liquor License and Cabaret License located at 127 East Spaulding Avenue, Pueblo West, Colorado 81007 submitted by VFW dba Pueblo West Post 5812.
- Renewal Application for a Liquor Store License located at 198 Purcell Boulevard, Suite 170, Pueblo West, Colorado 81007 submitted by Leng Jason M dba Purcell Boulevard Liquor.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 877 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Rojas Incorporated dba Rojas Restaurante Mexicano.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 4490 Bent Bros Boulevard, A-3, Colorado City, Colorado 81019 submitted by Anglin Kacie M Wilson Vickie dba Viktorios Pizzeria.

#### **B. MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application for a Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer located at 65 Precision Drive, Pueblo West, Colorado 81007 submitted by 65PD, LLC dba Apothecary Extracts.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2177 57<sup>th</sup> Lane, Boone, Colorado 81025 submitted by A2Zinc, LLC dba AJ's.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6480 Galbreth Road, Pueblo, Colorado 81005 submitted by Canna Stix, LLC.
- Renewal Application for a Retail Marijuana Products Manufacturer located at 77 North Laser Drive, Suite A, Pueblo West, Colorado 81007 submitted by ClutchX, LLC dba Clutch Extracts.

- Renewal Application for a Retail Marijuana Cultivation Facility and Retail Marijuana Products Manufacturer located at 24 North Electronics Drive, Suite B, Pueblo West, Colorado 81007 submitted by Earth Energy Unlimited, LLC dba Earth Energy Extracts.
- Renewal Application for a Retail Marijuana Cultivation located at 2367 Little Burnt Mill Road, Pueblo, Colorado 81004 submitted by Evergreen Nursery Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 37037 Harbour Road, Avondale, Colorado 81022 submitted by Exuberant Industries.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 43 North Fabrication Drive, Pueblo West, Colorado 81007 submitted by Happy Brands, LLC dba Hiatus Cannabis.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 76 North Mission Drive, Pueblo West, Colorado 81007 submitted by High Horse, LLC dba Snax.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 95 North Magneto Drive, Pueblo, Colorado 81007 submitted by Himalaya Farms, LLC.
- Renewal Application for a Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer located at 77 North Laser Drive, Suite D, Pueblo West, Colorado 81007 submitted by HWMF, LLC dba Rockin' Extracts.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 157 East Industrial Boulevard, Pueblo West, Colorado 81007 submitted by Oil Well Industries, LLC dba The Oil Well.
- Renewal Application for a Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer located at 78 North Silicon Drive, Pueblo West, Colorado 81007 submitted by Palo Verde, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 7428 Rex Road, Pueblo, Colorado 81005 submitted by Quality Choice Alternative Care Center, LLC dba Quality Choice.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 52719 US Highway 50 East, Boone, Colorado 81025 submitted by River Roots, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6383 Galbreth Road, Pueblo, Colorado 81005 submitted by Seven Leaves, LLC.
- Renewal Application for a Retail Marijuana Store located at 4100 West 11<sup>th</sup> Street, Pueblo, Colorado 81003 submitted by The Organic Seed, LLC dba Cannaseur.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 7064 West Highway 96, Pueblo, Colorado 81005 submitted by Voodoo Stylee Natural Farm, LLC dba Voodoo Stylee Natural Farm.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility and Retail Marijuana Products Manufacturer located at 77 North Laser Drive, Suite A, Pueblo West,

Colorado 81007 submitted by Clutch X, LLC dba Clutch Extracts. The ownership structure is adding one owner.

- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 37037 Harbour Road, Avondale, Colorado 81022 submitted by Exuberant Industries. The ownership structure is removing one owner and adding two.

## V. **CONSENT HEARING AGENDA ITEMS**

Vice Chair Casaus requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

Ms. Robinson motioned to approve the consent hearing agenda item. Mr. Rice seconded the motion. The motion carried unanimously.

### A. **LIQUOR LICENSES**-None

### B. **MARIJUANA ESTABLISHMENT LICENSES**

- Change of Location Application for a Retail Marijuana Cultivation Facility located at 428 South McCulloch Boulevard, Unit B, Pueblo West, Colorado 81007 moving to 65 North Laser Drive, Pueblo West, Colorado 81007 submitted by Jag Farms, LLC.

## VI. **REGULAR MEETING AGENDA ITEMS**

### A. **LIQUOR LICENSES**-None

### B. **MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application for a Medical Marijuana Store and Medical Marijuana Cultivation Facility located at 1917 Santa Fe Drive, Pueblo, Colorado 81006 submitted by 1917 Santa Fe, LLC dba Apothecary Farms. Parking plan issues.

Ms. Stringer informed the Board that this item is in reference to the businesses parking plan. Staff is asking for a conditional approval to allow the business to remedy the parking plan issues by their next renewal. If it is not remedied, they will go before the Hearing Officer.

Discussion occurred.

Ms. Robinson motioned to approve the Renewal Application for a Medical Marijuana Store and Medical Marijuana Cultivation Facility located at 1917 Santa Fe Drive, Pueblo, Colorado 81006 submitted by 1917 Santa Fe, LLC dba Apothecary Farms. Ms. Archuletta seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 65 North Laser Drive, Pueblo West, Colorado 81007 submitted by Jag Farms, LLC.

Ms. Stringer explained that this item is a 2020 renewal that is taking place because the business was not able to renew at their previous address. They will not receive their license until they have received their final inspection by Enforcement Officers. This was placed on the regular meeting agenda because it needed to come after the Change of Location.

Discussion occurred regarding documentation related to the application and a time frame for the inspection.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 65 North Laser Drive, Pueblo West, Colorado 81007 submitted by Jag Farms, LLC. Ms. Robinson seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation located at 29050 Resolana Road, Pueblo, Colorado 81006 submitted by Maggie's Farm, LLC dba Maggie's Farm. Parking plan issues.

Ms. Archuletta asked if this is the same as the others. Ms. Stringer responded yes.

Mr. Reyes motioned to approve the Renewal Application for a Retail Marijuana Cultivation located at 29050 Resolana Road, Pueblo, Colorado 81006 submitted by Maggie's Farm, LLC dba Maggie's Farm.

Mr. Logan Goolsby expressed some concerns. Ms. Stringer clarified that the only thing being asked of the Board is that they approve the renewal and by the 2021 renewal all parking plan issues be resolved. She provided more details for Mr. Goolsby.

Discussion occurred between the applicant and staff regarding the parking plan issues through Planning and Zoning.

Mr. Reyes rescinded his previous motion.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Cultivation located at 29050 Resolana Road, Pueblo, Colorado 81006 submitted by Maggie's Farm, LLC dba Maggie's Farm with the condition that the parking plan issues are resolved by their 2021 renewal. Mr. Reyes seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 5715 Red Creek Springs Road East, Pueblo, Colorado 81005 submitted by Wowi, LLC. Parking plan issues.

Ms. Long asked Ms. Stringer if this was the same as the other parking plan issues. Ms. Stringer responded yes and asked if Mr. Russo had anything to add. Mr. Anthony Russo provided some details about his communication with Mr. Terrance Birch.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 5715 Red Creek Springs Road East, Pueblo, Colorado 81005 submitted by Wowi, LLC with the condition that the parking plan issues are resolved by their 2021 renewal. Ms. Robinson seconded the motion. The motion carried unanimously.

- Stipulation Agreement for a Retail Marijuana Store located at 2440 North Interstate 25, Unit B, Pueblo, Colorado 81008 submitted by Stem Beach, LLC dba The Cannabis Depot.

Ms. Long informed the Board that Mr. Peter Blood will present the stipulation and summarized their options.

Mr. Blood informed the Board that Marijuana Enforcement started an enforcement action against the license holder because they [the license holder] through mistake or other negligence failed to get their license renewed and operated without a valid license or authorization for 62 days. He added that it is a very serious violation and outside of the protection of the license system, they were technically operating an illegal business under State and Federal Law. He continued that it is a well-run business, generally, and it does have the advice of legal counsel and generally follows the Pueblo County rules. They acknowledged their mistake and pointed out the fact that although they failed to do it well, within the 62-day period they tried to renew the license. On the positive side, they thought they were licensed and paid all their taxes for the transactions during the 62 days. After negotiation with opposing counsel and discussion with Mr. Jason Chambers, rather than suspending the license they are asking for a substantial fine be paid of \$100,000.00. He believes that sends a significant signal that this sort of mistake cannot happen because it edges too close to criminal behavior. Given the past record of the license holder, he thinks that is a fair resolution.

Discussion occurred between Mr. Blood and Board members.

Mr. Rice asked if staff recommends approval of the stipulation. Mr. Chambers responded that he does agree with the stipulation that Mr. Blood and Mr. Dan Dickenson (attorney for Stem Beach, LLC dba The Cannabis Depot) have put forward.

Ms. Robinson voiced some of her concerns and stated that she finds it hard to believe that someone could make that mistake. Mr. Dickenson provided some reasons as to why the error was made. Once they realized they had been operating without a license, they filed their renewal. Mr. Dickenson looked at the statute which says if you file your renewal and pay the fee, you may operate. He advised his client to pay the fee and file the renewal they did not know the application also has to be complete. 5.12.110F doesn't say it has to be complete and that's how he screwed it up. Ms. Robinson responded with more concerns.

Discussion occurred regarding the tax payments.

Ms. Archuletta motioned to approve the Stipulation Agreement for a Retail Marijuana Store located at 2440 North Interstate 25, Unit B, Pueblo, Colorado 81008 submitted by Stem Beach, LLC dba The Cannabis Depot as presented to the Board by Mr. Blood. Mr. Rice seconded the motion. The motion carried with a 4-1 vote. The votes were as follows:

Ms. Archuletta - Yes  
Mr. Casaus - Yes  
Mr. Reyes - Yes  
Mr. Rice - Yes  
Ms. Robinson - No

- Clarification of Motion for the Transfer of Ownership application for a Retail Marijuana Store located at 4305 Thatcher Avenue, Pueblo, Colorado 81005 submitted by SBUD, LLC dba Starbuds transferring from Starbuds Pueblo, LLC dba Starbuds.

Ms. Long informed the Board that the two items have the same issue but will need to be voted on separately. She reminded the Board that these Transfer of Ownership Applications were voted on at the Special Meeting and summarized the conditions that were placed on the approval. She continued that staff received more information after the fact and the transfer deal has not been finalized on their end. There was a question from the previous owner as to whether or not they can continue to operate. Staff's recommendation is to amend the previous motion to allow the prior owner to continue to operate until the deal is finalized and those papers are submitted to Planning and Development and that that occur before the end of the year.

Discussion occurred.

Ms. Long requested that the motion be made with the verbiage: "move to amend the prior transfer of ownership to permit the previous owner to operate until the transfer is finalized and to have the end of the year as the deadline for the final paperwork to be submitted to Planning and Development."

Ms. Robinson motioned to accept Ms. Long's verbiage for the amended motion. Mr. Rice seconded the motion. The motion carried unanimously.

- Clarification of Motion for the Transfer of Ownership application for a Retail Marijuana Store located at 428 South McCulloch Boulevard, Building A, Pueblo West, Colorado 81007 submitted by SBUD, LLC dba Starbuds transferring from Starbuds Alameda, LLC dba Starbuds.

Ms. Archuletta motioned to move to amend the prior transfer and to allow or permit the current owner to continue to operate until the paperwork is submitted to Planning and Development for a Retail Marijuana Store located at 428 South McCulloch Boulevard, Building A, Pueblo West, Colorado 81007 submitted by SBUD, LLC dba Starbuds transferring from Starbuds Alameda, LLC dba Starbuds. Mr. Reyes seconded the motion.

Ms. Stringer asked if there will be a timeline added to this item as well.

Ms. Archuletta rescinded her motion.

Ms. Archuletta motioned to amend the prior transfer to allow the prior or current owners to operate until the paperwork is submitted through the end of the month, 12/31/2020, for the Retail Marijuana Store located at 428 South McCulloch Boulevard, Building A, Pueblo West, Colorado 81007 submitted by SBUD, LLC dba Starbuds transferring from Starbuds Alameda, LLC dba Starbuds. Mr. Reyes seconded the amended motion. The motion carried unanimously.

- Approval of the Hearing Officer Findings and Order regarding a temporary suspension for a Retail Marijuana Store located at 749 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Mesa Greens, LLC dba Wolfpac Cannabis.

Ms. Long informed the Board that the applicant did not attend the Hearing Officer Meeting on December 2, 2020 and summarized the Hearing Officer's Order to temporarily suspend the license. She added that the applicant was only suspended for one day before they complied with the order.

Discussion occurred.

Ms. Long summarized the options for the Board.

Ms. Archuletta motioned to ratify the Hearing Officer Order for Mesa Greens, LLC dba Wolfpac Cannabis located at 749 East Enterprise Drive, Pueblo West, Colorado 81007. Ms. Robinson seconded the motion. The motion carried unanimously.

## VII. OTHER

### A. DISCUSSION

#### 1. Discussion

##### a) Discussion of 2021 LMLB calendar and potential dates.

Discussion occurred regarding the 2021 calendar and the holiday in October. Ms. Cernoia informed the Board that she will fix the October date and send the calendar to the group. She added that all meetings for 2021 will be on the 2<sup>nd</sup> Monday of each month.

Ms. Robinson motioned to approve the calendar for 2021, 2<sup>nd</sup> Monday of each month. Ms. Archuletta seconded the motion. The motion carried unanimously.

#### 2. Resolution 20-01

##### a) Adoption of Resolution No. LMLB 20-01, designating a place for the posting of notice of public meetings in 2021.

Ms. Long informed the Board that this item will need to be continued to January.

Ms. Archuletta motioned to move Resolution 20-01 to the January meeting. Mr. Rice seconded the motion. The motion carried unanimously.

## ADJOURN

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

There being no further regular business before the LMLB, the meeting was adjourned at 7:21 P.M. The next LMLB meeting is scheduled to be held on Monday, January 11, 2021, at 6:00 p.m. via Zoom and Facebook Live.

Respectfully submitted,



Dani Cernoia, Recording Secretary  
Department of Planning and Development