

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD  
MONDAY SEPTEMBER 14, 2020  
6:00 P.M.  
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURT HOUSE 215  
WEST 10<sup>TH</sup> 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: Kim Archuletta (by phone), Brian Casaus, Don DiFatta (by phone), Henry Reyes, Jr., Wallace Rice, Lucretia Robinson, and Joseph Treanor

Members Absent: None

Staff Present: Carmen Howard, Director of Planning and Development; Sarah Long, Assistant County Attorney; Tawnya Stringer, Licensing Manager; Dani Cernoia, Recording Secretary

Chairperson Treanor called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:02 p.m.

**II. APPROVE THE MEETING MINUTES OF AUGUST 10, 2020.**

Mr. Casaus motioned to approve the minutes of the August 10, 2020 meeting. Mr. Reyes seconded the motion. The motion carried unanimously. Mr. DiFatta abstained from voting as he was absent at the August 10 meeting.

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

Ms. Stinger informed the Board that item V.B.1.a, Change of Location for Medically Correct, LLC dba Medically Correct, needed to be removed from the agenda because the owner had withdrawn the application.

Mr. Casaus motioned to approve the amended agenda of the September 14, 2020 meeting. Mr. Reyes 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.

Ms. Long requested to move item IV.B.1.a, Renewal Application for Best Buds Botanical, LLC dba Best Buds to the Regular Meeting portion of the agenda.

Mr. Reyes requested to move item IV.B.3.b, Approval of the Hearing Officer Findings and Order for Colorado Best Budz, LLC to the Regular Meeting portion of the agenda.

Mr. Rice requested to move item IV.B.3.c and IV.B.3.d, Approval of the Hearing Officer Findings and Order for Jag Farms, LLC and Terps, LLC dba Terps to the Regular Meeting portion of the agenda.

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

**A. LIQUOR LICENSES**

- Renewal Application for a Liquor Store (county) License located at 323 East US Highway 50, Avondale, Colorado 81022 submitted by Birner James A dba Avondale Liquor.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 190 West Palmer Lake Drive, Pueblo West, Colorado 81007 submitted by Buckshot Bar and Grill, LLC dba Buckshot Bar and Grill, LLC.
- Renewal Application for a Liquor Store (county) License located at 6654 Highway 165, Colorado City, Colorado 81019 submitted by Fast Break, LLC dba Fast Break.
- Renewal Application for a Liquor Store (county) License located at 27050 East Highway 50, Unit B-5, Pueblo, Colorado 81006 submitted by LaGree's Liquor Stores, LLC dba LaGree's Liquor Pueblo.
- Renewal Application for a Hotel and Restaurant Liquor License located at 46 East Dunlap Drive, Pueblo West, Colorado 81007 submitted by Tea Palace L and W Inc dba Tea Palace Restaurant.

**B. MARIJUANA ESTABLISHMENT LICENSES**

- 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 Retail Marijuana Cultivation Facility located at 6480 Pickney Road, Rye, Colorado 81069 submitted by Cannacraft, LLC dba Cannacraft.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 77 North Laser Drive, Unit H, Pueblo West, Colorado 81007 submitted by Clearwater Buds, LLC.
- Renewal Application for a Medical Marijuana Cultivation Facility located at 7415 Rex Road, Pueblo, Colorado 81005 submitted by DKC, LLC dba Denver Kush Club.
- Renewal Application for a Retail Marijuana Products Manufacturer located at 9000 South Interstate 25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 4780 Farisita Boulevard, Pueblo, Colorado 81005 submitted by High Canyon, LLC dba High Canyon, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 31 North Silicon Drive, Pueblo West, Colorado 81007 submitted by High Demand, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2140 56<sup>th</sup> Lane, Boone, Colorado 81025 submitted by High Plains Horticulture, LLC.
- Renewal Application for a Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer located at 412 South McCulloch Boulevard, Units F and G, Pueblo West, Colorado 81007 submitted by Infinite Infusions, LLC dba Infinite Infusions.

- Renewal Application for a Medical Marijuana Products Manufacturer located at 286 South Purcell Boulevard, Pueblo West, Colorado 81007 submitted by National Green Source, LLC dba The Green Source.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2387 Little Burnt Mill Road, Pueblo, Colorado 81005 submitted by Ohana Mauna Gardens, LLC.
- Renewal Application for a Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer located at 4827 North Interstate 25, Pueblo, Colorado 81008 submitted by Tragar, Inc dba Javelina Extracts.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 3900 North 27<sup>th</sup> Lane, Pueblo, Colorado 81001 submitted by Virtual Marketing, LLC dba Maggie's Farm.
- Change of Ownership Application for a Retail Marijuana Products Manufacturer located at 3375 South Interstate 25, Pueblo, Colorado 81004 submitted by Wolfe Xtracts, LLC. The ownership structure is removing one owner.
- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 3946 44th Lane, Avondale, Colorado 81022 submitted by 4Daughters Enterprise, LLC dba Gallo Farms and Extracts.
- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 23344 Highway 50 East, Unit B, Pueblo, Colorado 81006 submitted by Colorado Best Budz, LLC.
- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 428 South McCulloch Boulevard, Unit B, Pueblo West, Colorado 81007 submitted by Jag Farms, LLC.
- Approval of Hearing Officer Findings and Order for a Medical Marijuana Cultivation Facility located at 428 South McCulloch Boulevard, Unit B, Pueblo West, Colorado 81007 submitted by Terps, LLC dba Terps.

Chairperson Treanor announced a recess at 6:18 p.m.

The meeting was back in session at 6:33 p.m.

## **V. REGULAR MEETING AGENDA ITEMS**

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

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

- Conditional Approval Extension request by Oshman Organics, LLC Organic Seed, LLC dba Cannasseur to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within six months of the approval date of October 15, 2020 for an application for a Retail Marijuana Cultivation Facility located at 1830 Siloam Road, Pueblo, Colorado 81005. The extension date is April 15, 2021.

Chairperson Treanor asked Mr. Travis Oshman, 509 Broadway Avenue, Pueblo, Colorado 81004, if construction had been having problems with construction. He responded yes. Chairperson Treanor

asked if the extension will be enough time to get everything done. He responded yes and confirmed the extension date would be April 15.

Chairperson Treanor asked if there were any questions. There were none.

Discussion occurred.

Ms. Robinson motioned to approve the Conditional Approval Extension request by Oshman Organics, LLC Organic Seed, LLC dba Cannasseur. Mr. Casaus seconded the motion. The motion carried unanimously.

Mr. Casaus motioned to approve the updated Findings and Order with the new date. Mr. Reyes seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Products Manufacturer located at 3375 South Interstate 25, Pueblo, Colorado 81004 submitted by Wolfe Xtracts, LLC.

Ms. Long informed the Board that this item was placed on the Regular Meeting portion of the agenda because they needed to approve the Change of Ownership for the same business first. Otherwise, it would have been on the Consent Meeting portion of the agenda.

Mr. Reyes motioned to approve the Renewal Application for a Retail Marijuana Products Manufacturer located at 3375 South Interstate 25, Pueblo, Colorado 81004 submitted by Wolfe Xtracts, LLC. Mr. Casaus seconded the motion. The motion carried unanimously.

- 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.

Ms. Long informed the Board that she requested this item be placed on the Regular Meeting agenda because since the agenda was published, they were informed that there is a potential issue with the license being in a POA, which staff needs to do more research on. Her recommendation to the Board would be to continue the item with direction to staff to research the item and determine whether it can go before the Hearing Officer or back to the Board at a later date.

Ms. Stringer read an email received on September 11, 2020 from Mr. Bob Robler, Eagle Ranch POA President expressing concerns with the license for Best Buds Botanical, LLC dba Best Buds and requesting the Board's denial of the license.

Discussion occurred.

Mr. Rice motioned to continue the 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 and staff be directed to do an investigation based on the email received. Ms. Robinson seconded the motion. The motion carried unanimously.

Ms. Long reviewed the rules and options for the Board regarding the next three items on the agenda. She also recommended that one motion be made on the agenda items for Jag Farms, LLC and Terps, LLC dba Terps.

Mr. Reyes asked Ms. Long a clarification question.

- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 23344 Highway 50 East, Unit B, Pueblo, Colorado 81006 submitted by Colorado Best Budz, LLC.

Mr. Reyes explained why he requested this item to be moved from the Consent portion of the agenda. He stated that he agrees with the Findings stating that the licensee has been behind on their taxes. He added that he does not agree that there is no penalty if the licensee does not pay their taxes on time for 9 months. He read a portion of the Findings and Order from the Hearing Officer and stated that the licensee is a multiple offender and he does not agree with the condition given by the Hearing Officer. He believes that if the licensee does not pay the taxes on time, their license should be suspended or revoked.

Discussion occurred.

Mr. Rice expressed his concerns with business owners not paying their taxes and stated that he thinks the Board needs to get tougher about people being late or ignoring it altogether [paying taxes]. He added that he believes if the licensee is late paying their taxes in the next 9 months, they should lose their license. Ms. Archuletta agreed. Ms. Robinson and Mr. Reyes expressed similar opinions.

Ms. Long provided the Board with her recommendation for the motion based on Mr. Reyes' concerns.

Mr. Reyes motioned to reopen the penalty phase by the Hearing Officer on the Colorado Best Budz, LLC issue. Mr. Robinson seconded the motion.

Discussion occurred.

Mr. DiFatta stated that the Hearing Officer was put in place to help the Board through these issues and he doesn't see an issue with the Findings and Order. He added that he will probably be voting nay on the motion by Mr. Reyes.

After discussion, the motion passed with a 6-1 vote.

Ms. Archuletta – Yes

Mr. Casaus – Yes

Mr. DiFatta – No

Mr. Reyes – Yes

Mr. Rice – Yes

Ms. Robinson – Yes

Chairperson Treanor – Yes

Ms. Long stated that the licensee will be notified, and they will be scheduled for a hearing next month.

- Approval of Hearing Officer Findings and Order for a Retail Marijuana Cultivation Facility located at 428 South McCulloch Boulevard, Unit B, Pueblo West, Colorado 81007 submitted by Jag Farms, LLC.
- Approval of Hearing Officer Findings and Order for a Medical Marijuana Cultivation Facility located at 428 South McCulloch Boulevard, Unit B, Pueblo West, Colorado 81007 submitted by Terps, LLC dba Terps.

Mr. Rice stated that he does not have a problem with the Hearing Officer Findings, but he is concerned

with the Order to have a 100-day window, and if the licensees can find a new premises and get everything done the non-renewal is vacated.

Ms. Long explained that the application was complex and gave further details. She stated that the Hearing Officer's decision is that the licensees have 120 days to comply with all the requirements and submit their new, complete application. If they do not meet those requirements, the renewal will be denied.

Mr. Rice expressed his concerns with taxes not being paid and two licenses occupying the same premises. Ms. Long clarified that that [two licenses occupying the same premises] was an oversight caused by previous decisions made within the County. The current rules do not allow for two licenses in the same location. They are required to relocate so the licenses are at two separate locations.

Mr. Reyes asked if the landlord has locked the licensees out. Ms. Long responded yes and gave further details. She added that if the licensees complete the requirements in 120 days, that is only allowing for their renewal application to be accepting, not granting a renewal. There is not complete application at this stage.

Mr. Rice asked what the Board needs to do to look at the licenses in regard to the payment of taxes. Ms. Stringer stated that the licensees haven't paid taxes since April of 2019, but she does not believe that they have been in operation since then.

Discussion occurred regarding a license being operational versus invalid.

Mr. Rice informed Chairperson Treanor that he would like to withdraw his objection to the Hearing Officer Findings and Order for Jag Farms, LLC and Terps, LLC dba Terps.

Ms. Long informed the Board that if they agree with the Hearing Officer decision, they would vote to affirm it. That would ratify the decision and the 120 days [for Jag Farms, LLC and Terps, LLC dba Terps] would start on the date of the signature from the Hearing Officer, which was September 10, 2020.

Discussion occurred.

Mr. Casaus motioned to affirm the Hearing Officer Findings and Order for Jag Farms, LLC and Terps, LLC dba Terps. Mr. Reyes seconded the motion. The motion carried unanimously.

Discussion occurred regarding a training meeting for the Board.

Ms. Robinson motioned to adjourn the meeting. Mr. Casaus seconded the motion. The motion carried unanimously.

## ADJOURN

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, October 5, 2020, at 6:00 p.m., in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10<sup>th</sup> Street.

Respectfully submitted,



Dani Cernoia, Recording Secretary  
Department of Planning and Development