

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
MONDAY, OCTOBER 16, 2017
6:00 P.M.
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET**

I. ATTENDANCE/EXCUSED

Members Present: Don DiFatta; Charles Finley; Roger Lowe; Carole Partin; and Joseph Treanor.

Members Absent: Severo DeLeon IV and Tisha Mauro.

Staff Present: Kelli Sindeband, Licensing Coordinator; Tawnya Stringer, Recording Secretary; and Gavin Wolny, Assistant County Attorney.

Acting Chairman Lowe called the Pueblo County Liquor and Marijuana Licensing Board (LMLB) meeting to order at 6:03 p.m.

II. APPROVE THE MEETING MINUTES OF SEPTEMBER 11, 2017

Acting Chairman Lowe asked if there were any additions or corrections to the minutes.

Mr. Treanor motioned to approve the minutes of the September 11, 2017 LMLB Regular meeting as presented. Ms. Partin seconded the motion. The motion carried unanimously.

III. APPROVE AGENDA OF OCTOBER 16, 2017

Acting Chairman Lowe asked if there were any additions or corrections to the agenda.

Ms. Partin motioned to approve the agenda of the October 16, 2017 meeting. Mr. Treanor seconded the motion. The motion carried unanimously.

IV. APPROVE DIRECTOR'S REPORT-None.

V. CONSENT MEETING AGENDA ITEMS

Acting Chairman Lowe requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

Mr. Finley asked if item V.B.4.a, Resolution approving the Rules of Procedures, be moved to the end of the meeting for discussion.

Mr. Finley motioned to approve the amended Consent Meeting Agenda listed below. Mr. Treanor seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

- Renewal Application for a 3.2% Beer off Premise Liquor License located at I-25 and Crow Junction Exit 74, Colorado City, Colorado 81019 submitted by CST Metro, LLC dba Diamond Shamrock Corner Store #4062.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 4490 Bent Brothers Boulevard A-3, Colorado City, Colorado 81019 submitted by Anglin Kacie M Wilson Vickie dba Viktorios Pizzeria.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 190 West Palmer Lake Drive #1, Pueblo West, Colorado 81007 submitted by Buck Shot Bar & Grill, LLC dba Buck Shot Bar & Grill.
- Renewal Application for a Hotel and Restaurant Liquor License and Cabaret License located at 198 South Purcell Boulevard Suite 120, Pueblo West, Colorado 81007 submitted by Soldi, Inc. dba Goodfellas Italian Restaurant & Bakery.
- Renewal Application for a Tavern Liquor License and Cabaret License located at 214 South McCulloch Boulevard, Pueblo West, Colorado 81007 submitted by TNT, LLC dba Tumbleweed Tavern.

MARIJUANA ESTABLISHMENT LICENSES

- Renewal Application for a Medical Marijuana Optional Premises Cultivation located at 74 North McCulloch Boulevard Suite 120, Pueblo West, Colorado 81007 and a Medical Center located at 152 East Industrial Boulevard, Pueblo West, Colorado 81007 submitted by Organic Solutions, Inc. dba Steel City Meds.
- Renewal Application for a Retail Marijuana-Infused Products Manufacturing and Medical Marijuana-Infused Products Manufacturing Facility located at 412 South McCulloch Boulevard Unit F & G, Pueblo West, Colorado 81007 submitted by Infinite Infusions, LLC dba Infinite Infusions.
- Renewal Application for a Retail Marijuana Cultivation Facility and a Retail Marijuana-Infused Products Manufacturing Facility located at 843 East Chemical Drive, Pueblo West, Colorado 81007 submitted by Genesis8, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6431 Galbreth Road, Pueblo, Colorado 81005 submitted by Malibu RDL, LLC dba Purgro.
- Renewal Application for a Retail Marijuana-Infused Products Manufacturing Facility located at 78 Silicon Drive North, Pueblo West, Colorado 81007 submitted by Palo Verde, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 7791 Highway 78 West, Beulah, Colorado 81023 submitted by Beulah Valley Farms, LLC.
- Renewal Application for a Medical Marijuana Optional Premises Cultivation located at 1650 Siloam Road, Pueblo, Colorado 81005 submitted by Yeti Farms, LLC.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

- Renewal Application for a Medical Marijuana-Infused Products Manufacturing Facility located at 1650 Siloam Road, Pueblo, Colorado 81005 submitted by Yeti Farms, LLC.
- Renewal Application for a Retail Marijuana-Infused Products Manufacturing Facility located at 1650 Siloam Road, Pueblo, Colorado 81005 submitted by Yeti Farms, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 6033 Highway 78 West, Pueblo, Colorado 81005 submitted by Greenland Swift, LLC.
- Renewal Application for a Medical Marijuana Optional Premises Cultivation located at 256 28th Lane, Pueblo, Colorado 81001 submitted by The Purple Dragon, LLC.
- Renewal Application for a Retail Marijuana Cultivation Facility located at 2177 57th Lane, Boone, Colorado 81025 submitted by A2Zinc, LLC dba AJ's.
- Renewal Application for a Retail Marijuana Store and a Retail Marijuana-Infused Products Manufacturing Facility located at 2285 North I-25, Pueblo, Colorado 81008 submitted by Syl's, LLC dba Strawberry Fields.
- Renewal Application for a Medical Marijuana Center and Medical Marijuana Optional Premises Cultivation located at 3321 South I-25, Pueblo, Colorado 81004 submitted by Mesa Greens, LLC dba Doctor's Orders.
- Application for a Change of Ownership for a Retail Marijuana Cultivation Facility located at 60710 Highway 96 East, Boone, Colorado 81025 submitted by Boone Farms, LLC.
- Application for a Transfer of Ownership for a Retail Marijuana Cultivation Facility located at 2205 Pope Valley Ranch Road, Pueblo, Colorado 81005 submitted by Rush Creek, LLC transferring to 2205 Pope Valley, LLC.

VI. CONSENT HEARING AGENDA ITEMS

Acting Chairman Lowe requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

Mr. Treanor motioned to approve the 6 items on the Consent Hearing Agenda listed below. Ms. Partin seconded the motion. The motion carried unanimously.

LIQUOR LICENSES

- Application for a Special Events Permit for a Malt, Vinous, and Spirituous Liquor License located at 1141 South Aspen Road, Pueblo, Colorado 81006 submitted by St. Joseph Catholic Church. Event date of November 5, 2017.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

MARIJUANA ESTABLISHMENT LICENSES

- Continued New Application for a Retail Marijuana Cultivation Facility located at 6183 Red Creek Springs Road, Pueblo, Colorado 81005 submitted by Collected Sun, LLC dba Collected Sun.
- New Application for a Retail Marijuana Cultivation Facility located at 52719 U.S. Highway 50 East, Boone, Colorado 81025 submitted by River Roots, LLC.
- New Application for a Retail Marijuana Cultivation Facility located at 7064 West State Highway 96, Pueblo, Colorado 81005 submitted by Voodoo Stylee Natural Farm, LLC dba Voodoo Stylee Natural Farm.
- New Application for a Retail Marijuana Cultivation Facility located at 37037 Harbour Road, Avondale, Colorado 81022 submitted by Exuberant Industries, LLC.
- New Application for a Retail Marijuana Cultivation Facility located at 59 North Fabrication Drive, Pueblo West, Colorado 81007 submitted by GT Manufacturing, LLC.

VII. REGULAR MEETING AGENDA ITEMS

Acting Chairman Lowe requested the staff memorandums and any applicable Findings and Orders be made a part of the record of proceedings.

A. LIQUOR LICENSE-None

B. MARIJUANA ESTABLISHMENT LICENSE

- Continued Conditional Approval Extension request (4th extension request) by Viridis Pollex, LLC to extend for six months the extension request on the third Conditional Approval Extension dated October 17, 2017. This is the fourth extension request for an application for a Retail Marijuana Cultivation Facility located at 900 Conductor Court, Rye, Colorado 81069. The extension date is April 17, 2018.

Mr. Wolny noted one correction to the agenda. He stated the Conditional Approval Extension was listed with an extension date of April 17, 2018. He stated the date was what the applicant had requested but because of a rule in the County Code it would limit the date of an extension. He stated the rule was coming into effect progressively and no item that was approved before March 31, 2017 could be approved beyond February 28, 2018. He stated in the event the LMLB would choose to extend the item, it could only be extended to February 28, 2018. He stated it was a phased-in rule that would do away with extensions all together on Retail Marijuana Cultivation Facilities and Retail Marijuana Stores. He stated other types of applications could still ask for an extension.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

Mr. Wolny stated the Pueblo County Code does not require public input as it does with new applications but nothing prohibits it if a LMLB member has questions. He stated what was required was an evaluation of staff's recommendation and an opportunity for the applicant to speak. He asked that staff's findings and requests be made part of the record.

Mr. Wolny summarized staff's recommendation by stating Pueblo County Department of Planning and Development recommended denial on the request for an extension. He stated the reason for the recommendation was the number of extensions that had been granted, the delay, lack of correspondence with staff, the fact that a State License was allowed to expire, and the current status of the building permit which had been inactive and was expired at the beginning of the year. He contacted the Pueblo Regional Building Department (PRBD) and was informed the permit would have expired 180 days after the issuance. He stated there had been a few inspections done in November 2016 but nothing after that. He stated the recommendation was not made by him but rather by the Pueblo County Department of Planning and Development.

Acting Chairman Lowe asked if the extension was not approved would the applicant have to go through the entire application and licensing process again.

Mr. Wolny replied correct. He stated there was a moratorium in effect until April 2018 for retail cultivations and it was not clear yet if the moratorium would be extended or not. He stated currently the applicant wouldn't be able to apply until April 2018.

Ms. Sindeband stated the staff memorandum was written to state the applicant could reapply even with the moratorium in effect. She claimed Ms. Armstrong stated in the memorandum the applicant would be allowed to submit a new ZCRM and apply even though the moratorium was in place.

Mr. Joshua G. Carpenter, 603 Lake Avenue, Pueblo, Colorado 81004 stated when he was before the LMLB last month he was directed by Ms. Armstrong to keep the appointment with the State, pay the \$7,300 State fee, have the application accepted, and get the building permit up to date. He stated he had done all that was asked with the exception of the building permit. He spoke with the PRBD and was told because of the relative short time it had expired and it was procedural for him to only pay half of the original permit fee that would be \$600-\$700. He stated the permit had expired about three months ago not what was presented to the LMLB. He claimed there were a couple of minor inaccuracies with that testimony. He stated he was packing to go and help with the hurricane relief efforts out of the country and was unable to organize a meeting between the general contractor and the PRBD. He tried to pay the permit fee but was not allowed and was told the general contractor had to pay for it. He stated it had been a challenge to organize and get the general contractor back down to the PRBD. He stated the PRBD told him he still had time to renew the building permit. He stated the State was reviewing the application, they had accepted it, and they said everything was fine. He stated nothing had changed from the last time he had been before the LMLB. He understood that the LMLB was set to approve the extension provided that he did what was asked. He stated he had done everything except the building permit part and he was told by the PRBD it was just a matter of writing a check. He stated his business associates and the people who were on board with his business were present to see how it would turn out. He stated they had advised him not to go to the PRBD and renew the building permit until the LMLB made a decision. He preferred the

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

LMLB grant the extension rather than have him reapply. He stated there was a least one HOA member who didn't want his business on the property. He had already gone through the approval process and was approved. He believed the LMLB had heard the history on the project with the massive setbacks and funding. He asked the LMLB to grant him the final extension to the end of February because they had nothing to lose if he didn't finish the building he wouldn't get the license. He asked for the opportunity to finally get the business off the ground now that he had people involved who were interested in seeing it through. He wanted the opportunity to have a business that would pay taxes to Pueblo County. He didn't mind paying taxes because he wanted his business up and running rather than lose the \$170,000 he had already spent on it.

Ms. Partin heard what Mr. Carpenter said about the building permit but she wasn't sure she understood all of it. She also heard him say he was going to help with hurricane relief efforts and she admired him for that. She asked how he planned to get everything done. Mr. Carpenter replied he delayed his deployment because he was supposed to leave that morning with the rest of his team. He was able to delay until Wednesday to get his affairs in order. Mr. Partin asked how he planned to get a building permit by Wednesday. He replied the PRBD would review the application for the general contractor who he had spoken to and had agreed to remain the general contractor. He just had to tell the general contractor to get it done. He stated the other people who were involved and wanted to see it through were licensed to do the heating, ventilation, and air conditioning (HVAC) and all the other construction. He wasn't licensed to do any of it and he wouldn't need to be present for the permit. He stated they had indicated to him they could have construction completed by the first of the year. He stated he would be back from his trip on or around December 1st. He hoped to be back to make sure it would continue forward.

Mr. Treanor stated he wasn't trying to be condescending and asked if Mr. Carpenter thought his business interests were more important than going down and saving these people from wherever he was going. He asked if the business was so important why would he not stay here and do it. Mr. Carpenter replied there were two sides to it. He stated it was voluntary for him to go but he was asked to go. He stated he worked for a federal agency and they were supporting FEMA. He stated when it all came about it was only to be a 29-day deployment not the 45-day it had become. He heard the question and understood the point that he was trying to make but he believed he could do both. He stated again he was not licensed to do construction so he didn't need to be there for the guys working on his business. He stated all he needed was for the County to say they would give him the extension because they recognized he had spent a lot of money on the project.

Mr. Finley asked if Mr. Carpenter recalled him inquiring about his building permit at the last LMLB meeting that he was not aware of the status on. Mr. Carpenter replied correct. Mr. Finley stated they heard the status of the permits tonight. He asked when did construction stop on the site. Mr. Carpenter replied as he had previously explained his primary support for the construction and business had been his father. He stated his father was in the logging and timber industry which was in a massive slump and couldn't help him with the business anymore. He stated the last actual work done to the building was around the first of the year. He stated they got into winter and the crew had to pack up and go home and weren't able to come back during the summer. Mr. Finley believed Mr. Carpenter's testimony at the last LMLB meeting was the foundation was in and the walls were up. Mr.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

Carpenter replied yes. He asked if that was all done at the first of the year. Mr. Carpenter replied it was done around November of last year. Mr. Finley asked if it had all been inspected. He replied yes and the last inspection that was done was the subgrade plumbing and the stem wall installation. He didn't know all the details but everything that was complete had been inspected and was signed off on. He stated all that was left was the inside of the building. He stated the people who were now interested in seeing the project finished were capable of doing the electrical, plumbing, HVAC, and framework. Mr. Finley asked if he still had the same general contractor because he thought the testimony was there was new financing and a new general contractor in Flow Right. Mr. Carpenter replied Flow Right was not the general contractor. He stated he had spoken with the original general contractor since the last LMLB meeting and he was willing to usher the project through with a new contract. Mr. Finley asked if he had been in the neighborhood during the winter. He replied he had owned the property for two years. He understood it could be cold and the building was designed for it. He stated the water supply was designed to accommodate several days' worth if he couldn't get into the property. He stated the operation was designed around the scenario of having no access for a day or so. He stated the bottom line was the LMLB had two options. They could deny and he could reapply as Ms. Armstrong had indicated or they could approve the extension. He stated the new requirements were if anyone from the HOA didn't want the business in the HOA the County would deny it. He stated there were three to four people who lived in the HOA out of around one hundred who were against his business. He felt he had successfully argued with the HOA members as to why it was ok for him to be doing what he wanted with his business. He stated he had gone through the process of applying and received approval from the LMLB; he just needed a little more time to sort it out. He stated if it didn't get sorted out by February 28, 2018, the LMLB wouldn't lose anything he would be the only one to lose.

Mr. Wolny asked the LMLB not to rely on the possibility of a new application at the location when making their determination. He stated it was a legal question that needed to be vetted by staff to determine the effect of the existing moratorium on any new application at the location. He stated it was mentioned in the memo but asked that the LMLB not consider that component of the memo when making a decision.

Mr. Finley asked Acting Chairman Lowe to ask the audience if there was anyone who wished to speak in favor or opposition of the extension.

Mr. Treanor didn't think that should be done. He thought they should move on and vote because the LMLB had gone through that process. He wanted to get on with it.

Acting Chairman Lowe asked if there was anyone from within the HOA that Mr. Carpenter had applied for the license.

Mr. Treanor objected. He stated the LMLB didn't need to go through that they needed to vote on it not hear from the HOA.

Mr. Wolny stated for the situation it was not prohibited so he suggested voting whether to allow that type of evidence.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

Ms. Partin agreed with Mr. Treanor. She stated there might be people in the audience who were here to speak against the extension but no one in favor would have come not knowing they had an opportunity.

Mr. Treanor stated the opportunity was given at the original application hearing.

Acting Chairman Lowe asked if Mr. DiFatta agreed. Mr. DiFatta replied he agreed not to allow audience testimony. His reason was the hearing was about the applicant only. He stated it had already been heard by the public for the license but what was before the LMLB was an extension. He didn't believe the new laws for HOAs that were passed applied to the license. He stated he would be voting against public testimony.

Acting Chairman Lowe stated they had a consensus and asked for a motion.

Mr. Treanor motioned to approve the Conditional Approval Extension request by Viridis Pollex, LLC to extend to February 28, 2018. Mr. Finley seconded the motion.

Discussion occurred. Mr. Treanor stated he was going to vote against the extension. He felt the applicant had been given a number of chances and now he was going off somewhere to do something and didn't seem to care about taking care of his business. He stated he was going to vote no.

Ms. Partin stated she was going to vote in favor of the extension. She stated it was only three more months and February 28, 2017 would be the end of it. He would either get his license and move on or he wouldn't. She stated he had invested a lot of money and she felt he had come to the LMLB at every angle and informed them what was happening. She gave the applicant credit for going and helping with the hurricane relief efforts. She thought that was something out of the ordinary and for that reason she would be voting yes.

Mr. Finley stated he would be voting with Mr. Treanor against the motion. He didn't think the applicant had demonstrated the due diligence necessary to operate a marijuana business in Pueblo County.

Mr. DiFatta asked if the extension was not given how long before his license would expire. Ms. Sindeband replied the date was October 17, 2017. She stated the LMLB had extended the last request to the date after the meeting so he could come before the LMLB today. Mr. DiFatta asked if the applicant had turned in any solid proof he had applied with the State. He asked if there was any signed contract or documentation other than the letter he saw from Flow Right. Ms. Sindeband replied everything in the staff memorandum was what staff had received. She stated the only thing that was different from the last hearing was proof that his State application was submitted and the verbatim testimony that Ms. Stringer included for the LMLB. She reminded the LMLB the applicant still needed to receive a State license.

After discussion the motion failed by a 1-4 vote with Acting Chairman Lowe, Mr. DiFatta, Mr. Finley, and Mr. Treanor voting against.

Mr. DiFatta motioned to approve the Findings and Order. Mr. Treanor seconded the motion. The motion carried unanimously.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

VIII. REGULAR HEARING AGENDA ITEMS

A. LIQUOR LICENSE

- New Application for a Liquor Store License located at 27050 East Highway 50, Unit B-5, Pueblo, Colorado 81006 submitted by LaGree's Liquor Stores, LLC dba LaGree's Liquor Pueblo.

Acting Chairman Lowe opened the hearing.

Mr. Wolny stated staff would like to request that the complete application and accompanying documents be entered into the record. Acting Chairman Lowe replied "so ordered".

Ms. Staci Shirley, 601 North Main Street, Suite 200, Pueblo, Colorado 81003 stated she was the attorney for LaGree's Liquor Store. She stated the required elements had been met for the approval of the license, the notice was properly posted for the application and there was only one other licensed location within the designated neighborhood which was more than 1,500 feet from the proposed application. She wanted the LMLB to take notice that LaGree's Liquor Store, LLC intended to bring product to the Mesa that didn't currently exist. They intended to have a wider selection of fine wines and other spirits. She believed it would be set apart from the other retail liquor business in the area. She stated the applicant had valid possession of the premises with an existing lease agreement that gave the applicant possession of the property until June 30, 2027. She stated the premises was suitable for a liquor license as a standard retail space located in a strip mall type area. She stated when the building was originally built the space of the proposed location was used as a liquor store. The applicant intended to have features like a walk-in beer cave and maintain alcohol beverages not currently available on the Mesa. She stated there was a restroom for employees and adequate parking for patrons. The owner/applicant was a local person of good moral character who had owned and operated the business Mesa LaGree's grocery store for 12 years. The applicant was financially stable and had significant experience in running grocery stores locally and throughout Colorado. He also had experience with liquor stores and sold liquor at most of his grocery stores having 3.2% Liquor Licenses. She stated there was no anticipation for funding being necessary because the owner would fund it personally with no loans.

Mr. Orin LaGree, 5 North Park Way, Colorado City, Colorado 81019 stated he had been in the grocery business over 30 years and in the liquor business for 7 years. He stated he had a liquor license in Teller County for a liquor store. He believed he had sufficient experience and wanted to bring something different to the Mesa.

Mr. Treanor asked if the liquor store would be located in the grocery store or in a different building at the shoppette. Mr. LaGree replied in the shoppette. Mr. Treanor asked which one. He replied B-5. He stated it was the unit located closest to the east.

Mr. Finley asked if the diagram someone drew and submitted with the application identified unit B-5 with dimensions of 45 feet by 30 feet. Mr. LaGree believed that was correct. Mr. Finley stated the beer cooler showed to be 28 feet wide, the backroom and bathroom combination being 8 feet wide which added up to 36 feet. He stated there was a hallway

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

which he assumed met Code that would be 4 feet wide. He stated he was pushing 40 feet of area in a 30-foot-wide building. He asked how could that be. Mr. LaGree replied if that was correct it had to have been misdiagrammed. Mr. Finley asked which piece was misdiagrammed. Mr. LaGree replied the beer cave was 28 feet wide so perhaps the full depth of the building was incorrect. Ms. Partin stated that or the beer cooler needed to be turned the other way.

Mr. Treanor asked for some examples of beer that someone couldn't get in the area. Mr. LaGree replied you could get the standard beer but they would have some local Colorado craft beers that may not be represented on the Mesa.

Mr. DiFatta asked if he had ever been cited by Teller County where he owned a liquor store license or by the State for any violations. Mr. LaGree replied not in the liquor store but in the 3.2% establishments located in the grocery stores.

Ms. Shirley stated Mesa LaGree's had one citation. Mr. DiFatta asked what the citation for. She replied sale to a minor. She didn't have the exact dates but two of the violations occurred in 2013 and one occurred in early 2016. She stated the other two took place at Cripple Creek Venture Foods and Divide Venture Foods grocery stores. She stated there were no violations at the liquor store. Mr. DiFatta asked what the other two violations were. She replied selling to minors. She had the opportunity to learn how Mr. LaGree trained his staff and how they took sales to minors very serious. She stated all employees who run a register are trained by management only and how sales to minors should be handled. They have a strict training to perform several tasks before a sale is completed. She stated the process began with identifying all patrons appearing under the age of 65, even if they are known. The cashier would then ask the person's date of birth, and if appropriate, the cashier would ask for identification to verify the date of birth that was given. They also had a point of sales system where the date of birth is entered. If an improper date of birth is entered, the computer system would not allow the sale to proceed. She understood that brought into question the integrity of the person entering the date but it prevented mistakes from happening if an incorrect date of birth was entered. If the intended purchaser had no valid ID, they would be refused the sale of alcohol. She stated they extensively trained the employees to evaluate and refrain from serving patrons who appeared to be intoxicated to combat excess consumption. Mr. DiFatta asked who trained the trainers. Mr. Shirley replied Mr. LaGree had experience so he did the training along with his wife who also had experience in the liquor business. Mr. DiFatta asked what kind of certification in liquor laws did the owners have. He asked if they had done the training that the State offered to get certified. He asked if anybody was certified to train within the businesses Mr. LaGree owned. Ms. Shirley replied not currently but it would be something the applicant would consider. Mr. DiFatta was surprised that no one was certified by the State to train employees. He had been in the grocery business for 40 years and all the trainers were State certified. Mr. DiFatta stated he was the strictest member on the Board when it came to selling to minors because he believed it was a problem within the community. He would like to see some sort of certified training considered. He suggested the training certification by Budweiser called TIBS. Ms. Shirley didn't know if the applicant knew of the availability of such courses. She did know that Eva Garretson with Liquor Pros who performed the survey offered a class with their services. Mr. DiFatta asked Mr. LaGree what the remedy was for the stores that had the violations. Mr. LaGree replied with a new hire it was an automatic

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

termination. He stated the grocery stores were handled a little different. He stated there was limited staff in a liquor store with more liquor experience than at the grocery stores.

Mr. Finley asked if there was an age minimum for the clerks in the liquor stores. Mr. LaGree replied all clerks in the liquor stores are 21 and older. Mr. Finley asked if they received a background check. He replied they hadn't had to do that yet because the lead manager in the liquor store was his mother and her background checked out.

Ms. Eva L. Garretson, 5515 Saddle Rock Place, Colorado Springs, Colorado 80918 stated she was the owner of Liquor License Professionals who conducted the survey and petition circulation for the needs and desires of the neighborhood for LaGree's Liquor of Pueblo. The survey was conducted on the dates of September 20 and 21, 2017. She stated there were six different surveyors. The surveyors were briefed on the type of liquor license being applied for and were provided with business and residential packets. The packets included a face sheet with a preamble application type, hearing information, instructions, and a map of the defined area. She stated each circulator documented all contacts and attempts on tally sheets and signed notarized affidavits of circulation at the conclusion of the survey. The circulators were asked to remain unbiased on their approach and only provide factual information regarding the survey. She stated contact was attempted on 310 businesses and residents. Actual contact was made with 202 persons for a total of 256 signatures. She stated 25 signatures were from business owners with 23 signing in favor at 92% and 2 opposed at 8%. She stated there were 131 total residential signatures with 114 that signed in favor at 87% and 17 that signed in opposition at 13%. They provided a report for the authority regarding the findings. She stated there were some signatures from those that were in opposition that were invalid or irrelevant to the needs and desires such as religious reasons or just against alcohol which could be considered speculative in nature. She stated if those particular reasons were removed, the percentage would go up in favor with 137 total signatures at 91% and 13 opposed at 9%. She stated they do not guarantee results with clients. Her company is compensated with their performance and what they get is what they get. She stated they take opposed signatures just as much as they take approval signatures. They make sure to get information and input from the community accurately and provide it to the authority. In her professional opinion, the outcome of the survey did reflect a positive need and desire among the neighborhood for the license.

Mr. DiFatta asked how many businesses were in the 2-mile radius. Ms. Garretson replied she didn't have an exact amount of total businesses. Mr. DiFatta asked if she had a total number of residents. She replied they were provided with a spreadsheet with the total but she didn't have it with her. Ms. Sindeband stated there were about 1,000 residents but she didn't have the spreadsheet with her either. Mr. DiFatta asked Ms. Sindeband if she had a rough estimate of the businesses. She replied no.

Mr. Finley noticed there were two disqualifications. He stated one had an address of Veta and the other he couldn't identify the reason. He asked what the basis for both disqualifications were. Ms. Garretson stated one was out of the area. She stated they try to denote on the right-hand side of the form why they were disqualified. Sometimes they are disqualified because the signature or print couldn't be read or they were outside the area. Mr. Finley asked if the surveyors went outside the area. Ms. Garretson replied no. She stated when they go to a resident and ask for feedback they are asked if they are from the

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

area and they have a map to show the person. Some state they are in the area and fill out the petition, but upon researching the address they fall outside the area and are disqualified.

Mr. Wolny addressed a component of Mr. DiFatta's question. He stated the County had census data, liquor license data, and marijuana license data. He stated unlike the City who issues sales tax license to businesses and can calculate storefronts in an area, the County could not. Ms. Sindeband pointed out that even though they didn't know the number of businesses the map that Liquor Pros provided showed they hit every single business in the area. Ms. Garretson stated the number of business contacts made were 38. She stated some were not available but the obtained signatures from those contacted were 25. Some of the contacts they made could not sign because they were not an owner or manager. Mr. DiFatta asked if it was calculated as an attempt. She replied yes. She stated their goal was to contact more residents than business owners but they liked to obtain at least 50 business signatures but there just wasn't that many businesses in the area. Ms. Garretson stated they were certified in the State of Colorado as a responsible liquor trainer. She stated they spoke on Colorado law and tried to help businesses impose a company policy regarding the sale and service of alcohol with regard to new laws being 50 years of age or older when identifying. She stated they had done 110 trainings this year throughout the entire State of Colorado.

IN FAVOR

There was no one in favor of the application.

IN OPPOSITION

There was no opposition.

REBUTTAL

There was no rebuttal.

Acting Chairman Lowe closed the hearing.

MOTION

Mr. Treanor motioned to approve the application for a Liquor Store License located at 27050 East Highway 50, Unit B-5, Pueblo, Colorado 81006 submitted by LaGree's Liquor Stores, LLC dba LaGree's Liquor Pueblo. Mr. DiFatta seconded the motion.

Discussion occurred. Mr. Treanor stated he was going to vote in favor of the license. He stated the owner had a business in the same location and he felt they should give him a chance.

Ms. Partin stated she planned to support the application. When looking at the results of the community with 88% for and only 12% against she thought there was an overwhelming support for the liquor store.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

Mr. DiFatta planned to vote in the affirmative for the license. He wasn't happy with the training but hoped they would look into the TIBS training. He stated there was no one in opposition to the license and very few opposed who were contacted.

After the discussion the motion carried unanimously.

Mr. DiFatta motioned to approve the Findings and Order on the conditions of a routing sheet and a better drawing of the property. Mr. Treanor seconded the motion. The motion carried unanimously.

B. MARIJUANA ESTABLISHMENT LICENSES-None.

IX. OTHER

DISCUSSION

- A discussion on the Resolution approving the Rules of Procedures for the Pueblo County Liquor and Marijuana Licensing Board.

Mr. Wolny stated on September 11, 2017 the LMLB had its final discussion on the Rules of Procedures that were voted on for approval to be sent to the Board of County Commissioners (BOCC) for its approval. He stated the BOCC approved the Rules of Procedures that morning. Mr. Wolny suggested approving a Resolution from the LMLB on the Rules of Procedures. His reason for this was to have a written order from the LMLB confirming they approved the Rules of Procedures.

Mr. Finley motioned to pass the Resolution approving the Rules of Procedure. Mr. Treanor seconded the motion. The motion carried unanimously.

Mr. Wolny stated at the BOCC meeting they discussed changing how the County Boards were run. He stated the idea the BOCC had had stemmed from the Pueblo County Planning Commission Board (PCPCB) not the LMLB. He stated the discussion was to have the BOCC appoint the Chairman rather than the board itself. He was asked to run the discussion by the LMLB to see how they felt and what thoughts they may have. He stated nothing had been drawn up. It was only mentioned to have the boards informed on the discussion.

Ms. Partin asked what the BOCC reason was. Mr. Wolny understood it was due to the inefficient running of a board that prompted it. He stated the BOCC made it very clear it was not the LMLB.

Ms. Partin stated she was against it. She stated if you happen to have a Chair position of the County boards filled with the friends of the BOCC it would make things go their way. She didn't think it would be the best idea. She felt the BOCC appointed the people who were on the board and, therefore, the people who are on the board should vote for who they think should be the Chair not the BOCC. Mr. Wolny stated that was currently how the Code read.

Mr. DiFatta asked if the LMLB was a quasi-judicial board. Mr. Wolny replied yes. Mr. DiFatta felt because of that the LMLB should be the ones to make the decision who was the

**RECORD OF PROCEEDINGS
PUEBLO COUNTY LIQUOR AND MARIJUANA LICENSING BOARD
OCTOBER 16, 2017**

Chair. He stated they worked with everyone on the board and they knew who they wanted running the meetings. He stated he was against it as well.

Mr. Finley stated he had attended the BOCC meeting and listened to the discussion and with great difficulty kept his mouth shut. He stated there was even a discussion to hold off on approving the Rules of Procedure until the BOCC could further discuss the matter. He understood from the meeting that the BOCC had received numerous complaints regarding the PCPC and how it was being chaired. He stated he didn't know who the Chair for that board was so there was no personal involvement. He stated the BOCC wanted to lump the LMLB with the PCPC and change the Code so the BOCC would appoint the Chairperson. He didn't feel it was directed at the LMLB but he thought it was a terrible idea.

Mr. DiFatta stated it was a pet peeve of his with government. He stated there was a saying, "fix the problem try not to fix the blame". He stated the LMLB was a quasi-governmental board and they served at the pleasure of the County Commissioners. He stated if the BOCC had a problem with one person they should take care of that one person. He believed that the members of the LMLB voiced their opinions and had legal counsel to give them legal advice. He stated this was something that was often done in management instead of taking care of the one problem they make a rule for everyone even though everyone else isn't breaking the rule.

Acting Chairman Lowe stated the LMLB elected Severo DeLeon IV as the Chairman of the LMLB because they trusted he knew the way it needed to be done. He didn't want the BOCC throwing someone else in as the Chair when the LMLB already voted for someone they trust and understood as the head of the LMLB.

Mr. Treanor agreed with everyone else that the LMLB should elect their leader. He stated the LMLB worked for the BOCC but should be allowed to elect who they wanted as the Chair and Vice Chair. Mr. Partin stated they work for the citizens of Pueblo County.

Mr. DiFatta stated when the LMLB was first put together it was criticized by the paper for not having knowledge and procedures for the liquor and marijuana laws. He believed he was the only person on the LMLB with prior experience with liquor boards and laws. He had to learn different laws because they varied from the City to the County. He stated the forefathers of this great nation put forth in the Constitution that we would govern ourselves. He fully believed the LMLB governed well. He stated the LMLB had been tried in the courts and had not been reprimanded.

ADJOURN

There being no further regular business before the LMLB, the meeting was adjourned at 7:25 p.m. The next LMLB meeting is scheduled to be held on Monday, November 13, 2017, at 6:00 p.m., in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10th Street.

Respectfully submitted,



Tawnya Stringer, Recording Secretary
Department of Planning and Development
TLS