

BEFORE THE COMMERCE CITY MARIJUANA LICENSING AUTHORITY
COMMERCE CITY, COLORADO

MOTION TO REVOKE OR SUSPEND LICENSE AND REQUEST FOR SHOW CAUSE
HEARING

IN THE MATTER OF:

STARBUDS MIPS, LLC
9670 DALLAS STREET UNITS 5 + 6
HENDERSON, CO 80640
RETAIL MARIJUANA INFUSED PRODUCTS
MANUFACTURER LICENSE
MEDICAL MARIJUANA INFUSED PRODUCTS
MANUFACTURER LICENSE

COMES NOW, the City, by and through Rachel Allen, Senior Assistant City Attorney, and moves, pursuant to C.R.S. § 12-43.4-601 and C.R.S. § 12-43.3-601, for the Authority to revoke or suspend the Licensee's Commerce City Retail Marijuana Infused Products Manufacturer License and Commerce City Medical Marijuana Infused Products Manufacturer License and as grounds therefore states as follows:

1. Starbuds MIPS, LLC, holds a Commerce City Retail Marijuana Infused Products Manufacturer License and Commerce City Medical Marijuana Infused Products License for the premises located at 9670 Dallas Street, Units 5 + 6, Henderson, CO 80640.
2. On July 23, 2016, Neighborhood Services Supervisor, Paula Baker received a complaint about odor from a marijuana business and operating with their garage bay door open. Please see attached Affidavit For Show Cause Hearing attached hereto and incorporated herein as Exhibit 1.
3. On August 6, 2016, Crime Scene Investigator, Dennis Davenport responded to assist Commerce City patrol officers with a death investigation at Starbuds and noticed several surveillance cameras installed. Investigator Davenport personally determined that the video cameras had not been turned on since May 26, 2016. Investigator Davenport personally informed Starbuds owner Brian Ruden that he would have to report this violation. Please see attached Affidavit For Show Cause Hearing attached hereto and incorporated herein Exhibit 2.
4. On October 13, 2016, Neighborhood Services Supervisor, Paula Baker personally delivered a written warning to Starbuds based on numerous odor complaints. Please see attached Affidavit For Show Cause Hearing attached hereto and incorporated herein 3.

5. On October 18, 2016, Neighborhood Services Supervisor Paula Baker, Investigator Ferguson, and Inspector Gates responded to a complaint and personally smelled marijuana odor from Starbuds and operating with their garage bay door open. Supervisor Baker personally notified Starbuds office manager of these violations of the Commerce City Revised Municipal Code ("CCRMC"). Please see attached Affidavit For Show Cause Hearing attached hereto and incorporated herein 4, 5 and 6.

6. Marijuana odor detectable from the exterior of the marijuana business is in violation of CCRMC Section 8-2310. Operating a marijuana business visible from the exterior of the premises is in violation of CCRMC Section 8-2308. Operating a marijuana business without complying with the minimum video surveillance requirements is in violation of CCRMC Section 8-2300, 1 Colorado Code of Regulations ("CCR") 212-1 M 306, and 1 CCR 212-1 R 306.

7. Probable cause for violations of the above provisions of the City Code and Marijuana Enforcement Division Rules exist to set the matter for a show cause hearing.

WHEREFORE, the City respectfully requests the Marijuana Licensing Authority set this matter for a show cause hearing to determine revocation or suspension of said license.

Dated: November 10, 2016.

THE CITY OF COMMERCE CITY

By: 

Rachel Allen, #37819

Senior Assistant City Attorney

ORDER RE: Starbuds MIPS, LLC

After review of the above and forgoing motion and attachments, the Authority hereby FINDS that probable cause exists to set the matter for hearing to show cause why the licensee's retail marijuana license should not be revoked or suspended. As such, the Authority thus hereby ORDERS:

The matter is set for _____ at the hour of _____ in the Commerce City Civic Center 7887 E. 60th Avenue Conference Room 2108 Commerce City, Colorado, for a show cause hearing to determine whether the Licensee's retail and medical marijuana licenses should be suspended or revoked.

DONE and ORDERED this _____ day of _____, 2016.

COMMERCE CITY MARIJUANA LICENSING AUTHORITY

By: _____
Tree Ablao
Marijuana Licensing Authority

