

**CITY OF NORTHGLENN
MARIJUANA LICENSING AUTHORITY MINUTES
October 26, 2015**

CALL TO ORDER Mayor Downing called a meeting of the Northglenn Marijuana Licensing Authority to order on Monday, October 26, 2015 at 7:26 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Downing, Mayor Pro Tem C. Dodge, Council members Snetzinger, Mullica, W. Dodge, Brown, Carrico, Whitman, and Wieneke.

ABSENT None.

STAFF PRESENT Acting City Manager Willett, City Attorney Hoffmann, and City Clerk Small.

**APPROVAL
OF MINUTES:**
October 12, 2015

MOTION TO PASS Council member W. Dodge **MOVED** and it was **SECONDED** by Council member Whitman to approve the minutes of the October 12, 2015 meeting as presented.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Downing, C. Dodge, Snetzinger, Mullica, W. Dodge, Brown, Carrico, Whitman, Wieneke.
OPPOSED - None.
ABSENT - None.

PUBLIC HEARING:
Transfer of Ownership
– BotanaCare, LLC/
BGood Ventures, LLC

Mayor Downing opened the public hearing on the transfer of ownership application filed by BGood Ventures, LLC for the marijuana business located at 11450 Cherokee Street, and read a statement regarding the jurisdiction and procedures of the hearing. There were no objections to the jurisdiction or form of the proceedings.

Attorney Hoffmann provided a summary of the transfer of ownership application and asked that the application documents be admitted into the record. Attorney Hoffmann spoke about the trial court's order regarding the transfer of ownership of the business from BotanaCare,

LLC to BGood Ventures, LLC and provided information about the timeline of the court proceedings related to the ownership of BotanaCare, LLC. Attorney Hoffmann stated the Court of Appeals had denied a motion for a stay and stated the applicant, BGood, has the burden of proving their eligibility to hold the marijuana licenses.

Those intending to provide testimony were placed under oath by the City Clerk.

Mr. Richard Pfeffer, Managing Member of BGood Ventures, LLC, provided sworn testimony about the company's eligibility to hold a marijuana license. Mr. Pfeffer spoke about the company's marijuana businesses and stated they have been operated without any violations. Mr. Pfeffer spoke about his qualifications and work experience with other municipalities and organizations.

Mr. Pfeffer addressed questions from the Authority regarding why BGood Ventures, LLC was not involved with the business at an earlier date. Mr. Pfeffer stated he was not aware of the modification of premises application filed by BotanaCare and stated he believes the application was filed without proper disclosure. Mr. Pfeffer stated he would retract the modification of premises application and spoke about the transfer of ownership between the two companies. Mr. Pfeffer spoke about their current marijuana business in Denver and stated they have taken a conservative approach to operate the business in a neighborhood environment. Mr. Pfeffer answered questions about his background investigation.

Mayor Downing called for anyone wishing to speak in support of the application to come forward.

Mr. Adam Foster, legal counsel for Cheri Hackett, spoke about the status of the appeal filed by Ms. Hackett and the court's orders regarding the transfer of ownership of the marijuana business operated by BotanaCare. Mr. Foster stated there was a lot of ambiguity and stated it was not Ms. Hackett's intent to be deceptive before the City Council. Mr. Foster stated the Hacketts intend to provide CBD strains to patients, and patients are present to testify tonight. Mr. Foster spoke about the notice of the October 12, 2015 meeting, and answered questions about the time frame for the appeal.

The Authority inquired about the court orders related to the transfer of ownership and the appeal process. Attorney Hoffmann stated the Authority is obligated to act on the transfer of ownership application, and spoke about a subsequent application regarding the transfer of 20% of the business to Cheri Hackett.

Ms. Cheri Hackett, BotanaCare, LLC, spoke about her intentions regarding serving the community and patients with her marijuana business. Ms. Hackett spoke about the modification of premises application and stated she intends to produce high-CBD marijuana products in the additional units that were approved as part of the modification application. Ms. Hackett stated she did not intend to be disingenuous with her testimony before the Authority on June 22, 2015 for the modification application, and stated she did not think she could talk about the court proceedings.

Ms. Hackett addressed questions from the Authority regarding the ownership of the business and the timing of the modification of premises application in June. Ms. Hackett stated she did not disclose the court proceedings related to the ownership of the business because the Authority did not ask her about it. Ms. Hackett acknowledged the Authority was not aware of the court proceedings, and stated she believes she has always been honest with the Authority. Ms. Hackett stated the additional three units are currently vacant and stated she has already filed an application with the State to obtain 20% ownership of BGood Ventures, LLC.

There were questions from the Authority regarding whether the court orders are public record and the notice procedures for the October 12, 2015 meeting and the October 26, 2015 public hearing.

Ms. Hackett addressed a question from the Authority regarding whether she was speaking for or against the transfer of ownership application filed by BGood Ventures, LLC. Ms. Hackett stated she preferred not to answer the question and stated she must not impede the transfer of ownership. Ms. Hackett stated she had distributed affidavits from patients regarding their treatment at BotanaCare.

Mayor Downing called for any other person wishing to speak in favor of the application to come forward. There was no response.

Mayor Downing called for anyone wishing to speak against the transfer of ownership application to come forward.

Ms. Joan Johnson Porter spoke about injuries she suffered in a car accident 40 years ago and her use of marijuana to treat complex migraine syndrome. Ms. Porter stated this is not about legal or business license issues, but about life issues.

Council member Snetzinger asked Ms. Porter if she had any testimony about the character or eligibility of the applicant, BGood Ventures, LLC.

Ms. Johnson Porter stated she believes BGood's practice is to eliminate the medical marijuana and CBD-work at marijuana businesses they acquire.

Mayor Pro Tem C. Dodge clarified that the Denver District Court had determined that the business should be transferred and only the eligibility of the applicant may be considered tonight.

Ms. Debbie Blue stated she works with the Hackett family and stated BotanaCare is operated as a family business. Ms. Blue stated the business and products at BotanaCare are unique and spoke about her use of marijuana to treat fibromyalgia.

Mayor Downing asked those wishing to speak to provide testimony relevant to the transfer of ownership application.

Ms. Robin Hackett introduced a 15-month old patient who uses marijuana products to treat seizures.

The Authority reiterated that testimony must be limited to the character and eligibility of the applicant, BGood Ventures, LLC, and not about the use of marijuana or the BotanaCare business.

An employee of BotanaCare, LLC spoke about the treatment of children and stated she believes the business should remain as BotanaCare.

Ms. Chantelle Hackett stated she is an employee of BotanaCare. Ms. Hackett testified she does not believe BGood Ventures, LLC has the integrity to operate the business. Ms. Hackett stated she has heard that BGood does not move marijuana businesses that are in close proximity to schools.

Mr. Richard Porter spoke about the business operations of BotanaCare and stated he does not feel the applicant is able to provide the CBD products currently offered by BotanaCare. Mr. Porter stated he cannot speak to Mr. Pfeffer's qualifications as a licensee, and asked the Authority to ask Mr. Pfeffer about his qualifications.

Ms. Alyssa List stated she is a current employee at BotanaCare. Ms. List stated the applicant does not know how to use CBD products. Ms. List stated that BGood observed the business and they were not knowledgeable about CBD products.

Mayor Downing called for any other person wishing to speak against the application to come forward. There was no response.

Mr. Pfeffer provided rebuttal testimony. Mr. Pfeffer referred to pictures of text messages confirming the contract to purchase the business from BotanaCare and stated the Court found the Hacketts to have no credibility. Mr. Pfeffer spoke about the separate applications to transfer the ownership of the businesses and the intent of the court orders. Mr. Pfeffer stated they do cultivate a CBD strain of marijuana and will follow any prescriptions BotanaCare currently provides. Mr. Pfeffer stated BGood currently operates only medical marijuana stores and medical patients will not be impacted. Mr. Pfeffer spoke about retaining current employees of BotanaCare and provided information about the integrated pest management system used at BGood's cultivation facility. Mr. Pfeffer spoke about the business deal with Cheri Hackett and Robin Hackett and the possibility of retaining Robin Hackett as an employee of the business.

Attorney Hoffmann stated the documents the applicant referred to have been included in the hearing packet and are part of the record.

The Authority questioned whether BotanaCare purchases or produces their edible products. Ms. Hackett stated they buy most of the edibles and tell the patients how to mix the CBD products.

There was discussion among the Authority regarding the court orders related to the transfer of ownership and the business transaction that was made between BotanaCare and BGood. The Authority inquired about the applicant's offer to rescind the modification of premises application previously approved by the Authority.

Attorney Hoffmann provided information to the Authority about rescinding the modification of premises application and addressing issues related to the 20% ownership application.

MOTION TO PASS

Mayor Downing **MOVED** and it was **SECONDED** by Council member Mullica to direct the Attorney for the Authority to prepare findings approving the transfer of ownership application filed by BGood Ventures, LLC, to include the acceptance of the applicant's offer to rescind the modification of premises application for Units A3, A2 and A1 and to defer the issue of the 20% ownership of Cheri Hackett until the application has been filed with the City, to be submitted for the Authority's consideration on November 2, 2015.

MOTION PASSED

There was discussion and the motion **PASSED**.

IN FAVOR - Downing, C. Dodge, Snetzinger, Mullica, W.
Dodge, Brown, Carrico, Whitman, Wieneke.

OPPOSED - None.

ABSENT - None.

Northglenn City Council
Marijuana Licensing Authority
October 26, 2015

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

JOHANNA SMALL, CMC
City Clerk

JOYCE DOWNING
Mayor