



Clear Creek County
Office of the County Attorney

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MEMORANDUM

TO: Board of County Commissioners

FROM: Nanette Reimer
Office of the County Attorney

DATE: March 14, 2023

RE: MARIJUANA BUSINESS LICENSE RENEWAL APPLICATION

Licensee: INVESTMENTS ETC, LLC dba HRVST

Licensed Premises: 2237 E. Idaho Springs Road
Idaho Springs, CO

Current Licenses: Retail Marijuana Products Manufacturer
State License #404R-00032
County License Expiration: 01/01/2023

We will be bringing this application before the Chairman of the Board of County Commissioners, acting as the Clear Creek County Local Licensing Authority for marijuana licensing, for his approval on Tuesday, March 21, 2023. Pursuant to the provisions of Resolution 2021-51, this is an administrative action which does not require a public hearing or formal action by the entire Board. This license has expired, however because the renewal application was filed prior to the expiration date, the license remains valid until action is taken by the local authority and the State Marijuana Enforcement Division (MED).

RENEWAL CRITERIA

Investments Etc, LLC submitted its application for the renewal of this license on December 1, 2022. The application has been going through the review process since that time. The final department comments were received on March 13, 2023.

Pursuant to the provisions of Section 9.04, of the Clear Creek County Marijuana Licensing Regulations, the approval criteria for approval of a new license shall be applicable to an application for renewal. Therefore, the Local Licensing Authority shall determine that all of the following requirements have been met by the Applicant:

1. The appropriate application is complete and the full application or renewal fee and license fee have been paid; **The application was deemed complete on December 5, 2022.**
2. The Planning Department has determined that the use is permitted and the owner or operator

3. has obtained any required approvals under the Clear Creek County Zoning Regulations; **We recommend that the premises be found to comply with zoning.**
4. No zoning violations exist on the premises; **We recommend this be found satisfied.**
5. All existing or proposed signs meet the requirements of the Clear Creek County Zoning Regulations; **We recommend this be found satisfied.**
6. All existing or proposed lighting meets the Clear Creek County Zoning Regulations; **We recommend this be found satisfied.**
7. Any structure in which the use is located has been inspected by the Clear Creek County Building Official or her designee, the structure complies with all applicable building code provisions, and all necessary building permits have been obtained; **We recommend this be found satisfied**
8. The premises comply with all applicable Site Development regulations including, but not limited to, driveway, grading, and BMP regulations; **We recommend this be found satisfied.**
9. The premises has all required well and sanitation system permits or is adequately served by public water and/or sewer; **We recommend this be found satisfied.**
10. Evidence of a legal water supply has been established for marijuana cultivation. **We recommend this be found satisfied.**
11. The premises are not subject to unresolved enforcement action by the Clear Creek County Department of Public Health and Environment; **We recommend this be found satisfied.**
12. The premises comply with the applicable Fire Code; **We recommend the premises be found to comply with the applicable Fire Code.**
13. All personal property tax schedules related to the Premises have been submitted timely and are complete. **We recommend this be found satisfied.**
14. All property taxes have been paid and no tax liens exist on the premises; **We recommend this be found satisfied.**
15. All Clear Creek County Sales taxes have been timely reported and paid; **N/A**
16. All Clear Creek County retail marijuana cultivation facility excise taxes have been timely reported and paid. **We recommend this be found satisfied.**
17. The applicant and premises are in compliance with all other applicable County regulations; **We recommend this be found satisfied;** and
18. The application, including any required attachments and submissions, does not contain a material falsehood or misrepresentation. **We recommend this be found satisfied.**

19. The Licensed Premises are located in a Location permitted by these Regulations. **We recommend this be found satisfied.**
20. The applicant is eligible for a state license for the activity at that premises as provided in the CMM Code, based on information provided by the state. **The State Marijuana Enforcement Division is still conducting their license renewal investigation and has not yet issued its Conditional Licenses for these retail operations. These licenses have been administratively continued by the State MED pending the outcome of that investigation.**

Comments were received from all of the reviewing departments, and are attached for your review and consideration. After review and inspection, this renewal application appears to meet the criteria for approval.

We recommend renewal of this license. The Licensee is fully compliant with our regulations.

cc: Investments ETC, LLC

DR 8529 (09/01/22)
COLORADO DEPARTMENT OF REVENUE
 Marijuana Enforcement Division
 SBG.Colorado.gov/MarijuanaEnforcement

Colorado Marijuana Licensing Authority

Regulated Marijuana Business License Renewal Application

License Types & Fees (See Application Checklist for details on license types and fees.)			
<input type="checkbox"/> Retail Marijuana Store <input type="checkbox"/> Retail Marijuana Cultivation Facility (Select Tier) <input type="checkbox"/> Retail Marijuana Testing Facility <input type="checkbox"/> Hospitality Business <input type="checkbox"/> Hospitality and Sales Business <input type="checkbox"/> Mobile Hospitality Business <input type="checkbox"/> Hospitality Business within a Retail Food Establishment	<input type="checkbox"/> Tier 1 (Up to 1800 plants) <input type="checkbox"/> Tier 2 (1801 to 3600 plants) <input type="checkbox"/> Tier 3 (3601 to 6000 plants) <input type="checkbox"/> Tier 4 (6001 to 10200 plants) <input type="checkbox"/> Tier 5 (10201 to 13800 plants) <input type="checkbox"/> Tier 5+ (_____ plants in excess of 13801)	<input checked="" type="checkbox"/> Retail Marijuana Products Manufacturer <input type="checkbox"/> Retail Marijuana Business Operator <input type="checkbox"/> Retail Marijuana Transporter	
<input type="checkbox"/> Medical Marijuana Store <input type="checkbox"/> Medical Marijuana Products Manufacturer <input type="checkbox"/> Medical Marijuana Testing Facility <input type="checkbox"/> Medical Marijuana Business Operator <input type="checkbox"/> Medical Marijuana Transporter	<input type="checkbox"/> Marijuana Research & Development Facility <input type="checkbox"/> Medical Marijuana Cultivation Facility <input type="checkbox"/> Class 1 (1-500 Plants) <input type="checkbox"/> Class 2 (501-1500 Plants) <input type="checkbox"/> Class 3 (1501-3000 Plants) <input type="checkbox"/> Class 3+ _____ (increments of 3000)		
Applicant's Legal Business Name (Please Print) Investments Etc LLC		Marijuana License Number 404R-00032	
Registered Trade Name (DBA) HRVST			
Federal Taxpayer ID 82-2615724	Affiliated Colorado Sales Tax License # 31160949-0001	Name of Registered Agent (with CO SoS) Clark Hill	
Physical Address			
Street Address of Marijuana Business (include unit number) 2237 East Idaho Springs Road			
City Idaho Springs	County Clear Creek	State CO	ZIP 80452
Business Phone Number	Email Address		
Mailing Address (if different from Business Address) *Correspondence and licenses will be mailed to this address.			
Address (include unit or apartment number) PO Box 1059			
City Idaho Springs	County Clear Creek	State CO	ZIP 80452
Primary Contact Person			
Primary Contact Person for Business Drew Frank		Primary Contact Phone Number 720-212-9456	
Primary Contact Email Address drewmfrank@gmail.com			

1. Do you have legal possession of the licensed premises?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. Is the licensee (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) under the age of twenty-one years?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Has the applicant or any business entity owned by the applicant ever owned or applied for a Marijuana license in this or any other jurisdiction, foreign or domestic that has been subject to any of the following actions since the last renewal: (1) denial; (2) surrender; (3) order to show cause; (4) suspension; (5) fine; (6) revocation; (7) stipulation or settlement; (8) withdrawn. If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. In the past year, has the licensee (including all parent or subsidiary companies, if any) had a tax lien filed against it, or become delinquent in the payment or filing of any taxes, interest, penalties or judgments owed to the State of Colorado. If Yes, explain in detail on a separate sheet and attach copies of all available documentation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. In the past year, has the licensee (including all parent or subsidiary companies, if any) been indicted, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner? Include ALL offenses regardless of class of crime or outcome, even if the charges were dismissed or you were found not guilty. If Yes, explain in detail on a separate sheet and attach it to your application. Provide official documentation from the court showing the final disposition for any felony charge or those related to a controlled substance. (Sealed or expunged non-convictions need not be disclosed).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Within the last 12 months, has there been a change in ownership or ownership allocation, a transfer of stock, a change in the incorporation or in the corporate by-laws, or any other change affecting ownership or organizational structure of the licensee or its subsidiaries/affiliates? If yes, explain in detail on a separate sheet and attach copies of all available documentation concerning the changes. (i.e. New operating agreement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Ownership Structure

List all CBOs 10% or greater and all Executive Officers, Managers and any other individual and/or entity that Controls the RMB.

Name	Title	Direct Ownership % in Owner Entity	Direct Ownership % in RMB
David Gussack	Member		18.25
Colin Weynand	Member		24.25
Drew Frank	Member		23.25
Chandler Halpern	Member		25.25
Tyler Tarr	Member		9
N/A			
N/A			
N/A			
N/A			
N/A			

7. Are there any outstanding options and/or warrants or other contracts, that may be exercised into an Owner's Interest in the RMB within the next 60 days that would constitute a CBO? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *If YES, attach list of persons	
8. Are there any other Persons, other than those listed in the Ownership Structure, that can Control the RMB? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *If YES, attach list of persons	
9. Are any owners renewing their Owners Licenses with this application? If YES, then each must submit the Owner Renewal Applications (DR 8516 & DR 8581 - see website)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

10. Has the applicant exercised reasonable care to confirm that its CBO's, PBO's (that are Non-Objecting PBO's), Qualified Institutional Investors and Indirect Financial Interest Holders are NOT Person(s) prohibited under Section C.R.S. 44-10-307? (Publicly Traded Companies excluded) If NO, explain on a separate sheet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
11. Have any CBO's been removed or moved to PBO ownership status since the prior application? If YES, list and explain.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Local Licensing Authority (To be filled out by licensee) Include copy of Local License or Approval			
Local Licensing Authority Clear Creek County		Local Licensing Authority Contact Name Nanette Reimer	
Contact Phone 303-679-2314	Contact Email nreimer@clearcreekcounty.us		
Current License Status With Local Authority In Good Standing		Date of Expiration 1/1/2023	

Indirect Financial Interest Holder - List those with 2 or more interests (PBO, lease, Intellectual Property agreements, finance and/or equipment lease agreements, etc.) or loans that are 50% or more of the operating capital as defined in Rule 2-230-1(A)(3).

Name of Interest Holder N/A		Date of Birth (MMDDYYYY)	FEIN/SSN	
Address		City	State	ZIP
List Types of Interests				
Name of Interest Holder		Date of Birth (MMDDYYYY)	FEIN/SSN	
Address		City	State	ZIP
List Types of Interests				
Name of Interest Holder		Date of Birth (MMDDYYYY)	FEIN/SSN	
Address		City	State	ZIP
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Name of Interest Holder		Date of Birth (MMDDYYYY)	FEIN/SSN	
Address		City	State	ZIP
List Types of Interests				

Affirmation & Consent

I, Drew Frank, as an owner for the applicant business, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Renewal License Application statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for denial of the marijuana business application. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority, under oath, with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana License.

Note: If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account(s) electronically.

Print Full Legal Name of Owner clearly below:

Applicant's Legal Business Name Investments ETC LLC		Trade Name (DBA) HRVST	
Applicant's Last Name (Please Print) Frank	Applicant's First Name Drew	Applicant's Middle Name Michael	
Signature <i>Drew Frank</i>		THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER	Date (MMDDYYYY) 11/22/2022

REQUIRED

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