

**MEETING SUMMARY MINUTES
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY AUGUST 10, 2020
5:30 P.M.
FACEBOOK LIVE STREAM BEGAN AT 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.

ATTENDANCE/ EXCUSED

Members Present: Kim Archuletta, Brian Casaus, Henry Reyes, Jr., Wallace Rice (by phone), Lucretia Robinson, and Joseph Treanor.

Members Absent: Don DiFatta

Staff Present: Peter Blood, Assistant County Attorney (by phone); Carmen Howard, Director of Planning and Development; Sarah Long, Assistant County Attorney; Melissa Spengler, County Tax Collection Specialist; and Tawnya Stringer, Licensing Manager.

Ms. Long informed the public viewing the meeting online that the meeting was opened at 5:30 p.m. in order to hold an Executive Session (details below).

I. EXECUTIVE SESSION

Request for an executive session with the Assistant County Attorney for the purpose of receiving legal advice under C.R.S. Section 24-6-402(4)(b) with regards to changes to the Pueblo County code and new procedures.

II. APPROVE THE MEETING MINUTES OF MARCH 9, 2020.

Mr. Casaus motioned to approve the minutes of the March 9, 2020 LMLB meeting. Mr. Reyes seconded the motion. The motion carried unanimously

III. APPROVE AGENDA OF AUGUST 10, 2020

Ms. Robinson motioned to approve the agenda of the August 10, 2020 meeting. Ms. Archuletta 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.

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) Liquor License located at 1712 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Aspen Square Wine and Liquor, LLC dba Aspen Square Wine and Liquor.
- Renewal Application for a Liquor Store (county) Liquor License located at 316 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Bir Furniture, LLC dba Next Door Décor dba Cheers in Pueblo West.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 944 East Kimble Drive, Pueblo West, Colorado 81007 submitted by Drop, Inc dba Do Drop Inn West.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 23344 Highway 50 East, Pueblo, Colorado 81006 submitted by Giodone Restaurant, Inc dba Giodone Restaurant.
- Renewal Application for a Fermented Malt Beverage License located at 2610 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Mini Mart, Inc dba Loaf N Jug #8.
- Renewal Application for a Fermented Malt Beverage License located at 243 Highway 50 East, Avondale, Colorado 81022 submitted by Mini Mart, Inc dba Loaf N Jug #15.
- Renewal Application for a Fermented Malt Beverage License located at 4401 State Highway 165, Colorado City, Colorado 81019 submitted by Mini Mart, Inc dba Loaf N Jug #24.
- Renewal Application for a Fermented Malt Beverage License located at 36031 Highway 50 East, Pueblo, Colorado 81006 submitted by Mini Mart, Inc dba Loaf N Jug #35.
- Renewal Application for a Fermented Malt Beverage License located at 31918 Highway 96 East, Pueblo, Colorado 81006 submitted by Mini Mart, Inc dba Loaf N Jug #74.
- Renewal Application for a Fermented Malt Beverage License located at 1700 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Mini Mart, Inc dba Loaf N Jug #75.
- Renewal Application for a Fermented Malt Beverage License located at 14 West Spaulding Avenue, Pueblo West, Colorado 81007 submitted by Mini Mart, Inc dba Loaf N Jug #82.
- Renewal Application for a Hotel and Restaurant Liquor License located at 82 South Radnor Drive, Pueblo West, Colorado 81007 submitted by Pagano Stephanie A dba Pass Key Pueblo West.
- Renewal Application for a Fermented Malt Beverage License located at 1017 North Market Plaza, Pueblo West, Colorado 81007 submitted by Safeway Store Forty Six, Inc dba Safeway Store #1760.
- Application for a New Tastings Permit for a Liquor Store (county) Liquor License located at 316 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Bir Furniture, LLC dba Next Door Décor dba Cheers in Pueblo West for the dates of September 24, 2020 to September 17, 2021.

B. MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Store and Retail Marijuana Cultivation Facility located at 1917 Santa Fe Drive, Pueblo, Colorado 81006 submitted by 1917 Santa Fe, LLC dba Apothecary Farms.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 40444 Bush Road, Avondale, Colorado 81022 submitted by Arkannabis Farms, LLC dba Happy Hay.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 60710 Highway 96 East, Boone, Colorado 81025 submitted by Boone Farms, LLC.
- Renewal Application for a Retail Marijuana Products Manufacturer located at 920 East Spaulding Avenue, Pueblo West, Colorado 81007 submitted by Cold Baked, LLC dba Dabble Extracts.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 8444 West Highway 96, Pueblo, Colorado 81005 submitted by Colorado Gold, LLP dba Sticky Icky's.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 3415 Riddell Place, Colorado City, Colorado 81019 submitted by CS Holdings, Inc dba Canna Source.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 43801 East State Highway 96, Pueblo, Colorado 81006 submitted by Family Farm Growers, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2797 59th Lane, Boone, Colorado 81025 submitted by Grow, Inc.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6033 State Highway 78 West, Pueblo, Colorado 81005 submitted by Grow, Inc.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 1201 Siloam Road, Pueblo, Colorado 81005 submitted by Masters Farm, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 8440 West Highway 96, Pueblo, Colorado 81005 submitted by NewCo Ventures, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 1660 Siloam Road, Pueblo, Colorado 81005 submitted by Next1 Labs, LLC dba Next1 Labs.
- Renewal Application for a Medical Marijuana Store and Retail Marijuana Store located at 4490 Bent Brothers Boulevard, #B1-B2, Colorado City, Colorado 81019 submitted by Plain Jane Organics, LLC.
- Renewal Application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7068 Burnt Mill Road, Beulah, Colorado 81023 submitted by Plain Jane Organics, LLC.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 3652 40th Lane, Avondale, Colorado 81022 submitted by Power Plant Organics, LLC dba Power Plant Organics.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 36 North Fabrication Drive, Unit B, Pueblo West, Colorado 81007 submitted by RG Custom Grow.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 69 North Mission Drive, Pueblo West, Colorado 81007 submitted by Sacco Solutions, LLC.
- Renewal Application for a Medical Marijuana Products Manufacturer, Retail Marijuana Store, Retail Marijuana Cultivation, and Retail Marijuana Products Manufacturer located at 41 North Precision Drive, Pueblo West, Colorado 81007 submitted by The Organic Seed, LLC dba Cannasseur and Dabtek.
- Renewal Application for a Retail Marijuana Store located at 4803 North Interstate 25, Pueblo, Colorado 81008 submitted by Virtual Marketing, LLC dba Maggie's Farm.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 7013 Burnt Mill Road, Beulah, Colorado 81023 submitted by White Meadows Cultivation, LLC.
- Approval of Hearing Officer Findings and Order on Renewal Application for a Retail Marijuana Cultivation Facility located at 2190 Pope Valley Ranch Road, Pueblo, Colorado 81005 submitted by CGRO, LLC dba Apex Organics.
- Transfer of Ownership Application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 152 East Industrial Boulevard, Pueblo West, Colorado 81007 submitted by Long Gone Farms, LLC, transferring from Organic Solutions, Inc dba Steel City Meds.
- Transfer of Ownership Application for a Medical Marijuana Store located at 74 North McCulloch Boulevard, Suite 120, Pueblo West, Colorado 81007 submitted by Long Gone Farms, LLC transferring from Organic Solutions, Inc dba Steel City Meds.
- Transfer of Ownership Application for a Retail Marijuana Store located at 2440 Interstate 25 North, Unit H, Pueblo, Colorado 81008 submitted by The Cannabis Depot III, LLC transferring from Pueblo West Organics, LLC.

Chairperson Treanor called a five-minute recess at 6:21 p.m.

The meeting was back in session at 6:29 p.m.

V. REGULAR MEETING AGENDA ITEMS

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

A. **LIQUOR LICENSES**-None.

B. **MARIJUANA ESTABLISHMENT LICENSE**

- Renewal Application for a Retail Marijuana Cultivation Facility located at 920 East Spaulding Avenue, Pueblo West, Colorado 81007 submitted by Cold Baked, LLC dba Dabble Extracts.

Mr. Joshua Hindi, 920 East Spaulding Avenue, Pueblo West, Colorado 81007 reminded the Board of occurrences at past LMLB meetings and hearings. He added that the COVID pandemic has impacted his business and asked the Board to take that into consideration. He informed the Board that he will be getting his Change of Location application to Ms. Stringer shortly.

Ms. Long reminded the Board why the agenda item was before them, per the Pueblo County Code and discussed their options.

Discussion occurred between the Board and Mr. Hindi.

Mr. Casaus motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 920 East Spaulding Avenue, Pueblo West, Colorado 81007 submitted by Cold Baked, LLC dba Dabble Extracts. Ms. Archuletta seconded the motion. The motion passed with a 4-2 vote.

Ms. Robinson – Yes

Ms. Archuletta – Yes

Mr. Casaus – Yes

Chairperson Treanor – Yes

Mr. Reyes – No

Mr. Rice – No

VI. REGULAR HEARING AGENDA ITEMS

A. LIQUOR LICENSES-None

B. MARIJUANA ESTABLISHMENT LICENSES

- New Application for a Medical Marijuana Cultivation Facility located at 59 North Fabrication Drive, Pueblo West, Colorado 81007 submitted by Fresh Fab, LLC.

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

Mr. Reyes asked Ms. Long if there is still a moratorium. She responded that any new applications were either received before the moratorium or do not fall under the moratorium and gave further explanation.

Mr. Ross Vaisman, 6757 East Exposition, Denver, Colorado 80224 gave the Board information about the Medical Marijuana Cultivation Facility being heard.

Discussion occurred between the Board and Mr. Vaisman.

IN FAVOR

No one spoke in favor.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Lowe closed the hearing.

MOTION

Mr. Casaus motioned to approve the New Application for a Medical Marijuana Cultivation Facility located at 59 North Fabrication Drive, Pueblo West, Colorado 81007 submitted by Fresh Fab, LLC. Ms. Robinson seconded the motion.

Discussion occurred.

After discussion, the motion carried unanimously.

Mr. Casaus motioned to approve the Findings and Order for Fresh Fab, LLC. Mr. Reyes seconded the motion. The motion carried unanimously.

- A hearing on the Order to Show Cause issued on December 9, 2019 involving alleged violations of the Pueblo County Code by Marisol Therapeutics, LLC located at 922 East Kimble Drive, Pueblo West, Colorado 81007 and 2204 Hickory Street, Pueblo, Colorado 81001.

Chairperson Treanor re-opened the hearing.

Ms. Long reminded the Board and public of the enforcement action components and that this is a continued hearing which was started in February. The Board did vote to find a violation, and they are now in the sanctioned component of the hearing.

Mr. Nadav Aschner, counsel for Marisol Therapeutics, LLC reminded the Board of what he spoke to them about at the meeting in February. He requested to enter his documents (presented at the February meeting) into the record as an exhibit.

Ms. Stringer informed the Board that the packet from Mr. Aschner will be entered into the record as Exhibit A and the letter from Mr. Blood will be entered as Exhibit B.

Mr. Blood spoke to the Board and informed them that Mr. Stetler has interest in other marijuana licenses in Pueblo County, not just the two in question. He stated that his goal is bigger than having the two licenses revoked, it is to get him (Mr. Stetler) out of the marijuana business. In his opinion, revocation would occur February 10, 2021. If he sells the businesses and completes the Transfer of Ownership applications before that date, the revocation does not take place. If he does not sell the businesses by that date, he no longer has licenses in Pueblo County. He also suggested the money from the sale of his businesses go towards paying back his various debtors.

Discussion occurred regarding the February 2021 date that Mr. Blood suggested. Mr. Blood amended his recommendation to include that, at the 60-day mark, verification from Ms. Howard confirming all paperwork related the Transfer of Ownership has been accurately completed and accepted.

Further discussion occurred.

Ms. Robinson asked Mr. Stetler to speak.

Mr. Mike Stetler, 1149 25th Lane, Pueblo, Colorado 81006, explained to the Board how he ended up in his current situation.

Discussion occurred.

Ms. Stringer gave the Board an example of how staff processes an application and the timelines associated with it.

Discussion occurred.

Ms. Howard suggested the Board make a drop-dead date as opposed to a paperwork requirement deadline.

Ms. Long explained that if the Board were to follow Mr. Blood's recommendation, the Findings and Order would be along the lines of: "If by X date, they don't do this, the license is revoked."
Discussion occurred.

Ms. Long provided the Board with procedural reminders.

Ms. Blood informed the Board that he strongly advocates for a drop-dead date and no further action required if all requirements are not met. In that case, all licenses would automatically cease to exist.

Ms. Archuletta asked if the Board can move to revoke the licenses today instead of going ahead with a drop-dead date. Ms. Long responded that the Board has some options. They could make a motion to revoke the licenses, they would need a second, and would then vote. If that motion failed, they could make another motion to allow a drop-dead date with an automatic revocation at that point. If any revocation licenses fail, then enforcement action fails. If the Board voted to revoke the license, they would have the opportunity to appeal at a district court. From the County's perspective, as soon as the Chair signs the Findings and Order that would be the end of that license and they would no longer have the opportunity to sell it.

IN FAVOR

No one spoke in favor.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Lowe closed the hearing.

MOTION

Discussion occurred between the Board members.

Mr. Reyes motioned to allow Mr. Stetler to have until December 1, 2020 to have everything completed. If everything is not completed, he (Mr. Stetler) turns in his licenses). Ms. Robinson seconded the motion.

The motion passed with a 4-2 vote.

Ms. Robinson – Yes

Ms. Archuletta – No

Mr. Casaus – No

Chairperson Treanor – Yes

Mr. Reyes – Yes

Mr. Rice – Yes

Ms. Robinson motioned to authorize the Chair to sign a written Findings and Order that details the decision. Ms. Archuletta seconded the motion. The motion carried unanimously.

Mr. Rice 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 8:05 p.m. The next LMLB meeting is scheduled to be held on Monday, September 14, 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

LDC