

**RECORD OF PRECEEDINGS  
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD  
MONDAY JANUARY 11, 2021  
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; Henry Reyes, Wallace Rice; Lucretia Robinson

Members Absent: Don DiFatta (Unexcused)

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

Vice-Chair Casaus called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:00 p.m.

**II. APPROVE THE MEETING MINUTES OF DECEMBER 14, 2020.**

Ms. Robinson motioned to approve the meeting minutes of December 14, 2020. Ms. Archuletta seconded the motion. The motion carried unanimously.

**III. APPROVE AGENDA OF JANUARY 11, 2021**

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

**IV. CONSENT MEETING AGENDA ITEMS**

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

Mr. Reyes motioned to approve the consent meeting agenda items as read. Ms. Archuletta seconded the motion. The motion carried unanimously.

**A. LIQUOR LICENSES**

- Renewal Application for a Fermented Malt Beverage Liquor License located at 78 North McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Walmart, Inc dba Walmart Store #3382.

**B. MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application with a Change of Ownership for a Retail Marijuana Cultivation Facility located at 23 North Precision Drive, Pueblo West, Colorado 81007 submitted by Elite Farms, LLC. One owner who has less than 10% ownership is being removed.
- Renewal Application for a Retail Marijuana Retail Store located at 4116 Nature Center Road, Pueblo, Colorado 81003 submitted by Garden Greens, LLC dba Strawberry Fields.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 1830 Siloam Road, Pueblo, Colorado 81005 submitted by Oshman Organics, LLC. Extension Renewal.
- Renewal Application for a Medical Marijuana Cultivation Facility located at 83 North Magneto Drive, Pueblo West, Colorado 81007 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Renewal Application for a Medical Marijuana Store located at 1714 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Change of Ownership application for a Retail Marijuana Cultivation Facility located at 7070 West Highway 96, Pueblo, Colorado 81005 submitted by Sunny Acres, LLC dba Sunny Acres. The ownership structure is removing one owner and adding one owner.

**V. CONSENT HEARING AGENDA ITEMS**

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

Mr. Rice motioned to approve the consent hearing agenda items as read. Mr. Reyes seconded the motion. The motion carried unanimously.

**A. LIQUOR LICENSES-None**

**B. MARIJUANA ESTABLISHMENT LICENSES**

- Change of location application for a Retail Marijuana Cultivation Facility located at 920 East Spaulding Drive, Pueblo West, Colorado 81007 moving to 60810 Highway 96 East, Boone, Colorado 81025 submitted by Cold Baked, LLC.

**VI. REGULAR MEETING AGENDA ITEMS**

**A. LIQUOR LICENSES-None**

**B. MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application for a Retail Marijuana Cultivation Facility located at 9000 South Interstate 25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC. Parking plan issues.

Ms. Stringer addressed the Board to explain the parking plan issues and staff recommendation.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 9000 South Interstate 25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC giving them a one year extension to remedy their parking plan issues. Ms. Robinson seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 2150 56<sup>th</sup> Lane, Boone, Colorado 81025 submitted by Herbal Medications, LLC. Enforcement issue; hearing set.

Ms. Stringer addressed the Board to explain there is a hearing set for February.

Ms. Long informed the Board if the renewal is granted it has no effect on the outcome of the enforcement investigation.

Mr. Blood informed the Board Enforcement is looking at a significant number of violations of the Pueblo County Code provisions. The violations are not enough of a public safety violation that enforcement would want the renewal denied. He added enforcement is neutral whether the Board wants to continue until the enforcement action is over.

Ms. Long informed the Board the reasons these issues are being separated is if the renewal is continued until after the enforcement actions are completed, staff ends up with applicants who have their renewal decided 5-6 months after submitting their application and their next renewal is due in another 6 months. This is confusing for staff, the Board, and the Hearing Officer.

Mr. Rice expressed his concerns regarding late tax issues. Mr. Blood and Ms. Long responded.

Ms. Robinson suggested to wait until after the February hearing. Ms. Archuletta disagreed and recommended keeping the two issues separate as Mr. Blood stated.

Discussion occurred regarding continuing the item.

Mr. Reyes asked Mr. Blood if he will ensure the tax issues are brought before the Hearing Officer as well. Mr. Blood responded he can if the Board requests him to do so. Mr. Rice added he would like to give Mr. Blood the authority to bring up the tax issue to the Hearing Officer.

Discussion occurred regarding the procedures for adding tax issues to the scheduled hearing.

Mr. Craig Small (730 17th Street, Suite 420, Denver, Colorado 80202) stated the alleged violations, escalating the number of issues that he and Mr. Blood have to work through may impact the negotiations and how quickly they get to a resolution. Mr. Small's recommendation would be for the Board to grant the renewal. Herbal Medications, LLC would then go to the Hearing Officer and deal with the issues that absolutely need to be dealt with.

Discussion occurred regarding tax issues.

Mr. Rice motioned for the Board to direct Mr. Blood to address the late payment of taxes at the hearing for Herbal Medications, LLC. Ms. Archuletta seconded the motion. The motion carried unanimously.

Ms. Robinson motioned to continue the Renewal Application for a Retail Marijuana Cultivation Facility located at 2150 56<sup>th</sup> Lane, Boone, Colorado 81025 submitted by Herbal Medications, LLC to the March 8<sup>th</sup> Liquor and Marijuana Licensing Board meeting. Mr. Reyes seconded the motion. The motion carried with a 3-2 vote. The votes were as follows:

Ms. Archuletta - No  
Mr. Casaus - No  
Mr. Reyes - Yes  
Mr. Rice - Yes  
Ms. Robinson - Yes

- Renewal Application for a Medical Marijuana Cultivation Facility located at 1640 Siloam Road, Pueblo, Colorado 81005 submitted by Potco, LLC dba Potco. Zoning violation.

Ms. Stringer explained the zoning violation to the Board. The licensee was supposed to install black out curtains and will need to work with zoning to remedy the issue.

Ms. Long asked Ms. Stringer if the recommendation for time to comply was one year. Ms. Stringer responded yes. Ms. Long asked Ms. Stringer if the applicant agreed with that. Ms. Stringer responded that she didn't know.

Ms. Long informed the Board their options are to grant the renewal with the conditions placed upon it or to refer it to the Hearing Officer.

Ms. Archuletta asked if this had been going on for a couple of years and if anyone knew when the problem originated. Ms. Stringer responded that it had not been going on for a couple of years. The blackout curtains were put in as a violation per the Pueblo County Code a couple of years ago.

Mr. Rice asked how long they have been operating without the required blackout curtains. Ms. Stringer responded that she did not know and it was a recommendation from Zoning. Ms. Howard responded that Zoning may not know about it unless someone files a complaint. At that point Zoning would get it as a zoning violation and would follow through with it.

Mr. Andre Largente (885 Ponderosa Lane, Canon City, Colorado 81212) stated Potco, LLC had their County inspection by Ms. Jessica Lopez. They have a high tunnel that has construction lighting with LED bulbs and there are not any grow lights running at night. The light would come from when they are there before the sun comes up. They have installed blackout covers on top of the high tunnel. He added the issue has never come up before in any of the inspections or renewals and the lights have been there since they opened the business in 2017. He provided more details regarding high tunnels vs. greenhouses.

Discussion occurred.

Ms. Howard recommended that the Board provide the applicant the opportunity to work with Zoning to see if this is an issue or if it is something the applicant is in compliance with.

Discussion occurred regarding time needed to comply.

Ms. Archuletta motioned to approve the Renewal Application for a Medical Marijuana Cultivation Facility located at 1640 Siloam Road, Pueblo, Colorado 81005 submitted by Potco, LLC dba Potco under the conditions that they work directly with zoning to get the issue resolved within one year of the next renewal. Ms. Robinson seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 1640 Siloam Road, Pueblo, Colorado 81005 submitted by Potco South, LLC. Zoning violation.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 1640 Siloam Road, Pueblo, Colorado 81005 submitted by Potco South, LLC with the same conditions that they work with Zoning to resolve zoning violation issue or to determine whether it is a violation or not within one year. Ms. Robinson seconded the motion. The motion carried unanimously.

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

Ms. Stringer addressed the Board to explain the parking plan issues and staff recommendation.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Store located at 2285 North Interstate 25, Pueblo, Colorado 81008 submitted by Syls, LLC dba Strawberry Fields with the condition that they resolve the parking plan issues within one year or their next renewal. Mr. Rice seconded the motion. The motion carried unanimously.

- Renewal Application for a Medical Marijuana Cultivation Facility located at 41 North Precision Drive, Pueblo West, Colorado 81007 submitted by The Organic Seed, LLC dba Cannasseur. Parking plan issues.

Ms. Stringer addressed the Board to explain the parking plan issues and staff recommendation.

Ms. Archuletta motioned to approve the Renewal Application for a Medical Marijuana Cultivation Facility located at 41 North Precision Drive, Pueblo West, CO 81007 submitted by The Organic Seed, LLC dba Cannasseur with the conditions that they resolve the parking plan issues within one year. Mr. Reyes seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 66 North Research Drive, Pueblo West, Colorado 81007 submitted by Weed Crumbs, LLC dba We Grow Pueblo. Parking plan issues.

Ms. Stringer addressed the Board to explain the parking plan issues and staff recommendation.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 66 North Research Drive, Pueblo West, CO 81007 submitted by Weed Crumbs, LLC dba We Grow Pueblo with the condition that they resolve the parking plan issues within one year. Mr. Rice seconded the motion. The motion carried unanimously.

- Conditional Approval Extension request (**3<sup>rd</sup> 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 3<sup>rd</sup> extension date would be **July 9, 2021**.

Mr. Reyes asked if this has been going on with the same issue since 2018. Ms. Jennifer Farney (7068 Burnt Mill Road, Beulah, Colorado 81023) responded it has not been the same issue. They are doing a modification of premises and did not get it completed by the last 6-month extension they had requested.

Ms. Stringer informed Ms. Farney that the modification has been at the Planning and Development office for a little over a month for her to pick up and submit to MED. Ms. Farney explained why she hasn't picked it up yet.

Mr. Rice asked Ms. Stringer if this is the same location with considerable community input in opposition to the original license a couple of years ago. Ms. Stringer responded that she didn't know, and she would have to look into it. Mr. Rice responded that it was and over 70 members of community in Colorado City had some significant concerns about the original license and now, three years later they are still kicking the can down the road about whether or not there is going to be a facility. Ms. Farney explained to the Board why they haven't opened the store. She informed the Board that their business plan is different from other marijuana business plans, in that they intend on only selling the product that they grow. They have not opened because they are not going to sell anyone else's product. She continued with details.

Ms. Stringer confirmed Mr. Rice's question regarding the opposition at the July 9, 2019 LMLB meeting.

Ms. Long reminded the Board that there are set standards that the applicant has to meet that the Board considers. Needs and desires, like they have with liquor licensing, are not one of the requirements to meet for a marijuana establishment.

Mr. Reyes asked a question regarding the memo issued in 2018. He stated that since the Board is still dealing with the order that was issued in 2018 he is not inclined to grant an additional extension.

Ms. Farney expressed her concerns and stated that they have met all requirements and provided details of what they are currently working on for the requested extension.

Mr. Rice asked Ms. Long what the Board's options are. Ms. Long responded they could continue the extension, although there is no reason to, they could grant the extension request or deny it. They could also grant it for a longer or shorter period.

Ms. Farney added that she still had to pay the renewal fees and will be paying them again in July 2021. She added that staff has recommended the approval of the extensions and she asked if any member of the Board is planning to deny the extensions what the reason would be.

Ms. Robinson asked Ms. Farney if she see's any issues with anything at this time. Ms. Farney responded no, and they are just about done and hoping to schedule their final inspection soon. They continued their discussion.

Mr. Reyes expressed his concerns with the extension request.

Ms. Long requested that items 6.B.2.a and 6.B.2.b be continued to the February meeting.

Ms. Robinson motioned to table 6.B.2.a and 6.B.2.b to next month's meeting. Ms. Archuletta seconded the motion.

Mr. Rice stated continuing the items would be the same as giving them a one-month extension to the three previous extensions they have already had. Ms. Long stated the extension would be pending as they continue. She requested that the items be continued, and they have an Executive Session at the beginning of the next meeting.

After discussion, the motion failed with a 2-3 vote. The votes were as follows:

Ms. Archuletta - No  
Mr. Casaus - Yes  
Mr. Reyes - No

Mr. Rice - No  
Ms. Robinson - Yes

Ms. Archuletta motioned to approve the Conditional Approval Extension request (3<sup>rd</sup> 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 3<sup>rd</sup> extension date would be July 9, 2021. Mr. Reyes seconded the motion. The motion failed with a 1-4 vote. The votes were as follows:

Ms. Archuletta - No  
Mr. Casaus - Yes  
Mr. Reyes - No  
Mr. Rice - No  
Ms. Robinson - No

- Conditional Approval Extension request (**3<sup>rd</sup> 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 Mill Road, Beulah, Colorado 81023. The 3<sup>rd</sup> extension date would be **July 9, 2021**.

Ms. Archuletta motioned to approve the Conditional Approval Extension request (**3<sup>rd</sup> 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 Mill Road, Beulah, Colorado 81023. The 3<sup>rd</sup> extension date would be **July 9, 2021**. Ms. Robinson seconded the motion. The motion failed with a 1-4 vote. The votes were as follows:

Ms. Archuletta - No  
Mr. Casaus - No  
Mr. Reyes - No  
Mr. Rice - No  
Ms. Robinson - Yes

- Enforcement Referral for a Medical Marijuana-Infused Products Manufacture located at 1805 Santa Fe Drive Unit C, Pueblo, Colorado 81006 for Tastebudz MIP, LLC.

Ms. Long informed the Board this is a unique situation there was a conditional Findings and Order for this license in 2015. At that time they did not do conditional licenses and did not put a timeframe on the conditions. Currently under Pueblo County Code, all licensees are given a timeframe to submit routing sheets and they must do an extension request if it is going to take longer than one year. All conditional approvals are considered a conditional license, and licensees must renew each year and pay fees to the County for the renewal. Since this item was issued in 2015, the licensee hasn't had to do those requirements, however, they have not met the conditions that were put on the license in 2015. It was clearly not the intent of the Board in 2015 to allow this to be an indefinite condition that they would never need to comply with. Staff has requested this as an enforcement referral in order to have a hearing to determine a timeframe so the licensee would be required to comply with the conditions. If the Board and the owner can agree on a timeframe, the Board can amend the Findings and Order to add the timeframe. If they are not in agreement, it would need to be referred to the Hearing Officer.

Ms. Archuletta asked if the licensee was not currently operating. Ms. Long responded yes that is correct. Ms. Archuletta asked if this is the same situation as the previous items, the licensee is still trying to get everything signed off so they can start production. Ms. Long responded yes and provided details.

Ms. Robinson asked Mr. Costanza if he is okay with coming into compliance. Mr. Joseph Costanza (86 Princeton Street, Pueblo, Colorado 81005) responded yes.

Mr. Reyes asked if 60 days was too short. Mr. Costanza responded with the ongoing COVID situation, he thinks he can get it done within 6 months.

Discussion occurred regarding the timeframe.

Ms. Archuletta requested Ms. Long to provide the Board with their options. Ms. Long responded the Board could vote to amend the Findings and Order to add a timeframe onto the conditions or they could refer the item to the Hearing Officer. She added that this is not an extension request so there is nothing to deny.

Discussion occurred.

Mr. Reyes motioned to amend the findings and order to allow 6 months for Mr. Costanza to become compliant with the current laws and statutes of the County of Pueblo. Ms. Archuletta seconded the motion. The motion carried unanimously.

## **VII. REGULAR HEARING AGENDA ITEMS**

### **A. LIQUOR LICENSES**

- New Liquor License Application for a Retail Liquor Store located at 74 North McCulloch Boulevard Suite 150, Pueblo West, Colorado 81007 submitted by SDDS, LLC dba Warehouse Liquors in Pueblo West.

Ms. Stringer informed the Board this was a previously licensed establishment that-expired a few months ago.

Discussion occurred regarding the survey conducted.

Ms. Sylvie Cimino (5515 Saddle Rock Place, Colorado Springs, Colorado 80918) with Liquor Pros, stated they conducted the survey. She continued the survey provided good feedback and explained the survey process to the Board.

Mr. Michael Nuanes (7651 Shaffer Parkway, Suite B2, Littleton, Colorado 80127) stated he represents Mr. Hardip Singh and had extensive conversations regarding who to ID, how to ID, and who to serve. He informed the Board Mr. Singh has experience as a liquor store owner in another state and has agreed to ID all people under the age of 50, the owner understands there is to be no service to anyone who appears to be intoxicated and he also understands the need to call the police for every disturbance that occurs on his property.

The packet of information received from Liquor Pros was entered into the record as Exhibit A.

Ms. Robinson expressed her concerns to Mr. Nuanes that Mr. Singh agreed on the conditions that he spoke of and asked what reason would there be for him to not consider the conditions. Mr. Nuanes responded there isn't one and he didn't state that.

Discussion occurred between Ms. Robinson and Mr. Nuanes.

Mr. Rice asked if the owner's prior experience is different from what he will be doing at this location. Mr. Nuanes responded no. It is a matter of due diligence understanding the expectations in the State of Colorado.

**IN FAVOR**

No one spoke in favor.

**IN OPPOSITION**

There was no opposition.

**REBUTTAL**

There was no rebuttal.

Vice Chair Casaus closed the hearing

**MOTION**

Mr. Rice motioned to approve the New Liquor License Application for a Retail Liquor Store located at 74 North McCulloch Boulevard, Suite 150, Pueblo West, Colorado 81007 submitted by SDDS, LLC dba Warehouse Liquors in Pueblo West. Mr. Reyes seconded the motion. The motion carried unanimously.

**B. MARIJUANA ESTABLISHMENT LICENSES-None**

Ms. Long requested a conference with the Assistant County Attorney, an executive session, for the purpose of receiving legal advice on specific legal questions regarding procedures and standards under C.R.S. Section 24-6-402(4)(b).

Mr. Robinson motioned to enter executive session. Mr. Reyes seconded the motion. The motion carried unanimously.

Mr. Rice motioned to enter into executive session at 7:49 p.m. and at the conclusion the meeting be adjourned. Ms. Archuletta seconded the motion. The motion carried unanimously.

Ms. Archuletta motioned to exit the executive session at 8:13 p.m. Ms. Robinson seconded the motion. The motion carried unanimously.

**ADJOURN**

There being no further regular business before the LMLB, the meeting was adjourned at 8:13 p.m. The next LMLB meeting is scheduled to be held on Monday, February 8, 2021, at 6:00 p.m. via Zoom and Facebook Live.

Respectfully submitted,



Dani Cernoia, Recording Secretary  
Department of Planning and Development