

BEFORE THE COMMERCE CITY MARIJUANA LICENSING AUTHORITY
COMMERCE CITY, COLORADO

STIPULATED AGREEMENT

IN THE MATTER OF: STARBUDS MIPS, LLC
 9670 DALLAS STREET UNITS 5 & 6
 HENDERSON, CO 80640

RETAIL MARIJUANA INFUSED PRODUCTS
MANUFACTURER LICENSE 404R-00182

MEDICAL MARIJUANA INFUSED PRODUCTS
MANUFACTURER LICENSE 404-00499

This Agreement by and between the Senior Assistant City Attorney for Commerce City, Colorado ("City") and Brian Ruden for Starbuds MIPS LLC ("Licensee") is offered as a stipulated disposition of alleged violations of the Commerce City Municipal Code. For the limited purpose of resolving this matter before the Commerce City Marijuana Licensing Authority ("Authority"), the City and Licensee hereby stipulate and agree as follows:

1. Starbuds MIPS, LLC holds a Commerce City Retail Marijuana Infused Products Manufacturer License and Commerce City Medical Marijuana Infused Products License ("Licenses") for the premises located at 9670 Dallas Street, Units 5 & 6, Henderson, CO 80640.
2. On June 26, 2018, the City filed a Motion to Revoke or Suspend Licensee's Licenses for alleged violations of Commerce City Revised Municipal Code ("CCRMC") Sections 8-2310 (Odor Control), International Fire Code Section 6105.2 (Releasing Gas into the Atmosphere), CCRMC Section 21-3210 (Not Obtaining a Building Permit), and 8-2308 (Activities to Occur Indoors).
3. The Licensee entered into a Stipulated Agreement with the City approved by the Authority on December 1, 2016, for two violations of CCRMC 8-2300 (Odor control) and CCRMC Sec. 8-2300 (Compliance with Applicable Laws) for violating 1 CCR 212-1 M 306 and 1 CCR 212-2 R 306 because the recording function on Licensee's camera surveillance system was not engaged.
4. For the purposes of this Stipulated Agreement, and in consideration of Licensee's other admissions and agreements herein, the City agrees to dismiss with prejudice the alleged violation of CCRMC Section 21-3210 (Not Obtaining a Building Permit), and 8-2308 (Activities to Occur Indoors).
5. Licensee hereby voluntarily admits to violating International Fire Code Section 6105.2 (Releasing Gas into the Atmosphere) due to complaints from neighboring businesses and City Inspectors for bleeding gas tanks in January 2018.
6. Licensee hereby voluntarily admits to violating CCRMC 8-2310 (Odor control), due to numerous complaints from neighboring businesses and City Inspectors detecting

marijuana odor outside of the business and within adjoining premises on several occasions from June 5, 2018 to present.

7. Licensee shall pay a fine to the City in the amount of thirty thousand dollars (\$30,000.00) within seven days of the Authority's acceptance of this Stipulation;

8. Licensee shall successfully complete and pass City inspection for the proposed odor mitigation work, including but not limited to filtered negative pressure, carbon filters and ozone odor mitigation, detailed in Exhibit A no later than two (2) months after of the Authority's acceptance of this Stipulation; and

9. Licensee shall serve a seven (7) day suspension on dates to be determined at the Show Cause Hearing on July 18, 2018. During the Licensee's suspension, there shall be no licensed activities occurring, including but not limited to processing or working marijuana or marijuana products, METRC transfers in or out. Marijuana and marijuana product may remain secured on the licensed premises during the suspension. Licensee may serve the suspension in two (2) parts consisting of three (3) consecutive days and four (4) consecutive days.

10. In voluntarily admitting the violations described in paragraphs 5 and 6 above, Licensee hereby voluntarily waives the following:

- a. The right to a hearing before the Authority for the purpose of determining whether or not the Licensee committed the violations;
- b. The right to confront witnesses presented by the City to establish the said violations; and
- c. The right to have issued subpoenas requiring the presence of persons or the production of papers, books and records necessary for the determination of all issues to be presented to the Authority.

11. Licensee represents and states the following:

- a. The admission to the violation is made voluntarily and the admission is not the result of any undue influence or coercion on the part of anyone;
- b. Licensee has had the opportunity to fully consider the consequences of this stipulation and has the right to seek legal counsel;
- c. Licensee understands that the Authority will not be bound by any representations made to the Licensee by anyone concerning the penalty to be imposed unless those representations are made a part of this written stipulation;
- d. Licensee understands that, by admitting the violations, the Authority will consider the said violations to have been proven. Licensee agrees that a factual basis to support the occurrence of the violations does in fact exist and Licensee hereby waives the necessity of establishing any additional facts to support a finding of violations of the charges.

12. Licensee certifies that

- a. The violation related to its admission in paragraphs 5 has already been corrected;
- b. The violation related to its admission in paragraphs 6 have been corrected or shall be within sixty (60) days after the Authority's acceptance of this Stipulation; and
- c. Licensee shall remain in compliance with Colorado Medical and Retail Marijuana Codes, CCR, and CCRMC.

13. In the event that the Authority chooses not to accept the provisions of this Stipulation, the Licensee shall withdraw its admission to the violations. If Licensee withdraws its admission, this Stipulation shall not be used as evidence or taken into account by the Authority in any hearing or subsequent proceeding concerning any alleged violation.


14. This Stipulation may be executed in counterpart. Electronic and facsimile signatures shall be considered binding as originals.

Dated 7/16, 2018.

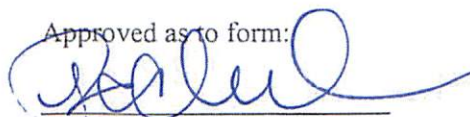
LICENSEE:


Brian Ruden
Managing Member

THE CITY OF COMMERCE CITY:


Teresa Ablao
Hearing Officer
Marijuana Licensing Authority

Approved as to form:


Rachel Allen
Senior Assistant City Attorney



4900 W. 29th Avenue
Denver, CO 80212
Quote prepared by:
Dan King, P.E.
CO License #40380

Proposal

Date	Quote/RJE Job#
6/29/2018	3139

Customer Name/Address
TJ tj@starbudsconsulting.com 720.434.6010

Description	Total
9670 Dallas E & F: Mechanical, electrical, and plumbing engineering consultation and construction drawings for addressing odor issue at 9670 Dallas E & F, Denver. Proposed in each unit is a new exhaust filter, fan and ductwork with multiple Remi-halo type devices; fans to provide filtered negative pressure. New five (5) ton RTU to replace swamp cooler in unit F included. 12 months Xcel bills to be furnished by customer; service maybe overloaded. Engineering labor capped at 45 hours; additional time/cost may be required to get through Commerce City building department. Approximately 15-20 business days estimated to complete plans for submittal. Full payment of fee due when plans are completed for submittal.	4,500.00
Thank you for the opportunity to quote this job for you.	Total \$4,500.00

Approved by Customer _____

ORDER RE: STARBUDS MIPS LLC

The Marijuana Licensing Authority for the City of Commerce City, Colorado, having reviewed and considered the above Stipulation, hereby accepts the said Stipulation and imposes the terms specified in the said Stipulation.

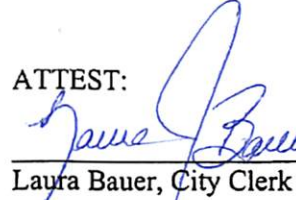
DONE and ORDERED 7/18/18, 2018.

written order to follow by 7/26/18

COMMERCE CITY MARIJUANA LICENSING AUTHORITY

By: 
Teresa Ablao, Hearing Officer

ATTEST:


Laura Bauer, City Clerk



