

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY, MARCH 9, 2020
6:00 P.M.
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET**

I. ATTENDANCE/EXCUSED

Members Present: Kim Archuletta, Brian Casaus, Don DiFatta, Henry Reyes, Jr., Wallace Rice, Lucretia Robinson, and Joseph Treanor.

Members Absent: None

Staff Present: Peter Blood, Assistant County Attorney; Dani Cernoia, Recording Secretary; Jason Chambers, Marijuana Code Compliance Inspector; Carmen Howard, Director of Planning and Development; Sarah Long, Assistant County Attorney; Melissa Spengler, County Tax Collection Specialist; and Tawnya Stringer, Licensing Manager.

Chairperson Treanor called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 5:59 p.m.

Ms. Robinson arrived at the meeting at 6:04 p.m.

II. APPROVE THE SPECIAL MEETING MINUTES OF FEBRUARY 3, 2020 AND THE MEETING MINUTES OF FEBRUARY 10, 2020

Chairperson Treanor asked if there were any additions or corrections to the minutes.

Mr. Casaus motioned to approve the minutes of the February 3, 2020 LMLB special meeting and the February 10, 2020 LMLB meeting as presented. Mr. Reyes seconded the motion. The motion carried unanimously.

III. APPROVE AGENDA OF MARCH 9, 2020.

Chairperson Treanor asked if there were any additions or corrections to the agenda.

Mr. Reyes motioned to approve the agenda of the March 9, 2020 meeting. Ms. Archuletta seconded the motion. The motion carried unanimously.

IV. APPROVE DIRECTOR'S REPORT

Ms. Howard informed the LMLB of the State marijuana license that has been surrendered to the MED.

- High Demand, LLC dba High Demand surrendered both State and local licenses. Medical Marijuana Optional Premises Cultivation Facility and Medical Marijuana Center located at 38 Silicon Drive, Pueblo West, Colorado 81007.
- Colorado Best Budz, LLC surrendered both State and local licenses. Medical Marijuana Optional Premises Cultivation Facility and Medical Marijuana Center located at 23344 Highway 50 East, Unit B, Pueblo, Colorado 81006.

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V. 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. Mr. Reyes seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

- Renewal Application for a Hotel and Restaurant Liquor License located at 177 South Purcell Boulevard, Pueblo West, Colorado 81007 submitted by Capitan, Inc. dba 3 Margaritas.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 147 South Tiffany Drive, Pueblo West, Colorado 81007 submitted by Guidry Coleen Ann dba Cat's Pourhouse.
- Renewal Application for a Tavern Liquor License and Cabaret License located at 1501 McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Pueblo Shrine Club dba Pueblo Shrine Club.

MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Cultivation Facility located at 6473 Galbreth Road, Pueblo, Colorado 81005 submitted by AD Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6468 Galbreth Road, Pueblo, Colorado 81005 submitted by Ancient Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6401 Galbreth Road, Pueblo, Colorado 81005 submitted by Bear With Us, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 77 North Laser Drive, Suite A, Pueblo West, Colorado 81007 submitted by ClutchX, LLC dba Clutch Extracts.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6296 Galbreth Road, Pueblo, Colorado 81005 submitted by DD Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 61100 Highway 96 East, Boone, Colorado 81025 submitted by Dr. Releaf, Inc.
- Renewal Application for a Retail Marijuana Store located at 67 North Silicon Drive, Suite 130, Pueblo West, Colorado 81007 submitted by FIPG, LLC.

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- Renewal Application for a Retail Marijuana Store located at 78 North Precision Drive, Pueblo West, Colorado 81007 submitted by Go Rule, LLC dba Rocky Mountain Blaze.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 1850 Pope Valley Ranch Road, Pueblo, Colorado 81005 submitted by Greener Heights, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 920 38th Lane, Pueblo, Colorado 81006 submitted by High Colorado Farms, LLC.
- Renewal Application for a Retail Marijuana-Infused Products Manufacturing Facility located at 42 North Fabrication Drive, Suite 101, Pueblo West, Colorado 81007 submitted by High Desert Cannabis, LLC dba HDC, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6387 Galbreth Road, Pueblo, Colorado 81005 submitted by JDW Farms, LLC.
- Renewal Application for a Medical Marijuana Optional Premises Cultivation, Medical Marijuana-Infused Products Manufacturing Facility, Retail Marijuana Cultivation Facility and Retail Marijuana-Infused Products Manufacturing Facility located at 73 North Research Drive, Pueblo West, Colorado 81007 submitted by JKC Manufacturing, LLC dba Stratos.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 3730 40th Lane, Avondale, Colorado 81022 submitted by Jun Zhang, Inc.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 39 North Mission Drive, Pueblo West, Colorado 81007 submitted by SMJT, LLC.
- Renewal Application for a Medical Marijuana-Infused Products Manufacturing Facility and Retail Marijuana-Infused Products Manufacturing Facility located at 869 East Industrial Boulevard, Pueblo West, Colorado 81007 submitted by StayCon, LLC dba Craft.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6399 Galbreth Road, Pueblo, Colorado 81005 submitted by Sun Grown Farms, LLC.
- Renewal Application for a Medical Marijuana Optional Premises Cultivation located at 41 North Precision Drive, Pueblo West, Colorado 81007 submitted by The Organic Seed, LLC dba Cannasseur.
- Renewal Application for a Retail Marijuana Store located at 1400 Santa Fe Drive, Suites A and B, Pueblo, Colorado 81006 submitted by Westside Wellness Center, LLC dba Maggie's Farm.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6469 Galbreth Road, Pueblo, Colorado 81005 submitted by ZM Farms, LLC.

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- Change of Ownership Application for a Medical Marijuana Optional Premises Cultivation and Retail Marijuana Cultivation Facility located at 1660 Siloam Road, Pueblo, Colorado 81005 submitted by Next1 Labs, LLC dba Next1 Labs. The ownership structure is adding one owner.
- Transfer of Ownership Application for a Retail Marijuana Cultivation Facility located at 77 North Laser Drive, Unit H, Pueblo West, Colorado 81007 submitted by The Clearwater Group, LLC dba Clearwater Genetics transferring to Clearwater Buds, LLC.

VI. CONSENT HEARING 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 hearing agenda listed below. Mr. Reyes seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

- Application for a Special Event Permit for a Malt, Vinous, and Spirituous Liquor License located at 324 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by Saint Baldrick's Foundation for the date of March 14, 2020.

MARIJUANA ESTABLISHMENT LICENSES-None

VII. 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.

LIQUOR LICENSE-None.

MARIJUANA ESTABLISHMENT LICENSES

- Conditional Approval Extension request by The Organic Seed, LLC dba Cannasseur to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of May 13, 2019 for an application for a Retail Marijuana Store located at 4100 West 11th Street, Pueblo, Colorado 81003. The extension date is May 13, 2021.

Mr. Daniel Dickenson, 1489 West Palmetto Park Road, Suite 484, Boca Raton, Florida 33486 (attorney registration number 52321) stated that they are working with The Organic Seed, LLC to transfer the ownership, and that is why they requested additional time to complete the build out. Chairperson Treanor asked if the extension would be enough time. Mr. Dickenson responded that a one-year extension is certainly enough time to complete the project.

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Mr. Rice motioned to approve the Conditional Approval Extension request by The Organic Seed, LLC dba Cannasseur to extend the Findings and Order condition of approval to submit a signed License Routing Sheet within one year of the approval date of May 13, 2019 for an application for a Retail Marijuana Store located at 4100 West 11th Street, Pueblo, Colorado 81003. Mr. Reyes seconded the motion. The motion carried unanimously.

- Transfer of Ownership Application for a Retail Marijuana Store located at 4100 West 11th Street, Pueblo, Colorado 81003 submitted by The Organic Seed, LLC dba Cannasseur transferring to The Cannabis Depot Pueblo South, LLC dba The Cannabis Depot.

Mr. Reyes motioned to approve the Transfer of Ownership Application for a Retail Marijuana Store located at 4100 West 11th Street, Pueblo, Colorado 81003 submitted by The Organic Seed, LLC dba Cannasseur transferring to The Cannabis Depot Pueblo South, LLC dba The Cannabis Depot. Mr. Rice seconded the motion. The motion carried unanimously.

VIII. REGULAR HEARING AGENDA ITEMS

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

LIQUOR LICENSE

- New Application for a Hotel & Restaurant Optional Liquor License located at 395 South Angus Avenue, Pueblo West, Colorado 81007 submitted by Bumperz Entertainment, LLC.

Ms. Long stated that this item was continued for the sole purpose of incorporating staff findings into the record. Her recommendation is to reopen the hearing and accept staff findings. No testimony would be necessary unless the Board has questions about the staff findings.

Mr. Casaus motioned to reopen the hearing. Mr. DiFatta seconded the motion. The motion carried unanimously.

Mr. Reyes asked staff if all the conditions were met that were discussed last month. Ms. Stringer stated that the only one that was not met was the Certificate of Occupancy; however, the license can be conditionally approved going forward to go to the State. They will just not be issued their County license until they have their CO. At that time, both licenses will be issued to them and they can start operating and move forward once they have the State license issued.

Chairperson Treanor stated that at the last meeting, there was some question about us (the County) perhaps dragging their feet with this. He continued that we are diligent, following the law, and making sure everything is correct.

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Chairperson Treanor asked Ms. Long to go over what criteria the Board is looking for with this license. Ms. Long replied that she was not at the last meeting and is not sure what was discussed. Mr. Rice added that if he recalls correctly, they were just missing one piece of paper. Mr. Reyes stated that they were missing the memo and some of the things that were on the memo and that things were caught up at the State.

IN FAVOR

No one spoke in favor.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Treanor closed the hearing.

MOTION

Mr. Reyes motioned to issue a conditional license pending the completion and State action for a Hotel & Restaurant Optional Liquor License located at 395 South Angus Avenue, Pueblo West, Colorado 81007 submitted by Bumperz Entertainment, LLC. Ms. Archuletta seconded the motion. The motion carried unanimously.

Ms. Long requested that the Board accept the conditional Findings and Order.

Mr. Casaus motioned to accept the Findings and Order. Ms. Robinson seconded the motion. The motion carried unanimously.

- New Application for a Hotel & Restaurant Optional Liquor License located at 76 North McCulloch Boulevard, Suite 110, Pueblo West, Colorado 81007 submitted by Diaz, LLC dba El Super Taco.

Chairperson Treanor opened the hearing and accepted staff's findings and all applications into the record.

Mr. Vince Linden, 111 South Tejon Street, #202, Colorado Springs, Colorado 80903 (attorney registration number 23285) stated that the owners of El Super Taco, LLC, were before the Board in 2017 and they issued a Restaurant Liquor License to Diaz, LLC and they operated that for over one year. Unfortunately, they forgot to renew the liquor license and got a letter from the County stating that they did not renew and were beyond the 90-day renewal period and they stopped serving alcohol at that point in time and have not served alcohol since. He continued that he has represented the family on multiple different liquor licenses, and they have several El Super Taco's across Colorado including Colorado Springs, Alamosa

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and here (Pueblo). They have operated two liquor licenses in Colorado Springs without issue whatsoever and operated the location here without issue. Ms. Vargas is the proposed registered manager, as she was last time. Nothing has changed with the ownership of the company; it is still a family-owned business. He informed the Board that they have a survey and are prepared to testify to it. Liquor Licensing Professionals conducted the second survey of the neighborhood in a three-year period and it was a very positive survey. Ms. Garretson from Liquor Licensing Professionals is here to testify. Nothing has changed with regards to this; the owners are already approved Liquor License holders at two other Colorado locations; except for the fact that, hat in our hand, they missed the renewal and paid a severe penalty for that, having to reapply, pay the application fees again, have the survey done again, pay for an attorney again. They are good, hardworking people and are here to testify and answer any questions if you have them. They ask that the Board accepts the staff findings which they believe is a recommendation of approval and if there are any questions, they are ready to answer them.

Chairperson Treanor asked Ms. Gloria Vargas, 1147 South Camino Santiago Drive, Pueblo West, Colorado 81007, if the problems have been worked out adequately. Ms. Vargas responded yes, they have.

Mr. Rice stated that it sounded like the only problem was that the license expired, and she wasn't aware of it. He asked if Ms. Vargas would have the expiration posted. She responded yes.

Mr. Reyes stated that the posting of the license should be in an open, visible place to the public and to the employees and asked if it has and will be done. Ms. Vargas responded it has and it will.

Ms. Robinson asked what measures she will take to make sure it won't happen again. Ms. Vargas responded that she has added it to her calendar and her lawyers.

IN FAVOR

No one spoke in favor.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Treanor closed the hearing.

MOTION

Mr. Casaus motioned to approve the New Application for a Hotel & Restaurant Optional Liquor License located at 76 North McCulloch Boulevard, Suite 110, Pueblo West, Colorado

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81007 submitted by Diaz, LLC dba El Super Taco. Ms. Robinson seconded the motion. The motion carried unanimously.

Mr. Casaus motioned to accept the Findings and Order. Ms. Robinson seconded the motion. The motion carried unanimously.

MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Retail Marijuana Cultivation Facility located at 41751 Harbour Road, Avondale, Colorado 81022 submitted by Happy Tree and Company, LLC dba Happy Tree Farms. Tax issues.

Chairperson Treanor opened the hearing and accepted all application documents and staff findings.

Mr. Reyes asked Mr. David Core, 806 Bragdon Avenue, Pueblo, Colorado 81004, that one of the documents submitted was from the Pueblo County Sheriff's Office showing that he has had 9 incidences at his place of business. He asked Mr. Core to explain them. Mr. Core stated that they were alarm issues with the security company. They have talked with the Sheriff's Department. They worked with them and had the security company come out and replace all the door sensors and space them out to make sure that they weren't going off. There was a door that had settled and was setting off the alarm at 3:00 in the morning, roughly, when everyone was asleep. It was being called to the Sheriff's Department when there was nothing happening. Mr. Reyes stated that he also noticed Mr. Core has had three late payments and asked if there was a reason. Mr. Core responded that, in June, they were struck by lightning that took out all of their greenhouse controls. That took about a month to fix and, a month later, their blackout curtains binned and ripped themselves down in the middle of the night. That was about \$5,000.00 to fix and very unexpected. Two months after that they had a windstorm come through and rip their films off. That took them until their September and October sales to get their finances back from those unexpected occurrences and to get everyone paid before the renewal paperwork was put in. He stated that he brought invoices from the landlord if they need to see them. Ms. Robinson asked how far back they are dated. Mr. Core responded that the first is 6/17/19, the second is 7/17/19 and the third one is 9/16/19.

Chairperson Treanor asked if Ms. Long would like to see the invoices. She responded that she doesn't need to, but if the Board wants to see them, they can but don't have to. Chairperson Treanor asked if any member of the Board wants to see them. No one responded.

Mr. Reyes asked Ms. Spengler if all the taxes are current. Ms. Spengler responded that they are current now.

Mr. Reyes asked if enforcement has completed an inspection of the repairs to make sure they are up to date and current. Mr. Core responded that they were given a timeframe to gather the information from the security company and they are just about at the end of that timeframe to show that there have been no false alarms or anything like that that could cause them to come out again. They have the company collecting that data to give them a report. They needed a report because of the amount of instances that happened. Mr. Reyes

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stated that he was talking about the blackout curtains that are required. Mr. Core stated that they are all fixed. Mr. Reyes asked if staff has been advised that they have been repaired. Mr. Core responded yes.

Ms. Archuletta stated to Mr. Core that by owning a business, he has obviously found out that there are things that can go wrong that could end up being costly repairs or whatever the case may be. She asked if he has created a contingency plan so that when something does go wrong, he doesn't fall behind on his taxes. Whether it be a fallback, savings nest, anything like that that would resolve this issue and not happen again. Mr. Core stated that they have put funds aside and have a cash emergency fund if it is to happen again so that if anything like this happens it would be taken care of immediately so the sales funds will not have to go directly to fixing the equipment.

Chairperson Treanor asked Mr. Core if he had a crop this last year. Mr. Core responded that they had a few crops. They had a bad contractor originally build the greenhouse, so they have been having to run test crops through the greenhouse to make sure everything was done correctly. He didn't square the building correctly and did a whole lot of things wrong across the state and country and the greenhouse supplier has fired him and supplied them with a new contractor who has fixed all these things for them at a great expense, but fixed all the issues with the curtain system and the wiring, everything that had to be redone while they were working through the problems. They currently have a crop going right now, everything is fixed, and they are just working through having to deal with fixing a new build. Chairperson Treanor asked if he is optimistic that their crop will be successful. Mr. Core responded very much so.

IN FAVOR

No one spoke in favor.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Chairperson Treanor closed the hearing.

MOTION

Mr. Casaus motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 41751 Harbour Road, Avondale, Colorado 81022 submitted by Happy Tree and Company, LLC dba Happy Tree Farms. Mr. Rice seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 740 Newton Road, Pueblo, Colorado 81005 submitted by 3 Dog Productions, LLC.

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Chairperson Treanor opened the hearing and accepted all application documents and staff findings.

Chairperson Treanor asked the Board if they had any questions for Ms. Mass. Mr. Reyes stated he doesn't have any for Ms. Mass, but in reviewing the memorandum by staff, he noticed they are looking at 4 violations, that they failed the inspection on 4 violations. Although he would love to hear from Ms. Mass, he would like to hear from Mr. Chambers first in regard to the 4 failures. Ms. Long responded to Mr. Reyes that the order for the hearing is that the licensee gets to speak first, and then opposition will come up, that will include enforcement. Then the licensee will have the chance to rebut.

Ms. Ingrid Mass, 740 Newton Road, Pueblo, Colorado 81005, stated that she just received this (possibly referring to the memo) 10 days ago and there are a variety of issues and would like to start with Exhibit 2 which would be addressed by Mr. Schultz. It is the fact that there have been incident reports filed with the Sheriff's department and they believe that they are not accurate.

Mr. Adam Schultz, 211 West Abriendo Avenue, Pueblo, Colorado 81004 (bar number 34331) stated that he is primarily a criminal defense attorney and has never been in front of this room but is taking his queues from the other attorney that was before him. He continued that Ms. Mass was concerned about the number and the notations concerning the calls for service at her address. She asked if he could come to try to explain them. He stated that he can address what he would expect the Board's questions to be or can simply take questions. He asked what the Board's preference would be.

Mr. Reyes asked if the incident on 10/23/19 was a weapons offense. Mr. Schultz responded yes. Mr. Reyes continued that at a cultivation facility, weapons concern him. He stated that it (the premise check document) doesn't say any more than that, and asked Mr. Schultz to explain what it was. Mr. Schultz responded that the first issue is that it is noted as an offense or an issue that occurred at 3 Dog Productions, LLC. 3 Dog Productions, LLC is distinct from 740 Newton Road in practice. Although it doesn't appear who creates this document really bothers to distinguish between the two. That was the first issue. This event happened at 740 Newton Road. He continued that Ms. Mass is currently charged with a criminal offense and that's why she hired him. She has a right to remain silent and he can tell the Board that everyone has the right to defend themselves. She was the person who called the police. She had called the Sheriff's Department several times before, in connection with the threat she was dealing with. When they arrived, they handcuffed and arrested her, much to her surprise. The matter is currently set for trial. They have entered a not guilty plea and have endorsed a defense of self-defense which she has the right to rely on. He doesn't think it is wise to get into any more of the specifics other than that she was by herself, she was severely threatened, and she had every right to do what she did when everything comes out. No one was injured and this had to do with an employee who had been increasingly erratic and increasingly violent, increasingly threatening. A number of the other calls for service reflect her contacts with the Sheriff's department in an attempt to deal with that person properly and appropriately. Ms. Mass asked Mr. Schultz to be more specific. Mr. Schultz continued that law enforcement responded to the house, 740 Newton Road, they did not respond to 3 Dog Productions, LLC. While the issue involved an employee, this did not happen at the grow facility. That is an important distinction that she

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wanted to make. There is circumstantial evidence in the document itself which supports his point that dispatch doesn't bother to distinguish between the house and the grow operation. If the Board wants him to go through the document, he will. There have been times where she has made some reports, pursuant to her obligations as an owner and operator, concerning theft. That is listed as 740 Newton Road. Dispatch doesn't distinguish between the two, but Ms. Mass does and she understands that the Board does, and she wants them to understand that this was not an event that occurred at the grow or in connection of the grow, other than that it was an employee who was threatening her.

Ms. Archuletta asked which events (on the premise check) happened at the grow. She asked if any of them happened at the grow or if they were all at the home. Mr. Schultz responded that on 11/2/19, a burglary in progress, happened at the grow. Its notation is 740 Newton Road. He continued that Ms. Mass didn't make the call; it was one of her employees. Ms. Mass spoke to Mr. Schultz; the audio was not picked up. Mr. Schultz said he apologizes, he thought Jeremiah did. He continued that that is an example of an event that was noted to be 740 Newton Road when it happened and it was actually 3 Dog Productions, LLC. They were concerned there was a burglary, but it turned out to be nothing. Another example would be 1/30/20, the nature of the call was listed as "information" and it says 3 Dog Production, LLC. They (dispatch) got that correct, but then on 2/7/20, "theft" it only says 740 Newton Road. Those are two contacts with law enforcement that have to do with the same potential theft. The first time it is listed as information because she (Ms. Mass) went to contact law enforcement to informatively make a report about a concern she had. She was told that she didn't have enough or the right type of information and was told to go get serial numbers and things like that. She came back and made a report, that was characterized as a theft. It was the same issue, both concerning 3 Dog Productions, LLC. One (report on the premise check) is shown to be 3 Dog Productions, LLC, on 1/30/20 and the other is shown to be just Newton Road on 2/7/20. That is a couple of examples of how dispatch, when they write this down, have sort of mixed and matched and not been as precise as Ms. Mass is trying to be.

Mr. Rice asked what the address is for 3 Dog Productions, LLC. Ms. Mass responded that it is the same as the residence. It's on 75 acres, and it happens to be on the same lot as the 35 acres. It's completely separate. The grow facility is about halfway in between the 75 acres. It really isn't visible from the road and you have to go through the gate that goes to the residence first. You have to have access to that first before you can get to the grow, to the licensed facility. Mr. Schultz stated that it is entirely understandable, and they are not criticizing dispatch (Mr. Rice interjected to say if it were entirely understandable, he wouldn't be asking the question.) Mr. Schultz responded that he didn't mean to insult Mr. Rice's intelligence. Mr. Rice responded it's fine; he is thick-skinned. Mr. Schultz responded that was lucky for him because he didn't mean to offend him or insult his intelligence. Mr. Rice responded not at all. Mr. Schultz continued that what he was trying to say was that they are not criticizing dispatch for this, but you have to go to the same gate to get off of Newton Road to get to the grow or to get to the house. They are two separate places, and Ms. Mass knows that everybody was going to be concerned by that last line item (on the premise check) and there was going to be a distinction about how it all happened and how it went down. She asked him to come in and try to explain why on these notes, some show 3 Dog Productions, LLC and some show the house, etc. He is attempting to try to shed some light on what this document means to avoid any confusion.

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Mr. Rice asked if he missed the description of what the weapon was or what the violation was. He explained that he is asking because, in some jurisdictions, if you put sand in a sock and tie a knot on it, that's a weapon and that's a weapons violation. In some others, an AR-15 with a 30-round mag is a weapon. In between those, there is a plethora. Mr. Schultz responded that he would meet him halfway and stated that it was a .22 Derringer is what the accusation is. Mr. Rice asked if there were shots fired. Mr. Schultz responded one. Ms. Robinson asked at whom and were they shooting at someone. Mr. Schultz responded that the allegation is that she fired a round at the gentleman who is the alleged victim. The issue, and she said as much in the police report and this is why she called law enforcement for assistance before any of this had happened, several days before and several days before that. This gentleman was in a rage, he had threatened her, he was after her, it was a situation where she could not wait for law enforcement or anybody else and (Ms. Mass interrupted to say she had already called 9-1-1). Mr. Schultz continued that this was tricky because he wants to answer the Board's questions as fully as he can. The matter is set for trial. He has spent his entire professional life counseling his clients not to answer the questions that he is coming very close to answering now. He is wanting to not be slippery or evasive, but he also wants to make sure and not fail to do his job for Ms. Mass. He hopes it doesn't come off as shifty and everyone can see the difference.

Ms. Robinson stated that she is just kind of confused because apparently the facility is on her (Ms. Mass) property, is there a security gate that they have to come in and stated that she is trying to picture it. Ms. Mass stated that it is 75 acres and she was looking for a diagram. Ms. Robinson said that they get from one point to another point to another point. Mr. Schultz stated that he thinks he understands what Ms. Robinson is asking and can address what she is getting at. She responded okay. He continued saying that this gentleman was an employee that would often stay at the house in a separate bedroom. There was not a domestic situation in anyway. He had a separate entrance, and Ms. Mass realized that he was a dangerous individual and was in the process of trying to get him out. That is what some of the information contacts (on the premise check) had to do with. Obviously, this was the end of a much longer story where she really came face to face with what she was concerned with. Ms. Robinson asked if he was a distorted employee. Ms. Schultz replied that he would use a stronger word but can agree to that.

Mr. Reyes stated that he has some questions. Number one, there is no gate between the actual entrance to the property and to the grow, there is no separating gate. Once you drive on to the property, you can drive back to the grow which is surrounded by a fence, but that's not a separation of that road. He asked if you can basically drive all the way through or are there two gates. Ms. Robinson stated that is what she was asking. Mr. Schultz responded to Ms. Robinson saying he didn't understand her question and he apologized. Mr. Reyes asked if there are one or two gates. Ms. Mass responded two.

Mr. Reyes: "One at the entrance."
Ms. Mass: "One at the entrance to the property."
Mr. Reyes: "On the road."
Ms. Mass: "On the road."
Mr. Reyes: "On the road to the grow, there is a second gate which stops people from driving further down that road."
Ms. Mass: "There's a gate. There's a fence with a gate."
Mr. Reyes: "I understand that there has to be a fence around your grow. What I'm saying is on the road itself, is there a gate that separates the two pieces of property?"
Ms. Mass: "No."

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Mr. Reyes continued with his second question and asked if she had been before the Board before. He asked if that was correct. Ms. Mass responded yes. Mr. Reyes asked if it was for problems with security and with complying with getting her grow in compliance. He asked if that was correct. Ms. Mass responded yes that is correct. Mr. Reyes stated that the Board gave her a continuance on that. Ms. Mass responded yes correct.

Ms. Archuletta stated that she wasn't sure if she could ask because Mr. Schultz said it was set for trial, but what is the exact charge? What is she being charged with? She stated that in the long run if this was a felony, she couldn't even hold a license period. Mr. Schultz responded that is correct and he can answer that without any hiccups. He stated that Ms. Mass is being charged with menacing; it is a Class 5 Felony and, if she were to be convicted, she would have problems with the MED and wouldn't be able to hold her license. Ms. Archuletta said she would have to surrender her license, ultimately. Mr. Schultz responded yes and, if he may, he doesn't expect that to happen. He was surprised reading the affidavit that she was charged. He joked that of course he would say that, it is totally self-serving. He doesn't know how to distinguish a genuine opinion from something he is just saying for his client and wouldn't stand up and just say that if he didn't believe it were true. He took seriously the fact that the Board swore everyone else in and assumed he was held to the same standard. It is a genuine comment to the extent that he can persuade anyone that he is doing his best to give it to them straight. Ms. Archuletta responded thank you.

Ms. Mass stated that if the Board would like to get back to some of the other issues that they have had, one of them was the fence issue. She stated that she applied with the State for a security waiver and received the okay on that. They approved the waiver in July of last year. She then handed it in to the County and nobody really looked at it until this came up again just recently. She made a copy of everything and wrote a letter to Mr. Blood to tell him about the waiver from the State. One of the issues she was having with the whole fence is that it is a solid fence, but it has wooden posts. She was supposed to replace the wooden posts with steel posts, but it is a solid fence; it is not a chain link. The rule about fencing in 17.20.190 Marijuana Establishments says "Fencing. All outdoor cultivations should be properly fenced." She stated that she does not have an outdoor cultivation. She doesn't really understand what the issue is with that. It is strictly indoors. Mr. Reyes stated that evidently there was an issue because she was before the Board. He continued that the other issues with the black cloth, she didn't have any black cloth and he stated that he is assuming that has been remedied. Also, the lighting and he stated that he is assuming again that is remedied. Ms. Mass responded yes. Mr. Reyes stated she was before the Board twice on these multiple issues, and the law enforcement goes out to inspect the property and that's why the Board gave a conditional license. He continued that Ms. Mass was supposed to have these issues done by the time the license came up for renewal. Ms. Mass stated she does have it done. Mr. Reyes clarified that what he is saying is she is not a first timer with these issues. Ms. Mass responded that is true and she has done everything to completely fix all the issues. She no longer has blackout curtains because they are \$50,000 and she is not growing in the greenhouse in the winter, so she doesn't need the blackout curtains. She has taken the lights down in the greenhouse as well. She stated that it is strictly being used as a seasonal greenhouse, more like a hoop house. She thinks Mr. Chambers was out there and took pictures that there are no lights anymore, and there are no blackout curtains and it is not being used when she would need to have blackout curtains.

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Mr. Rice stated that as he understands it there are four issues. They have heard about fencing, curtains, and lights. He asked Ms. Mass what was number four and how she felt it was resolved. Ms. Mass said she didn't remember what number four was. Mr. Reyes responded to Mr. Rice that those were from last year when they had all those issues come up that she was going to resolve. Ms. Mass stated that it was probably because she was late doing the application and that was probably the other issue she was having. She continued that last July when Ms. Armstrong left, or right before she left, she sent out an email to everyone stating that for the renewal, to not contact the office because Mr. Chambers was going to contact everyone. She said she had a copy for the Board if they'd like, but she was sure they were aware of it. She read "Mr. Chambers will contact the business in the month that the business is 60 days from expiring. For example, if your license expired in September, you will be contacted in July." Ms. Mass stated that her license is up in January and she was not contacted at all. She talked to Ms. Stringer and Ms. Stringer said that doesn't count anymore, and you have to take care of all that. The renewal application is the form from 2017 so the information on there is not the up-to-date information. She said that Mr. Chambers did not come out to inspect until December 20. When he did come out, that very same day she contacted the department to say she was ready to hand in her application and to please get her an appointment. Ms. Mass said she did not hear back from anyone until January when Ms. Stringer sent her an email stating she was available on the 15th of January which is already after her expiration. She continued that everyone was already on vacation, nobody else could do this, and she had everything ready and in order with her application to hand in and it was over the holidays and she couldn't get it in because she couldn't get an appointment.

Mr. Reyes asked Ms. Mass if she thinks it is her responsibility that if her license expires in one month or in a month and she knows she is supposed to have everything together 60 days prior to the expiration, that it is her responsibility to ensure she contacts the staff and come in. It is not their responsibility to chase you down. Ms. Mass responded that she understands that, and she said Mr. Reyes was right, but she did not know that Joan Armstrong was no longer with the department and just found that out recently. When she sent that notice out that she would be contact and she was in the middle of harvest, in October, she had all the trouble with the guy.

Ms. Robinson asked Ms. Mass if she still has contact with Ms. Armstrong. Ms. Mass responded no she doesn't. Ms. Robinson asked when the last time she remember was. Ms. Mass asked the last time for what? Ms. Robinson asked if she lost contact with Ms. Armstrong before she sent the memo or afterwards. Ms. Mass responded that she did run into her at a meeting with the MED in Walsenburg back in September. [She attended that meeting] and that is when she found out Ms. Armstrong was no longer there (at the County) and she said she was doing something with consulting. She said she had been let go.

Mr. Reyes stated that he sat on the Board the last time Ms. Mass was there. Both times were lengthy discussions as to what had happened to her grow, the building blew down or something and she couldn't get the black cloth and it is his understanding that if you have a grow, regardless of if you have a plant in it or not, the black cloth is to be remained attached to that building. That is why they require it. He wanted to let her know where he was coming from. Ms. Mass responded that the black cloth was required if you grow in there in the wintertime or when it's not seasonal. Other than that, you can have a greenhouse and not use it in the winter when you need to supplement the light and the darkness. She asked Mr. Reyes if he was saying that every greenhouse has to have blackout curtains regardless of

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whether you're using it in the off times or not. Ms. Robinson stated to Ms. Mass that she thinks Mr. Reyes is saying that when she came to see him (the Board) on different occasions that was something was required. He isn't saying that every greenhouse is required to have it, and she stated that it was an unfair question that she is asking. Ms. Mass responded that she was sorry and misunderstood.

Chairperson Treanor asked Mr. Chambers if he felt that 3 Dog Productions, LLC has been in compliance with what he has tried to talk to them about. Mr. Chambers stated that he would like to start at the beginning, jumping back to last year when they had the same meeting, based on the same discussion. When they went out for the renewal inspection, this business again failed their inspection due to the requirements the Board had placed on the applicant as far as submitting the steel posts in there. The other two issues that were addressed in the renewal inspection here recently were, again, the DVR system was not operable, and the applicant couldn't access the DVR system at the time as well as there were packages that weren't tagged appropriately in that facility. Going back to the previous meetings, Mr. Reyes is correct. You all (the Board) imposed certain restrictions and things for Ms. Mass to do for her license to be in compliance at that time and we noted at their next renewal inspection that some of those things were not done. Back to the question on the blackout curtains blackout curtains are actually, under violations in Title 17 under land-use issues, you are both correct to a certain extent. (Unsure of who Mr. Chambers was referring to as "you both"). If a greenhouse does not have light fixtures in it, then they don't usually require the blackout curtains in the greenhouses at that time. They can use natural light. But, at the previous meeting, the Board instructed Ms. Mass to install blackout curtains in her greenhouse at that time. Mr. Chambers said that he believes Mr. Blood has the minutes from that meeting and the transcript where Ms. Mass said that she would put those blackout curtains in as well as the steel posts that you all (the Board) required. He believes they were in the process to get renewed in order to sell the business at that time, which has not taken place.

Chairperson Treanor asked if Mr. Blood would like to comment. Mr. Blood responded that he would.

Mr. Rice asked if he could ask Mr. Chambers a question first. He asked, with the fencing issue, does the State have "x" requirements for fencing around facilities and can Pueblo County have requirements that exceed what is minimally accepted at the State level? Mr. Chambers responded yes. Mr. Rice stated that is fairly simple, either you meet the local or you don't get the approval. Mr. Chambers responded that was correct and, at the time, Pueblo County did not have a rule on the books for steel posts. The State did, and the Board here at that time were the ones that dictated that Ms. Moss install the steel posts on that fence because the fence had blown down. At the time before the steel panels were put up, it would have been pretty easy to install the wooden posts and put metal paneling on the side at that time.

Mr. Blood stated that as Mr. Chambers and others have mentioned, Ms. Mass was at this Board last year at this time, March 2019 and April 2019. In both occasions, she was given an opportunity to remedy her problems. She made specific promises indicating that she would fix the fence posts and even quoted the figure she got from Home Depot and said specifically "when I leave this meeting tonight, I will order those steel posts." That was in response to questions from Board member Finley. In addition, she was told that she had to fix the blackout curtains, she had to remedy everything else and only because she

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promised to do that, she was given a renewal. Fast forward to the time that Mr. Chambers went out on December 20, still problems with the fence, DVR and tags. This woman is in active violation. She did say that she got a State waiver, but all that means is that she violated her promise to you (the Board). Rather than doing what she said specifically under oath to do, she decided she would rather go to the State and beg them for a waiver. At the very minimum, from April 2019 to July 15, 2019 she was in violation. That dovetails for the rest of the reason we are here. Once you find that a business is in violation in the preceding, whether to renew is completely at the Board's discretion. Mr. Blood continued that the mere fact that Ms. Mass has misled the Board so many times, is still in active violation currently, and has a very significant criminal matter that her lawyer is doing his very best to minimize, this is a woman that we don't want in our community, we don't want in the marijuana business. He stated he wanted to touch on the criminal matter. He stated that it wasn't something minor, she was arrested for attempted murder in the second degree. Mr. Schultz interrupted to say that was not accurate, he was sorry to interrupt, but she was not charged with attempted murder. Mr. Blood responded to Mr. Schultz and said he did not say Ms. Mass was charged, he said she was arrested. Mr. Blood passed around Exhibit A, Affidavit in Support of Warrantless Arrest to the Board and Counsel. He stated that the document is information from the Sheriff's Office indicating the affidavit of what was charged. He continued that by reading the document, the Board will find that everything Mr. Schultz said was minimizing the seriousness of it and he thinks they will find that from Ms. Mass's actual words to the interviewer at the Sheriff's Office, she admitted to firing through a door knowing that an individual was behind the door who was her employee for this very business. He informed the Board that he is not going to tell them how serious they should view that, but to view it in the context of, not a criminal matter, but that Ms. Mass already has violations, and the Board has the discretion to say no to Ms. Mass. He informed the Board to think of the neighbors and the people that have to live near her or work at the facility. The individual (alleged victim) went to her asking when he was going to get paid. From her response, she didn't like him coming into the building, looking for his keys after he found that his car had a flat tire. Instead of doing anything else, she shot through a window. He corrected himself and said closed door, not window. Only by the grace of God did the man not get hit or potentially killed. That's what we are dealing with here tonight. Is this what we want in our discretion to allow to be a member of this marijuana industry? He stated that he thinks the answer is pretty obviously no. He said he will give the Board the opportunity to peruse the document in a moment but reiterated that that is what is at stake here. In addition, there are the other criminal calls to the Sheriff's Office and not being mentioned yet is the fact that in 2017 there was another incident with a gun involving her late husband. He was also charged with second degree murder. He stated that he thinks the Board is dealing with a train wreck here. He continued that they have the discretion to not allow it to continue, and they have given her every opportunity to clean up her act and get the business so it is respectable and people can work there without fear and people would be happy to be her neighbor. Everything has gone wrong and she is blaming everyone but herself. He stated that Mr. Chambers can give the Board more information about the inspection in December of this last year.

Ms. Stringer asked Mr. Blood if the document should go into the record as Opposer's Exhibit A. Mr. Blood responded that would be fine.

Mr. Casaus motioned to enter what Mr. Blood said as Opposer's Exhibit A. Mr. Reyes seconded the motion. The motion carried unanimously.

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Mr. Reyes asked Mr. Chambers if it is his testimony that not all the conditions that were given to Ms. Mass last year when she appeared twice before the Board and promised to comply with the conditions based off of the inspections, have not been done. Mr. Chambers responded that is correct.

IN FAVOR

Ms. Melissa Manikoff, 1640 Brown Avenue, Pueblo, Colorado 81004, stated that she is an employee at 3 Dog Productions, LLC, and has never felt unsafe on the premise and wanted to say that it is separate from the house. There are two different buildings and a gate for the property and a gate to get to the grow, and there is also a locked door on the grow. She wanted to say that in case anyone was confused. She has never felt uncomfortable working there and enjoys her job.

Ms. Robinson asked how long she has been working there. Ms. Manikoff responded about a year and a half. Ms. Robinson asked if she was familiar with the gentleman who was abusive. She responded yes, and he did work there but she was never present when anything occurred. To her knowledge, she heard about his behavior (Ms. Mass told her to say she worked in the afternoons), but she worked the afternoons from 4:00 to 8:00 p.m. because she has a full-time job and this is just a part time job. She never had much interference with him because he usually was there normal business hours. Ms. Robinson asked that she didn't see anything but was aware of what was going on. Ms. Manikoff responded yes.

Mr. Reyes asked if Ms. Manikoff was aware of the conditions that the Board set in order for Ms. Mass to maintain her license. She responded no. Mr. Reyes clarified that she was not made aware of that. She responded no, she is just a trimmer, so she just went in and did her job.

Ms. Sarah Mass, 5463 South Holland Street, Littleton, Colorado 81023, stated that she did have knowledge of all of these things and was at a prior hearing as well. She said that her understanding, which she thinks was her mom's (Ms. Mass) understanding as well, was not that she necessarily had to get blackout curtains or that she had to get metal posts but that she had to come into compliance and she thinks that was her understanding. If she were to take the lights down that was also a way to come into compliance rather than purchasing the blackout curtains so that's what she did was to just remove the lights and the plants from the greenhouse. She also stated that the issue with her father, who is now dead, is not relevant. He had a traumatic brain injury when the charge happened, and he went to court for that. Because they found that he had a traumatic brain injury shortly after releasing him from jail, drained 200 CC's of blood from his head, they dropped all charges. The previous violation that occurred at the property is not relevant to this case.

Mr. Reyes clarified that Ms. S. Mass attended the meeting when the Board made the conditions for the renewal of the license. Ms. S. Mass responded yes. Mr. Reyes continued that those were not suggestions. She had to have metal posts, she had to have the black curtains. If that was not done, she was in violation of the reason for the renewal of her license. The Board was not saying "you can do this, or you can do that" they laid it down and said that is what they expected. For her to not comply with what the Board ruled and expected after two trips to the Board and after the Board, being compassionate and understanding, because she was having problems getting everything going. To all of a

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sudden go somewhere else to get another ruling was, to him, a personal affront. Ms. S. Mass stated that she understood, but that Ms. Mass maybe misunderstood the conditions and thought that coming into compliance by just taking down the lights was sufficient because that takes the need for having the curtains out. Mr. Reyes stated that is not what the Board ruled. The Board ruled she had to have blackout curtains and she had to adjust the lights. It wasn't "this or that", it was "you have to have blackout curtains period." She matter-of-fact stated that she was having problems securing the blackout curtains because they were in demand. That's why they allowed her a conditional renewal of her license. He continued that Ms. Mass understood those blackout curtains were part of her renewal for her license. Ms. S. Mass stated that she understood, and Ms. Mass continued to have problems and that's why she took the lights down and took the plants out. Regarding the other offense, the person, she did meet the guy and have contact with him and he is a scary person. He had his kids living at the house and Ms. Mass basically took him and his family in. This is a scary guy, and he was getting increasingly scarier and scarier. She did everything that she could to go about this the right way. She made several calls to the police to report him and say, "come protect me from this guy" and there was no response. Mr. Reyes asked if Ms. Mass filed a restraining order. If the individual was that scary and getting worse to where she had to call law enforcement on a constant basis, did she file a restraining order to keep him off the property? Ms. Mass responded that she filed an eviction notice, a three-day eviction notice. Mr. Schultz did, and it wasn't recognized by the Sheriff's Department because it hadn't been signed by a judge. Mr. Reyes stated that that is an important part of an official document, to have it signed by a judge, but he isn't asking about an eviction notice, he is asking about a restraining order. Those are signed by the judge and the individual is served by local law enforcement, which would have been the Sheriff's Department. That way, if the person came onto the property, he could in-fact be arrested. He asked again if Ms. Mass filed a restraining order, yes or no. Ms. Mass responded no she did not. But she did file several reports with the Sheriff's Department that she has not been able to get access to about his behavior and his criminal and drug use that was going on in her house. She then filed an eviction notice a couple of times. Mr. Reyes stated that she could have solved all of her problems with a restraining order, but he isn't going to go into that because he is not an attorney, thank God. Ms. Mass said neither is she, so she thought that if she got him out, he has a record of domestic violence and child abuse, some of those cases are still pending. She didn't know any of this until much later on when he started to do methamphetamine and acid at her house. She did not know that she should have filed a restraining order, and said she is sorry. She is not an attorney and doesn't know all the rules. She was trying the best that she could to contact the Sheriff's Department, contacted Mr. Schultz, to be able to do something about this guy. Mr. Reyes replied that it is his experience with law enforcement that if there is an ongoing problem between two individuals, that law enforcement will inform the individual about the filing of a restraining order. They don't tell you you have to, and they don't tell you how to do it because that is not their job, but they will mention it. Ms. Mass replied they never did. Mr. Reyes asked if she is saying all those times the Sheriff's Department was out there, nobody mentioned a restraining order. Ms. Mass responded they did not. They told her to go through the process of eviction and never mentioned a restraining order.

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Chairperson Treanor asked Ms. Mass if her attorney has questions or has something to say. Ms. Long responded that they are getting a little out of order. They should have the remainder of in favor, then opposition, then they will have a chance to rebut.

Ms. Elizabeth Sanger, 850 Newton Road, Pueblo, Colorado 81005, stated that, as far as Ms. Mass goes, her parents who are now deceased were great friends with her and she is an asset to the community. She has never had any problems with her. She was kind of a witness to the gentleman who was threatening her. She was on her front porch that night talking to her daughter on the phone and she heard a disturbance over there. She can barely hear what goes on between her house and Ms. Mass' house and he was threatening to kick the blank out of his child. There was a woman screaming and she didn't know that Ms. Mass was still there, she thought she had moved at that point and thought there were new people moving in that were undesirable neighbors. She just kind of stayed away from them, but since then she and Ms. Mass met at the mailboxes. Her son works for Ms. Mass and she kind of likes the grows around her house because she lives out in the sticks. It brings her a false sense of security and she knows if something happens the Sheriff's will reply. She doesn't know anything about everything else, but she is there to say that she is a good neighbor and a valued asset to the community as far as she is concerned.

Mr. Rice asked Ms. Sanger if she said her son is employed by 3 Dog Productions, LLC. Ms. Sanger responded that he is a ranch hand and just got his MED badge and was starting to trim.

Mr. Robert Manikoff, 2191 Newton Road, Pueblo, Colorado 81005, stated that he is Ms. Mass's IT guy. He does the video, internet and is a subcontractor for Hughes, Viasat, SageNet, and is a fairly licensed RF Engineer and has to follow federal guidelines and report to the Federal Government (the FCC). He has been on the ranch several times since they moved to Colorado. He has known them for a very long time, and it was very sad what happened to Jeff (assuming this is Mr. Mass) and was almost there when it happened and was there after it happened. He had dealt with Joe (assuming the alleged victim) several times and Ms. Mass called him right before the incident with the gun but, unfortunately, he was in South Dakota and could not respond which, maybe if he did, that wouldn't have happened. He is in support of Ms. Mass and doesn't smoke pot or drink alcohol and has nothing for or against the grow. He is not for or against pot and he doesn't see it as a problem to the ranch. Since he has noticed, and he has been on the Ranch a couple of decades, he bought his ranch in August of 1994. He is probably the longest resident of that ranch. He has seen property values go up since he has been on the Ranch like he hasn't seen in a long time. He has sold a couple of houses up there and still has a house up there, and he doesn't think it is a deficit to the community in any shape, manner, or form. Other than when the cartel was up on Siloam Road, and the police were there and nothing happened, there have been no incidences. Chairperson Treanor asked Mr. Manikoff to speak directly about what he saw at the grow. Mr. Manikoff replied that he saw, several times, Joe being arrogant. He was extremely pushy even to himself. He isn't a violent person and wasn't going to go to fisticuffs with him, that's not his thing, but he was looking for it. He was definitely a problem up there. That is why Ms. Mass called him and asked if he could help but, unfortunately, he was out of town. He is in support of her and the grow to him seems pretty secure. He works on several grows in Colorado for their internet because

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of the nature of who he is and what he does, and he has seen a lot of grows in a lot worse shape than hers.

IN OPPOSITION

Mr. Mike Johnson, 7790 Lakeview Drive, Pueblo, Colorado 81005, stated that he was there to represent the majority of the owners of the properties in Red Creek Ranch and a lot of the people, the majority of people, oppose grows on the ranch for the reason that most of the people who move out there want a residential lifestyle. These are some of the issues of the violence and various other things that they were concerned about if there were grows on the Ranch and he knows of two definite pieces of property, one was next to him, sold once they found out that marijuana was going to be allowed to grow on the Ranch, and he knows of another person that pulled out of a deal because of the marijuana grows. The majority of people oppose because they move out there for a residential lifestyle. The other issue is, since we are talking about character, that the County posted several signs on the property announcing this meeting if anyone had an opposed opinion. Those disappeared within hours of being installed. Ms. Mass is two years behind in her dues for the HOA. Mr. Reyes asked Mr. Johnson if, as the president of the HOA, he believes that the grow is adversely affecting the health, safety, and welfare of the immediate neighborhood and the HOA. Mr. Johnson responded that, learning of the violence going on there, it certainly raises questions on that. When the whole marijuana process started and they found out there were two grows approved for the Ranch, they had a meeting and a lot of the residents were opposed and they put out a request to augment the HOA covenants to disallow marijuana grows because it was primarily marketed as a residential community. They needed 75% approval in order to change the covenants. All the properties in Red Creek Ranch are not developed, so there are a lot of absent owners. They missed the vote by just several votes and that is because they didn't get all the ballots returned. If they didn't come back as a yay, they had to be consumed as a negative. That's how they lost the change of their covenants. They are here to reiterate that they would prefer to keep their community safe. One of the points that Ms. Mass said, her grow house is hidden. When you pull in the main gate of Red Creek Ranch, it sits there very apparent, just to make notice.

Ms. Rose Manguso, 1233 Newton Road, Pueblo, Colorado 81005, stated that she and her husband have lived on Red Creek Ranch Newton for 20 years and they are members of the Property Owners Association. She is not on the Board of the Property Owner's Association; she is simply a resident of Red Creek Ranch Newton who has been negatively impacted by the grow at 740 Newton Road. They are strongly opposed to the renewal of the Marijuana Cultivation Facility license at 740 Newton Road by Ingrid Mass operated under the business name 3 Dog Productions, LLC. She would like to speak to two violent episodes both resulting in felony charges at the property, and she disagrees with some of the opinions of family members that they are not relevant. She doesn't care who is being litigated as criminally responsible in these matters. The fact of the matter is that violence has occurred at this property and it is very worrisome. Per the Pueblo County Sheriff's Office, the first attempted murder charge occurred on the premises at 740 Newton Road at the end of August 2017. The second charge, a serious felony charge that was originally an arrest on attempted second degree murder, occurred less than 6 months ago in October of 2019. These reports are a matter of public record and the arrests have previously been published in the Pueblo Chieftain. In presenting this information to you, she would like the Board to understand that the property at 740 Newton Road which houses the grow license to Ms.

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Mass and 3 Dog Productions, LLC is at the very front of Red Creek Ranch Newton. Entering the ranch from Highway 96, the rest of them have to drive past the property to get home, and to get off the Ranch from Newton Road they all have to drive past this property again to get to Highway 96. This is one address housing all of these things, Ms. Mass's home, the barns, the grow, everything. These aren't two separate addresses. The first attempted murder charge involving this address occurred in 2017, per the Pueblo Chieftain published on 9/6/2017 "Pueblo County Sheriff's Deputies arrested a 69 year old man Thursday night for attempted murder after he fired a gunshot at his wife in their home in Western Pueblo County." She stated that this was a direct quote. "Deputies responded to the home in the 700 block of Newton Road in the Red Creek Ranch area at about 5:00 p.m. on a welfare check. While en route to the call, deputies learned that the suspect, identified as Jeffrey Mass, had now fired a shot at his wife. A news release from the Pueblo County Sherriff's Office said the woman was not injured. The victim apparently told deputies she had just returned to the home and went to speak with Mass who was sitting in his truck parked near a barn on the property. She said that as she walked toward the truck, Mass apparently pointed a gun out the window of the truck and fired a gun toward her, the news release said. The woman was not hit, the news release said. The victim then said Mass told her if she walked any closer to him, he was going to shoot her in the head. The victim said she ran into the barn and when she heard the truck drive away, she ran into the home, locked the doors, and called the Sheriff's Office, the news release said. When deputies arrived, they found Mass who was now driving an SUV."

Chairperson Treanor interrupted to inform Ms. Manguso that her time was over.

Ms. S. Mass stated to the Board that all of those charges were dropped. Chairperson Treanor stated that she can't do that and to be quiet.

Ms. Denicia Hamill, 7625 Lakeview Drive, Pueblo, Colorado 81005, stated that she has no problems with Ms. Mass personally at all, but she feels that she is trying to renew her license because her property is for sale and she is advertising a greenhouse and her grow house on her big sign in front of her property for sale. That is a concern for all of them, she lives about 5 miles back in the Ranch, and the back of her house faces the front of Ms. Mass's property with the grow house. She believes it was last summer that they told her to put the curtains up, because in the evening when they sat on the porch, they would see the lights on. They haven't seen anything this winter, it has been very quiet but they do have a concern that perhaps, Ms. Mass has kept it quiet, but if she sells it with the license, who is going to come in there and have more lights when you drive by go on, and have cameras to see who leaves and who comes. That is a big problem for them, since she can see lights from the road. There is a huge grow across the street, and they are always in compliance and it is a big grow. For this one, the last time she saw them was last summer, but the sale is a very big concern because she has her house up for sale. If she gets a license, then does it go with the house? It's the same property address. Those are the concerns that she has, and the safety of the Ranch is a big one because they only have one Sheriff that lives on the Ranch, and he works so that's about all they have for safety out there.

Ms. Betty Fey, 1730 Newton Road, Pueblo, Colorado 81005, stated that she has lived on the Ranch since 2004. She is a little over 3 miles from Highway 96 down Newton Road, so she drives past the grow as well. She stated that the people ahead of her talked about the issues, so she doesn't want to waste the Board's time and repeat those things. Many of them are here because they are not in support of that and many people are not talking. She

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wanted to ask for a show of hands so the Board can see how many people are against the grow. She wanted to make her point.

Ms. Robinson asked for the show of hands again. The record shall reflect that 18 hands were raised.

Mr. Robert Manguso, 7790 Lakeview Drive, Pueblo, Colorado 81005, stated that it is not only the concerns about the shooting that makes them feel unsafe out there, but there are also concerns about the person who is on the property did not report suspected child abuse. He thinks that is against the law, if you are aware of child abuse you have to report it. In addition to that, she was condoning illicit drug usage on the property by suspecting or knowing that the person she was housing there was not only an abuser of the drugs but of his family. This even gives him more serious thoughts about the safety of everyone else involved in there.

Mr. Reyes asked Ms. Long if, at any point, the Chairman can say the Board has heard enough testimony for and against. Mr. Long responded that they should give everyone a chance to speak, and that is why they are limiting the time.

Mr. Martin McGrath, 1388 Newton Road, Pueblo, Colorado 81005, stated that he would like to say that he appreciated the Board's time and he knows we are going long. Currently, he moved to the Ranch about two years ago. He moved out of Colorado Springs and one of the reasons was after the law was changed where marijuana became legal, you can't drive a mile in Colorado Springs without smelling marijuana somewhere from a dispensary or a grow. They moved, came down to the Ranch and one of the reasons they picked that Ranch is that, in the POA, it states that the marijuana grows have been stopped in the past. There was a property on there where they applied for a license, the majority of the owners came to the licensing Board at that time and it was denied. That set a precedent that is important to them, so they moved to that Ranch for that country lifestyle without the problems that come with the marijuana industry. He also stated that he is currently with the Colorado Springs Police Department and can thank Mr. Chambers for his input on all of the criminal stuff. He can say that, as his brothers here will tell you (referring to the Sheriff's Officers in the room) when you get a call, 20% of what dispatch is telling you is correct. You are walking into an unknown situation. All of his calls for service that he's pulling up, that is what dispatch is receiving from the reporting party, which at times, was Ms. Mass. In addition, he has charged many for crimes that, when it gets to the lawyers, the DA's decide all the felonies will drop if you go ahead and count to a misdemeanor. The attempted murder charges, that is what the police have probable cause for, and that is why she is arrested is for that. Whatever the DA's and the lawyer's work out, that's up to them. Listening to all this, and the previous licensee that was up here, everything sounds like she is probably a really good neighbor. He doesn't know her personally; she is probably a really good neighbor but a horrible businessperson. There is an operation right across the street, which is a major marijuana grow, probably has 15 buildings on it. Every one of them is in compliance. Last year, he used to work a swing shift, 2:00 p.m. to Midnight and would come home around 2:00 a.m. and there were bright lights coming from Ms. Mass's grow that he could see once he came around the reservoir on Highway 96 and start coming down. In conclusion, he wanted to say that she is probably a great neighbor, but it sounds to him like she just haphazardly threw together the marijuana grow in order to make some money and is a horrible businessperson.

REBUTTAL

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Mr. Schultz stated that he wanted to acknowledge the fact that everyone had been at the meeting for a long time. He apologized to Mr. Blood for interrupting him, it was out of order and he shouldn't have done that. He is not trying to minimize anything. He is not being paid to be at the meeting, he is there because he wanted to help Ms. Mass try to explain her situation. It was serious, and nobody is trying to say anything different. It sounds like there are regulatory compliance issues, he was present for a limited purpose and he cannot speak to those. No one is trying to snow anyone on the committee on the seriousness of what happened. Please be aware that Mr. Mass's charges were flat dropped. Please also extend her the courtesy and the benefit that she is entitled which is she is not convicted of this. The concept of an affirmative defense is such that there are times where you are allowed to do things that would normally be illegal. When certain circumstances exist, Colorado law allows them. We are allowed to carry guns, we are allowed to have them, we are allowed to defend ourselves in situations where we need to. Nothing unfolds perfectly or as expected in life and he asked the Board to keep those things in mind when making a decision about one half of the story, which you have been given by Mr. Blood. In conclusion, he said that the second stapled document, the complaint, is the formal statement of charges against Ms. Mass. He is not trying to minimize anything; it is menacing. The elements of menacing are very different and far less severe than attempted second degree murder. That is what the District Attorney saw fit to charge Ms. Mass with because they felt as though, at best, they could prove. They didn't believe they could prove anything more serious and that is what the gentleman that was just addressing the Board, who is law enforcement, was trying to explain. That's not the function of a plea bargain; it's not the function of a deal cut by slick lawyers. That is what the District Attorney's office decided that they wanted to charge. It was a serious situation, and no one is saying any different. She has the right to defend herself and until the entire story is out and a jury returns its verdict, he would ask that people not judge her for that without the whole story. They are clearly not here to try the whole case tonight, and he stated that he will not go on any further. He asked that the Board extend Ms. Mass the courtesy which really is her right.

Chairperson Treanor announces a 5-minute recess at 8:01 p.m.

The meeting was back in session at 8:05 p.m.

Chairperson Treanor asked Ms. Mass if she had anything more to say.

Ms. Mass stated that she would like to address some of the issues that the Homeowner's Association brought up. Their policies state that they oppose all new license applications in the covenants. She doesn't have a new license. This has been an existing license for 4 years she believes. She never planned on growing marijuana for her stepson to make a business out of and take care of it. She does not want to deal with these people; she never wanted to do this. Unfortunately, she got stuck when she had a contract for sale and the people bailed out on her. They bailed out on her two months after her husband shot himself on the back porch. He was very sick. That's beside the point. Two months after that, she wound up having to run a business. In the covenants, it says "Protective Covenants Section 1 Property uses. All lots on the property shall be used exclusively for recreational, private, residential, or agricultural purposes." She continued that this is an agricultural business. You can grow tomatoes; you can grow whatever you want agriculturally, but you're saying she can't grow marijuana even though she has a license. This is not 1940s reefer madness, that's absurd. Secondly, she was advised by Joan Armstrong to get a waiver from the State regarding the fence issue. The other thing with the fence issue is that it does not state that

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you have to have that type of fence, that you have to have metal posts on the fence. It never has. She does not have an outdoor grow and she did get the waiver from the State whose restrictions are much more severe than they are in the County. July 15 is when she was granted the waiver. She went down to the department, handed the paperwork to Ms. Stringer and said let's see what you can do about it. She finally heard back about it 10 days ago. She thinks that is really irresponsible by the Board. Secondly, she wanted to show the Board the view from Newton Road of the greenhouse. She gave the Board a document to pass around. She continued that the only thing you can see is the roof. She never had her lights on at 2:00 in the morning. Her lights were on from dawn to dusk, that's it. It is not sunrise to sunset; it is an hour past that. That was it. That is an outright lie to say that her lights were on at 2:00 in the morning, she stated that was bullshit.

Ms. Robinson stated that was inappropriate.

Ms. Mass continued that as far as Mr. Chambers coming out and doing his report, he signed off on it and the security system, she had been trying to get the operating manual and, until recently, it was only available from Taiwan. Finally, this company has opened an office in Texas, and she was able to get the manual for the security cameras. She managed to go back the 40 days as required, and she sent Mr. Jason the paperwork on that. She continued that he knows she is capable of doing the cameras and she thought that whole issue was done because she never heard back from anybody. As far as the tags go, she also sent Mr. Chambers photos of all the marijuana that was stored in the trim room that have the harvest batches right on the lid of what's inside. When she looked on the metric manual, the metric supplemental guide, all the rules that are in the State manual about tags and the County manual about the tags, nowhere does it say that the tags have to stay with the plant until they get packaged. She told Mr. Chambers that if he could show her that, that would be really great, because it doesn't exist. Mr. Chambers responded "3092D." Ms. Mass said okay, obviously she couldn't find it. She continued that as an owner and operator, she is required to know every single law there is. The State law, County law, metric, everything. When she asked somebody a question about one of the rules, somebody that came out for compliance office from the State, they said "I don't know. I would have to look it up." Because they only know the rules that they are required to enforce, but she is supposed to know every rule. She stated that is all she is going to say, and she knows you guys (the Board) are going to vote against her because they don't think she has done everything to be in compliance, but she has one way or the other. To convict her and say that she is guilty until proven innocent is really not right.

Mr. Casaus asked Ms. Mass if she feels that the health and safety of her neighbors are well protected. Ms. Mass responded yes; they are. She is in an enclosed area on 75 acres. The grow is in the middle of the 75 acres. She told the Board if they want to look at the photo, you can hardly see it. You can see the barn and you can see the house. There are two gates to go through. Mr. Chambers can attest to, when he comes out to inspect something or he is out there for whatever reason, he has to call her from the front gate that leads into the property and she will open the gate before he can get anywhere near the grow.

Ms. Long asked if the Board wanted to enter Ms. Mass's photo as an exhibit and view it.

Ms. Mass added that it is on a private road, in a private community, there is no access by the public. The entire situation of having a security waiver and having metal posts is ridiculous because there is no public access at all.

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Ms. Stringer stated that she would like the record to show that this is Petitioner's Exhibit 1.

Mr. Reyes asked Ms. Mass if, when she was before the Board twice, she failed to understand what the conditions were in order for her to be issued a marijuana license. She was told she had to have metal posts, had to have the black cloth, and there had to be the fencing and things of that nature. The Board told her that and she agreed to it and that's why they gave her her license. Then she went to the State to circumvent that agreement. The Board is not here to find her guilty or innocent, at least he is not. He is there to find out whether or not she upheld her agreement to this Board at the time they issued her a license. He was sitting on the Board twice and she had no questions. When she walked out, she knew what she had to do. Ms. Mass responded that her understanding was that she had to be in compliance of the rules. She is in compliance of all the rules. Going to the State was something Joan Armstrong told her to do. She submitted it to the Board and the rules in the County, as far as fencing go, are wishy-washy. They are not exactly what they should be.

Ms. Robinson stated she wanted to get something clear, that she wasn't on the Board two years ago and is just hearing her story now. During the period when she left the room (after the previous Board meetings) did Ms. Mass ensure the Board that she knew exactly what they were asking of her and, from that point on, that you were to be in compliance? At any time, did you contact anyone to make sure that she understood what she was supposed to be in compliance with? What she is hearing is that she was confused and wasn't really sure. Ms. Mass responded that she didn't think she was confused at all. Her understanding was to be compliant with the rules, and that is exactly what she did in every way. She didn't think she would need the blackout curtains because there were no lights. She lost her first crop to pesticide that somebody sprayed with, so she didn't have the funds to do it. Ms. Robinson asked if she let the Board know that. Ms. Mass stated that Ms. Armstrong told her that if she took the lights down that was okay, and she was in compliance.

Ms. Long stated that if they have no more questions and are going to close the testimony portion of the hearing and going to go into discussion, she wanted to remind the Board of the standards for a renewal application. This is a renewal application not a violation hearing. She continued that the Board may refuse to renew a license if they find one or more of the following: 1. That the licensee has violated, does not meet, no longer meets or has failed to comply with any terms or conditions or revisions of the Pueblo County Code or the Colorado marijuana laws; 2. That the licensee or applicant has failed to comply with any special terms or conditions that were placed on the license pursuant to and order of the State licensing authority or of the Pueblo County Liquor and Marijuana Licensing Board; or 3. that the licensed premise has been operated in a manner that adversely affects the public health, safety, or welfare, or the safety of the immediate neighborhood in which the establishment is located. She continued that in addition, since this is a renewal hearing without a staff recommendation of a renewal, the burden is on the applicant to show that she is entitled to the license.

Chairperson Treanor closed the hearing.

MOTION

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Mr. Casaus motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 740 Newton Road, Pueblo, Colorado 81005 submitted by 3 Dog Productions, LLC. Ms. Robinson seconded the motion.

Discussion occurred.

Mr. Rice asked Mr. Casaus to repeat the motion, which he did. Ms. Long stated, as a reminder to the newer Board members and clarification for anyone in the audience, all motions have to be made in the affirmative, that is how they set up all of their motions. Mr. Rice said thank you, he didn't know.

Mr. Rice stated that he is concerned that the license is not being operated in such a way that the safety of the people in and around that property and on the Ranch is assured. By comparison, there is one across the road that is not drawing complaints or the concerns of neighbors. He stated that he isn't there to decide the guilt or innocence of a criminal matter that may be going on, that is really none of their affair. In his eyes, Ms. Mass is truly innocent until proven guilty but, in fact, weapons have been involved, shots have been fired, and there has been violence that occurs in and around the particular premise. That is his concern.

Mr. Reyes stated that his concern that is in two meetings, not just one, but two lengthy meetings, the Board went over exactly what was to be required, the metal posts and the curtains. The Board gave her time because they understood it was costly. If he had been made aware of some of the legal ramifications that were occurring at the location at that time last year, he would have voted against the renewal. He thinks she has had more than adequate time and adequate understanding, because when they were there the first time, they heard how it was stressed upon her due to her husband's death. They understood that and made concessions. The problem with concessions is that sometimes they come back to bite you, and he believes the dog has bit them.

Ms. Mass asked if there was something she could add. Chairperson Treanor replied no, she cannot talk anymore.

Ms. Robinson stated that she feels the same as far as public safety. She thinks the people that live in the community should be considered, their well-being and should have safety also. If you choose to live out there, that is your choice to live out there and you should be safe too. Safety first, for her.

Chairperson Treanor stated that this is about safety and he is going to vote no. This is very unsafe; it has to stop.

Mr. DiFatta stated that he is also going to vote against this. He said to Ms. Mass that she was given 4 specific things to take care of and they weren't. He is not considering any of the legal situation that she is in. He has been on the Board since it started and one of the things he has always asked growers when they are working in HOAs and such is to be good neighbors. For those reasons, he stated that he will be voting against Ms. Mass.

Mr. Reyes stated that he will be voting no because last year he sat on the Board and they had two long meetings at two different times. They made sure everything was plainly

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understood and, as far as a good neighbor, he wouldn't want her as his neighbor, and he is voting no.

Ms. Archuletta asked to call on the vote from the motion.

After discussion, the motion failed unanimously.

Mr. DiFatta motioned to have the Chair sign the Findings and Order on this application. Ms. Archuletta 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

Ms. Long informed Chairperson Treanor that staff is going to be requesting a continuance on the continued hearing and Mr. Blood will have more information on that.

Mr. Blood stated that they have worked out a stipulation that would resolve this matter that includes both punishment and some connection to the sale of the business that makes sure Mr. Stetler will not be involved in the business in the future. Unfortunately, the settlement documents have not been completed in time to have the stipulation proposed to the Board today, but if they can grant the request to continue this to the April meeting, he can guarantee the documents will be ready at that time and the issue will be resolved.

Mr. Casaus began a motion, Ms. Archuletta asked if she could say something before the motion was made. She continued that she says this with the utmost respect, and she feels as though it is her obligation as a Board member to express her concern as to how this is being handled as far as a continuance. She stated that she believes it is organized crime they [Marisol Therapeutics, LLC] are running, and Pueblo County is supporting that. She felt like they got a free 30 days by the Board continuing and got lucky that day. She was hoping they would resolve that issue this month and clearly that was not going to happen. She feels that the County is opening Pandora's Box for other establishments to run the same game because Pueblo County allows it. She feels that it is her obligation as a Board member to express her concern that this is organized crime being almost supported, not necessarily supported, but the County doesn't do anything to resolve the issue and her fear is that other businesses are going to follow suit because they see that nothing ever happens when there are violations, especially since this has been ongoing, especially taxes, since 2016. That is her concern right now. Mr. Blood responded that he does appreciate that input and if he could get input from Board members everyday like that we would have a better system. He continued that part of the problem in this case is that they have two new Board members and he knows nothing about either of them. He was looking for signals at the last meeting to see where they might stand when the opposing counsel was making his presentation. It is a limited endeavor at best, just like reading a jury. He did the best he could, but as he counted the Board he could not predict how they would go had that meeting ended with a complete hearing. Given that, and given the fact that there are members of the community that were wronged by this business as well and they are making every possible effort to make them whole as well, that is what made them consider

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the possibility of a stipulation and to allow the sale of the business which could be used to both pay back the tax debts and pay others in the community that have been harmed. It is a fairly big picture, and if he knew all of the Board members like he knew the veterans here, he might not have made the call that he made. He stands by the decision they have made. If the Board wishes to reject the stipulation and go to the completion of the hearing next month, they will be free to do that.

Mr. Reyes stated that when they left last month, it was supposed to be done this month. That is the reason he asked for a suspension of his (Mr. Stetler's) license until the matter was resolved. He hates to say it, but if he puts his hand in your pocket and takes your money, it's theft. That is exactly what he (Mr. Stetler) was doing to the County. He was collecting retail sales tax money and using it. He continued that where he comes from that is embezzlement. He is kind of new to Colorado law, but that is embezzlement and he is about done with Marisol Therapeutics, LLC, and he wants to complete the hearing tonight. He knows that it's just his wanting to get the job done rather than kicking the can down the road, but he (Mr. Stetler) knows the system and he has played it for at least three years. If they are going to become a Board that takes action, that can has got to be put in the trash and they have to move on this. Mr. Blood responded that if the Board wants someone to take the blame, he is there to take the blame. His problem is that he does not have history with all of the Board members, and if Mr. Finley was still there they would have had a completed hearing. He has a blank slate for a couple Board members, no offense intended, and he has some members that he has not gotten to know very well. He didn't have the sense that they were guaranteed any victory if they went to completion. Given that, and the fact that there are members of the community that are out hundreds of thousands of dollars, their only chance of getting resolution on this is that these people (Marisol Therapeutics, LLC) keep their license long enough to sell. He thinks the equity has dipped in that favor. He told the Board to feel free to register their complaints, he can take it.

Ms. Robinson stated that based on the information, yes they are two new members, (she and Ms. Archuletta) and she respects his feeling about not knowing them as well as he knows the others. She continued that that works both ways because they don't know him (Mr. Blood) as well as others. That is what their decision is supposed to be about, based on the information they are provided, not based on how long they have known each other. Mr. Blood responded that is right, but they have to understand that he needs to make strategic decisions and they are free to reject them.

Mr. Rice asked what their options are right now. Ms. Long responded that she thinks staff all across the Board would recommend a continuance. If they do continue with a hearing, their office does have an exhibit that they would want to put in for the continuation of the hearing to help establish some of the record, and she doesn't have it with her. She continued that she would recommend the continuance now and if they come back with a stipulation at the next meeting, that is still something that is voted on by the Board. They can reject the stipulation and continue the hearing, then come up with their own decision at the end of the hearing.

Mr. Reyes asked if they can suspend their license ending a stipulation. Mr. Blood responded that he does not think they can suspend a license without the other party present.

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Mr. Rice stated that they are really kind of locked in.

Mr. Reyes asked if they are paid up and if they paid this month. (Someone responded yes; it was unclear who was speaking.)

Ms. Stringer asked if there are any Board members that will not be present next month. Mr. Reyes responded he will not be present. Ms. Robinson asked when the meeting is next month. Ms. Stringer responded the 13th, the day after Easter. Mr. Rice stated he may not be present either. Ms. Stringer asked if it is a good idea to continue it to April, or should it be continued to May, and stated that it is up to the Board. Ms. Robinson stated that she may not be present either. Mr. Casaus and Ms. Long stated that they still have a quorum. Mr. Blood stated that, to reject a stipulation there would be no problem and if they wanted to continue the hearing that would just go forward without Mr. Reyes' input. Mr. DiFatta asked if they could reject the stipulation and continue it to the May meeting. Mr. Blood responded yes if they wanted to reject the concept of a stipulation he would pass that back to the other attorney and say they will need to prepare to conclude the hearing. Normally with a stipulation, both parties get a chance to explain why they went to the point of reaching that stipulation. If they are hostile to it, they (the Board) have the ultimate power here.

Mr. Reyes asked if Mr. Blood can put into the stipulation that the property be sold prior to the Board seeing the stipulation. In other words, they give them a stipulation saying they have to sell the property and pay the taxes, then he (Mr. Stetler) kicks the can down the road 6 more months they have accomplished absolutely nothing. He continued with his question and asked if, in the stipulation, it can say "when you sign this you are selling." Mr. Blood responded that they can require that the Transfer of Ownership be completed before the stipulation is resolved, he is not sure they can get their act together that quickly, but they can give them 30 days or something. Ms. Long responded that the conditions the Board puts on don't necessarily have to require them to come back here (to a meeting) they can put a condition that if they (Marisol Therapeutics, LLC) doesn't do something by a certain date, the license expires. Mr. Blood stated that that is the nature of the stipulation. He doesn't want to reveal too much without the other party present, but it would have an automatic termination clause where no one would have to do any further action.

Ms. Long stated that under the new Code rules, there are times where they can summarily suspend for unpaid taxes, but it is only up until the point that they pay their taxes. It wouldn't apply in this case, it would only apply in a case where someone is behind on their taxes. Ms. Robinson stated that they can't do that because he is not currently behind on his taxes. Ms. Long responded correct.

Chairperson Treanor stated that they have to allow due process, that is why we are going through these steps.

Ms. Robinson asked if there was a reason they (Marisol Therapeutics, LLC) couldn't make it tonight. Mr. Blood responded that they asked him if they needed to make it and he told them that he didn't think they had to. He stated that it was his error based on previous interactions with previous Board members. They have never had an occasion where a continuance and a stipulation wasn't something that was welcome. He said it is a learning process for him too.

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Chairperson Treanor asked Mr. Blood if he feels good about what we (the County) are doing. Mr. Blood responded that the more he learns the passion they (the Board) have about certain issues the more they will be serving the community better together. He stated that if he misread them it is because it is an unusual situation and the first time they have vigorously gone after a tax case, they have zero history about it and is one of the reasons they wanted a hearings officer. The tax issues are complicated and difficult to tease out and, in the future, some of these similar cases would go to a hearings officer. He thinks knowing where the Board stands makes him better at his job and he appreciated the input and told the Board not to hold back.

Mr. Casaus motioned to continue the 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 to the April 13, 2020 LMLB Meeting. Mr. Reyes seconded the motion. The motion failed by a 4-3 vote.

Ms. Archuletta - No

Mr. Casaus - Yes

Mr. DiFatta - Yes

Mr. Reyes - No

Mr. Rice - No

Ms. Robinson - No

Chairperson Treanor – Yes

Ms. Long informed the Board that they cannot continue the hearing without their (Marisol Therapeutics, LLC) attorney present. At this point, it really needs to be continued. If they continue without them present and they revoke the license, we (the County) would lose that court case.

Discussion occurred. Ms. Archuletta asked if they can make a motion to not allow a stipulation. She stated that they could be selling the business to God himself and it wouldn't make a difference to her. This has been ongoing, and she is mind blown how it has gone on for so long. Ms. Long responded that she could make a motion to direct enforcement to not continue with a stipulation and just have the rest of the hearing at the next meeting.

Mr. Rice stated that he has to change his vote because they are painted into a corner, he has to vote that way. Ms. Robinson agreed. Mr. Rice continued that he agrees that the can has been kicked down the road enough and he is sorry that he didn't send a strong enough signal. He and Mr. Reyes were talking earlier and said that when someone entrusts money or property to you and you convert it to your own use, that is embezzlement and, at the \$60,000.00 level, that is a felony at a minimum.

Ms. Robinson motioned to reconsider the original motion. Mr. Casaus seconded the motion. The motion passed by a 4-3 vote.

Ms. Archuletta - No

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Mr. Casaus - Yes

Mr. DiFatta - Yes

Mr. Reyes - No

Mr. Rice - No

Ms. Robinson - Yes

Chairperson Treanor – Yes

Ms. Archuletta motioned to direct enforcement to not continue with the stipulation for Marisol Therapeutics, LLC renewal license. Mr. Reyes seconded the motion. The motion passed by 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. Casaus motioned to adjourn the hearing. Mr. Reyes seconded the motion. The motion carried unanimously.

ADJOURN

There being no further regular business before the LMLB, the meeting was adjourned at 8:41 p.m. The next LMLB meeting is scheduled to be held on Monday, April 13, 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



AFFIDAVIT in Support of WARRANTLESS ARREST

EVIDENCE AVAILABLE PHOTOS: YES (X) NO () DASH CAM: YES () NO (X)
BODY WORN CAMERA: YES (X) NO () AUDIO: YES (X) NO ()

Name - Officer Affiant: Deputy Ely Dynes

Law Enforcement Agency: Pueblo County Sheriff's Office

Incident Case Number: 19S026641

Date of Offense: 10-23-2019

Most Serious Crime: Criminal Attempt to Commit Murder in the Second Degree

Statute Number: 18-3-103

Class of Crime: F3

Name - Person Arrested: Ingrid Mass

Date of Birth: 12-31-1955

Social Security Number: 155-50-2142

The above named officer/affiant, being duly sworn upon oath, says that the following facts support a probable cause finding for the warrantless arrest of the above named person arrested by the affiant for the charge listed above, and that the following facts are true and correct to the best of the affiant's knowledge, information and belief. Further, the affiant states that all incidents described herein occurred within the County of Pueblo and the State of Colorado.

The affiant arrested the above-named person because:

On 10-23-2019 at approximately 4:15 PM your Affiant, Deputy Ely Dynes, was dispatched to 740 Newton Road, Pueblo Colorado, 81005, on a report of threats. Prior to arrival the reporting party, Ingrid Mass (DOB: 12-31-1955), informed the Pueblo County Sheriff's Office Communication Center an employee, Joseph Gigliotti (DOB: 06-09-1973), threatened to burn the place down and has been aggressive for a couple of weeks. Ingrid advised Joseph was currently walking outside of the residence, toward the marijuana grow on the property.

Affiant had prior knowledge of Joseph living in the residence with Ingrid and was the Operations Manager for the marijuana grow. Affiant requested Com to confirm that information was still accurate, which it was.

While en-route Com center advised Ingrid stated she just fired a shot through the door with her .22 Derringer at Joseph and did not advise why. Ingrid informed Com center she believed she did not hit Joseph.

Affiant and fellow Deputies change their normal response to code 3, (emergent with sirens and lights activated). Com advised Ingrid stated if Joseph came back to the door, she would shoot again. Ingrid stated there were no other persons on the property. Ingrid believed Joseph was currently in the basement of the residence and was going to retrieve his keys and leave.

Affiant and Deputy Chavez arrived on scene and utilized the gate code provided by Com center to enter the property via the driveway off Newton Road. Upon driving to the house, Affiant observed a female waiving on the

second-floor balcony on the north west side of the house, pointing downward. Affiant observed movement near a vehicle parked on the south west side of the residence, next to an opened garage door.

Affiant and Deputy Chavez contacted Joseph, who identified himself verbally as Joseph and later confirmed with his Colorado driver's license. Joseph was placed into custody temporarily for safety reasons and placed into the rear of a fully marked patrol vehicle.

Affiant shouted for Ingrid to exit the garage with her hands visible. Ingrid exited via the garage door leading into the residence and was also placed into temporary custody for safety reasons. Deputy Berumen arrived on scene and assisted Affiant in clearing the residence for any other persons. No other persons were located within the home.

Affiant returned to Ingrid and she was advised of Miranda utilizing Affiant's issued Miranda warning card, where she verbally chose to speak to Affiant. Ingrid advised of the following:

Ingrid stated Joseph has been living at this residence with his three children and working as the Operations Manager of her marijuana grow. Ingrid told Affiant Joseph went to work at the grow at about 9:00 AM and traveled back and forth to the residence throughout the day until about 4:00 PM. Ingrid said she was sitting on the couch in the living room, when Joseph entered the kitchen. Both the living room and kitchen are connected as there is no wall divider to separate either area.

Ingrid told Affiant, Joseph began to request when his contract date was up, because he wanted to be paid for services rendered. Ingrid said they began to have a verbal argument about the subject, because Ingrid did not currently have the funds to pay Joseph. Ingrid advised Joseph she would have to sell some of the crop, for Joseph to be paid. Ingrid said Joseph continued to demand a date of when he would be paid and began to state she was a moron and an idiot and all the other workers for the grow were idiots.

Ingrid stated Joseph exited back out of the house at which time she locked all the doors and windows on that level of the residence. Ingrid said Joseph came back towards the garage and attempted to get inside the home. Ingrid told Joseph if he came inside she would shoot him. Ingrid felt Joseph had threatened her by saying he did not want any other worker around and Ingrid as again a moron and stupid and for her to write Joseph a check. Ingrid told Affiant she had in her possession throughout the day a silver American Arms .22 caliber Derringer firearm, that she kept in her pocket.

Ingrid stated Joseph began walking on the north west side of the house, down to the basement level outside. Ingrid believed Joseph had entered the house via one of the downstairs bedrooms. Ingrid advised Joseph tried to come up the stairwell which leads to an upstairs hallway, located near the office room on the south east side of the residence. Ingrid advised Joseph began stating he was going to leave but wanted to get paid now and for Ingrid to write him a check. Ingrid stated Joseph began to threaten her again, advising he didn't want any other workers at the residence and he wanted to get paid. Ingrid stated Joseph was standing on the stairwell, while she stood on in the hallway during this argument. Ingrid told Affiant there was a wooden door separating both her and Joseph during the argument, that did not lock.

Ingrid advised Joseph began to open the door and then she "shot off a bullet" through the door with the only firearm she has, a silver .22 caliber Derringer. Ingrid said Joseph began to scream saying he was struck and needed an ambulance. Ingrid told Affiant Joseph began to giggle and then believed he had

went back out of the basement and was in the garage. Ingrid stated she then began to watch both entry doors, front and garage door while Deputies responded.

Affiant spoke to Joseph and he was advised Miranda utilizing Affiant's issued Miranda warning card, where he verbally chose to speak.

Joseph provided a similar statement as Ingrid. Joseph advised he has had troubles for working for Ingrid and today they had yet another argument. Ingrid told Joseph he did not live there and it was her house. Joseph said all he wanted to do was get paid so he could leave. Joseph advised once he was locked out of the house, he went to his vehicle to leave, but realized it had a flat tire and did not have his car keys. Joseph attempted to return to his bedroom, entering from the outside of the residence to look for his car keys, but did not locate them. Joseph told Affiant he approached the stairwell and was standing on the landing when he heard Ingrid shout "don't come in here or I'm going to shoot you", through the door separating the stairwell and hallway. Joseph advised he just wanted his keys he believed were on the counter, when she told him a second time to not enter or she would shoot him.

Joseph stated he then heard a loud noise what he believed to be a gun shot, which frightened him. Affiant asked Joseph how he felt at that time and he said he heard the bullet go by his head and he was scared. Joseph believed he heard Ingrid on the phone with dispatch and requested again for his keys so he could leave. Joseph said Ingrid shouted she would throw them outside. Joseph returned to his vehicle, exiting the basement to continue working on his vehicles until Deputies arrived.

Affiant re entered the house and examined the door involved in the incident. Affiant observed a hole about 1/4 inch in diameter on the south side of the door (hallway side). Affiant observed a larger hole on the north side of the door, along with what appeared to be a bullet fragment resting in the drywall of the stairwell.

Deputy Berumen transported Ingrid to the Pueblo County Sheriff's Annex Office located at 920 North Main Street, Pueblo Colorado, 81003, to be interviewed by Detective Rohrich. Affiant learned from Detective Rohrich, Ingrid's statements were consistent with Affiant's initial interview on scene however Ingrid said to Detective Rohrich she did not want to kill Joseph.

Based on Affiant's and Detective Rohrich's interviews, there was no imminent, credible threat to life or property when Ingrid fired the shot through the doorway narrowly missing Joseph.

Therefore, Ingrid Mass (DOB: 12-31-1955), was later transported to the Dennis Maes Judicial Building located at 501 North Elizabeth Street, Pueblo Colorado, 81003, to be booked on the following charges:

1. 18-3-103 - Criminal Attempt to Commit Murder in the Second Degree - F3
2. 18-3-206 - Menacing with a Deadly Weapon - F5
3. 18-3-208 - Reckless Endangerment - M3

AFFIANT'S SIGNATURE:



Deputy Ely Dynes

Date, Time, Supervisor: Wed Oct 23 21:31:43 MDT 2019

Lt. Dave Black

STATE OF COLORADO)
) SS
COUNTY OF PUEBLO)

TERESA BROOKS
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #20124044664
My Commission Expires 7/24/2020

Subscribed and sworn to before me this 24th day of October, 2019.

Notary Public or Judge Teresa Brooks

Notary Public's Commission Expires: 7/24/20

The undersigned Judge of the Tenth Judicial District finds that the affidavit above provides:

(Circle): Probable Cause --- No Probable Cause

that the named defendant committed the crime listed.

- 1) Bond is hereby set in the amount of \$ _____ cash, property or surety.
- 2) Bond setting shall be before the Court assigned this case. _____ (Judge's Initials)
- 3) The defendant shall be immediately released. _____ (Judge's Initials)

By the Court this _____ day of _____, 2019.

Judge's Signature: _____

District Court, Pueblo County, Colorado 501 N Elizabeth Room 116 Pueblo, CO 81003	DATE FILED: October 29, 2019 11:05 AM FILING ID: 134E80BAF0F66 CASE NUMBER: 2019CR2112
THE PEOPLE OF THE STATE OF COLORADO vs. INGRID R MASS , Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
J E Chostner Tenth Judicial District District Attorney, # 15769 701 Court Street First Floor Pueblo, CO 81003 Phone Number: 719-583-6030 Fax: 719-583-6666	Case No: D0512019CR002112 Div: 503 Courtroom:
COMPLAINT AND INFORMATION	

CHARGES: 1

COUNT 1: MENACING, C.R.S. 18-3-206(1)(a)/(b) (F5){02053}

Permission to file information in district court granted:

Judge: _____
Signature
Date

J E Chostner, District Attorney for the Tenth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of Pueblo:

COUNT 1-MENACING (F5)

On or about October 23, 2019, Ingrid R Mass, by any threat or physical action unlawfully, feloniously, and knowingly placed or attempted to place Joseph Anthony Gigliotti in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon, namely: firearm; in violation of section 18-3-206(1)(a)/(b), C.R.S.

All offenses against the peace and dignity of the people of the State of Colorado.

J E Chostner
District Attorney, #: 15769

By: /s/ Jim Yontz Date: 10/29/2019
Jim Yontz #: 41935
Deputy District Attorney

ENDORSED WITNESS LIST

Ingrid R Mass
740 Newton Rd
Pueblo, CO 81005

Gemma Gigliotti
740 Newton Rd
Pueblo, CO 81005

Alex Gigliotti
740 Newton Rd
Pueblo, CO 81005

Joseph Anthony Gigliotti
740 Newton Rd
Pueblo, CO 81005

Ely Dynes
Pueblo County Sheriff
909 Court Street
PUEBLO, CO 81003

Nicolas Berumen
Pueblo County Sheriff
909 Court Street
PUEBLO, CO 81003

Melissa Rohrich
Pueblo County Sheriff
909 Court Street
PUEBLO, CO 81003

DEFENDANT INFORMATION

DOB: 12/31/1955

Race: W Gender: F

Height: 0506 Weight: 175 Hair: BLN Eye: HAZ

Birthplace: GE Tattoo:

Address: 740 NEWTON RD
PUEBLO, CO 81005

Home Phone #: 719-447-5040

Work Phone #: 719-447-5040

AKA: INGRID R MASS

CASE INFORMATION

Arresting Agency: Pueblo County Sheriff

Arresting ORI: CO0510000

Other Number:

Offense Agency: Pueblo County Sheriff

Offense ORI: CO0510000

Arrest #: 281886

Agency Case #: 19S026641

Date of Arrest: 10/23/2019

BAC: _____

CCIC#: _____

NCIC #: 73778HJWH

SID#: 2006345

Interview of Ingrid Mass.

Supplemental, Incident Number: 19S026641

EVIDENCE AVAILABLE PHOTOS: YES() NO(X) DASH CAM: YES() NO(X)
BODY WORN CAMERA: YES() NO(X) AUDIO: YES(X) NO()

On 10/23/19 at about 7:30 p.m., I, Detective Melissa Rohrich, interviewed Ingrid Mass (12/31/55) at the Pueblo County Sheriff's Investigations Annex, located at 920 N Main St, in Pueblo, Colorado, regarding this investigation. Ingrid had been taken into custody by deputies after a shooting occurred at her residence, located at 740 Newton Rd., in Pueblo County and agreed to speak to a detective about the incident. This report is a summary of the statements made during the interview.

I removed Ingrid's handcuffs and advised her of her Miranda rights per a written advisement form and she agreed to speak with me. I told Ingrid I understood she had been involved in an incident earlier that day that had turned out badly and asked her to explain what happened. Ingrid stated to me the following:

She owned a marijuana grow business called Three Dog Productions that was located on her property. She employed two workers at the grow, who lived in the basement of her residence. The workers were identified as Joseph "Joe" Gigliotti (6/9/73) and Jeremiah Schultz (42 yoa) (unknown). Joe's three children lived in her home as well. Her home was located on 75 acres of property with the marijuana grow. It was a six bedroom house and Joe had use of the lower level and three bedrooms on the lower level. They were not related but Joe called her "mom" and his children considered her their grandmother.

She had made two previous reports with the Sheriff's Office that were related to what had occurred that day. Two weeks prior, on a Sunday or Monday, she first reported an incident that scared her and spoke to a deputy to confirm they would respond and help her if she dialed 911. She further explained Joe's wife, Stacia Keys (7/24/81), had been in and out of rehab for a meth addiction and Joe had custody of their three children. Stacia had a restraining order against Joe, that he was constantly in violation of because he met with Stacia to exchange the children. She told Joe she did not want Stacia on her property; she did not trust Stacia.

Two weeks ago Sunday, Jeremiah told her Stacia was downstairs. She confronted Stacia, and Stacia told her Joe had invited her to the house, and she had come inside because she was returning the children. She asked Stacia to leave and Stacia left, taking the youngest child with her. (Ingrid) confronted Joe in the greenhouse and he went "ballistic." Joe was high on methamphetamine and acid at the time and he had a breakdown. He broke the back of her car, ran to the house, broke a door, and put a hole in the wall. As he did those things, Joe ranted about being king of the universe and the owner of her property. She and Jeremiah tried to calm Joe because his children were in the home and he was scaring them. Joe continued to yell, stating he made a decision and Stacia could come into the house because it was his. Joe stated he was either going to burn the place down or steal everything.

Joe was not like that when she hired him, he was clean. Joe told her he had used meth and acid. She did not do anything else about Joe that day because the children were there. Joe got up Monday morning and took his children to

Stacia's house. Joe returned and said he had a toothache, but no money to have it looked at. She did not know what Joe had taken, but he again seemed to be having a psychotic episode. Joe was in his bedroom when she and Jeremiah approached him and told him he needed to leave and he could no longer be in her house. Joe refused and stated he was not leaving. She recorded their conversation on a phone. Joe finally agreed to leave, but said he had no money for gas or to get his tooth fixed. She gave him \$300.00 and told him to take a couple days to get himself together before he came back. Joe left a short while later and told her he was going to tell the kids she was putting them out on the street as he left. She had been a preschool teacher and she cared about the kids, so that got to her. Joe sent a text stating he would simply walk away in exchange for 50 pounds of untrimmed marijuana. Ingrid did not specify when Joe returned, but did say he returned and seemed more rational than when he had left. He told her he was straightened out and had not taken any drugs.

Joe had gone to his girlfriend's house when she made him leave. Joe's girlfriend was Jillian McCleary (6/23/87) and she lived in LaVeta. Joe had known Jillian for about six weeks and they were "hot and heavy." Jillian had come to her house on a Saturday and she had a six year old son. Jillian told her she had to go to town, where she obtained meth and got pulled over. Jillian had a box of paraphernalia and meth in her vehicle. The vehicle had been impounded, but Jillian was not arrested. Somehow Jillian's boyfriend who lived in Colorado Springs was in Pueblo waiting for her that night and Jillian spent the night in Colorado Springs with him. Jillian told her she had gotten busted, but not to worry because (Jillian) was not going to turn them in. None of what Jillian said made any sense to her.

Joe went to Colorado Springs to get Jillian the following day and gave Jillian a ride home. Jillian returned to Pueblo again Monday to get her car out of impound. Joe told (Ingrid) he was going to move Jillian into the house and enroll her child in school with his children. She told Joe she would not allow Jillian to live in her home because Jillian was under investigation for drugs. She further told Joe it was not up to him to move others into her home just because she allowed him to live there. She and Joe had a "knock down screaming" argument over that. Jillian had eventually returned and stated she understood (Ingrid's) concerns and would not be staying in (Ingrid's) home. Joe told her he would be spending a lot of time with Jillian in LaVeta as a result of her decision. She accepted Joe's claim, as she had no intention of allowing Jillian in her home. Joe believed all of his friends should also be her friends, and that they should all help and support each other. She did not consider Jillian a friend and did not feel obligated to help her.

Jillian's box of paraphernalia contained mushrooms and acid. The only thing the police had seized was the two ounces of meth. Jillian and Joe explained all of that to her. Jillian had Joe bring that box to (Ingrid's) house for safekeeping. The box had a lock on it. Jillian stated she needed (Ingrid) to support her and Jillian needed her box back so she could sell the drugs inside it. She found Jillian's box of drugs in the garage and chose to bury it on the property instead.

Joe had guns he had gotten from his brother for protection. Joe told her he was not allowed to have guns. She knew he had a gun behind the mirror in his bedroom, and that gun was accessible to Joe's children. Joe also had a rifle. She had taken Joe's guns; one was hidden in the barn and the other was in a cargo container on the property. Joe had confronted her about the box and his guns and wanted them all back. Joe told her she had no right to steal any of those things. She told Joe she did not have his things and did not know where they were, and he huffed and walked away. He did not threaten her in any way. Having those things on her property was illegal. Joe had two sides; he could be loving and supportive of her business, and he could be weird. Ingrid

recalled at that time that the initial disturbance between she and Joe occurred on Sunday and she reported it the following day, Monday.

That had all been a big point of contention between she and Joe, but she had a legal marijuana grow was not going to let anything jeopardize it. Joe left for a couple of days and eventually sent her a text message that said he had given up everything to come to Pueblo and help her, and he deserved more from her in return. Joe and his children lived in Gardner, CO, previously. She and Joe had a verbal agreement that he was going to work at her marijuana grow and live in her house as part of compensation for his work. Joe felt she was in violation of their agreement. She did not have the money to pay him right then, but intended to pay him after the next harvest.

On 10/21/19, Joe went to work and she came into town and met with a detective at 909 Court St. regarding Joe. She explained everything that had been going on, and obtained the eviction papers and information about how to obtain a restraining order, but had not filed for the eviction. She was trying to protect her property, but felt she needed to be there all the time to make sure nothing weird was going on.

On 10/22/19 Joe threatened Jeremiah. Joe believed Jeremiah had taken Jillian's box and the guns. Joe told Jeremiah he was going to use a razor blade and cut Jeremiah's eyes out. Joe carried on, saying Jeremiah was an apprentice and nobody else at the grow knew as much as he (Joe) did. Joe claimed he knew everything about the business and everyone else was an idiot.

On 10/23/19 she told Joe she was going to start drug testing everyone working for her. Joe laughed and told her okay. She had been unable to turn in her eviction papers because she was tied up at the grow waiting for the guy from the lab to pick up samples of her product from the greenhouse. She felt like Joe had set her up. Joe was supposed to meet with his attorney that morning but had a flat tire on his car. Joe worked from 9:00 a.m. until about 4:00 p.m., he seemed okay. Joe worked on electrical issues and covered openings in the greenhouse in anticipation of a snowstorm. Joe performed maintenance and tended to the marijuana on a regular basis. She told Joe she wanted Jeremiah to come back because he was a good worker and Joe agreed to work things out with him and not bother him about the missing box and guns. She called Jeremiah and told him everything was going to be okay and to come back. Jeremiah agreed to come back.

When Joe came back to the house after work, he began to complain about Jeremiah again. Jeremiah had not even returned yet. Joe was screaming at her and she had her gun sitting beside her on the couch. Joe "scared the shit" out of her. He had been fine all day and completely shifted his demeanor. She asked Joe if he had taken "speed." Joe denied he had taken drugs; he was pacing and throwing his hands in the air. Joe was complaining the aphids and other problems with the marijuana were Jeremiah's fault. She countered him, stating he (Joe) had put too many plants in the greenhouse. Joe continued to shift blame for the problems onto everyone but himself. Joe approached her and put his finger in her face while he told her how stupid she was. She found that threatening.

Joe wanted to see his contract and insisted he be paid. There was no written contract between them. The agreement between she and Joe was that she would pay him \$1000.00 per week to work for her, and he would pay \$500.00 per month to live in her home. She was paying him a couple hundred dollars per week and giving him larger sums of money on occasion as needed. She had kept track of what she paid and owed Joe, but dealt in cash and had not written checks. All of her employees were paid in cash. Her employees were all employed as independent contractors and were responsible for paying their own taxes. Their

work hours were tracked by timecards, but Joe was the exception because he was the manager. There was no formal contract as her payouts were dependent upon the amount of marijuana the harvest yielded. Joe was fully aware of her payment terms.

I was able to determine that in four weeks Joe would earn \$4000.00, less \$500.00 for one month's rent, thus \$3500.00. Joe would receive about \$800.00 cash pay during that same time, thus Ingrid owed Joe about \$2700.00 for every four weeks he worked, which she intended to pay after sale of the harvest. Joe had been employed by her since December, 2018, and was paid for his work. He did not move in or assume management duties until June, 2019. I estimated Ingrid owed Joe for about five months work at \$2700.00 per month, which equaled \$13,500.00, and confirmed Joe had asked her to pay him that money on 10/23/19. Ingrid stated she did not have the money to pay Joe at the time.

Ingrid stated that was when Joe was approaching her and shaking his finger in her face and that she felt threatened by his actions. I asked Ingrid how Joe threatened her. She stated Joe told her she was stupid and did not know how to run her business.

Joe then went outside to change the tire on his car, during which she locked him out of the house. Joe could not find his car keys. She looked inside for the keys, but could not find them either. Joe ran down to his room and was screaming and yelling again. She remembered how Joe threatened to burn the house down two weeks prior, that was why she initially called for help. I clarified that Joe made that statement two weeks prior, which Ingrid confirmed. Everything that had gone on and was going on was really scaring her. She believed Joe had taken drugs again. He was fine all day, but when he returned to the house he had become belligerent and nasty toward her.

Ingrid described her home as a ranch style structure with a walk-out basement. She and Joe were the only people there at the time. She locked her doors, but the interior door from the basement stairs at the main floor landing did not have a lock. She had her gun in her jacket pocket; it was loaded with snake shot ammunition because they had a lot of snakes on her property. Joe first tried to come in the house from the garage, but she had locked that door and told him she would shoot him if he came in the house. Ingrid drew a diagram of her home, showing me there was a low fence around the back of the house. She drew four doors and stated each bedroom in the basement walked-out to the backyard. Joe had gone around to the back of house from the garage and jumped the fence into the backyard, where he gained entry to his bedroom.

Joe then went to the interior stairs and she heard him yelling from there. She was standing on the main floor not far from the stairwell door. She told Joe not to come into her house. She could not remember if she told him she had her gun or that she was going to shoot him. Joe tried to open the stairwell door and she panicked and shot through the door. Ingrid began to cry and hold her head in her hands.

Joe called out for her to call an ambulance and said she had hit him. She waited for a moment and Joe started to laugh and ran back down the stairs. She called to try to get ahold of the detective she had spoken with previously. The detective was not on duty so she asked if a deputy could respond. A deputy was responding and she was told to call 911 for help if the situation escalated. She did call 911, but was not sure if it was before or after she shot. She reported she was being threatened, but could not remember how she was being threatened. I asked if it was normal for her to forget things like being threatened within a short amount of time; she stated it was not. She believed her trouble recalling the threat was just a combination of everything that had been going on during the two weeks prior and all of Joe's screaming.

I recounted the events as I understood Ingrid to have stated them. I asked how much time had passed between Joe trying to get in the house from the garage and Joe being in the stairwell. Ingrid stated she was not sure because it sounded like Joe had gone back and forth between the two. She estimated there was 5-10 minutes between the time she called the non-emergency dispatch number and 911. She believed she was on the phone with 911 when she shot, but was not sure. She remembered having both hands on her phone when she shot the gun. She believed she may have put her phone on speaker and set it down.

Ingrid stated Joe was talking to her through the door while she was on the phone with 911. I asked Ingrid if Joe was talking to her through the door or yelling at her. She hesitated to answer for an extended time, then stated Joe was telling her "thanks a lot" because she had called the police. I told Ingrid I was trying to justify her shooting through a hollow door that she knew someone was on the opposite side of. Ingrid indicated to me the position she was standing in and the direction she fired, then stated the bullet had only gone into the wall. She believed the chance that she would have struck Joe was "very slim." She had panicked.

I asked Ingrid what her intention was when she fired the bullet through the door. Ingrid became emotional and said she was trying to get away. She then stated she was trying to keep Joe from coming at her. She continued, stating she had seen Joe beat his children and pick his daughters up by the hair and throw them across the room. I indicated Ingrid had not mentioned any of that before and asked her why. She stated she did not know. Ingrid then stated she had not fired on purpose, it had been an accident. She had the gun cocked and did not know what happened.

I told Ingrid I just was not feeling the duress in the immediate situation when she shot her gun. I knew she and Joe were at odds and he had made a threat a couple of weeks prior. I assumed she was probably on edge around him; she agreed. I asked Ingrid if she had a part in any of the arguments between she and Joe and indicated she made no mention of anything she said to him. Ingrid stated she told Joe she was not going to let him threaten and scream at her. She told him the property was hers and not his. She had stood her ground.

I pointed to the area Ingrid told me she was standing on her diagram and asked her what was being said when she was there and Joe was on the stairs that justified her shooting through the door toward him. Ingrid stated she did not know. Ingrid stated she told Joe to stop when he tried to open the door. I reminded her the door was not locked and asked why Joe was unable to open it. She stated Joe tried to open the door right before she shot, and backed up from the door when she shot.

I explained there were laws that protected people who defended themselves in certain instances, but there had to be something they were defending themselves from. Ingrid stated defending herself was exactly what she had been doing. I asked Ingrid what she was defending herself from; she stated she had been scared for her life. I told Ingrid that Joe had not done anything to her. Ingrid stated Joe was not doing anything to her at that point, but she believed he would have if he had come through that door.

Ingrid reminded me Joe had threatened her when he had shaken his finger in her face before. I reminded her Joe's concern while he was shaking his finger was about the business. Ingrid stated Joe was not in his right mind and was high and said she did not know what to expect from him. Ingrid stated Joe had become angry and tried to knock his daughter off of a stool a couple of days prior; he she not caught the chair the girl would have gone over with it.

I asked Ingrid if she realized she could kill someone by shooting through the door at them. She did not answer, but when I asked if that was possible she said, "yeah." I asked Ingrid if she felt she had the grounds to kill Joe in that situation; she stated she did. I asked Ingrid why she felt justified to kill Joe. She stated it was because he had been threatening her for weeks and was bringing drugs into her home.

Ingrid stated she was defending her livelihood, which to her was her life. I explained those were two different things, but she disagreed. I told Ingrid she had not impressed upon me that Joe intended to harm her physically. Ingrid stated Joe was so angry with her that she expected that was what he was going to do to her. I asked if that anger was all about the money she owed him. Ingrid stated it was more than just the money. It was about him having to work with people he did not want to, and about Jillian and all the personal stuff. She did not see how I could not see Joe's behavior as a threat and could not explain it any better. She had not meant to shoot, but had panicked. I again asked Ingrid if she intended to shoot Joe; she stated it was not, and she intended to get him away from her. I asked if she was trying to scare Joe away and she stated she was.

I asked Ingrid if there was anything else she needed to tell me; she stated there was not. I told her I was not confident I could justify her actions, but that I was glad she did not intend to kill Joe. I ended the interview at 8:51 p.m. and placed Ingrid back in handcuffs. As I did that, Ingrid explained her husband had passed away and they had a contract to sell her property, but the contract had fallen through and she was stuck running it.

Ingrid was returned to Deputy Berumen's custody where she continued to claim she was defending herself from a guy who was threatening her. I notified Lt. Black of Ingrid's statements to me.

I researched Ingrid's involvement's with the Sheriff's Office as she stated she had made previous reports about the problems she was having with Joe. I found Ingrid had reported a civil problem with an employee/tenant on 10/14/19, during which Deputy Ely Dynes explained the eviction process to her (19S025851). I located another complaint of the same nature on 10/22/19, during which Deputy Joe Bernal explained the eviction process and how to obtain a restraining order (19S026519). No further details were provided in those reports. I was able to identify Jillian via Pueblo Police Department (PPD) records and found she was involved in a traffic contact on 10/5/19 involving suspected drugs and the distribution thereof (PPD CR-19020854). It should be noted that Ingrid did not place certain events in a chronological timeline and skipped back and forth between events consistently throughout the interview. The interview was recorded and the video was placed in the files section of the case report.

Date, Time, Reporting Officer: Sun Oct 27 22:28:39 MDT 2019
Det. Melissa Rohrich B14988

Date, Time, Supervisor:
Sgt. R. Rhodes
Mon Oct 28 10:03:51 MDT 2019

sp/ck JM Fri Nov 01 13:15:53 MDT 2019

Interview of Joseph Gigliotti.

Supplemental, Incident Number: 19S026641

EVIDENCE AVAILABLE PHOTOS: YES() NO(X) DASH CAM: YES() NO(X)
BODY WORN CAMERA: YES() NO(X) AUDIO: YES(X) NO()

On 10/30/19 at about 1:20 p.m., I, Detective Melissa Rohrich, interviewed Joseph "Joe" Gigliotti (6/9/73) in relation to this case. This report is a summary of that interview which was recorded in full video and audio. Joseph had been identified as the victim targeted by Ingrid Mass (12/31/55) in an attempted shooting that occurred on 10/23/19 at 740 Newton Rd, in Pueblo County, Colorado. I understood Joe was employed by Ingrid to oversee a marijuana grow on her property prior to the interview.

I explained to Joe that I had been the detective to speak with Ingrid on the night of the shooting, and wanted to obtain his version of the event and what fueled the incident. I asked how long he had been working for Ingrid. Joe stated he had been working for Ingrid for about eight months, but had known her for about 10 years. He and Ingrid had always been on good terms and he had a contractor type relationship with her. Ingrid had first become interested in growing marijuana 10 years prior when he had a company called Horticulture Management and educated people on the subject.

Over the years he had started a couple of grow project with Ingrid and her late husband, Jeffrey Mass (3/27/48). Jeffrey's son had interfered in his projects on occasion, and he had stepped away as a result. His son had worked on the Mass property with horses and their relationship was good and they trusted each other. After Jeff's death, Ingrid had tried to sell the property a couple of times, which did not work out, so she decided to run the grow herself. As a result, she contacted him as her contractor, to get things in order. Ingrid paid him \$25.00 per hour during that time and things were good.

His Horticulture Management company built and wired greenhouses. He had grown products himself, and was knowledgeable and experienced in the field. When he went to work for Ingrid, he noticed a lot of things wrong with her operation. She was paying out too much to her employees for what they were doing and was on the losing end of the operation. He was teaching Ingrid she could not grow marijuana by throwing money into it, but rather giving it what it needed to grow.

He once made a lot of money and had a lot of bills just like everyone else seemed to, but had rearranged his life in more recent years. He had both grown children and younger children, and wanted to spend more time with the younger ones than he had with the older. After he and his ex-wife, Stacia Keys (7/24/81), split, he was able to cut his monthly expenses to \$800.00 per month and moved to Gardner, Colorado, with his younger children to enjoy a simpler life.

When he began to work for Ingrid however, he could not continue to make the two hour drive to and from work, while keeping his children in school in Gardner. Ingrid was facing foreclosure when her prospective buyer's offers fell through, and was having problems maintaining the property. There were too many things for Ingrid to accomplish in time to obtain her renewal license.

He agreed to work for Ingrid under the condition that he get paid once

she began to profit from the grow. He knew Ingrid's operation had the potential to generate three to four million dollars profit, and had put his everything into it to get it up and running. Ingrid then asked him to move to the property and run the grow. He had known Ingrid for a long time and she lived alone on the property, so he uprooted his whole life in Gardner to help her maintain her operations. He put his children in school in Beulah and moved permanently into Ingrid's home a few weeks before school started in the fall of 2019. He had been working for her and commuting for a couple of months before that. The only real hardship for him after he moved in with Ingrid was getting up early enough to take his children to school. He was able to work longer hours and had more oversight of the operation, so much that it began to overwhelm him.

He met and got to know a man, Jeremiah Schultz (unknown), who was from LaVeta, Colorado, in some classes he was attending in Walsenburg, Colorado, as part of his probation. Jeremiah was planning to work with his father, but he offered Jeremiah a position at Ingrid's grow and Jeremiah accepted. He introduced Jeremiah to Ingrid and she liked him too. Everyone had their own problems, but things were working out great. They were close enough that he and Jeremiah referred to Ingrid as "mom." Jeremiah brought new ideas to the grow and they started doing worm casting. He was confident their first year would yield 250 pounds of marijuana, the second year would yield 500 pounds, and the third would yield 1000 pounds.

He and Ingrid agreed if he was able to produce 500 pounds for Ingrid's company, he would collect eight percent of the profit share, and if he was able to produce 1000 pounds he would collect 10 percent of the profit share. He intended to do just that; Ingrid had 1800 plants and there was no reason they could not easily produce 1000 to 1500 pounds of marijuana per year. They currently had 14 pound plants and were studying different methods of growing them so they could apply the best method to all of the plants the next year. They were on track to produce 500 pounds this year, and he was very pleased with that.

I asked Joe when he and Ingrid began to have problems with each other. Joe stated his problems with Ingrid stemmed from Ingrid's feelings about Stacia. On Mother's Day, his children wanted to do something special for Stacia. He helped the children prepare a dinner for Stacia and they had dinner together. Ingrid came home and saw how many dishes there were and asked who had been over. He told her they had prepared dinner for Stacia and Ingrid became very angry.

He had been through a lit with Stacia, and was attending classes for legal issues stemming from those problems. He and Jeremiah had been in those classes together for one year and Jeremiah knew what kinds of things Stacia had put him through. He had forgiven Stacia for the things that happened between them, but Jeremiah had formed a non-favorable opinion of her. Jeremiah had a knack for saying things to generate animosity between people. As the grow neared harvest, Jeremiah began to complain about him to Ingrid; he was upset that (Joe) was not around the grow as much as he had been previously.

He had met people and was spending more time out with them toward the end of the growing season. He had been under a lot of stress and took a break from the grow a few weeks prior to the shooting. Jeremiah was upset with his absence, but did not understand how much of the grow he had tended to and the fact that he was raising three children. Jeremiah vented his frustrations to Ingrid, and Ingrid had the tendency to take everything she heard to heart and changed her mind about things with very little persuasion. He had a great relationship with Ingrid for a long time, and had seen people, including her stepson, take advantage of Ingrid on multiple occasions. She had spent a lot of money on unnecessary things as a result. He had convinced her to cycle her grow on a yearly basis, instead of perpetual, as a perpetual grow cycle would only

produce 500 pounds maximum per year.

More recently they were in need of trimmers at the grow. Everyone looked after the children from time to time and Ingrid and Stacia had a fairly reasonable ability to communicate, so he left the making of drop off and pickup arrangements of the children to them. For a long time, Stacia had stopped at the gate to get the children, but over time she had started to drive up to the driveway to get them. It did not seem like a big deal to him, but he had not realized how Ingrid disliked Stacia. Jeremiah hated Stacia, and most likely told Ingrid the things he knew about her. Stacia had made scenes at Ingrid's gate on occasion as well, and Ingrid was less forgiving of that.

When they began to need trimmers, Stacia's roommate offered to assist and went to work for Ingrid. There was a particular day when Susan went to work and Stacia came to pick up the children and ended up sitting with the trimmers for a bit. He confronted Stacia as she did not have a badge to be there and was not authorized to be where she was. He told her to leave so she would not create problems for him. She had caused him a problem by just being there, because there was a restraining order between he and Stacia, but she agreed to leave. He assumed Stacia would leave and went back to work in the grow. About 10 minutes later, Ingrid came to the grow and started to scream at him that she found Stacia in her basement. Ingrid told him, "I can't believe you let that fucking bitch in my house." It was out of character for Ingrid to talk to him like that, but he learned what happened and dealt with it. Ingrid then told him, "You need to get your shit and get the fuck out of here." Ingrid continued to escalate, telling him he had crossed the line letting Stacia inside her house and she felt disrespected. He reminded Ingrid he had built her grow from the ground up, and it turned into a big shouting match.

He felt very threatened. He had been working for Ingrid for a year and had received no pay for his work. He refused to leave. He lived in the home and had a right to be there. Stacia had already left the property, but Ingrid would not calm down. He accepted that she was not happy and would have accepted a scolding from Ingrid, but she was threatening everything he had built.

He had learned to step away from escalating situations in his domestic violence classes, and that was what he did after he and Ingrid fought, he took a couple of days off, but told Ingrid he would be back. She agreed he could take some time off and return. He communicated with her electronically while he was away, but she had not calmed down. He told her his understanding was that she was kicking he and his children out at the beginning of winter, knowing he had no money because she had not paid him. Ingrid eventually requested to meet with him so they could talk, but was being unpredictable about the terms of their meeting. He had a company phone previously, but Ingrid had turned it off so he was only able to call or receive calls from people using his computer when he was connected to wi-fi service. Instead of trying to guess when Ingrid would call, he went to her home and to the basement where he lived. He messaged Ingrid that he was there.

He, Jeremiah, and Ingrid all went to the back porch and talked. Jeremiah and Ingrid were upset that he had spent a few nights away. He explained how insignificant that was in the big scheme of things. There were day workers at the grow and night workers at the grow. Jeremiah was working nights and sleeping in the day. Jeremiah was upset that when he went to work (Joe) decided to leave. He figured Jeremiah was jealous that he was going out while Jeremiah was working. Everyone was somewhat overwhelmed, even Ingrid was working long hours in a smaller grow on the property. He told Ingrid it was okay to reprimand him over what happened, but it was not okay to threaten to throw him out after everything he had done and give him nothing in return. He told her they could talk about things, but she could not bring her emotions into

it every time something went wrong. He told her they could argue about Stacia, but that it needed to happen at the house and not on camera in the grow. Ingrid and Jeremiah did not like what he was saying, but accepted it. He promised not to have Stacia on the property again, even though his relationship with her was none of their business. Stacia was not affecting his performance at the grow, but their response to Stacia greatly affected his performance. He maintained his stance about how unfair that was. They had come to an agreement during their meeting and things were fine, but there had been some animosity lingering between them ever since.

He worked all day on On 10/23/19, he got a flat tire on his car and was forced to drive on it on the side of the road for five miles to get home. He went in the house to warm up. Jeremiah was complaining about him again. He and Jeremiah were somewhat peers, but in the business sense Jeremiah was his subordinate. Things were generally relaxed, Ingrid was on the phone and he had a cup of coffee and waited for her finish her phone call. Everything at the grow was on schedule and all they had to do was package their product and contact their buyers. He asked Ingrid when his contract was done.

He had completed the terms of his contract and after everything that had happened between them he was ready to move on and do something else. He inquired about whether the contract needed to be sold, recognizing she probably did not have the money to do that right then. Ingrid told him she did not want to talk about that right then. He told her he was in an awkward position and did not know how to move past it. She again told him she did not want to talk about it. He asked her when they could talk about it and she got angry. Ingrid told him, "I don't know! If I had the money, I would just fucking pay you and kick you out!" He got irritated. He told Ingrid he just wanted to be paid and be done. The problem was Ingrid did not have the money to pay him yet, and he had no money to get out of the situation. He could not get another place and had his children to consider. Ingrid told him to go downstairs and she did not want to argue with him. The argument was like a mother and son would have.

He went downstairs and put his boots on to go back outside, but he could not find his keys. He thought he had seen them on the counter upstairs and started to go back up to get them. Only a few minutes had passed. He called out to Ingrid, asking if his keys were up there. He could hear her walking in and out of her office and did not want her to think he was coming upstairs to argue with her. He called out again that he needed his keys off the counter, and Ingrid told him, "If you come upstairs, I'm going to shoot you." He had no idea where that came from, other than Ingrid was trying to prove her point that she did not want to see him. Ingrid was not normally like that, but she seemed very agitated right then. He stopped on the landing between flights of stairs. He questioned Ingrid's statement and told her he just needed his keys and he would leave. That was when Ingrid shot the gun.

He was not expecting Ingrid to shoot at him, and it took him by surprise. He saw light passing through the bullet hole in the door at the top of the stairs onto the wall in the stairwell. He yelled to Ingrid, "Are you kidding me?", and stumbled back down the lower flight of stairs. He had hesitated to go up the second flight of stairs because of the sound of Ingrid's voice. He estimated he stood about as tall as the upper floor when he was standing on the landing between flights of stairs. Ingrid had shot through the door, so the bullet had traveled above him.

He had not realized where the bullet hole was in the door until after the police left; it was only about two inches above the doorknob. He decided Ingrid was not just trying to scare him, but to shoot him. If he had been standing on the other side of the stairwell door, he would have been struck by the bullet. His whole mindset about the incident changed; he was scared. He

wondered how Ingrid could be so willing to end his life given his responsibilities and his children who lived in that house. She had shot at him over things that had absolutely nothing to do with her; it was all over his ex-wife. Ingrid did not say anything to him after she fired the gun.

He stayed in the basement and did not really know what to do. Ingrid had called the police. He thought Ingrid had lost her mind. He wondered if the gun had gone off on its own. He never thought Ingrid would fire a gun at somebody after what had happened with her husband. He wondered if Ingrid called an ambulance at any point if she thought she had shot him. He saw an ambulance arrive and the paramedics thought he had been shot.

I told Joe I had spoken to Ingrid on the night of the shooting, and she told me everything had started a couple of weeks prior over his ex-wife as well. I told Joe he and Ingrid's stories were essentially the same, with the exception of how he responded to Ingrid when she confronted him about Stacia being in her home. I told him Ingrid claimed he had used drugs and responded to her in a manner that scared her.

I asked Joe if he was at odds with Jeremiah over what he was saying to Ingrid; he stated he was. I explained that Ingrid told me he had met Jillian McCleary (6/23/87) during his break from the grow after their first fight over Stacia. Joe indicated to me that was correct. I indicated Ingrid's problem with Stacia was her drug usage. Joe nodded in agreement and said Stacia had her problems. I asked if Ingrid ever conveyed her problem with Stacia to him, that she did not want heavier drug use threatening her legal marijuana business. Joe stated Ingrid told him her concerns with Stacia were more recently.

I told Joe I knew he and Ingrid argued over Stacia and he left for a couple days, during which he met Jillian. I told him Ingrid told me Jillian was just as bad as Stacia with regard to her drug use. Joe acknowledged what I was telling him. He stated Ingrid was an "old dead head herself," and that over the 10 years he had known her there had been drug use by everybody. I told Joe I was not investigating their drug use, but a shooting. I explained Ingrid knew Jillian had brought drugs to her home and it was really bothering her. Joe stated he was aware of Ingrid's sentiments toward Jillian, and that Jillian had been asked to leave, and left, during the course of everything that happened.

I explained Ingrid's version of events involving Jillian's police contact in October. Joe stated he had driven to Colorado Springs to pick Jillian up after the police contact and gave her a ride. He then used Ingrid's car to give Jillian a ride to the police impound lot, where she picked up her vehicle. Ingrid felt he was getting caught up in a weird situation.

I told Joe that Ingrid claimed all of those events were what drove her behavior. Joe countered, stating Ingrid had forgotten who was trying to protect her and her interests over the past eight months. I told Joe that Ingrid admitted to hiding firearms and Jillian's box of drugs because she felt they were a threat to her business. I told him Ingrid claimed he had confronted her about giving the guns and Jillian's box of drugs back, and at some point threatened to cut Jeremiah's eyes out with a razor blade; he was doing things that scared her. That was why Ingrid said she was so on edge with him.

I told Joe that Ingrid's version of the argument between them just before the shooting was the same as what he had told me. I told him that added to Ingrid's stress, that she knew she could not pay him and satisfy the terms of the contract at the time. Ingrid claimed she felt like she was under attack from several different angles: Stacia; Jillian; drugs; guns; money. All of those things were stirring her up. Joe stated all of the things Ingrid claimed were true to some extent. He said he had to fire an employee at the grow,

during which he made the comment that if anyone tried to take from Ingrid's business, he would stab out their eye. Jeremiah had not been the target of that comment, it was just a statement he made to let Ingrid know he was protecting both his and her interests. He and Ingrid had built that business, everyone else had less involvement.

Joe again stated he never thought Ingrid would ever shoot at somebody, and he had no ill will toward her. I told Joe all of the things I had described were what Ingrid stated were driving her thoughts at the time of the shooting. I told him Ingrid claimed she was in fear for her life when she shot through the door and asked him if there was anything said during their argument that would have made her feel that way. Joe stated that night he was being very careful not to stir an argument like the one they had before over Stacia. He had talked calmly with her while he drank his coffee, and when she got upset and told him to go downstairs, he simply went downstairs. That was hard for him because he was someone who took care of issues when they arose; he did not push them off to be dealt with later.

I told Joe that Ingrid claimed he went downstairs, then went outside to the garage during which she locked him out. Ingrid claimed he then went back into the house and up the stairs, before she shot. I told him Ingrid claimed he tried to enter her house through the door from the garage, but that she had locked him out and first told him she would shoot him if he came through that door. Joe stated he believed he did go outside, and thought he might have tried to go inside through the garage, but did not think the garage door itself was open for him to enter. His vehicle was not inside the garage. He went out to deal with his tire and realized he did not have his keys. He thought he had gone right back down to his room to look for them. That was when he tried to go upstairs to look for them. He had no recollection of Ingrid telling him twice that she had a gun and/or was going to shoot him. He only heard that once while he was standing on the landing.

He had no knowledge that Ingrid had intended to lock him out of the house or was even that upset. It did not take him long during their discussion about his contract and salary to realize Ingrid was not ready for that conversation yet. That was a short talk. He had not realized how everything that was going on around the house was making Ingrid feel. He was on probation and was being drug tested all the time. They had only had one blow up type argument, and that was about Stacia. He typically just bowed down to Ingrid like she was his mother.

The plan was that Ingrid would retire after this harvest. Ingrid's problem was that she let her emotions interfere in her business decisions, and she could not afford to do that. He had approached it from a business perspective, and had no problem getting rid of employees with illegitimate motives.

He had taken Ingrid's warning seriously and stayed on the landing. He felt Ingrid shot through the door because she felt he was on the other side of that door. He had not turned the knob on the stairwell door, and would have been struck by Ingrid's bullet if he had.

I told Joe I was not blaming him for the incident, but asked if he felt his actions placed enough fear in Ingrid to cause her to shoot through the door. Joe stated he did not do or say anything to Ingrid that justified her shooting through that door when she thought he was on the other side of it. Specifically that day, he had gently approached her to discuss his contract.

I asked Joe if he had ever put his hands on Ingrid in an other than friendly manner. He stated he had not. The only people he had ever put his

hands on were his children when he spanked them. He had spanked his children in front of Ingrid, and grabbed them by their arms and dragged them downstairs kicking and screaming. I told Joe that Ingrid recalled him throwing his children across the room by their hair. Joe looked me straight in the eyes and said, "I'm not even sure how to do that." Joe further stated he often spanked his children for disrespecting Ingrid. I told Joe that Ingrid also recalled an incident in which he knocked one of his kids off a stool. Joe stated he had grabbed his child by his arm and pulled him from the stool and dragged him along downstairs. That was the incident he had been referring to initially. His kids had not been injured and were not afraid of him.

I told Joe I was not there to judge his manner of discipline as long as there were no injuries, but rather wanted him to know that Ingrid stated that was one of the things that gave her fear. Joe stated sometimes his behavior when he disciplined his was more about show that he was the parent than anything, and Ingrid knew that. Other adults disciplined his children and their bad behavior continued, but when he stepped in they knew to behave. His children also now knew that if they did not listen to Ingrid in the same manner they listened to him, they would get yanked off the stool and drug downstairs. Everything he had done in the incident Ingrid had described, was to get his children to respect Ingrid. Ingrid had a habit of pulling him from the greenhouse every time one of his kids would not eat, or did not drink their milk. He did not have time for that, so he was teaching his children to listen to Ingrid.

Joe shifted the conversation to Jeremiah. He stated Jeremiah was his subordinate. If he left tools out after a project, it was Jeremiah's job to pick the tools up. Jeremiah was his assistant. Jeremiah had a habit of complaining to him when he went to work in the mornings about not having been there throughout the night with him. He could not do it all. Jeremiah was always watering off schedule, which caused mold problems, and his excuses were not valid. Ingrid had a soft spot for Jeremiah though and thought he was a nice guy. Jeremiah had nothing invested in the business other than time.

I told Joe that Ingrid had not convinced me she was justified in shooting at him that night, and subsequently went to jail. Joe stated there was no such thing as an argument that should end in a gunshot. I told Joe that Ingrid could not describe for me any specific incident in which he had threatened her. Joe stated Ingrid could have told him that things he was doing were scaring her and they could have talked and dealt with it. He had very clearly told Ingrid he was not going to let anyone take away what they had built together.

Joe became emotional and said he would not have anything if Ingrid had not given him a chance. I asked Joe if there was anything i had not brought up that he thought I needed to know. He said there was not. He stated Jeremiah had instigated a lot of the animosity between he and Ingrid and did not have the background in marijuana cultivation that he did. Joe stated if it was any consolation, he did not want Ingrid to have to go to jail over what had happened. He was torn about that because he knew Ingrid thought he was on the opposite side of the door when she shot through it. I told Joe that from my perspective, Ingrid shot through a door thinking he was on the other side at the time, and as a result had to expect that she could have struck, and possibly killed, him as a result. Joe nodded in agreement.

I explained that Ingrid claimed she was only trying to scare him when she shot through the door. Joe stated he could have accepted that if the bullet was in a different area of the door, but he had stood at the door, and no matter where he stood, had he been on the other side of the door when Ingrid shot, he would have been struck.

Joe stood to leave and said he knew Jeremiah was trying to get him out of the house. Jeremiah had since told him deputies were there looking for him (Joe), which I told him I had know knowledge or record of. He was unsure what was going on. Ingrid had been escorted to the house by deputies to pick up some of her belongings, during which she had taken her car from the house. When he got home the next day, Jeremiah was backing Ingrid's car from the garage and told him Ingrid's daughter had brought it back. It did not make any sense to him that Ingrid would not keep her car with her and Ingrid's daughter lived in Boulder. Joe stated the restraining order was causing problems because he could not talk to his boss, but understood he was expected to maintain the business. I told Joe restraining orders could be modified to allow communication.

The interview was ended at 2:51 p.m., and a copy of the recording was placed in the files section of the case report.

Date, Time, Reporting Officer: Wed Nov 06 14:51:31 MST 2019
Det. Melissa Rohrich B14988

Date, Time, Supervisor:
App: Sgt. Allan Brooks Thu Nov 07 11:32:55 MST 2019

sp/ck JM Thu Nov 07 14:03:59 MST 2019

view from Newton Road (Private Road)

PENGAD-Bayonne, N. J.
**PETITIONER'S
EXHIBIT**

