

RECORD OF PRECEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY, APRIL 10, 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, Sarah Habib, Henry Reyes, and Judith Stein

Members Absent: Juanita Rodriguez

Staff Present: Carmen Howard, Director of Planning and Development; Gail Wallingford-Ingo, Deputy Director of Planning and Development; Kyle Aber, Deputy Director of Liquor and Marijuana Licensing; Sarah Long, Assistant County Attorney; Peter Blood, Senior Associate County Attorney; Bonnie Carter, Licensing Coordinator.

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 MARCH 13, 2023

Mr. Reyes motioned to approve the meeting minutes of March 13, 2023. Ms. Stein seconded the motion. The motion carried unanimously.

III. APPROVE AGENDA OF APRIL 10, 2023

Mr. Aber requested to continue item IV.B.2.C, Change of Ownership Application for a Medical and Retail Marijuana Cultivation Facility located at 893 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Colorado Distributing, LLC to the May 8, 2023 Liquor and Marijuana Licensing Board meeting.

Mr. Casaus motioned to continue item IV.B.2.C, Change of Ownership Application for a Medical and Retail Marijuana Cultivation Facility located at 893 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Colorado Distributing, LLC to the May 8, 2023 Liquor and Marijuana Licensing Board meeting. Ms. Habib seconded the motion. The motion carried unanimously.

Mr. Casaus motioned to approve the amended agenda of the April 10, 2023 meeting. Mr. Reyes seconded the motion. The motion carried unanimously.

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IV. CONSENT MEETING AGENDA ITEMS

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

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

LIQUOR LICENSES

- Renewal Application for a Liquor Store License located at 31298 East Highway 96, Pueblo, Colorado 81006 submitted by Bee Mac Investments, LLC dba Baxter Liquor.
- Renewal Application for a Liquor Store License located at 316 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Khund, LLC dba Cheers in Pueblo West.
- Renewal Application for a Hotel and Restaurant Liquor License located at 76 North McCulloch Boulevard, Suites 160-170, Pueblo West, Colorado 81007 submitted by Jung Food, Inc. dba Momo West Japanese Restaurant.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 55 North Parkway, Colorado City, Colorado 81019 submitted by Roundtable Sports Grill, LLC dba Roundtable Sports Grill, LLC.
- Renewal Application for a Liquor Store License located at 108 Baxter Road, Pueblo, Colorado 81006 submitted by G&R, LLC dba Sinclair Baxter Rd.
- Transfer of Ownership Application for a Fermented Malt Beverage Liquor License located at 251000 Highway 50 East, Pueblo, Colorado 81006 submitted by UPOP Holdings, LLC dba JR's Country Stores transferring from JR's Country Stores, Inc. dba JR's Country Store #205.
- Application for a New Tastings Permit for a Liquor Store License located at 316 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Khund, LLC dba Cheers in Pueblo West for the dates of May 4, 2023 to April 26, 2024.

MARIJUANA ESTABLISHMENT LICENSES - None

- Renewal Application for a Retail Marijuana Cultivation Facility located at 6395 Galbreth Road, Pueblo, Colorado 81005 submitted by Bully's Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 127 South Nielson Avenue, Pueblo, Colorado 81001 submitted by Farm Boy, LLC dba Los Suenos Farms.

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- Renewal Application for a Retail Marijuana Cultivation Facility located at 7571 Vanessa Drive, Pueblo, Colorado 81005 submitted by Green Farmers, LLC.
- Renewal Application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 63500 East Highway 96, Boone, Colorado 81025 submitted by Green Sativa, LLC.
- Renewal Application for a Retail Marijuana Store located at 8910 South Interstate 25, Pueblo, Colorado 81004 submitted by High Octane, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 1905 Pope Valley Ranch Road, Pueblo, Colorado 81005 submitted by Island Group, LLC dba Limonene Farms.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2565 North Interstate 25, Pueblo, Colorado 81008 submitted by LivWell IV, LLC dba LivWell.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 50100 East Highway 96, Boone, Colorado 81025 submitted by Midwest Ranch, LLC dba Midwest Ranch.
- Renewal Application for a Retail Marijuana Store located at 148 East Assembly Drive, Pueblo West, Colorado 81007 submitted by Nature's Gift Shop, LLC.
- Renewal Application for a Retail Marijuana Store located at 428 McCulloch Boulevard, Building A, Pueblo West, Colorado 81007 submitted by SBUD, LLC dba Starbuds.
- Renewal Application for a Retail Marijuana Store located at 2440 North Interstate 25, Unit B, Pueblo, Colorado 81008 submitted by Stem Beach, LLC dba The Cannabis Depot.
- Renewal Application for a Retail Marijuana Store located at 1400 Santa Fe Drive, Suites A & B, Pueblo, Colorado 81005 submitted by Westside Wellness Center, LLC dba Maggie's Farm.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6389 Galbreth Road, Pueblo, Colorado 81005 submitted by Wheeler Farms, LLC.
- Change of Ownership Application for a Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer located at 893 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Colorado Distributing, LLC dba Apex.
- Change of Ownership Application for a Medical Marijuana Store and Retail

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Marijuana Store located at 893 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Colorado Distributing, LLC dba The Dispo.

- Change of Ownership 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.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 77 North Magneto Drive, Pueblo West, Colorado 81007 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Change of Ownership Application for a Medical Marijuana Store located at 1714 Santa Fe Drive, Pueblo West, Colorado 81007 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Change of Ownership Application for a Retail Marijuana Store located at 1714 B Santa Fe Drive, Pueblo West, Colorado 81007 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.
- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 3321 South Interstate 25, Pueblo Colorado 81004 for Stem Beach, LLC dba Doctor's Orders.

V. VI. REGULAR MEETING AGENDA ITEMS

MARIJUANA ESTABLISHMENT LICENSES

- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 6397 Galbreth Road, Pueblo, Colorado 81005 for DD Farms, LLC.

Mr. Blood explained the Stipulation Agreement from Enforcement.

Mr. Reyes motioned to approve the Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 6397 Galbreth Road, Pueblo, Colorado 81005 for DD Farms, LLC. to Mr. Emmerson seconded the motion. Motion carried unanimously.

- Stipulation Agreement for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7420 Rex Road, Pueblo, Colorado 81005 for Healing House Lakewood, LLC dba Ascend Cannabis Co.

Mr. Blood explained the Stipulation Agreement from Enforcement.

Mr. Casaus motioned to approve the Stipulation Agreement for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7420 Rex Road, Pueblo, Colorado 81005 for Healing House Lakewood, LLC dba Ascend Cannabis Co. Ms. Stein seconded the motion. Motion carried unanimously.

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- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 1115 Siloam Road, Pueblo, Colorado 81005 for PRN Holdings, LLC dba Ghost Gardens.

Mr. Blood explained the Stipulation Agreement from Enforcement.

Mr. Casaus motioned to approve the Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 1115 Siloam Road, Pueblo, Colorado 81005 for PRN Holdings, LLC dba Ghost Gardens. Ms. Habib seconded the motion. Motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 152 East Industrial Boulevard, Pueblo West, Colorado 81007 submitted by Long Gone Farms, LLC.

Mr. Aber requested confirmation that the business was no longer being operated by Business Operator, Mr. Raymond Saccomano per the approved Stipulation Agreement dated 11-14-2022.

Ms. Danielle Salor, 1096 East Desert Cove Drive, Pueblo West, Colorado 81007 stated Mr. Will Croce was operating the business and they moved on from Mr. Saccomano.

Mr. Reyes motioned to approve the Retail Marijuana Cultivation Facility located at 152 East Industrial Boulevard, Pueblo West, Colorado 81007 submitted by Long Gone Farms, LLC. Mr. Casaus seconded the motion. Motion carried unanimously.

- Renewal Application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7420 Rex Road, Pueblo, Colorado 81005 for Healing House Lakewood, LLC dba Ascend Cannabis Co.

Mr. Casaus motioned to approve the Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7420 Rex Road, Pueblo, Colorado 81005 submitted by Healing House Lakewood, LLC dba Ascend Cannabis Co. Ms. Stein seconded the motion. Motion carried unanimously.

VI. REGULAR HEARING AGENDA ITEMS

MARIJUANA ESTABLISHMENT LICENSES

- Re-Opened Hearing for a Renewal Application for a Retail Marijuana Store located at 749 East Enterprise Drive, Pueblo West, Colorado 81007 for Concentrate, LLC dba Wolfpac Cannabis. Penalty phase only.

Chairperson Ms. Dutcher opened the hearing.

Ms. Long updated the Board regarding the reopened hearing for the Renewal Application, Violation of Order and the Summary Suspension which was issued administratively per the

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Code for taxes not being paid. She informed them the Summary Suspension would not be lifted until all taxes were up to date or the date of the hearing.

Mr. Henry Borunda, 1 Rockbridge Lane, Pueblo, Colorado 81001 stated he was the landlord and was attending because the licensee was out of town. He apologized for the taxes not being paid and informed the Board it was being worked out but due to the suspension they were not operating. The applicant had a couple potential buyers for the store license to get them out of the situation they were in. He requested for more time or a settlement agreement to transfer the license to someone else.

Mr. Aber stated staff had an issue with the licensee not attending the hearings to explain how they would square up the taxes with Pueblo County. He didn't have an issue with the Hearing Officer Order to pay a \$20,000 fine and get up to date on the taxes. He asked to re-open the hearing because at the time on the Hearing the representative for the applicant was an accountant that did not have much experience with the business. The accountant had stated the business did not have the money and would not pay the taxes. He could not ask the Board to renew a license for a business who were behind on their taxes and stated they would not pay them. Mr. Aber explained a license could not be transferred that was not in good standing. Therefore, the licensee would need to get all taxes paid and if a fine was imposed it would need to be paid too before they could transfer the license. He gave an update on the months the taxes were not reported or paid which were, May, August-December of 2022 and January and February of 2023.

Ms. Long informed the Board they could continue the Summary Suspension until all taxes were paid. They could lift the Suspension or in the very least lift it for a certain amount of time to allow them to operate for a certain amount of time. She reiterated Mr. Aber's statement for the standard to transfer the license and stated they could condition the renewal on a transfer to allow them to do a private agreement.

Mr. Casaus asked Mr. Borunda how well the licensee had done with regards to the lease agreement. Mr. Borunda stated they had leased from him for 7-years and paid rent on time. He did not know they were not paying their taxes. He knew they would not make any money on the sale of the business they just wanted to make it right by the County and the state. The potential buyer would either lease the property from him or buy it out right. They needed to work out the details of the sale. He stated he had not received rent payments from the licensee for the past 2-months because of the situation they were in.

Discussion occurred.

Chairperson Dutcher closed the hearing.

Mr. Reyes felt if they couldn't pay the taxes any fine imposed on them would be like throwing sand in the ocean. They wouldn't be able to pay. He felt the only way to transfer the license would be to encourage the buyer to assume their debt. If the suspension remained intact there would be no hope for the owner to make money.

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Ms. Dutcher agreed with Mr. Reyes and had an issue with the taxes. She stated when taxes are collected that money does not belong to the business to use to conduct business. Taxes are collected on behalf of the County and the owner had no business spending the money on anything expect to pay the taxes. Her issue being why they had trouble paying taxes when they should have collected that amount of money to be paid to the County.

Mr. Reyes motioned to approve the Renewal Application for a Retail Marijuana Store located at 749 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Concentrate, LLC dba Wolfpac Cannabis with the condition to pay all taxes owed within 120-days or submit a Transfer of Ownership Application to Licensing. Ms. Habib seconded the motion. The motion failed with a 3-3 vote. The vote was as follows:

Mr. Casaus – Yes
Mr. Emerson – Yes
Ms. Habib– No
Mr. Reyes – No
Ms. Stein – Yes
Chairperson Dutcher – No

Mr. Reyes motioned to delegate authority to the Chair or Vice Chair to sign an updated Findings and Order for a Retail Marijuana Store located at 749 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Concentrate, LLC dba Wolfpac Cannabis. Ms. Habib seconded the motion. The motion carried unanimously.

Ms. Long explained due to the non-renewal of the license making it void Findings and Orders still needed to be issued for the Re-Opened Hearings. She asked the Board to delegate authority for the Chair of Vice Chair to sign the updated Findings and Order for items VI.B.1.b, Violation of Findings and Order.

Ms. Habib motioned to delegate authority to the Chair or Vice Chair to sign an updated Findings and Oder for a Violation of Order for a Retail Marijuana Store located at 749 East Enterprise Drive, Pueblo West, Colorado 81007 for Concentrate, LLC dba Wolfpac Cannabis. Ms. Stein seconded the motion. The motion carried unanimously.

- Re-Opened Hearing for a Renewal Application regarding a Retail Marijuana Cultivation Facility and Retail Marijuana Products Manufacturer located at 24 North Electronic Drive, Suite B, Pueblo West, Colorado 81007 for Earth Energy Unlimited, LLC.

Mr. Aber requested there-Opened Hearing be continued to the May 8, 2023 Liquor and Marijuana Licensing Board Meeting. He stated the applicant did not have any objection to a continuance.

Mr. Casaus motioned to continue the Renewal Application for a Retail Marijuana Cultivation Facility located at 24 North Electronic Drive, Suite B, Pueblo West, Colorado 81007 for Earth Energy Unlimited, LLC to the May 8, 2023 Liquor and Marijuana Licensing Board

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meeting. Mr. Emerson seconded the motion. The motion passed with a 5-1 vote. The vote was as follows:

Mr. Casaus – Yes
Mr. Emerson – Yes
Ms. Habib – Yes
Mr. Reyes – No
Ms. Stein – Yes
Chairperson Dutcher – Yes

ADJOURN

There being no further regular business before the LMLB, the meeting was adjourned at 6:56 P.M. The next LMLB meeting is scheduled to be held on Monday, May 8, 2023, at 6:00 P.M. in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10th Street.

Respectfully submitted,



Licensing Manager, Tawnya Stringer
Department of Planning and Development