

**DRAFT RECORD OF PROCEEDINGS  
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD  
MONDAY OCTOBER 5, 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, 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 SEPTEMBER 14, 2020.**

Ms. Robinson motioned to approve the minutes of the September 14, 2020 meeting. Mr. Casaus seconded the motion. The motion carried unanimously.

**III. APPROVE AGENDA OF OCTOBER 5, 2020**

Ms. Cernoia informed the Board of the following changes to the agenda:

- The word "draft" was left at the top of the agenda. It is not a draft as is was finalized by County Staff.
- Item 4.B.1.a, Bennett Holdings, LLC, does not have a DBA.
- Item 4.B.1.c, Silver Lake Holdings, LLC's dba is Rooted. Their application is for a Retail Marijuana Products Manufacturer, not a Medical Marijuana Cultivation Facility.
- Items 5.B.2.b and c need to be switched

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

**III. 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 agenda items. Mr. Reyes seconded the motion. The motion carried unanimously.

**A. LIQUOR LICENSES**

- Renewal Application for a Fermented Malt Beverage Off Premise Liquor License located at 8950 South Interstate 25, Colorado City, Colorado 81004 submitted by CST Metro, LLC dba Circle K #2744062.
- Renewal Application for a Tavern Liquor License and Cabaret License located at 214 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by TNT, LLC dba Tumbleweed Tavern.
- Change of Trade Name and Corporate Name Change Application for a Hotel and Restaurant (County) Liquor License and Cabaret License located at 74 North Component Drive, Suite 110, Pueblo West, Colorado 81007 submitted by Angelo's Pizza M&R Inc. dba Angelo's Pizza. The new trade name is ThunderZone West and the new corporate name is M&R Inc.

**B. MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application for a Retail Marijuana Cultivation Facility located at 59 North Laser Drive, Pueblo West, Colorado 81007 submitted by Bennett Holdings.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 7791 Highway 78 West, Beulah, Colorado 81023 submitted by Beulah Valley Farms Corporation.
- Renewal Application for a Retail Marijuana Cultivation Facility and Retail Marijuana Products Manufacturer located at 33625 East United Avenue, Pueblo, Colorado 81001 submitted by Silver Lake Holdings, LLC dba Rooted.
- Change of Ownership application for a Retail Marijuana Cultivation Facility located at 24 North Research Drive, Pueblo West, Colorado 81007 submitted by Sample Farms, LLC dba Sample farms. The ownership structure is removing one owner.
- Transfer of Ownership application for a Retail Marijuana Cultivation Facility located at 6966 Prairie Hill Road, Boone, Colorado 81025 submitted by MBR Ventures, LLC transferring from Majestic Mountain Farms, Inc.

**IV. REGULAR MEETING AGENDA ITEMS**

**A. LIQUOR LICENSES-None**

**B. MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application for a Retail Marijuana Products Manufacturer located at 36 North Fabrication Drive, Unit C, Pueblo West, Colorado 81007 submitted by Gas and Grass, LLC dba Roll Up.

Ms. Stringer informed the Board of the parking plan issues and Ms. Long summarized the staff recommendation found in the memo sent to the applicant.

Mr. Reyes motioned to approve the Renewal Application for a Retail Marijuana Products Manufacturer located at 36 North Fabrication Drive, Unit C, Pueblo West, Colorado 81007 submitted by Gas and Grass, LLC dba Roll Up with the stipulation that the applicant complies with the Planning Commission's [Department's] request within that year, or they will go before the Hearing Officer. Ms. Archuletta seconded the motion.

Discussion occurred regarding the time needed to comply with a parking issue.

After discussion the motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 5810 West Highway 78, Pueblo, Colorado 81005 submitted by JJLV, LLC dba Cannaves.

Ms. Stringer informed the Board that this agenda item has the same issue as the previous item, item 4.B.1.a.

Mr. Reyes motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 5810 West Highway 78, Pueblo, Colorado 81005 submitted by JJLV, LLC dba Cannaves. Ms. Robinson seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 2204 Hickory Street, Pueblo, Colorado 81006 submitted by Marisol Therapeutics, LLC.

Ms. Long informed the Board that this item and the next item would have been on the consent agenda, but staff thought the Board would have questions when they saw who the applicant was. She explained that granting the renewal would have no bearing on the order attached to the license.

Discussion occurred.

Mr. Rice motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 2204 Hickory Street, Pueblo, Colorado 81006 submitted by Marisol Therapeutics, LLC and the Renewal Application for a Retail Marijuana Store and Retail Marijuana Products Manufacturer located at 922 East Kimble Drive, Pueblo West, Colorado 81007 submitted by Marisol Therapeutics, LLC (item 4.B.1.d). Ms. Archuletta seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Store and Retail Marijuana Products Manufacturer located at 922 East Kimble Drive, Pueblo West, Colorado 81007 submitted by Marisol Therapeutics, LLC.
- Renewal application for a Retail Marijuana Cultivation Facility located at 24 North Research Drive, Pueblo West, Colorado 81007 submitted by Sample Farms, LLC dba Sample Farms.

Ms. Stringer informed the Board that there is nothing wrong with this application and that it was only placed on the regular meeting agenda because the change of ownership for the business had to be approved on the consent agenda before the renewal.

Mr. Casaus motioned to approve the Renewal application for a Retail Marijuana Cultivation Facility located at 24 North Research Drive, Pueblo West, Colorado 81007 submitted by Sample Farms, LLC dba Sample Farms. Ms. Robinson seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Products Manufacturer located at 2285 North Interstate-25, Pueblo, Colorado 81008 submitted by Syls, LLC dba Strawberry Fields.

Ms. Stringer informed the Board of the parking plan issues as well as issues with the premise check conducted by the Sheriff's Office. The premise check issues were for the incorrect location and that information was corrected.

Chairperson Treanor asked Mr. Richard Kwesell, 1111 Terrace Road, Colorado Springs, CO 80904, how many dispensaries Syls, LLC dba Strawberry Fields has in Pueblo County and where they are located. Mr. Kwesell responded two and gave the locations. Chairperson Treanor asked Mr. Kwesell if he is doing a lot of business in both of the locations. Mr. Kwesell responded that COVID has affected them, and provided additional details regarding the business between the locations.

Chairperson Treanor asked Mr. Kwesell if he feels like he has been treated fairly. Mr. Kwesell stated that he was confused by the question. Chairperson Treanor rephrased his question and asked if we [Pueblo County] was demanding too much of him or dogging him. Mr. Kwesell stated that first he wanted to say thank you for allowing him the opportunity to speak to the Board and to speak frankly. He thanked Chairperson Treanor for his question and stated that asking a question like that shows a tremendous amount of cognizance on behalf of the Board.

Mr. Kwesell explained the theft issues from the premise check report. He began informing the Board about his parking plan. Ms. Stringer informed the applicant that the parking plan being referred to has to do with Planning [and Development], not the actual application that was submitted for marijuana licensing. She provided additional details about how the applicant needed to have an approved parking plan from the Planning Department.

Ms. Stringer informed the Board that the investigation conducted by Dan Corsentino was misinformation given. It was not for the facility in question. She added that we [Pueblo County] did receive right information and it was provided to the Board in their DropBox.

Discussion occurred regarding former staff at Syls, LLC dba Strawberry Fields.

Mr. Kwesell asked to address Chairperson Treanor's earlier question of fairness. He summarized the difficulty of his business surviving under the rigors of Tax Regulation 280E along with excised tax raising each year. He shared a bill for \$213,000 from a meter reading wrong and continued with more details regarding bills and other expenses. He stated that he is thankful to be doing business in Pueblo County. Ms. Long informed the Board that some comments made by Mr. Kwesell were outside the scope, and they [the Board] should be focused on the renewal of his specific application and did not want to confuse the issue.

Mr. Reyes asked Mr. Kwesell if he believes he will get the parking lot done. Mr. Kwesell responded yes and provided details. He asked the Board to consider granting another year, as that would ensure the tax payments would come back into the County. He added that they have never been late on a payment.

Ms. Archuletta responded that she understands his challenges and obstacles, but they [the Board] only have so much power and she doesn't think two years is something that is even possible. Ms. Long advised against giving two years, but they could consider adding a condition that the business come back before the Board. She added that part of the complication is that the County is technically accepting renewal applications on the licensing side for places that are out of compliance with Planning. They understand that some of this is due to oversight from years prior and are just discovering issues now. That is why she is generally advising one year per licensee that comes up. From a legal perspective, the justification for providing two years for one licensee when two other licensees have only had one year.

Mr. Kwesell asked if instead he could ask for his organization to get this done within a year and if it comes to him getting the parking lot done or closing the doors to his business, he is able to address the Board and explain the situation transparently with his books. Mr. Reyes responded that he is always able to address the Board and provided details. He suggested to Mr. Kwesell that he should start small instead of a fancy addition.

Discussion occurred regarding the parking plan.

Ms. Howard asked that the Board consider that [the Planning and Development Department] has certain standards in the Pueblo County Code to be followed. She asked that Mr. Kwesell contact Planning and Development to work directly to them.

Mr. Rice began to ask a question that was deemed irrelevant to the situation.

Discussion occurred regarding the renewal

Mr. Casaus motioned to approve the Renewal Application for a Retail Marijuana Products Manufacturer located at 2825 North Interstate-25, Pueblo, Colorado 81008 submitted by Syls, LLC dba Strawberry Fields. Ms. Archuletta seconded the motion and, for the record, stated that the correct address is 2285 North Interstate-25. The motion carried unanimously

Chairperson Treanor announced a 5-minute recess at 6:48 p.m. The meeting was back in session at 6:53 p.m.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 6395 Galbreth Road, Pueblo, Colorado 81005 submitted by Bullys Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6389 Galbreth Road, Pueblo, Colorado 81005 submitted by Wheeler Farms, LLC.

Ms. Long reminded the Board of the procedure for the three stipulations on the agenda.

Mr. Blood informed the Board that Bullys Farms, LLC and Wheeler Farms, LLC need to be considered as a unit and provided details of the enforcement issues. He explained the stipulation and fine for the businesses and informed the Board of his recommendation.

Chairperson Treanor asked if Mr. Chambers had anything to add. Mr. Chambers responded that what Mr. Blood informed the Board of was factual and provided details of his investigation.

Mr. Reyes asked Mr. Chambers what the relationship is between the businesses. Mr. Chambers responded that they have co-ownership and are only about a mile apart.

Mr. Casaus motioned to accept the renewal stipulations for a Retail Marijuana Cultivation Facility located at 6395 Galbreth Road, Pueblo, Colorado 81005 submitted by Bullys Farms, LLC and the Renewal Application for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 38 Silicon Drive, Pueblo West, Colorado 81007 submitted by High Demand, LLC dba Terps.

Ms. Stringer reminded Mr. Casaus that this is regarding Bully's Farms, LLC and Wheeler Farms, LLC and that the agenda was amended at the beginning of the meeting.

Mr. Casaus withdrew his previous motion.

Mr. Casaus motioned to approve the stipulation for Wheeler Farms, LLC and Bullys Farms, LLC. Ms. Archuletta seconded the motion. The motion carried unanimously.

Ms. Long recommended that the Board make two separate motions for the renewals.

Mr. Casaus motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 6389 Galbreth Road, Pueblo, Colorado 81005 submitted by Wheeler Farms, LLC. Ms. Archuletta seconded the motion. The motion carried unanimously.

Mr. Casaus motioned to approve the Retail Marijuana Cultivation Facility located at 6395 Galbreth Road, Pueblo, Colorado 81005 submitted by Bullys Farms, LLC. Ms. Archuletta seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 38 Silicon Drive, Pueblo West, Colorado 81007 submitted by High Demand, LLC dba Terps

Mr. Peter Blood informed the Board that, procedurally, this is similar to the last case. He provided details of the enforcement issues. Mr. Chambers provided details of his investigation. Mr. Blood informed the Board of the fine within the stipulation agreement.

Mr. Reyes asked if this is the first offense of this nature at the location to which Mr. Chambers responded yes.

Ms. Robinson asked if there will be a problem with the payment. Mr. Clifton Black, 10614 Black Elk, Colorado Springs, Colorado 80908, responded that he did not believe so and added that his client has taken corrective action by letting a grower go. They understand that although there was a lead grower that was supposed to comply with this, it is ultimately his (Mr. Dane Smith) responsibility to make sure this is done. He continued with details of how the owners of High Demand, LLC dba Terps have corrected the issue.

Discussion occurred regarding plant count. Ms. Robinson asked who management was, and why he was unaware of the situation. Mr. Dane Smith, 38 North Silicon Drive, Pueblo West, Colorado 81007, informed the Board that he failed to conduct his weekly inspections to make sure they were compliant.

Ms. Robinson asked Mr. Smith if they [the LMLB] can be confident that he will not fail to make sure everything else is in place and the money is paid. Mr. Smith responded yes, extremely confident.

Discussion occurred.

Ms. Archuletta motioned to accept the stipulation agreement for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 38 Silicon Drive, Pueblo West, Colorado 81007 submitted by High Demand, LLC dba Terps. Mr. Reyes seconded the motion. The motion carried unanimously.

Mr. Casaus motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 38 Silicon Drive, Pueblo West, Colorado 81007 submitted by High Demand, LLC dba Terps. Ms. Archuletta seconded the motion. The motion passed with a 5-2 vote.

Ms. Archuletta – Yes

Mr. Casaus – Yes

Mr. Difatta – Yes

Mr. Reyes – Yes

Mr. Rice – No

Ms. Robinson – No

Chairperson Treanor – Yes

## V. REGULAR HEARING AGENDA ITEMS

### A. LIQUOR LICENSES-None

### B. MARIJUANA ESTABLISHMENT LICENSES

- Renewal application 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.

Ms. Long reminded the Board why this item was on the agenda.

Chairperson Treanor opened the hearing and accepted all staff findings and application materials into the record.

Chairperson Treanor asked if Mr. Tommy Giodone, 23344 Highway 50 East, Pueblo, Colorado 81006, if he felt as though he was being treated fairly. Mr. Giodone responded that they (Colorado Best Buds, LLC) have been on time for a while, has missed a couple of months here and there but did not think it was habitual. He has had some issues with accounting, some accountants he has had, he has always paid the fines and has always paid his taxes. He continued that for the last 5 or 6 months he has been right one time.

Mr. Rice asked Mr. Giodone what he thinks is habitual versus what is not habitual. Mr. Giodone responded that he thinks habitual would be – Mr. Rice interjected to ask two, three or four months of not paying taxes. Mr. Giodone responded that they do not go two, three, or four months. He added that they do pay the taxes, they might be late, but they pay the fine.

Discussion continued regarding tax payments.

Ms. Melissa Spengler, tax specialist, informed the Board that January – May of this year were late, and June, July, and August were not late. Chairperson Treanor asked if he (Mr. Giodone) had paid all of the fines. Ms. Spengler responded yes. Mr. Reyes asked when they were late last year. Ms. Spengler responded that in 2019, February, March, and April were late for the Retail Store and Retail Cultivation. Mr. Reyes asked if there were any records beyond that. Ms. Spengler responded that in 2018, the Retail Store was late in April, July, October, November, and December. In 2018 the Retail Cultivation was late April, November, and December. Ms. Spengler added that it would go back to 2016.

Mr. Josh Zamarripa, 23344 Highway 50 East, Pueblo, Colorado 81006, stated that on his tax form, he shows that they were only late in January, March, and April. He does not show that they were late in February. He added that he lost the accountant they were using that month and doing the

taxes is not as easy as just pulling the POS report. He provided further details. He continued that his routing sheet for 2019 shows that he was only late in April.

Chairperson Treanor asked how much they have paid in fines. Mr. Zamarripa responded thousands. Ms. Spengler added that it would be 10% of whatever the tax is.

Mr. Giodone explained that he had to buy out a partner in 2016, and this year he couldn't have Bands in the Backyard and is playing catch up. He is doing really well and has been good for the last 5 months.

Mr. Reyes stated that it should be no problem to guarantee the Board that for the next 9 months, and if not he (Mr. Giodone) would either be suspended or revoked. He asked if Mr. Giodone understood that. Mr. Giodone responded yes, clear as day.

Ms. Robinson asked if Mr. Giodone has an accountant now. He responded yes.

Discussion occurred. Mr. Casaus stated that there should be no need deny the renewal and asked that the Board consider how much the family does for the community as well.

Ms. Long advised that Chairperson Treanor close the hearing if the question portion is complete.

Chairperson Treanor closed the hearing.

Mr. Reyes motioned that the Board follow the recommendation of staff to renew the license with the condition that taxes are paid in full and on time for a period of 9 months. If any of the conditions are not met for either license, both licenses will be suspended for one full year of licensing or revoked.

Ms. Long informed Mr. Reyes that if he wants something to happen automatically, he needs to clarify whether it is suspension or revocation unless he is referring the decision to that time period.

Mr. Reyes withdrew his previous motion. Mr. Reyes motioned to go along with the staff recommendation, along with their investigation, with the condition that taxes are paid in full and on time for 9 months. If any of the conditions are not met for either license, the licensee will be suspended for one full year. Mr. Rice seconded the motion.

Discussion occurred.

Mr. Casaus stated that he stands by what he said earlier and elaborated on the Giodone family and what they have done for the community. He reiterated that he sees no reason to make any opposition towards that. He stated that he will vote affirmative in the motion. Mr. Reyes responded that they are not dealing with the family, they are dealing with the business. He added that he has not problems with the family and that they do a lot for the community, but they [the Board] are there for the business.

Ms. Archuletta asked the Board to deal with facts and not feelings.

Mr. Rice stated that he thinks the Board is on the same page and that during the hearing, Mr. Giodone stated that he would have no problem making the tax payments in full and on time going into the future. He said he is going to take Mr. Giodone as a man of his word and the Board is arguing about the same thing.

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

Mr. Reyes motioned to allow Chairperson Treanor to sign the Findings and Order on this matter. Ms. Robinson seconded the motion. The motion passed unanimously.

Mr. Casaus motioned to adjourn. Mr. Reyes seconded the motion. The motion carried unanimously.

## **ADJOURN**

There being no further regular business before the LMLB, the meeting was adjourned at 7:37 p.m. The next LMLB meeting is scheduled to be held on Monday, November 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