

**RECORD OF PRECEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY FEBRUARY 8, 2021
6:00 P.M.
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURT HOUSE
215 WEST 10TH STREET**

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.

Ms. Long called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 5:06 P.M.

I. EXECUTIVE SESSION

Request for an Executive Session: For a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b) concerning Chapter 5.12 of the Pueblo County Code.

Ms. Long requested a motion to enter Executive Session. Mr. Casaus moved. Ms. Archuletta seconded the motion. The motion carried unanimously.

Executive Session began at 5:08 P.M.

Executive Session ended at 6:09 P.M.

The meeting was live on Facebook at 6:11 P.M.

II. ATTENDANCE/ EXCUSED

Members Present: Kim Archuletta, Brian Casaus, Tom Emerson, Henry Reyes, Wallace Rice, Lucretia Robinson (joined at 5:33 P.M.), Judith Stein

Members Absent: None

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

Ms. Long asked the Board if any member was interested in the position of Acting Chair for the meeting. Ms. Robinson stated she would like Mr. Casaus to be Acting Chair.

Ms. Archuletta moved to elect Mr. Casaus as the Acting Chair for the meeting. Ms. Robinson seconded the motion. The motion carried unanimously.

III. INTRODUCTION OF NEW MEMBERS

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Ms. Long introduced Ms. Judith Stein and Mr. Tom Emerson as the new members of the Board.

IV. APPROVE THE MEETING MINUTES OF JANUARY 11, 2021

Mr. Rice noted an error in the minutes and motioned to continue the approval of the meeting minutes of January 11, 2021 to March 8, 2021. Ms. Archuletta seconded the motion. The motion carried unanimously.

Mr. Emerson and Ms. Stein abstained from the vote as they were not present at the January 11, 2021 meeting.

V. APPROVE AGENDA OF FEBRUARY 8, 2021

Mr. Rice motioned to approve the agenda of the February 8, 2021 meeting. Ms. Archuletta seconded the motion. The motion carried unanimously.

Mr. Emerson and Ms. Stein abstained from the vote.

VI. CONSENT MEETING AGENDA ITEMS

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

Mr. Reyes requested to move items 6.B.3.A and 6.B.3.B to the regular meeting agenda. Acting Chairperson Casaus granted the request.

Ms. Archuletta motioned to approve the consent meeting agenda items as amended. Ms. Robinson seconded the motion. The motion carried unanimously.

Mr. Emerson and Ms. Stein abstained from the vote.

A. LIQUOR LICENSES

- Renewal Application for a Hotel and Restaurant Optional Premise 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.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 611 South McCulloch Boulevard West, Pueblo West, Colorado 81007 submitted by First Round Draft Sports Pub Inc dba First Round Draft Sports Pub.
- Renewal Application for a Liquor Store License located at 8869 Grand Avenue, Beulah, Colorado 81023 submitted by Chaderick Lee Perkins dba Grand Spirit and Liquor.

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- Renewal Application for a Fermented Malt Beverage Liquor License located at 25100 Highway East, Pueblo, Colorado 81006 submitted by JR's Country Stores Inc dba JR's Country Store No 205
- Transfer of Ownership application for a Liquor Store License located at 316 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Khund, LLC dba Cheers in Pueblo West transferring from Bir Furniture, LLC dba Next Door Décor dba Cheers in Pueblo West.

B. MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Cultivation Facility located at 6468 Galbreth Road, Pueblo, Colorado 81005 submitted by Ancient Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 61100 Highway 96 East, Boone, Colorado 81025 submitted by Dr. Releaf, Inc.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 31 North Silicon Drive, Pueblo West, Colorado 81007 submitted by High Demand, LLC dba High Demand.
- 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 Medical Marijuana Cultivation Facility and Medical Marijuana Store located at 3321 South Interstate-25, Pueblo, Colorado 81004 submitted by Stem Beach Dispensary, LLC dba Doctor's Orders.
- Renewal Application for a Medical Marijuana Cultivation Facility located at 256 28th Lane, Pueblo, Colorado 81001 submitted by The Purple Dragon, LLC.
- Renewal Application for a Retail Marijuana Store located at 1400 Santa Fe Drive, Suites A & B, Pueblo, Colorado 81006 submitted by Westside Wellness Center, LLC dba Maggie's Farm.
- Renewal Application for a Retail Marijuana Products Manufacturer located at 3375 South Interstate-25, Pueblo, Colorado 81004 submitted by Wolfe Xtracts, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6476 Galbreth Road, Pueblo, Colorado 81005 submitted by Woody's Farm, LLC dba Woody's Farm, LLC.
- Change of Ownership 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. The ownership structure is adding one owner.

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VII. REGULAR MEETING AGENDA ITEMS

A. LIQUOR LICENSES-None.

B. MARIJUANA ESTABLISHMENT LICENSE

- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 41751 Harbour Road, Avondale, Colorado 81022 submitted by Happy Tree & Company, LLC dba Happy Tree Farms.

Mr. Blood introduced the issue to the Board and explained why he requested a hearing. He explained the fine issued to the applicant and the agreed upon payment period.

Ms. Archuletta asked Ms. Lopez what stage the untagged plants were in. Ms. Lopez responded they were all over the height of 8 inches, some were over 2-3 feet, and some were over 5 feet. All plants were in different growth states.

Discussion occurred.

Mr. Austin Hiatt, 2541 Spruce Street, Boulder, Colorado 80302, attorney for Happy Tree Farms explained to the Board the tags were missing from some plants because the applicant ran out of tags.

Mr. David Core, 806 Bragdon Avenue, Pueblo, Colorado 81004, stated some of the plants had tags removed for destruction and were not yet destroyed. He changed his standard operating procedure to prevent the issue from happening again.

Discussion occurred.

Ms. Robinson motioned to approve the Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 41751 Harbour Road, Avondale, Colorado 81022 submitted by Happy Tree & Company, LLC dba Happy Tree Farms. Ms. Archuletta seconded the motion. The motion carried unanimously.

- Conditional Approval Extension (3rd extension request) by Plain Jane Organics, LLC to extend the Findings an Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of July 9, 2018 for an application for a Medical Marijuana Store and Retail Marijuana Store located at 4490 Bent Brothers Boulevard, #B1-B2, Colorado City, Colorado 81019. The 3rd extension date is July 9, 2021.
- Conditional Approval Extension (3rd extension request) by Plain Jane Organics, LLC to extend the Findings an Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of July 9, 2018 for an application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7068 Burnt Mills Road, Beulah, Colorado 81023. The 3rd extension date is July 9, 2021.

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Ms. Long explained the two Conditional Approval Extension items and provided her recommendation. She informed Mr. Emerson and Ms. Stein to abstain from the vote to rescind since they weren't present at the January meeting.

Ms. Archuletta motioned to rescind the prior motion and reconsider the Conditional Approval Extension (3rd extension request) by Plain Jane Organics, LLC to extend the Findings an Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of July 9, 2018 for an application for a Medical Marijuana Store and Retail Marijuana Store located at 4490 Bent Brothers Boulevard, #B1-B2, Colorado City, Colorado 81019.. Mr. Rice seconded the motion. The motion carried unanimously.

Mr. Emerson and Ms. Stein abstained from the vote.

Ms. Archuletta motioned to rescind the prior motion and reconsider Conditional Approval Extension (3rd extension request) by Plain Jane Organics, LLC to extend the Findings an Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of July 9, 2018 for an application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7068 Burnt Mills Road, Beulah, Colorado 81023. Mr. Reyes seconded the motion. The motion carried unanimously.

Mr. Rice recused himself from consideration of the motions on agenda items 6.B.2.A and 6.B.2.B. Mr. Emerson and Ms. Stein abstained from the vote.

Ms. Long stated the Board can continue with their reconsideration of the items together since they have similar issues, but they will need to make two separate motions as to whether they approve the extensions.

Mr. Jeff Wilson, Attorney Registration Number 47497, 600 S. Cherry, Street, Suite 835, Denver, Colorado 80246, addressed the Board.

Discussion occurred.

Mr. Ryan Farney, 7068 Burnt Mill Road, Beulah, Colorado 81023, explained his business model and philosophy to the Board. He stated he has reached out to other growers that offer a "clean" product to offer in their store.

Discussion occurred.

Mr. Wilson stated if an extension is granted to July of this year, his clients would welcome that and if given the opportunity, he can assure the Board his clients will easily be in full compliance by then.

Discussion occurred.

Mr. Reyes asked Mr. Wilson if the extension is granted the applicant has not completed what is required by the County, is the applicant willing to turn in the licenses? Mr. Wilson deferred to Mr. Farney. Mr. Farney responded it is understood this would be the last opportunity to finish the project and they would have to surrender the licenses if not completed by the end of the renewal period.

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Mr. Wilson asked Ms. Long if the Board approved the extension request, could they include the condition stating it is the final extension request and no further extensions would be granted. Ms. Long responded yes.

Ms. Long asked Mr. Reyes if he would like to add the condition mentioned above to the motion. Mr. Reyes responded yes.

Ms. Archuletta motioned to approve the Conditional Approval Extension (3rd extension request) by Plain Jane Organics, LLC to extend the Findings an Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of July 9, 2018 for an application for a Medical Marijuana Store and Retail Marijuana Store located at 4490 Bent Brothers Boulevard, #B1-B2, Colorado City, Colorado 81019 with the additional condition that this would be the final granted extension. Mr. Reyes seconded the motion. The motion passed with a 5-1 vote.

The votes were as follows:

Ms. Archuletta – No
Mr. Casaus – Yes
Mr. Emerson – Yes
Mr. Reyes – Yes
Mr. Rice – Recused
Ms. Robinson – Yes
Ms. Stein – Yes

Ms. Archuletta motioned to approve the Conditional Approval Extension (3rd extension request) by Plain Jane Organics, LLC to extend the Findings an Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of July 9, 2018 for an application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7068 Burnt Mills Road, Beulah, Colorado 81023 with the additional condition that this would be the final granted extension. Ms. Robinson seconded the motion.

Discussion occurred. After discussion the motion passed with a 4-2 vote.

The votes were as follows:

Ms. Archuletta – No
Mr. Casaus – Yes
Mr. Emerson – Yes
Mr. Reyes – No
Mr. Rice – Recused
Ms. Robinson – Yes
Ms. Stein – Yes

Ms. Stringer requested a recess at 7:28 P.M. The meeting was back in session at 7:32 P.M.

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- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 2310 Pope Valley Ranch Road, Unit B, Pueblo, Colorado 81005 submitted by Insite Commercial and Trading Limited Group, LLC.

Mr. Reyes asked a question regarding the late payment of taxes. Ms. Long informed Mr. Reyes that all taxes were paid and current at the time of the hearing and explained the 9-month condition placed by the Hearing Officer.

Mr. Rice asked if the time period placed on orders regarding late payments of taxes could be up until their next renewal. Ms. Long responded with details. Ms. Stringer added that the 9 months was recommended in the staff memo because it took the applicant up to their next renewal.

Mr. Rice motioned to ratify the Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 2310 Pope Valley Ranch Road, Unit B, Pueblo, Colorado 81005 submitted by Insite Commercial and Trading Limited Group, LLC. Ms. Archuletta seconded the motion. The motion carried unanimously.

- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility and Retail Marijuana Products Manufacturer located at 1328 South LaCrosse Avenue, Pueblo, Colorado 81001 submitted by Statewide Supply dba Statewide Supply.

Mr. Reyes stated in the findings, the business has not been in operation for one year and the applicant has been given 6 additional months to come into compliance. Ms. Long responded the Pueblo County Code used to read that a business must have a taxable event or some other proof of operation within a one-year period or they could not be renewed. The Pueblo County Code was amended to say the license may be denied if they are not operational for a one-year period prior to the renewal. The Hearing Officer had the discretion to deny or grant the renewal. Based on the testimony of the applicant, the Hearing Officer decided to give them a 6-month period to get the facility up to code and operational.

Ms. Stringer added that the license has not been renewed. If the applicant does not come into compliance within 6 months, the license goes away. If they do come into compliance within 6 months, the license is up for renewal in June.

Discussion occurred.

Ms. Archuletta motioned to approve the Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility and Retail Marijuana Products Manufacturer located at 1328 South LaCrosse Avenue, Pueblo, Colorado 81001 submitted by Statewide Supply dba Statewide Supply. Mr. Reyes seconded the motion. The motion carried unanimously.

ADJOURN

There being no further regular business before the LMLB, the meeting was adjourned at 7:47 P.M. The next LMLB meeting is scheduled to be held on Monday, March 8, 2021, at 6:00 P.M. via Zoom and Facebook Live.

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Respectfully submitted,

Dani D Cernoia

Dani Cernoia, Recording Secretary
Department of Planning and Development