

**RECORD OF PRECEEDINGS  
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD  
MONDAY, AUGUST 8, 2022  
6:15 P.M.  
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE  
215 WEST 10<sup>TH</sup> STREET**

*The following are summarized statements from the Pueblo County Liquor and Marijuana Licensing Board members and County Staff. Please refer to the Pueblo County Facebook page to watch the full video of the meeting.*

**I. EXECUTIVE SESSION**

Request for an Executive Session: For a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S § 24-6-402(4)(b) concerning hearing procedures.

Ms. Long requested a motion to enter Executive Session. Ms. Archuletta moved. Mr. Reyes seconded the motion. The motion carried unanimously.

Executive Session began at 5:57 P.M.

Executive Session ended at 6:12 P.M.

The meeting was live on Facebook at 6:13 P.M. Ms. Long informed the audience of the Executive Session and summarized the meeting attendance.

**II. ATTENDANCE/EXCUSED**

Members Present: Kim Archuletta (via Zoom), Brian Casaus, Gina Dutcher, Tom Emerson, Henry Reyes, Lucretia Robinson, Judith Stein

Staff Present: Carmen Howard, Director of Planning and Development; Gail Wallingford-Ingo, Deputy Director of Planning and Development (via Zoom); Kyle Aber, Deputy Director of Liquor and Marijuana Licensing; Sarah Long, Assistant County Attorney (via Zoom); Peter Blood, County Attorney (via Zoom); Tawnya Stringer Licensing Manager; Melissa Spengler, County Tax Collection Specialist (via Zoom); Bonnie Carter, Licensing Coordinator; AnaLinda Bermudez, Recording Secretary; Danielle Griffin, Recording Secretary;

Ms. Long called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:13 P.M.

**III. APPROVE THE MEETING MINUTES OF JULY 11, 2022**

Ms. Robinson motioned to approve the meeting minutes of July 11, 2022. Mr. Reyes seconded the motion. The motion carried unanimously.

**IV. APPROVE AGENDA OF AUGUST 8, 2022**

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Ms. Archuletta motioned to amend the agenda of the August 8, 2022 to switch items V.III.B.1.b and V.III.B.1.c. Ms. Stein seconded the motion. The motion carried unanimously.

Mr. Reyes motioned to approve the amended agenda of the August 8, 2022 meeting. Ms. Robinson seconded the motion. The motion carried unanimously.

**V. CONSENT MEETING AGENDA ITEMS**

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

Ms. Robinson motioned to approve the consent meeting agenda listed below. Ms. Stein seconded the motion. The motion carried unanimously.

**LIQUOR LICENSES**

- Renewal Application for a Liquor Store License located at 1712 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Aspen Square Wine & Liquor, LLC dba Aspen Square Wine & Liquor.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 944 East Kimble Drive, Pueblo West, Colorado 81007 submitted Drop Inc. dba Do Drop Inn West.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 23344 Highway 50 East, Pueblo, Colorado 81006 submitted by Giodone Restaurant Inc. dba Giodone Restaurant.
- Renewal Application for a Liquor Store License located at 24920 East Highway 50, Pueblo, Colorado 81006 submitted by KDiamond, LLC dba Barnstormers Liquors.
- Renewal Application for a Fermented Malt Beverage Liquor License located at 1017 North Market Plaza, Pueblo West, Colorado 81007 submitted by Safeway Store Forty Six Inc. dba Safeway Store #1760.

**MARIJUANA ESTABLISHMENT LICENSES**

- Renewal Application for a Retail Marijuana Store and Retail Marijuana Cultivation Facility located at 1917 Santa Fe Drive, Pueblo, Colorado 81006 submitted by 1917 Santa Fe, LLC dba Apothecary Farms.
- Renewal Application for a Retail Marijuana Products Manufacturer and Medical Marijuana Products Manufacturer located at 3373 South Interstate 25, Pueblo, Colorado 81004 submitted by ABCO Packaging, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 60800 Highway 96 East, Boone, Colorado 81025 submitted by Angel Farms, LLC.

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- Renewal Application for a Retail Marijuana Cultivation Facility located at 59 North Laser Drive, Pueblo West, Colorado 81007 submitted by Bennett Holdings, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 4780 Farisita Boulevard Pueblo, Colorado 81005 submitted by High Canyon, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6470 Galbreth Road, Pueblo, Colorado 81005 submitted by Kingpin Farms, LLC dba Colorado Rocky Mountain Farms.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 8440 West Highway 96, Suite B, Pueblo, Colorado 81005 submitted by Newco Ventures, LLC dba Southern Flower.
- Renewal Application with a Change of Ownership for a Retail Marijuana Cultivation Facility located at 1660 Siloam Road, Pueblo, Colorado 81005 submitted by Next1 Labs, LLC dba Next1 Labs.
- Renewal Application for a Medical Marijuana Cultivation Facility and Retail Marijuana Cultivation Facility located at 7068 Burnt Mill Road, Beulah, Colorado 81023 submitted by Plain Jane Organics, LLC.
- Renewal Application for a Medical Marijuana Store and Retail Marijuana Store located at 4490 Bent Brothers Boulevard, #B1-B2, Colorado City, Colorado 81019 submitted by Plain Jane Organics, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 3652 40<sup>th</sup> Lane, Avondale, Colorado 81022 submitted by Power Plant Organics, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 69 North Mission Drive, Pueblo West, Colorado 81007 submitted by Sacco Solutions, LLC.
- Renewal Application for a Retail Marijuana Store and Retail Marijuana Cultivation Facility, located at 41 North Precision Drive, Pueblo West, Colorado 81007 submitted by The Organic Seed, LLC dba Cannasseur.
- Renewal Application for a Retail Marijuana Products Manufacturer and Medical Marijuana Products Manufacturer located at 41 North Precision Drive, Pueblo West, Colorado 81007 submitted by The Organic Seed, LLC dba Dabtek.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 56 North Precision Drive, Pueblo West, Colorado 81007 submitted by Pueblo West Organics, LLC dba Pueblo West Organics.
- Change of Ownership Application for a Medical Marijuana Cultivation Facility, Medical Marijuana Products Manufacturer, Retail Marijuana Cultivation Facility and

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Retail Marijuana Products Manufacturer and located at 129 East Enterprise Drive, Pueblo West, Colorado 81007 submitted by Pueblo West Organics, LLC dba Pueblo West Organics.

- Change of Ownership Application for a Medical Marijuana Store, Retail Marijuana Store and Retail Marijuana Cultivation Facility located at 609 East Enterprise Drive, Suite 120, 130, 140, Pueblo West, Colorado 81007 submitted by Pueblo West Organics, LLC dba Pueblo West Organics.
- Change of Ownership Application for a Retail Marijuana Cultivation Facility located at 5715 Red Creek Springs Road East, Pueblo, Colorado 81005 submitted by WOWI, LLC.
- Stipulation Agreement for Retail Marijuana Cultivation Facility located at 7791 Highway 78 West, Beulah, Colorado 81023 submitted by Beulah Valley Farms Corporation.

**VI. CONSENT HEARING AGENDA ITEMS**

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

Mr. Reyes motioned to approve the consent hearing agenda listed below. Ms. Robinson seconded the motion. The motion carried unanimously.

**LIQUOR LICENSES**

- Application for a Special Events Permit for a Malt, Vinous, and Spiritous Liquor License located at 10125 Preseren Road, Rye, Colorado 81069 submitted by Preseren Glee Club for the date of August 14, 2022.
- Application for a Special Events Permit for a Malt, Vinous and Spirituous Liquor License located at 210 Highway 50 East Avondale, Colorado 81022 submitted by St. Vrain Cemetery Association for the date(s) of September 9, 10 and 11, 2022.
- Application for a Special Events Permit for a Fermented Malt Beverage Liquor License located at 175 East Spalding Avenue, Pueblo West, Colorado 81007 submitted by Southern Colorado Indian Motorcycle Riders Group for the date of September 10, 2022.

**VII. REGULAR MEETING AGENDA ITEMS**

**MARIJUANA ESTABLISHMENT LICENSES**

- Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 3730 40<sup>th</sup> Lane, Avondale, Colorado 81022 submitted by Jun Zhang Inc. dba Coweeds Grow Ctr.

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Mr. Blood explained the Enforcement Action had been postponed due to a language barrier. and he had been able to discuss the matter with Mr. Zhang's son, Andy. Mr. Blood believed Mr. Zhang understood the circumstances of the case and stated the problem had been Mr. Zhang's inability to understand Pueblo County's rules and regulations. Mr. Blood stated upon inspection, there had been several violations and a complete misalignment between what he had been doing and the regulated system's reports. Mr. Blood explained If Mr. Zhang chose to renew the license, there would be a substantial fine in the amount of \$96,000.00 total.

Mr. Zhang's niece Esther Liu, 2326 Creek Valley Circle, Monument, Colorado 80132 spoke on his behalf and stated Mr. Zhang had no questions and understood everything communicated.

Discussion occurred between Board members, Mr. Blood and Ms. Long.

Ms. Archuletta motioned to approve the Stipulation Agreement for a Retail Marijuana Cultivation Facility located at 3730 40th Lane, Avondale, Colorado 81022 submitted by Jun Zhang Inc. dba Coweeds Grow Ctr. Mr. Reyes seconded the motion. The motion carried unanimously.

- Stipulation Agreement for a Retail Marijuana Store located at 1714 B Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.

Mr. Blood explained to the Board in March of 2020, a former employee had sold to an undercover person under the age of 21. He also stated the licensee had already gone through State Enforcement Action and had reached out to settle the case with the County.

Discussion occurred between the Board members, Mr. Blood, and the licensees.

Mr. Scott Smith, manager, 1714 Santa Fe Drive, Pueblo, Colorado 81006, stated serious corrective actions had been taken to ensure this would not happen again.

Mr. David Greenman, partial owner, 1714 Santa Fe Drive, Pueblo, Colorado 81006, stated his understanding had been the 7-day suspension would be imposed if they had violated within the one-year probationary period.

Mr. Blood recommended the Stipulation Agreement be amended to reflect a 10-day period of suspension to be imposed if any violations occur within the 12-month probationary period.

Discussion occurred regarding the amendment to the Stipulation.

Mr. Reyes motioned to approve the Stipulation Agreement as amended for a Retail Marijuana Store located at 1714 B Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary. Ms. Robinson seconded the motion. The motion passed with a 5-2 vote. The votes were as follows:

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Vice-Chairperson Casaus – Yes

Mr. Emerson – Yes

Mr. Reyes – Yes

Ms. Dutcher – No

Ms. Robinson – Yes

Ms. Stein – Yes

Ms. Archuletta – No

Mr. Reyes motioned to delegate authority to the Chairperson or Vice-Chairperson to sign the Amended Stipulation for a Retail Marijuana Store located at 1714 B Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary. Ms. Dutcher seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Cultivation Facility located at 47006 Highway 50 East, Avondale, Colorado 81022 submitted by Sugar Magnolia Farms, LLC dba Sugar Magnolia Farms.

Mr. Aber explained to the Board the application had been pulled from the consent agenda due to issues with tax compliance.

Ms. Spengler explained the late taxes had been paid and she had no concerns of continued noncompliance.

Mr. Reyes motioned to approve the Renewal Application for a Retail Marijuana Cultivation Facility located at 47006 Highway 50 East, Avondale, Colorado 81022 submitted by Sugar Magnolia Farms, LLC dba Sugar Magnolia Farms. Ms. Stein seconded the motion. The motion carried unanimously.

- Renewal Application for a Retail Marijuana Store located at 1714 B Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary.

Mr. Aber explained the application had been pulled from the consent agenda for the Board to address the Stipulation before addressing the renewal.

Ms. Archuletta motioned to approve the Renewal Application for a Retail Marijuana Store located at 1714 B Santa Fe Drive, Pueblo, Colorado 81006 submitted by Three Rivers Development, LLC dba Three Rivers Dispensary. Ms. Robinson seconded the motion. The motion carried unanimously.

**VIII. REGULAR HEARING AGENDA ITEMS**

**LIQUOR LICENSES**

- New Application for a Fermented Malt Beverage (off Premises) Liquor License located at 1659 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Circle K Stores Inc. dba Circle K #2706999.

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Vice-Chairperson Casaus opened the hearing.

Mr. Aber stated staff recommended approval of Circle K Stores Inc. dba Circle K #2706999.

Mr. Kevin Coates, attorney registration number 25995, 455 Sherman Street, Suite 300, Denver, Colorado 80203 appeared via Zoom and presented an overview of the application to the Board.

Mr. Steve Maeda, director of retail operations, appeared via Zoom and stated they have a zero-tolerance policy pertaining to the sale of Fermented Malt Beverages.

Ms. Eva Garretson with LiquorPros, 5515 Saddle Rock Place, Colorado Springs, Colorado 80918 appeared via Zoom, stated she had made contact with the facilities in the designated area, and all had signed in favor.

**IN FAVOR**

No one spoke in favor

**IN OPPOSITION**

There was no opposition.

**REBUTTAL**

There was no rebuttal

Vice-Chairperson Casaus closed the hearing.

**MOTION**

Ms. Archuletta motioned to approve the New Application for a Fermented Malt Beverage (off Premises) Liquor License located at 1659 Santa Fe Drive, Pueblo, Colorado 81006 submitted by Circle K Stores Inc. dba Circle K #2706999. Ms. Dutcher seconded the motion. The motion carried unanimously.

**MARIJUANA ESTABLISHMENT LICENSES**

- Re-Opened Hearing for an Extension Request on the Parking Plan for a Retail Marijuana Cultivation Facility and Retail Marijuana Product Manufacturer located at 9000 South Interstate-25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC.

Ms. Long recited a brief history of the case and explained the process for the hearing.

Vice-Chairperson Casaus re-opened the hearing.

Discussion occurred between Ms. Long and the Board

**MOTION**

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Ms. Archuletta motioned to Find a Violation of the November 30, 2021 Condition on the Hearing Officers Order for a Retail Marijuana Cultivation Facility and Retail Marijuana Product Manufacturer located at 9000 South Interstate-25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC. Ms. Robinson seconded the motion. The motion passed with a 5-2 vote. The votes were as follows:

Vice-Chairperson Casaus – Yes  
Mr. Emerson – Yes  
Mr. Reyes – Yes  
Ms. Dutcher – Yes  
Ms. Robinson –No  
Ms. Stein – No  
Ms. Archuletta – Yes

Mr. Aber indicated an order had been issued on December 13, 2021 for the off-street parking plan to be approved and completed within the 6 month and 60 day period. Mr. Aber stated staff opposed to granting the licensee more time for completion and would recommend a fine in the amount of \$1000.00 per day starting from the date June 13, 2022 until November 14, 2022, the next Liquor and Marijuana Licensing Board meeting.

Mr. Aber also stated no additional fine would be recommended if the off-street parking plan is completed before November 14, 2022.

Discussion occurred between the Board and Staff.

Ms. Archuletta asked the licensees for an estimation of time for the completion of the off-street parking plan.

Mr. Mike Kwesell, owner of Heartland Industries, 9000 South Interstate-25, Colorado City, Colorado 81019, stated the off-street parking plan had been completed and they had been waiting for approval letter to proceed with the required inspection.

**REBUTTAL**

Mr. Aber asked Ms. Wallingford-Ingo when the off-street parking plan had been submitted? Ms. Wallingford-Ingo asked Mr. Aber which version he had been referring to? Mr. Aber stated he needed clarification on the most recent version and asked Ms. Wallingford-Ingo how many off-street parking plans had been submitted. Ms. Wallingford-Ingo answered July 29, 2022 and stated there had been 5 submitted.

Mr. Aber asked Ms. Wallingford-Ingo what the timeframe for approval and inspection would be? Ms. Wallingford-Ingo indicated 10-12 working days out.

Mr. Aber stated the delay had not been on the Planning and Development Department's part and the off-street parking plan should have been completed by February 13, 2022.

Vice-Chairperson Casaus closed the hearing.



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Discussion occurred among the Board.

**MOTION**

Mr. Reyes motioned to approve the Extension Request on the Parking Plan for a Retail Marijuana Cultivation Facility and Retail Marijuana Product Manufacturer located at 9000 South Interstate-25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC until June 13, 2022 with a fine in the amount of \$3000.00 per day or until completed.

Discussion occurred among the Board pertaining to the motion extended.

Mr. Reyes rescinded his motion.

Vice-Chairperson Casaus re-opened the hearing.

Mr. Reyes asked Ms. Wallingford-Ingo how long it would take staff to review and approve the off-street parking plan? Ms. Wallingford-Ingo stated the letter of approval had modifications to be completed and she had anticipated the letter would be issued within the next couple of days.

Mr. Rich Kwesell, owner of Heartland Industries, 9000 South Interstate-25, Colorado City, Colorado 81019, addressed the Board regarding the changes made to the previous off-street parking plans submitted.

Discussion occurred between the Board and the licensees.

Vice-Chairperson Casaus re-closed the hearing.

**MOTION**

Mr. Reyes motioned to approve the Extension Request of the Parking Plan for a Retail Marijuana Cultivation Facility and Retail Marijuana Product Manufacturer located at 9000 South Interstate-25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC until November 14, 2022 with a fine in the amount of \$500.00 per day starting on June 13, 2022 up until the date of completion of the off-street parking plan or until the Liquor and Marijuana Licensing Board meeting if not complete. Ms. Dutcher seconded the motion. The motion passed with a 6-1 vote. The votes were as follows:

Vice-Chairperson Casaus – Yes

Mr. Emerson – Yes

Mr. Reyes – Yes

Ms. Dutcher – Yes

Ms. Robinson – Yes

Ms. Stein – Yes

Ms. Archuletta – No

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Ms. Archuletta motioned to delegate authority to the Chairperson or Vice-Chairperson to sign an amended Findings and Order for the Extension Request and Penalty for a Retail Marijuana Cultivation Facility and Retail Marijuana Product Manufacturer located at 9000 South Interstate-25, Colorado City, Colorado 81019 submitted by Heartland Industries, LLC. Mr. Reyes seconded the motion. The motion carried unanimously.

- Re-Opened Hearing for an Extension Request on the Parking Plan for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 2285 North Interstate-25, Pueblo, Colorado 81008 submitted by Syl's, LLC dba Strawberry Fields.

Ms. Long recited a brief history of the case and explained to the Board the process for the hearing.

Vice-Chairperson Casaus re-opened the hearing.

**MOTION**

Mr. Reyes motioned to Find a Violation of the November 30, 2021 Condition on the Hearing Officers Order for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 2285 North Interstate-25, Pueblo, Colorado 81008 submitted by Syl's, LLC dba Strawberry Fields. Ms. Robinson seconded the motion. The motion carried unanimously.

Mr. Aber asked Ms. Wallingford-Ingo for an update on the status of the off-street parking plan. Ms. Wallingford-Ingo stated the Planning and Development Department had received an off-street parking plan application on June 9, 2022 and staff had been coordinating with applicants to address safety and legal issues. She also stated they had received a follow up email from the Colorado Department of Transportation (CDOT) which had stated Colorado Department of Transportation (CDOT) planned to provide comments within 10 days.

Mr. Aber asked Ms. Wallingford-Ingo when the off-street parking plan had been received? Ms. Wallingford-Ingo indicated June 9, 2022 and with respect to Colorado Department of Transportation (CDOT), it is a requirement to submit documentation of access approval from the regulatory agency.

Mr. Aber stated staff would recommend a fine in the amount of \$1000.00 per day starting from the date June 13, 2022 until completed or November 14, 2022, the next Liquor and Marijuana Licensing Board meeting.

Mr. Mike Kwesell stated they had not submitted a final to the Colorado Department of Transportation (CDOT) reflecting the revisions to the off-street parking plan due to not receiving approval from the County. He also mentioned a timeline they had submitted to the Hearing Officer previously. Mr. Aber stated the information submitted to the Hearing Officer had been included in the drop box for the Board.

The Board Recessed from 9:00 PM to 9:05 PM.

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**REBUTTAL**

Mr. Aber stated the off-street parking plan requirements had not been enforced until 2020 and the licensee had been able to renew the license with completion of the said requirements. Mr. Aber stated the approval deadline had been February 3, 2022 and the deadline for completion had been June 13, 2022.

Vice-Chairperson Casaus closed the hearing.

Discussion occurred among the Board.

Ms. Archuletta stated continued fines for violations would kill the County's marijuana revenue and encouraged the Board to come together to ensure revenue would still be coming into the County while also holding the licensees responsible for violations by definition. Ms. Archuletta also stated the Board had previously imposed a fine on one business and this business had a far more costly project.

Mr. Reyes responded to Ms. Archuletta's comments and stated as a Board Member their job had been to enforce the policies and procedures of Pueblo County.

**MOTION**

Ms. Robinson motioned to approve the Extension Request on the Parking Plan for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 2285 North Interstate-25, Pueblo, Colorado 81008 submitted by Syl's, LLC dba Strawberry Fields until November 14, 2022 with a penalty in the amount of \$500.00 per day starting on June 13, 2022 up until the date of completion of the off-street parking plan or until the Liquor and Marijuana Licensing Board meeting. Mr. Reyes seconded the motion. The motion passed with a 5-2 vote. The votes were as follows:

Vice-Chairperson Casaus – No  
Mr. Emerson – Yes  
Mr. Reyes – Yes  
Ms. Dutcher – Yes  
Ms. Robinson – Yes  
Ms. Stein – Yes  
Ms. Archuletta – No

Ms. Dutcher motioned to delegate authority to the Chairperson or Vice-Chairperson to sign an amended Findings and Order for the Extension Request and Penalty for a Retail Marijuana Cultivation Facility and Retail Marijuana Store located at 2285 North Interstate-25, Pueblo, Colorado 81008 submitted by Syl's, LLC dba Strawberry Fields. Ms. Archuletta seconded the motion. The motion carried unanimously.

- Re-Opened Hearing for a Violation of Parking Plan for a Retail Marijuana Store located at 4305 Thatcher Avenue, Pueblo, Colorado 81005 submitted by SBUD, LLC dba Starbuds.

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Mr. Long recited a brief history of the case and explained to the Board the process for the hearing.

Vice-Chairperson Casaus opened the hearing.

**MOTION**

Ms. Dutcher motioned to acknowledge the Violation of Parking Plan for a Retail Marijuana Store located at 4305 Thatcher Avenue, Pueblo, Colorado 81005 submitted by SBUD, LLC dba Starbuds. Mr. Reyes seconded the motion. The motion carried unanimously.

Mr. Aber stated the licensee had been given a period of 60 days to have their off-street parking plan approved and 6 months to have it installed. Mr. Aber asked Ms. Wallingford-Ingo if the off-street parking plan had been approved? Ms. Wallingford-Ingo indicated yes, the off-street parking plan had been submitted on October 22, 2021 and explained the Colorado Department of Transportation (CDOT) had approval work to be done which had delayed the final inspection for approval.

Mr. Aber amended staff's recommendation to a fine in the amount of \$500.00 per day until completed or until the November 14, 2022 Liquor and Marijuana Licensing Board meeting.

Mr. Dan Pabon, attorney registration number 36646, 4305 Thatcher Avenue, Pueblo, Colorado 81005, stated the off-street parking plan had been submitted on October 22, 2021 and had not been approved by the County until March 25, 2022.

Mr. Pabon indicated the approval had taken over 100 days, which had been long over the 60 working days required by the County and due to the delay in approval, the contractors hired had other jobs causing them to move the work back. Mr. Pabon also stated SBUD, LLC dba Starbuds had no control on the wait for the Colorado Department of Transportation's (CDOT) approval.

**REBUTTAL**

Mr. Aber stated the license had been transferred to the current ownership group on November 30, 2020 and at that time the owners had been given a ZCRM letter stating a new off-street parking plan application had to be submitted for review and approval for the license renewal in June 2021.

Ms. Wallingford-Ingo stated the requirement regarding the 2 access points along the State highway had been included as part of the application submittal and the licensee had been aware of the Colorado Department of Transportation's (CDOT) requirement.

Ms. Howard indicated access is a part of the off-street parking plan and there could not be an off-street parking plan without knowing where traffic would enter and exit the premises.

Mr. Reyes asked Mr. Pabon how long they would anticipate the off-street parking plan completion. Mr. Pabon indicated a period of 8 weeks.

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Vice-Chairperson Casaus closed the hearing.

Discussion occurred among the Board.

**MOTION**

Ms. Robinson motioned to grant the Extension Request on the Parking Plan for a Retail Marijuana Store located at 4305 Thatcher Avenue, Pueblo, Colorado 81005 submitted by SBUD, LLC dba Starbuds with a penalty in the amount of \$500.00 per day starting on June 13, 2022 up until the completion of the off-street parking plan or until the November 14, 2022 Liquor and Marijuana Licensing Board meeting. Mr. Reyes seconded the motion. The motion passed with a 6-1 vote. The votes were as follows:

Vice-Chairperson Casaus – Yes  
Mr. Emerson – Yes  
Mr. Reyes – Yes  
Ms. Dutcher – Yes  
Ms. Robinson – Yes  
Ms. Stein – Yes  
Ms. Archuletta – No

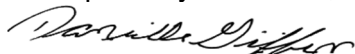
Ms. Archuletta motioned to delegate authority to the Chairperson or Vice-Chairperson to sign an amended Findings and Order for the Extension Request and Penalty for a Retail Marijuana Store located at 4305 Thatcher Avenue, Pueblo, Colorado 81005 submitted by SBUD, LLC dba Starbuds. Mr. Reyes seconded the motion. The motion carried unanimously.

Ms. Stein motioned to delegate authority to Vice-Chairperson Casaus to sign all documentation after the meeting at a later date coordinated with staff. Ms. Dutcher seconded the motion. The motion carried unanimously.

**ADJOURN**

There being no further regular business before the LMLB, the meeting was adjourned at 9:56 P.M. The next LMLB meeting is scheduled to be held on Monday, September 12, 2022 at 6:00 P.M. in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10<sup>th</sup> Street.

Respectfully submitted,



Danielle Griffin, Recording Secretary  
Department of Planning and Development