

RECORD OF PRECEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY, SEPTEMBER 11, 2023
6:00 P.M.
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
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.

I. ATTENDANCE/EXCUSED

Members Present: Brian Casaus, Gina Dutcher, Tom Emerson, Henry Reyes, Juanita Rodriguez, Judith Stein

Members Absent: Sarah Habib

Staff Present: Carmen Howard, Director of Planning and Development via Zoom; Kyle Aber, Deputy Director of Liquor and Marijuana Licensing; Sarah Long, Assistant County Attorney via Zoom; Peter Blood, Senior Associate County Attorney via Zoom; Jessica Lopez, Marijuana Code Compliance Inspector via Zoom; Bonnie Carter, Licensing Coordinator; Hope Martinez, Recording Secretary.

Ms. Dutcher called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:00 P.M.

II. APPROVE THE MEETING MINUTES OF AUGUST 14, 2023

Ms. Stein motioned to approve the meeting minutes of August 14, 2023. Mr. Reyes seconded the motion. The motion carried unanimously.

III. APPROVE AGENDA OF SEPTEMBER 11, 2023.

Mr. Reyes motioned to approve the agenda as amended of the SEPTEMBER 11, 2023 meeting. Mr. Casaus seconded the motion. The motion carried unanimously.

Staff requests to remove item 62Be. Short form stipulation that didn't make it on the agenda and that would need to be approved before the renewal can go forward.

IV. CONSENT MEETING AGENDA ITEMS

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

Mr. Emerson motioned to approve the consent meeting agenda listed below. Ms. Rodriguez seconded the motion. The motion carried unanimously.

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LIQUOR LICENSES

1. Renewals

- Renewal Application for a Hotel and Restaurant License located at 190 West Palmer Lake Drive Pueblo West, Colorado 81007 submitted by Buckshot Bar & Grill, LLC.
- Renewal Application for a Fermented Malt Beverage On/Off Premises located at 8950 South Interstate 25 Colorado City, Colorado 81019 submitted by Circle K #2744062.
- Renewal Application for a Hotel and Restaurant License located at 105 South Tiffany Drive Pueblo West, Colorado 81007 submitted by Do Drop Inn West.
- Renewal Application for a Retail Liquor Store located at 6654 State Highway 165 Colorado City, Colorado 81019 submitted by Fast Break LLC.
- Renewal Application for a Tavern License located at 202 South McCulloch Blvd Unit 228 Pueblo West, Colorado 81007 submitted by Tumbleweed Tavern.

MARIJUANA ESTABLISHMENT LICENSES

2. Renewals

- Renewal Application for a Marijuana Retail Cultivation Facility located at 24 North Research Drive Pueblo West, Colorado 81007 submitted by Clearwater Campus, LLC.
- Renewal Application for a Retail Marijuana Store located at 4116 Nature Center Road Pueblo, Colorado 81003 submitted by Garden Greens, LLC.
- Renewal Application for a Medical Marijuana Products Manufacturer located at 77 North Laser Drive Unit D Pueblo, Colorado 81007 submitted by HWMF, LLC.
- Renewal Application for a Retail Marijuana Products Manufacturer located at 77 North Laser Drive Unit D Pueblo, Colorado 81007 submitted by HWMF, LLC.
- Renewal Application for a Retail Marijuana Products Manufacturer located at 412 South McCulloch Blvd Unit F &G Pueblo West, Colorado 81007 submitted by Infinite Infusions, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 60810 Highway 96 East Boone, Colorado 81025 submitted by Mission Farms, LLC.

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- Renewal Application for a Retail Marijuana Cultivation Facility located at 1812 La Crosse Avenue Pueblo, Colorado 81006 submitted by Staycon, LLC.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 7070 West State Highway 96 Pueblo, Colorado 81005 submitted by Sunny Acres, LLC.

- Renewal Application for a Retail Marijuana Products Manufacturer located at 2285 North Interstate 25 Pueblo, Colorado 81008 submitted by Syl's, LLC.

- Renewal Application for a Medical Marijuana Products Manufacturer located at 1650 Siloam Road Pueblo, Colorado 81005 submitted by Yeti Farms, LLC.

- Renewal Application for a Medical Marijuana Cultivation Facility located at 1650 Siloam Road Pueblo, Colorado 81005 submitted by Yeti Farms, LLC.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 1650 Siloam Road Pueblo, Colorado 81005 submitted by Yeti Farms, LLC.

Transfer of Ownership

1. Transfer of Ownership
 - Transfer of Ownership Application for a Retail Marijuana Store located at 78 North Precision Drive Pueblo West, Colorado 81007 submitted by Go Rule, INC.

SHORT FORM STIPULATIONS

1. Stipulation
 - Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 77 North Laser Drive Pueblo West, Colorado 81007 for Clearwater Buds, LLC.

 - Stipulation Agreement for a Medical Marijuana Store located at 7415 Rex Road Pueblo, Colorado 81005 for DKC, LLC dba Denver Kush Club.

 - Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 7415 Rex Road Pueblo, Colorado 81005 for DKC, LLC dba Denver Kush Club.

 - Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 9000 South Interstate 25 Pueblo, Colorado 81004 for Heartland Industries, LLC.

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- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 4780 Farasita Blvd Pueblo, Colorado 81005 for High Canyon, LLC.
- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 157 East Industrial Blvd Pueblo West, Colorado 81007 for Oilwell Industries, LLC dba The Oilwell.
- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 33625 East United Avenue Pueblo, Colorado 81001 for Silver Lake Holdings, LLC dba Rooted.

HEARING OFFICER ORDERS

1. Violation Hearing Officer Results

- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 2367 Little Burnt Mill Road Pueblo, Colorado 81004 for Evergreen Nursery Farms, LLC.

Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 2385 Little Burnt Mill Road Pueblo, Colorado 81004 for Ohana Muana Gardens, LLC.

V. CONSENT HEARING AGENDA ITEMS

Chairperson Gina Dutcher requested the staff memorandums and any applicable Findings and Orders be made part of the record of proceedings. listed below.
Ms. Stein motioned to approve the consent hearing agenda Mr. Casaus seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

1. Transfer of Ownership

- Transfer of Ownership Application for a Retail Liquor Store located at 316 South McCulloch Blvd Pueblo West, Colorado 81007 submitted by Cheers in Pueblo West.

2. Special Event Permit

- Application for a Special Events Permit Malt, Vinous and Spirituous Liquor Permit located at 61 East Civic Center Plaza Pueblo West, Colorado 81007 submitted by Pueblo West Chamber of Commerce for the date of September 30, 2023.

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- Application for a Special Events Permit Fermented Malt Beverage Permit located at 175 East Spaulding Avenue Pueblo West, Colorado 81007 submitted by Southern Colorado Indian Motorcycle Riders Group for the date of September 16, 2023.

VI. REGULAR MEETING AGENDA ITEMS

LIQUOR LICENSES

1. Renewals

- Renewal Application for a Fermented Malt Beverage and Wine located at 1659 Santa Fe Drive Pueblo, Colorado 81006 submitted by Circle K Stores Inc #2706999.

Mr. Aber states the item was placed on regular agenda; Board approved the license last year. For a gas station that hasn't started construction. Board can decide not to renew if that's what they chose.

Appearing via zoom: Sarah Long, gives direction on Colorado revised statutes states that a local license that has been approved and construction hasn't commenced within one year of the approval comes from the state code, you can refer it to the Hearing Officer for a hearing on non-renewal or you can renew the license.

Mr. Coates appears via Zoom representing Circle K. Sophia Hernandez appears via phone. Store will be complete by June 2024. Renew while under construction so they can finish construction and open without having to start over.

Ms. Rodriguez motioned to approve the Renewal Application. Mr. Emerson seconded the motion. The motion carried unanimously.

MARIJUANA ESTABLISHMENT LICENSES

2. Renewals

- Renewal Application for a Marijuana Retail Cultivation Facility located at 77 North Laser Drive Unit H Pueblo West, Colorado 81007 submitted by Clearwater Buds, LLC.

Mr. Aber states this item was pulled from consent agenda because they had a short form Stipulation board just approved, Staff is not objecting to renewal.

Mr. Casaus motioned to approve a Renewal Application for a Marijuana Retail Cultivation Facility located at 77 North Laser Drive Unit H Pueblo West, Colorado 81007 submitted by Clearwater Buds, LLC. Ms. Stein seconded the motion. The motion carried unanimously.

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- Renewal Application for a Retail Marijuana Cultivation Facility located at 9000 South Interstate 25 Pueblo, Colorado 81004 submitted by Heartland Industries, LLC.

Mr. Aber states this item was pulled from consent agenda because they had a short form Stipulation board just approved, Staff is not objecting to renewal.

Mr. Reyes motioned to approve a Renewal Application for a Retail Marijuana Cultivation Facility located at 9000 South Interstate 25 Pueblo, Colorado 81004 submitted by Heartland Industries, LLC. Ms. Stein seconded the motion. The motion carried unanimously.

- Renewal Application for a Marijuana Retail Cultivation Facility located at 4780 Farasita Blvd Pueblo, Colorado 81005 submitted by High Canyon, LLC.

Mr. Aber states this item was pulled from consent agenda because they had a short form Stipulation board just approved, Staff is not objecting to renewal.

Mr. Emerson motioned to approve a Renewal Application for a Marijuana Cultivation Facility located at 4780 Farasita Blvd Pueblo, Colorado 81005 submitted by High Canyon LLC. Mr. Casaus seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 2385 Little Burnt Mill Road Pueblo, Colorado 81004 submitted by Ohana Mauna Gardens, LLC.

Mr. Aber states this item was pulled from consent agenda because they had a pending hearing officer order that the board needed to approve, the board just approved, Staff is not objecting to renewal.

Ms. Stein motioned to approve a Renewal Application for a Retail Cultivation Facility located at 2385 little Burnt Mill Road Pueblo, Colorado 81004 submitted by Ohana Mauna Gardens, LLC. Ms. Rodriguez seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Store located at 1714 Santa Fe Drive Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC.

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Mr. Aber states that we will be renewing under their old ownership structure, one of their owners passed away, there will be a change of ownership coming. Staff is not objecting to renewal.

Scott Smith appears via zoom. States they did receive a court order and will be submitting within 10 days for the change of ownership.

Mr. Casaus motioned to approve a Renewal Application for a Retail Marijuana Store located at 1714 Santa Fe Drive Pueblo, Colorado 81006 submitted by Three Rivers Development LLC. Mr. Emerson seconded the motion. The motion carried unanimously.

HEARING OFFICER ORDERS

1. Violation Hearing Results

- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 8440 Highway 96 Suite B Pueblo, Colorado 81005 for Newco Ventures, LLC.

Sarah Long explains: Hearing Officer intended for these to come back before you for supplemental evidence at the October Meeting for you to issue your final order at that time, however, since this was done and signed before this meeting it needed to be ratified for the next LMLB meeting which is tonight, additionally if it had pended for 40 days the order would have been final, which would have been an issue because it states that they are supposed to provide further evidence at the October 9th meeting. Recommends vote to reopen both items for supplemental evidence and final order at the October LMLB meeting. That would put it in line with what was intended you can then get the evidence at that time and make the final decision in October.

Mr. Blood states the intend was to issue a finding indicating that the violation in both cases merits revocation, the order was intended to suspend or stay the revocation until the October 9th meeting in case the companies can pay their taxes and fines.

Ms. Stein motioned to Reopen hearing for supplemental evidence in a final order on the Hearing Officers Order. Mr. Emerson seconded the motion. The motion carried unanimously.

- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 8380 Highway 96 West Pueblo, Colorado 81005 for Sunstrain LLC.

Sarah Long explains: Hearing Officer intended for these to come back before you for supplemental evidence at the October Meeting for you to issue your final order at that time, however, since this was done and signed before this meeting it needed to be ratified for the next LMLB meeting which is tonight, additionally if it had pended for 40 days the order would have been final, which would have been an issue because it states that they are supposed to provide further evidence at the

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October 9th meeting. Recommends vote to reopen both items for supplemental evidence and final order at the October LMLB meeting. That would put it in line with what was intended you can then get the evidence at that time and make the final decision in October.

Mr. Blood states the intend was to issue a finding indicating that the violation in both cases merits revocation, the order was intended to suspend or stay the revocation until the October 9th meeting in case the companies can pay their taxes and fines.

Mr. Reyes motioned to Reopen hearing for supplemental evidence in a final order on the Hearing Officer Order. Ms. Rodriguez seconded the motion. The motion carried unanimously.

VII. REGULAR HEARING AGENDA ITEMS

MARIJUANA ESTABLISHMENT LICENSES **

1. Change of Location

- Change of Location Application for a Medical Marijuana Cultivation Facility located at 4245 West 13th Street Pueblo, Colorado 81003 submitted by Grow Dispensary, INC.

Chairperson Gina Dutcher opened the hearing.

Mr. Aber states change of location, staff submitted a memo and has no objection.

Sarah asks that the application, staff memo and any other documents that are attached to it be attributed to the record.

Staff is recommending approval.

IN FAVOR

Mr. Costanza appears on behalf of Grow Dispensary. Owner of Grow Dispensary, here to answer any questions the Board may have.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Gina Dutcher closed the hearing.

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MOTION

Mr. Casaus motioned to approve the Change of Location Item. Ms. Stein seconded the motion. The motion carried unanimously.

ADJOURN

There being no further regular business before the LMLB, the meeting was adjourned at 6:37 P.M. The next LMLB meeting is scheduled to be held on Monday, OCTOBER 9, 2023, at 6:00 P.M. in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10th Street.

Respectfully submitted,

Hope Martinez

Department of Planning and Development
Administrative Assistant III Liquor and Marijuana Licensing