



A marijuana store license may not be issued to the same applicant for more than one location in the City.

- **ONE COMPLETE SET OF BOTH STATE AND CITY APPLICATION DOCUMENTS MUST BE SUBMITTED FOR INITIAL REVIEW**
- Incomplete application documents will not be accepted.
- Provide documents in the same order shown on the Checklist – pages 1 and 2 - **Single-Sided - No Staples Please**
- All documents and copies need to be legible and either typed or printed in BLACK ink on **8-1/2 x 11 size paper** only.
- ALL documents must be properly executed in the name of the applicant.
- Fees payable to the City of Thornton as listed on the fee schedule.

FEES:

Appropriate fees.

- Retail Store – Application Fee of \$2,500 due at the time of application. Operating Fee of \$6,750, and License Fee of \$4,000 is due upon award of license
- Testing Facility – Operating Fee of \$3,000 and License Fee of \$2,500 due upon the Authority granting license or conditional license
- Co-located Store – Application fee of \$2,500 for Medical Store due at the time of application, Operating Fee of \$13,500 and License Fee of \$8,000 for both is due upon award of license

PLEASE COMPLETE AND SUBMIT THE FOLLOWING STATE DOCUMENTS:

- DR 8548 Colorado Marijuana Business License Application, Checklist and Supplemental Materials
- DR 8517 Colorado Marijuana Employee License Application and Supplemental Materials
- Any other supporting applications/documents that will be submitted to the State

PLEASE COMPLETE AND SUBMIT THE FOLLOWING CITY DOCUMENTS:

- Form 1M** Zoning Compliance Verification (\$45 fee)
- Form 2M** City of Thornton Marijuana Business License Application
- Form 3M** Authorization to Use Property for a Marijuana Business (if property is leased)
- City Investigation**
 - Form 5M** - Background Investigation
 - Fingerprints - See attached instructions.
- Form 6M** Affirmation and Consent
- A description of the products and services to be provided.
- Proposed floor plan of the premises to be licensed, drawn to scale on an 8.5" x 11" paper, showing principal uses of each section of the floor area, including square footage of the premises.
- Area map, drawn to scale or depicted in a satellite photograph on 8.5" x 11" paper indicating a 1,000-foot buffer area measured out from the footprint of the building demonstrating that the premises shall be at least 1,000 feet from any type of school as defined in the Colorado Retail Marijuana Code, and at least 500 feet from any licensed child care facility, and any public or private treatment facility as defined by CRS 27-82-102 for the treatment of alcohol or drug substance abuse disorder, whether inside or outside the City, as of the date the application is received.
- Security plan indicating how the business intends to comply with the requirements related to monitoring and securing the licensed premises as required by Chapter 42, Article X of the Thornton City Code and all applicable state laws and Rules and Regulations.

	Copy of valid ID for every applicant, owner, person or entity with a financial interest, as well as the business manager.
	Lease or deed, or contingent lease or deed, which shall be in the name of the applicant.
	Site plan, including all uses of the proposed licensed premise, all outdoor lights and signage.
	List of all proposed structural changes and modifications to the premises.
	Proof of insurance, or proposed contract for proof of insurance.
	Plan for preventing those under the age of 21 from entering the licensed premises.
	Affidavit regarding previous business or sales tax license suspensions/revocations of the application, owner, person, or entity with a financial interest, as well as the business manager.
	Odor management plan, detailing what methods will be used to prevent the emission of any odor of marijuana from the licensed premises.
	Community Engagement Plan.
INSTRUCTIONS:	
	The City Clerk or designee shall review each application that satisfies the minimum requirements set forth in Section 42-715(c) of the City Code and has not been denied pursuant to 42-715(e).
	The Marijuana Licensing Authority shall conduct a drawing from among the qualified applicants, in a public forum, to determine which applicant shall be awarded the available license.
	After the license is awarded, the licensee must execute its community engagement plan.
ADDITIONAL DOCUMENTS REQUIRED OF FINAL APPLICANT	
	<p>Following the lottery drawing and prior to issuance of the license, the winning applicant will need to provide the following:</p> <ul style="list-style-type: none"> a) Copy of the City sales tax license b) Final signed lease agreement (if applicable) c) Copy of the Certificate of Occupancy d) Copy of Certificate of Insurance e) Updated detailed written security plan as outlined in Section 42-728(b) f) Proof of executed community engagement plan g) Manager's Registration application h) Updated List of Employee and Managers (ongoing requirement-to be submitted with copies of state-issued badges on 1st of the month)
POSTING AND PUBLISHING REQUIREMENTS	
	The City Clerk shall publish notice of the public lottery in accordance with Section 2-1 of City Code, as amended.



COLORADO
Department of Revenue
Specialized Business Group—Marijuana

Regulated Marijuana Business License Application

Marijuana Enforcement Division

Colorado Marijuana Enforcement Division

Regulated Marijuana Business License Application Instructions

APPLICATION CHECKLIST

☐ 1 Application Fully Completed

Type or clearly print, in English, an answer to every question. If a question does not apply, indicate with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title. An applicant is prohibited from operating a Regulated Marijuana Business prior to obtaining all necessary approvals or licenses from both the State Licensing Authority and the local jurisdiction. **A separate application is required for EACH license type.**

☐ 2 Application Contents

- ☐ Disclosure Requirements
- ☐ Main Application
- ☐ Authorization Forms
- ☐ Affirmation of Reasonable Care
- ☐ Publicly Traded Company (PTC) Addendum A
- ☐ Qualified Private Fund (QPF) Addendum B
- ☐ Qualified Institutional Investor (QII) Addendum C
- ☐ Research & Development (Medical only) Addendum D

The disclosure requirements and the main application must be completed in full by all applicants. If this is for a PTC, QPF or QII, the appropriate addendum must also be completed.

☐ 3 All Forms Signed & Attached

The following accompanying forms must be completed, signed and returned by each individual CBO and a representative for each CBO entity with the application:

- ☐ Affirmation & Consent
- ☐ Tax Check Authorization
- ☐ Investigation Authorization / Authorization to Release Information
- ☐ Applicant's Request to Release Information
- ☐ Affirmation of Reasonable Care

☐ 4 Required Disclosures

- ☐ **See Application Required Disclosures (page 1 of application)**
- ☐ Upon request by the Division, an Applicant must provide additional information or documents required to process and investigate the application, within seven (7) days of the request.
Please note: This deadline may be extended for a period of time commensurate with the scope of the request.

☐ 5 Application and License Fees

All applications and documentation submitted must be single-sided and on 8.5x11 inch paper.

See fee table on website: www.colorado.gov/revenue/med

Application fees remitted to the State Licensing Authority and/or the Department of Revenue, are non-refundable.

- ☐ Submit complete original or scanned application packet. All **Retail** businesses must provide one complete copy along with the applicable fee (see fee schedule). **Additional fees may be required by the local jurisdiction.**
- ☐ Cash, checks (in the name of the applicant or applicants attorney's trust account), money orders and major credit cards (subject to service charge).
- ☐ Mail-in applications can only be paid by check or money order.

You are responsible for knowing who your Local Licensing Authority is. **NO Transfers/Changes of Ownership applications will be accepted until after the state license is issued.**

☐ 6 Application Submittal

Applications can be submitted in person or by mail with all attachments and requisite fees:

Marijuana Enforcement Division
1697 Cole Blvd., Suite 200, Lakewood, CO 80401
ATTN: Business Licensing

Note: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the Lakewood Office prior to the end of the next business day.

New Business Application Required Disclosures

- ☐ Consolidated Financial Statements (Must provide Balance Sheet, Income Statement & Cash Flow Statement for the previous calendar year), including auditors reports and footnotes, if applicable. (See separate PTC requirements on PTC Addendum)
- ☐ Audited (PTC only) ☐ Not Audited
- ☐ Copy of the Local license application, if required for a Regulated Marijuana Business.
- ☐ Organizational Chart, including the identity and ownership percentage of all CBO's.
- ☐ Certificate of Good Standing from jurisdiction where Entity was formed. (Must be U.S. or country that authorizes the sale of marijuana).
- ☐ Organizational documents including identity and physical address of the registered agent in Colorado.
- Organizational Documents (Indicate which document is being provided)
- ☐ Articles of Incorporation ☐ By-Laws ☐ Shareholder agreement ☐ Operating Agreement for LLC ☐ Partnership Agreement for partnership
- Corporate Governance Documents
- ☐ Required for Publicly Traded Companies ☐ Permitted, but not required for Privately held companies
- ☐ Proof of Possession of Licensed Property (Indicate which document is being provided)
- ☐ Deed ☐ Lease ☐ Sublease ☐ Rental Agreement ☐ Contract
- ☐ Facility Diagrams – Provide a Legible and Accurate diagram for the facility. The diagram must include a plan for the Licensed Premises and a separate plan for the Security/Surveillance, including camera location, number and direction of coverage. If the diagram is larger than 8.5x11 inches, the Applicant must also provide a PDF copy of the diagram.
- ☐ Licensed Premises ☐ Security and Surveillance
- ☐ A copy of any contracts, agreements, royalty agreements, equipment leases, financing agreement, security contract or any other IFIH required to be disclosed by Rule 2-230(A)(3).
- ☐ A copy of any management agreement(s).
- ☐ Provide a list of any sanctions, penalties, assessments or cease and desist orders.

Addendums:

☐ PTC ☐ QPF ☐ QII

Glossary of Terms:

RMB - Regulated Marijuana Business
PBO - Passive Beneficial Owner
QII - Qualified Institutional Investor
PTC - Publicly Traded Company

CBO - Controlling Beneficial Owner
IFIH - Indirect Financial Interest Holder
QPF - Qualified Private Fund

Affirmation of complete application

Signature	THIS FORM MUST BE SIGNED IN ACROBAT PRO OR READER	REQUIRED	Printed Name	Date
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Colorado Marijuana Licensing Authority
Regulated Marijuana Business License Application

License Types <input type="checkbox"/> New Retail <input type="checkbox"/> New Medical					
<input type="checkbox"/> Retail Marijuana Store <input type="checkbox"/> Retail Marijuana Products Manufacturer					
<input type="checkbox"/> Retail Marijuana Cultivation Facility					
<input type="checkbox"/> Retail Marijuana Testing Facility <input type="checkbox"/> Retail/Medical Marijuana Combined Use - Combined with Lic. # _____					
<input type="checkbox"/> Retail Marijuana Business Operator					
<input type="checkbox"/> Retail Marijuana Transporter					
<input type="checkbox"/> Retail Marijuana Transporter No Premises					
<input type="checkbox"/> Medical Marijuana Store <input type="checkbox"/> Medical Marijuana Transporter					
<input type="checkbox"/> Medical Marijuana Products Manufacturer <input type="checkbox"/> Medical Marijuana Transporter No Premises					
<input type="checkbox"/> Medical Marijuana Testing Facility <input type="checkbox"/> Marijuana Research & Development Facility					
<input type="checkbox"/> Medical Marijuana Business Operator <input type="checkbox"/> Medical Marijuana Cultivation Facility					
Applicant's Legal Business Name (Please Print)					
Registered Trade Name (DBA)					
Federal Taxpayer ID		Colorado Sales Tax License #		Name of Registered Agent (with CO Secretary of State)	
Physical Address					
Street Address of Marijuana Business					Business Phone Number
City	County	State	ZIP	Email Address	
Mailing Address (if different from Physical Address)					
Address		City	State	ZIP	
Main Business Contact Person Information					
Primary Contact Person for Business				Primary Contact Phone Number	
Primary Contact Email					
Physical Address of Contact Person					
City				State	ZIP
Jurisdiction of Incorporation or Creation of Business Entity					Date
If a Corporation, List all Jurisdictions Where the Corporation is Authorized to Conduct Business					

Ownership Structure - Controlling Beneficial Owners with 10% or greater ownership and/or Executive Officers, managers and any other individual that Controls the RMB.

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Name			SSN/FEIN		DOB	License Number
Address (Home)		City	State/Prov	ZIP	Phone Number	
Business Associated with (Parent business or sub-entity)			Own. % Entity		Own. % in Applicant	

Are there any outstanding options, warrants or contracts, that may be exercised into an Owner's Interest in the RMB within the next 60 days that would constitute a CBO?						Yes	No
*If YES, attach list of persons						<input type="checkbox"/>	<input type="checkbox"/>
Are there any other Persons, other than those listed in the Ownership Structure, that can control the RMB?						<input type="checkbox"/>	<input type="checkbox"/>
*If YES, attach list of persons							

Printed Legal Business Name		Printed Trade Name (DBA)	
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(A)(3).			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			

1. Is the applicant (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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. MEDICAL ONLY Are the premises to be licensed within 1000 feet of a school (as defined in 10-103(67), alcohol or drug treatment facility, principal campus of a college, university, or seminary, or a residential childcare facility? If YES, then include a copy of a waiver or ordinance from the local jurisdiction where the business is located.	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you have or will you have possession of a licensed premises?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are you a Person (Entity) applying for a license at a location that is currently licensed as a retail food establishment? If YES, provide details on a separate sheet and attach any applicable documents.	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the applicant, the applicant's parent company or any other intermediary business entity delinquent in the payment of any judgments, taxes, interest or penalties due to the Department of Revenue, relating to a Medical or Retail Marijuana Business? If YES, provide details on a separate sheet and attach any documents to prove settlement or resolution of the delinquency.	<input type="checkbox"/>	<input type="checkbox"/>
6. Has a judgment, consent decree, settlement or other disposition related to a violation of federal, state or similar foreign or security law or regulation, ever been filed or entered against the applicant, the applicant's parent company or any other intermediary business entity? If YES, provide details on a separate sheet and attach any applicable documents.	<input type="checkbox"/>	<input type="checkbox"/>
7. In the past year, has the applicant (including any parent companies), 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, provide details on a separate sheet and attach any applicable documents.	<input type="checkbox"/>	<input type="checkbox"/>
8. Has the applicant filed all Finding of Suitability applications required by the Division?	<input type="checkbox"/>	<input type="checkbox"/>

Local Licensing Authority (To be completed by Applicant)	
Local Licensing Authority	Local Licensing Authority contact name
Contact Phone	Contact Email
Does the local licensing authority permit this type of business in their jurisdiction?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	

Affirmation & Consent

I/We, _____, as an owner(s) 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 Regulated Marijuana Business License Application statements, attachments, and supporting schedules are true and correct to the best of my/our 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/We am/are 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/We am/are voluntarily submitting this application to the Colorado Marijuana Licensing Authority, under oath, with full knowledge that I/We 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/We further consent to any background investigation necessary to determine my/our present and continuing suitability and that this consent continues as long as I/We 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		Trade Name (DBA)	
Last Name of Owner (Please Print)	First Name of Owner	Middle Name of Owner	
Signature <small>THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER</small>			Date <div style="background-color: red; color: white; padding: 2px; text-align: center; font-weight: bold;">REQUIRED</div>
Last Name of Owner (Please Print)	First Name of Owner	Middle Name of Owner	
Signature <small>THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER</small>			Date
Last Name of Owner (Please Print)	First Name of Owner	Middle Name of Owner	
Signature <small>THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER</small>			Date
Last Name of Owner (Please Print)	First Name of Owner	Middle Name of Owner	
Signature <small>THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER</small>			Date

Confidential Document: This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

Note: If there are more than four (4) owners, please use a second Affirmation & Consent page.

Tax Check Authorization and Request To Release Information

I _____ am signing this waiver on behalf of _____
 (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documents that would otherwise be confidential. If I am signing this waiver for someone other than myself, I certify that I have the authority to execute this waiver on behalf of the Applicant/Licensee.

The information and documentation obtained pursuant to this waiver will be used in connection with the Applicant/Licensee's application or licensure with the Colorado Marijuana Enforcement Division, which requires proof of compliance with certain tax obligations pursuant to several statutory provisions, including sections 44-10-202(1) and 44-10-307(1)(e), C.R.S. This waiver is made pursuant to section 39-21-113(4), C.R.S.; and any other similar law or ordinance concerning the confidentiality of tax returns and return information. This waiver shall be valid while the application is pending and, if the application is approved, (1) for one year from the date of licensure or; (2) if applying for an employee license under the medical marijuana code, for two years from the date of licensure. If the license is administratively continued pursuant to section 44-10-314, C.R.S., this waiver shall be valid until the state licensing authority takes final action to approve or deny the renewal of the license. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license.

Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority release the following information and supporting documentation to the Colorado Marijuana Enforcement Division, which is acting as Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to obtain the information specified below.

1. Whether the Applicant/Licensee has failed to file any state tax return with the Colorado Department of Revenue or any other state or local taxing authority by the required due date (determined with regard to any extension(s) of time for filing) for any tax year for which filing of a return might have been required.
2. Whether the Applicant/Licensee has failed to pay any tax, penalty, or interest liability within 30 days of the date on which the Colorado Department of Revenue or any other state or local taxing authority gave notice of the amount due and requested payment.
3. Whether the Applicant/Licensee has entered into a payment plan with the Colorado Department of Revenue or any other state or local taxing authority and whether Applicant/Licensee is current on any payments required by said payment plan.

Applicant/Licensee authorizes the Colorado Department of Revenue and any other state or local taxing authority to release any additional information or documentation necessary to answer the questions above. Applicant/Licensee authorizes the Colorado Marijuana Enforcement Division and its legal representatives to use the information and documentation obtained from the Colorado Department of Revenue and any other state or local taxing authority in any administrative action regarding the application or license. To assist the Colorado Department of Revenue and any other state or local taxing authority locate the tax records, Applicant/Licensee is voluntarily providing the following information (please type or print).

Applicant's Name (Individual/Business)		Social Security Number/Tax Identification Number	
Street Address	City	State	ZIP Code
Home Telephone Number		Business/Work Telephone Number	
Legal Last Name (Please Print)	Legal First Name		Full Middle Name
Applicant's Signature			Date

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER

REQUIRED

Investigation Authorization/Authorization to Release Information

I, _____, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into my personal background, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Print Full Legal Name of Owner clearly below:

Applicant's Legal Business Name		Trade Name (DBA)	
Last Name of Owner (Please Print)	First Name of Owner	Middle Name of Owner	
Signature		Date	

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER **REQUIRED**

Confidential Document: This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

Applicant's Request to Release Information

TO: (Leave this Blank)		FROM: (Applicant's Printed Name)	
<ol style="list-style-type: none"> 1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege. 2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege. 3. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets. 4. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit: <ol style="list-style-type: none"> (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might; (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request: (c) To place the name of the agent presenting this request in the appropriate location on this request. 5. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted. 6. This power of attorney ends twenty-four (24) months from the date of execution. 7. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant. 8. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request. 9. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original. 			
Applicant's Legal Business Name			
Trade Name (DBA)			
Applicant's Last Name (Please Print)		First Name	Full Middle Name
Signature		Date	
THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER		REQUIRED	

AFFIRMATION OF REASONABLE CARE – PRIVATE COMPANY

Pursuant to subsections 44-10-309(4) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Passive Beneficial Owners, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, _____, as Controlling Beneficial Owner or Manager for
Print

_____, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER

Date

AFFIRMATION OF REASONABLE CARE – PUBLICLY TRADED CORPORATION

Pursuant to subsections 44-10-309(5) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Non-objecting Passive Beneficial Owner, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, _____, as Controlling Beneficial Owner or Manager for
Print

_____, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER

Date

Addendum A - NEW Business Application

Publicly Traded Company (PTC)

Please provide:

Stock Trading Symbol	Name of Exchange(s) Traded On	NAICS/SIC Code
Identify all regulatory agencies with oversight over the PTC's securities		
Reporting agencies required reports submitted on:		
Provide a list of any privileged or professional licenses, with license numbers, you have held within the last three (3) years prior to the submission of the finding of suitability request. List those that were issued by the Colorado Department of Revenue or the Department of Regulatory Agencies, including all marijuana licenses. (Separate sheet)		
Date of Registration with the Department of Regulatory Agencies (DORA)		Number
Provide a description of the Publicly Traded Company's business and documents establishing the Publicly Traded Company (PTC) qualifies to hold a RMB license as referenced in 44-10-103 (50).		
Description		
Attach a divestiture plan of any CBO that is prohibited by Section 44-10-307 that has had his or her Owner's License revoked or has been found unsuitable.		
Attach the most recent list of Non-Objecting Beneficial owners possessed by the PTC.		
Identify the type of permitted transaction, i.e. Merger, Investment, or Public Offering and attach all supporting documentation.		
Questions		
Confirm that the PTC is current with all required filings pursuant to any applicable requirements by any securities regulatory authority including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators.		
<input type="checkbox"/> All Current <input type="checkbox"/> Not Current (If not, explain on a separate sheet)		
Confirm that all mandatory filings for CBO's as required by any securities regulatory authority, including, but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators, have been filed and the MED has been provided concurrent notice with the filing. If No, explain on a separate sheet:		
<input type="checkbox"/> YES <input type="checkbox"/> NO		

Addendum B - NEW Business Application

Qualified Private Fund (QPF)

Please provide:

Identify all regulatory agencies with oversight over the QPF's securities

Reporting agencies required reports submitted on:

Provide a list of any privileged or professional licenses, with license numbers, you have held within the last three (3) years prior to the submission of the finding of suitability request. List those that were issued by the Colorado Department of Revenue or the Department of Regulatory Agencies, including all marijuana licenses. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)

Number

Provide a description of the QPF's business and documents establishing the QPF's qualifies to hold a RMB license.

Description

Questions

Confirm that the QPF is current with all required filings pursuant to any applicable requirements by any securities regulatory.

☐ All Current ☐ Not Current (If not, explain on a separate sheet)

Confirm that ALL required findings of suitability, including all QPF managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the RMB, have been obtained PRIOR TO the QPF becoming effective. If No, explain on a separate sheet:

☐ YES ☐ NO

Addendum C - NEW Business Application

Qualified Institutional Investor (QII)

Please provide	
Identity(ies) of all Regulators with oversight over the QII's securities	
Reporting agencies required reports submitted on	
Provide a list of any privileged or professional licenses, with license numbers, you have held within the last three (3) years prior to the submission of the finding of suitability request. List those that were issued by the Colorado Department of Revenue or the Department of Regulatory Agencies, including all marijuana licenses. (Separate sheet)	
Date of Registration with the Department of Regulatory Agencies (DORA)	Number
Provide a description of the QII's business and documents establishing the QII's qualifies to hold a RMB license.	
Questions	
1. Confirm that the QII is current with all required filings pursuant to any applicable requirements by any securities regulatory.	<input type="checkbox"/> Current <input type="checkbox"/> Not Current
If Not Current, explain.	
2. Confirm that ALL required findings of suitability including all QII managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the RMB have been obtained PRIOR TO the QII becoming effective	<input type="checkbox"/> Yes <input type="checkbox"/> No

Addendum D

MARIJUANA RESEARCH AND DEVELOPMENT FACILITY ONLY (Disregard if you are not applying for an R & D license)	
1. Is the Applicant currently either a Marijuana Research and Development Facility Licensee ("Licensed Research Business")? If yes, attach copies of the Conditional Medical Marijuana Business License issued by the State Licensing Authority, relevant local licensing authority issued license information, and any approved Research Projects.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the License Research Business or Applicant, or parent or subsidiary of the thereof, possess a Medical Marijuana Testing Facility License issued by the State Licensing Authority? If yes, provide details in a separate document that address, at minimum, physical separation requirements of the Licensed Premises and marijuana inventory.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is there a separate Research Project proposal attached to this application that the Licensed Research Business or Applicant intends for the Division to review for its approval determination? a. If yes, proceed to question 4 below. b. If yes, the total application fee paid at the time of submission must include the fee amount for the Licensed Research Business application and Research Project proposal review c. If no, proceed to question 13 below.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does the Research Project proposal contain a description of the proposed Research Project, including at a minimum, the specific authorized research activity for which the Research Project may be authorized, defined protocols, clearly articulated goals, defined methods and outputs, defined start and end date, and the proposed quantity of Medical Marijuana, Medical Marijuana Concentrate, and/or Medical Marijuana-Infused Product reasonably required to conduct the proposed Research Project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. In the Research Project proposal, this application, and/or any supplemental document(s), has the Licensed Research Business or Applicant disclosed all Persons who have, are, or will provide any funding for the proposed Research Project, including at a minimum, any Person who has funded or intends to fund the Licensed Research Business and/or proposed Research Project who does not hold a license issued by the State Licensing Authority and is neither a CBO nor a PBO, as an IFIH?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. In the Research Project proposal and/or any supplemental document(s), is there disclosed any contract or agreement, or memorialization thereof, that has been entered by the Licensed Research Business or Applicant with another Marijuana Research Business or public education research institution to conduct the proposed Research Project? If yes, include copies of any such documents.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Is the proposed Research Project to be conducted in whole or in part with a Public Institution or Public Money? a. If yes, does the Research Project proposal contain all information required by section 44-10-507, C.R.S., and the Rule 5-705 series, 1 CCR 212-3, and in order to permit review of the proposed Research Project by the Scientific Advisory Council? b. If yes, does the Research Project proposal and/or any supplemental documents include disclosure(s) of any contract or agreement, or memorialization thereof, entered by the Licensed Research Business or Applicant to conduct the proposed Research Project with Public Funds or a Public Institution? If yes, attach copies of each.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Is the proposed Research Project to be conducted entirely with private funding? a. If yes, has the Licensed Research Business or Applicant nominated one or more independent reviewer(s) for the proposed Research Project? If yes, proceed to part (b). b. If yes, has the Licensed Research Business or Applicant provided in the Research Project proposal and/or other documents proof that each nominated independent reviewer is a qualified researcher in the field of study that's related to the proposed Research Project? If no, the Division will not determine whether the nominated independent reviewer is qualified or review the Research Project proposal. If yes, proceed to part (c). c. If yes, has the Licensed Research Business or Applicant disclosed all pre-existing financial, employment, business, or personal relationships between the Licensed Research Business or any of its Owner Licensees and each independent reviewer nominee?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>9. Does the proposed Research Project involve and/or contemplate any Pesticide research activities?</p> <p>a. If yes, has the Licensed Research Business or Applicant applied for and received any necessary license, registration, certification, or permit from the Colorado Department of Agriculture? If yes, provide copies or other documentation.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>10. Does the proposed Research Project involve and/or contemplate any human subject research activities?</p> <p>a. If yes, has the Licensed Research Business or Applicant received approval and ongoing oversight and review of all aspects of the proposed Research Project by an Institutional Review Board that is registered and in good standing with the Office for Human Research Projects, United States Department of Health and Human Services? If yes, provide copies and/or other documentation evidencing such approval and oversight.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>11. Does the proposed Research Project involve and/or contemplate any animal subject research activities?</p> <p>a. If yes, has the Licensed Research Business or Applicant provided current registration with the United States Department of Agriculture? If yes, attach a copy.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>12. Does the proposed Research Project involve marijuana testing research activities?</p> <p>a. If yes, has the Licensed Research Business or Applicant provided proof and/or documentation that the applicant is qualified to test Medical Marijuana, Medical Marijuana Concentrate, and/or Medical Marijuana-Infused Products pursuant to at least one of the criteria in Rule 5-720, 1 CCR 212-3?</p> <p>b. If yes, has the Licensee provided proof and/or documentation that the applicant is qualified to test Medical Marijuana, Medical Marijuana Concentrate, and/or Medical Marijuana-Infused Products pursuant to Rule 5-415, 1 CCR 212-3?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>13. If applicant has not attached a separate Research Project proposal to this application, what is the approximate date that the applicant plans to submit to the Division the Research Project proposal? _____ (MM/DD/YYYY)</p> <p>a. If the separate Research Project proposal is the first to be submitted by a Licensed Research Business, then the submission of the Research Project proposal must occur within 12-months from the date the Division issued the Licensed Research Business License.</p> <p>b. Any Research Project proposal submitted after this application must be submitted pursuant to the procedures established by the Division.</p> <p>c. The fee cost for Division review is due at the time the Research Project proposal is submitted.</p>	
<p>14. Will this business be co-located? (May only be co-located with a commonly owned MIP, OPC, RMPM or RMC)</p> <p>* If YES, please fill out DR 8542 and include with this application</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Payment Options:

You may pay by check, money order, bank check, cashier's check, eCheck or credit card. **DO NOT** send cash in the mail.

If you wish to pay by credit card or eCheck, please mark that below and the link to the Colorado Interactive Payment site will be emailed to you. However, there is a fee associated with either type of payment.

- Credit card payment service fee: \$.75 + 2.25% based on the total amount of the application fee.
- eCheck charges: \$1 flat fee per transaction.

Please note the charge will show as *Colorado Department of Revenue* on your bank statement. If you do not have sufficient funds and the payment is returned, you will be charged a \$41 short check fee (as authorized by statute).

Type of payment being submitted:

____ Check ____ Money Order ____ Cashier's/Bank Check ____ email payment link



COLORADO
Department of Revenue
Specialized Business Group—Marijuana

Marijuana Employee License Application

Marijuana Enforcement Division

Colorado Marijuana Enforcement Division

Marijuana Employee Application Instructions

APPLICATION CHECKLIST

☐ **1 License Type**

Notice: You are required by state law to provide your social security number. If you do not have a social security number, you must complete a sworn statement stating you do not have a social security number.

☐ **2 Application Completed & Signed—APPLICABLE DOCUMENTS MUST BE SIGNED PRIOR TO SUBMISSION TO THE MED**

Type or clearly print an answer to every question. If a question does not apply, indicate with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title. **Sign and date every page of the application where applicable, even if the page is blank.**

All Applications and documentation submitted must be single-sided and on 8.5x11 inch paper.

☐ **3 Proof of Identity**

You MUST provide a valid Driver's license or state issued ID.

☐ **4 Application Fee**

Submit the NON-REFUNDABLE application fee for a two-year license. See fee table on website: www.colorado.gov/revenue/med. Check, money order and credit cards accepted at all offices.

Make check or money order payable to: Colorado Department of Revenue (DOR)

☐ **5 Application Submittal**

Check the MED website for current submission process:
www.colorado.gov/pacific/enforcement/med-licensing

Submission Questions, contact an office near you:
www.colorado.gov/pacific/enforcement/med-contact-us

NOTE: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the office where the application was submitted prior to the end of the next business day.

Marijuana Employee License Application

Legal Last Name (Please Print)		Legal First Name		Full Legal Middle Name	
Maiden/Married Names Used (Full Name) (Attach separate sheet if necessary)			Nicknames, Aliases, Etc. Used (Full Name) (Attach separate sheet if necessary)		
Gender <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> X	Race <input type="checkbox"/> Asian <input type="checkbox"/> Mixed Race <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Caucasian <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Undisclosed/Unknown				
Date of Birth	Social Security Number		Other Social Security Numbers Used <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes attach details.)		
Place of Birth: City		State	Country		Drivers License Number and State
Physical Appearance ➡	Height	Weight	Hair Color		Eye Color
U.S. Citizen <input type="checkbox"/> Yes <input type="checkbox"/> No	*If "No", include details here: (Attach separate sheet if necessary)				Alien Registration Number
Physical Address					
Address (include unit or apartment number)					
City		County		State	ZIP
Home Phone Number		Cell Phone Number			
Email Address					
Mailing Address (if different from Physical Address)					
Address (include unit or apartment number)					
City				State	ZIP
Licensed Marijuana business where you will be working (if known)		Work Phone Number		Job Title	
Do you currently possess a Colorado Marijuana license (badge) to work in a Marijuana Business or are you an owner or associated person in any other type of Colorado Marijuana business? *If "Yes", indicate license type and number here:					<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever applied for a Marijuana license in this or any other jurisdiction, domestic or foreign, whether or not the license was ever issued? (Not including your Medical Marijuana patient card) *If "Yes", explain here:					<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been denied a Marijuana license, withdrawn a Marijuana license application or had any disciplinary action taken against any Marijuana license that you have held, either individually or as part of an ownership group, in this or any other jurisdiction? *If "Yes", explain here:					<input type="checkbox"/> Yes <input type="checkbox"/> No
Applicant's Signature					Date

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER

REQUIRED

Applicant's Last Name (Please Print)	First Name	Full Middle Name
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Notice: This Marijuana Employee Application Form is an official document. If you provide false information on your Marijuana license application, and/or do not disclose all information the application asks, your license is subject to denial, and you may be subject to criminal prosecution. The Marijuana Enforcement Division will conduct a complete background investigation and will check all sources of information. You are advised that it is better to disclose all information than face denial, revocation or criminal prosecution.

1. Have you been convicted of a felony in the 3 years immediately preceding this application? (Unless charge was prior to age 18 and was adjudicated as a juvenile)	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are you currently subject to a sentence for a felony conviction, including probation or parole? (Unless charge was prior to age 18 and was adjudicated as a juvenile)	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Are you subject to a deferred felony judgment? (Unless charge was prior to age 18 and was adjudicated as a juvenile)	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Have you failed to remedy an outstanding delinquency for any judgments, taxes, interest or penalties due to the Department of Revenue, relating to a Regulated Marijuana Business?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Are you a licensed Physician making marijuana patient recommendations? (Medical Only)	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Have you had your authority to act as a primary caregiver revoked by the State Health Agency? (Medical Only)	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Are you under 21 years of age at the time of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Are you the spouse or child living in the household of any person employed by the Colorado Marijuana Enforcement Division?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Are you a sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee with the marijuana state licensing authority or a local licensing authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No

STOP! If you answered YES to any of the above questions, by Colorado law you cannot obtain or hold a Colorado Marijuana Employee license.

I have thoroughly read and understand the questions above, and understand that I cannot hold a Colorado Marijuana license if I answered "Yes" to any of the questions above.	
Applicant's Signature <small>THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER</small>	Date REQUIRED

Applicant's Last Name (Please Print)	First Name	Full Middle Name
1. Provide a list of any privileged or professional licenses, with license numbers, you have held within the last three (3) years prior to the submission of the employee application. List those that were issued by the Colorado Department of Revenue or the Department of Regulatory Agencies, including all marijuana licenses.		<input type="checkbox"/> None
2. Have you ever been denied a privileged or professional license, withdrawn a privileged or professional license application or had any disciplinary action (i.e.- denial, surrender, revocation, stipulation or settlement, withdrawn or other penalties or sanctions.) taken against any such license that you have held, either individually or as part of an ownership group? If YES, give details on separate sheet, including license number and dates license held. Include any items currently under formal dispute or legal appeal. Attach any documents to prove your settlement on any of these issues.		<input type="checkbox"/> Yes <input type="checkbox"/> No

Criminal History (DO NOT DISCLOSE CRIMINAL HISTORY WHERE NON-CONVICTION RECORD HAS BEEN SEALED OR EXPUNGED)	
1. In the last 3 years have you been arrested, served with a criminal summons, charged with, or convicted of ANY felony in this or any other country? <ul style="list-style-type: none"> You must include ALL felony arrests, charges, and convictions in the last 3 years (unless charge was prior to age 18 and was adjudicated as a juvenile), regardless of the outcome, even if the charges were dismissed or you were found not guilty. NOTICE: Do not rely upon your understanding that an arrest or charge is "not supposed to be on your record." A criminal record was not cleared, erased, sealed, pardoned or expunged unless you were given, and have in your possession, a written order from a judge directing that action. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
*If you answered YES , explain in detail on pages 4 of this application, using additional sheets as necessary. For each FELONY offense for which you were arrested or charged, YOU MUST OBTAIN OFFICIAL DOCUMENTATION FROM THE COURT WHERE YOU APPEARED, SHOWING THE FINAL DISPOSITION (OUTCOME) OF YOUR CASE (FELONIES ONLY) . This information will include whether you were found guilty or not guilty and the penalty (money fine, time in jail or prison, probation or deferred sentence). If you received a deferred judgment, a deferred sentence, or probation, your documentation must include the date that you were discharged or released from probation or other supervision.	

Applicant's Initials	
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Applicant's Last Name (Please Print)	First Name	Full Middle Name
--------------------------------------	------------	------------------

Arrest Disclosure Form

In the last 3 years have you been arrested, served a criminal summons, charged with, or convicted of a FELONY (unless charge was prior to age 18 and was adjudicated as a juvenile)? If so, you must disclose this information to the Marijuana Enforcement Division.

Any person applying to be licensed by the Marijuana Enforcement Division must make notification to the Division of any felony criminal conviction and/or felony criminal charge pending against such person.

Failure to disclose may result in disciplinary action, up to and including the denial of your license application.

Please List Each Felony Offense Separately

1	Date of Offense	Place of Offense
Arresting Agency		
Original Charge		
Disposition Narrative (i.e. guilty, not guilty, probation, etc.) — Must also provide official documentation (felonies only).		
2	Date of Offense	Place of Offense
Arresting Agency		
Original Charge		
Disposition Narrative (i.e. guilty, not guilty, probation, etc.) — Must also provide official documentation (felonies only).		
3	Date of Offense	Place of Offense
Arresting Agency		
Original Charge		
Disposition Narrative (i.e. guilty, not guilty, probation, etc.) — Must also provide official documentation (felonies only).		
4	Date of Offense	Place of Offense
Arresting Agency		
Original Charge		
Disposition Narrative (i.e. guilty, not guilty, probation, etc.) — Must also provide official documentation (felonies only).		
Signature (Required even if no criminal history)		Date

THIS FORM MUST BE SIGNED IN ADOBE PRO OR READER

REQUIRED



Affidavit - Restrictions On Public Benefits

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that **(check one)**:

- ☐ I am a United States citizen.
- ☐ I am not a United States citizen but I am a Permanent Resident of the United States.
- ☐ I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law.
- ☐ I am a foreign national not physically present in the United States.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER

REQUIRED

Date (MM/DD/YY)

Affirmation & Consent

I, _____, state under Penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Employee License Application Form, 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 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 electronically.

Print Full Legal Name of Applicant clearly below:

Legal Last Name (Please Print)	Legal First Name	Legal Middle Name
Signature		Date

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER **REQUIRED**

Confidential Document: This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

Investigation Authorization/Authorization to Release Information

I, _____, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into my personal background, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I understand that by signing this authorization, a financial record check of my tax filing and tax obligation status may be performed. I authorize the Colorado Department of Revenue to surrender to the Investigatory Agencies a complete and accurate record of any and all tax information or records relating to me. I authorize the Investigatory Agencies to obtain, receive, review, copy, discuss and use any such tax information or documents relating to me. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Print Full Legal Name of Applicant clearly below:

Last Name of Applicant (Please Print)	First Name of Applicant	Middle Name of Applicant
Applicant's Signature		Date

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER **REQUIRED**

Confidential Document: This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

Applicant's Request to Release Information

TO: (Leave Blank)	FROM: (Applicant's Printed Name)
<ol style="list-style-type: none"> 1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege. 2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege. 3. I/We hereby authorize and request the Colorado Department of Revenue to permit a duly appointed agent of the Marijuana Enforcement Division to obtain, receive, review, copy, discuss and use any such tax information or documents relating to or concerning the above named applicant, whether or not such information or documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege. 4. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets. 5. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit: <ol style="list-style-type: none"> (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might; (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request: (c) To place the name of the agent presenting this request in the appropriate location on this request. 6. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted. 7. This power of attorney ends twenty-four (24) months from the date of execution. 8. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that he/she is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant. Said applicant accepts any risk of adverse public notice, embarrassment, criticism, or other action of financial loss, which may result from action with respect to this application. 9. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request. 10. I/We agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees arising out of or by reason of complying with this request. 11. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original. 	
Applicant's Last Name (Please Print)	First Name
Middle Name	
Signature	
THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER	
REQUIRED	
Confidential Document: This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.	



Marijuana Enforcement Division–Statement Of Understanding Employee

I understand the license being issued is still subject to denial pending the final results of the Marijuana Enforcement Division's investigation of my background. Upon receipt of a Notice of Denial, I agree to immediately surrender my identification badge to the Marijuana Enforcement Division. I understand such a denial will be effective immediately. I understand I may appeal the denial of my application, and until a determination is made of that appeal, I cannot possess an Employee license. I understand I would have no right to work in any capacity that requires a marijuana license, unless the denial of my Employee license is reversed by an order of the State Licensing Authority.

I understand I am responsible for knowing and complying with state laws and regulations governing Marijuana. I understand I may obtain or view these documents at any Marijuana Enforcement Division office or on their website (<https://www.colorado.gov/enforcement/marijuanaenforcement>). I understand I am being made aware of the following regulations and agree to comply with them:

I am required to notify the Lakewood office of the Marijuana Enforcement Division in writing, of any felony criminal charge and felony conviction against such person within ten days of my arrest or felony summons, and within ten days of the disposition of any arrest or summons. (Rule 2-265(I))

I must pay a fee to obtain a duplicate license. (Rule 2-205(F)(5)(b))

I am required to renew my license prior to the expiration date of the license I am being issued. (Rule 2-225(A)(2))

The Marijuana Enforcement Division does not mail out a renewal application, therefore, I am responsible for obtaining and submitting a renewal application prior to the expiration date of the license I am being issued. (Rule 2-225(A)(2))

If I allow my license to expire for even one day, I must submit a new license application along with the new license application fee. (Rule 2-225(D))

If the Marijuana Enforcement Division contacts me regarding any issues associated with this license, I will provide any information the Marijuana Enforcement Division requests within 7 calendar days (unless otherwise instructed). (Rule 2-210)

I must cooperate with employees and investigators of the Marijuana Enforcement Division who are conducting inspections or investigations relevant to the enforcement of laws and regulations related to the Medical and Retail Codes. (Rule 2-210)

I understand I am responsible to notify the Marijuana Enforcement Division office in writing when I have a change in name, residence address, mailing address, email address or phone number, within 28 days, since all correspondence is sent to my last known address. Failure to notify the Marijuana Enforcement Division could result in my not receiving my physical license, legal notices, and other correspondence. (Rule 2-210)

I shall not by any means interfere with, obstruct or impede, the State Licensing Authority or employee or investigator of the Marijuana Enforcement Division, from exercising their duties pursuant to the provisions of the Regulated Marijuana Business Codes and all rules promulgated pursuant to it. (Rule 8-110)

I understand that a license issued by the Marijuana Enforcement Division to Owners and Employees constitutes a revocable privilege. The burden of proving an Applicant's qualifications for licensure rests at all times with the Applicant. (Rule 2-270)

I understand in order to access or input data into the State's Inventory Tracking System, I must possess a valid Employee license and agree to follow all the rules and guidelines set forth for the use of this system. (Rule 2-265)

I have read all of the above information and understand my responsibilities as a marijuana licensee. I further understand that failure to comply with any law, regulation, or the provisions of this Statement, may result in criminal charges and/or may be grounds for disciplinary action including, but not limited to, the suspension or revocation of my license and a monetary penalty after an administrative hearing.

Applicant's Full Printed Name	
Applicant's Signature <small>THIS FORM MUST BE SIGNED IN ADOBE PRO OR READER</small>	Date REQUIRED



COLORADO
Bureau of Investigation
Department of Public Safety

Identification Unit
690 Kipling Street, Suite 3000
Denver, CO 80215
303-239-4208

NOTICE TO APPLICANTS

As an applicant for a position requiring fingerprints to be submitted to the Colorado Bureau of Investigation and the Federal Bureau of Investigation, **YOUR FINGERPRINTS WILL BE SUBMITTED TO THESE AGENCIES TO CHECK STATE AND FBI RECORDS.**

Discrepancies on your Colorado record can be challenged and corrected by contacting the Colorado Bureau of Investigation at 690 Kipling St., Suite 3000, Denver, CO 80215, or by calling the Identification Unit at (303) 239-4208. Additional information is available from CBI's website at www.colorado.gov/cbi.

Discrepancies on records from the FBI or relating to another state can be challenged through the FBI. Information, including that listed below, can be found at their website at www.fbi.gov.

The [U.S. Department of Justice Order 556-73](#) establishes rules and regulations for the subject of an FBI Identification Record to obtain a copy of his or her own record for review. The FBI's Criminal Justice Information Services (CJIS) Division processes these requests.

Who May Request a Copy of a Record (or Proof That a Record Does Not Exist)
Only you can request a copy of your own Identification Record.

How to Request a Copy of Your Record

The FBI offers two methods for requesting your FBI Identification Record or proof that a record does not exist.

Option 1: [Submit your request directly to the FBI.](#)

Option 2: Submit to an [FBI-approved Channeler](#), which is a private business that has contracted with the FBI to receive the fingerprint submission and relevant data, collect the associated fee(s), electronically forward the fingerprint submission with the necessary information to the FBICJIS Division for a national criminal history record check, and receive the electronic record check result for dissemination to the individual. Contact each Channeler for processing times.

AGENCY INSTRUCTIONS: To comply with federal law, provide a copy of this document to each applicant fingerprinted.

THIS FORM MUST BE SIGNED IN ADOBE ACROBAT PRO OR READER

REQUIRED

Applicant's Signature

Date received



Privacy Act Notification Acknowledgement

I, _____ state that on
(Full Name of Applicant)

_____, I received a copy of the Privacy Act Notification. I understand that my
(Date)
Fingerprints will be retained by the Colorado Bureau of Investigation and the Federal Bureau of Investigation.

Privacy Act Notification

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety. **[If other agencies are involved in processing this application, they may have additional routine uses; specifically, some state agencies may share potentially pertinent information, including criminal history information between and among other employing, investigating, or otherwise responsible agencies within that state.]**



COLORADO
Department of Revenue
Enforcement Division – Marijuana

Payment Options:

You may pay by check, money order, bank check, cashier's check, eCheck or credit card. **DO NOT** send cash in the mail.

If you wish to pay by credit card or eCheck, please mark that below and the link to the Colorado Interactive Payment site will be emailed to you. However, there is a fee associated with either type of payment and will be displayed at the time of checkout on the Payment portal.

Please note the charge will show as *Colorado Department of Revenue* on your bank statement. If you do not have sufficient funds and the payment is returned, you will be charged a \$41 short check fee (as authorized by statute).

Type of payment being submitted:

☐ Check ☐ Money Order ☐ Cashier's/Bank Check ☐ email payment link



Application # _____

City Clerk's office 303-538-7230

9500 Civic Center Drive

Thornton, Colorado 80229-432

ZONING COMPLIANCE VERIFICATION FOR MARIJUANA BUSINESS

There is a one-time \$45 fee for zoning compliance verification. Applicant must complete this form for each proposed location. The form accompanied by a site plan depicting the proposed/existing building location in relation to the exterior property boundary of the lot must be submitted to the City Development Department. City staff will complete page two and return the form to the applicant. The applicant must then submit this form as a part of their marijuana business license application packet.

Please contact Warren Campbell, Current Planning Manager, for any questions and for submission of this form at warren.campbell@thorntonco.gov or 303-538-7278.

NOTE: Zoning compliance verification will be determined within 10 days of receipt of a request for such determination, unless a survey is required to determine compliance, in which case zoning compliance verification will be determined within 20 days of receipt of a request. It is recommended that applicants submit this form to City Development with as much lead-time as practicable from the marijuana business license application submittal deadline. It is also suggested that the applicant provide a property survey with this form to ensure adequate review/processing time.

The purpose of this report is for a preliminary finding as to whether the proposed marijuana business is an allowed use on the listed property and is currently at least 1,000 feet from any public or private school, and 500 feet from any licensed childcare facility, and alcohol and drug treatment facility, as they exist/are operational at the time of review. These measurements are based on Sections 18-213 and 18-331 of the Thornton City Code.

The City reserves the right to require that the applicant provide a survey prior to final determination to ensure that the business is in compliance with the required setbacks. This report is not intended, nor shall it be interpreted, as evidence that the proposed business complies with all of the applicable provisions of the Thornton Development Code, such as landscaping, setbacks, signs, lighting etc.

PROPERTY ADDRESS:

Street Address of Proposed Marijuana Business (including unit # if applicable): _____

Parcel #: _____

Existing Use of Property: _____

Property Owner Name: _____

Property Owner Phone #: _____

PROPOSED USE:

☐ Retail Marijuana Store

☐ Co-located Retail/Medical Marijuana Store

☐ Retail Marijuana Testing Facility

☐ Medical Marijuana Testing Facility

☐ Co-located Retail/Medical
Marijuana Testing Facility

(Refer to Thornton City Code for allowed uses, restrictions, definitions, etc., - Chapter 18, Sections 18-160, 18-213, 18-331, 18-596, 18-901 and Article X of Chapter 42, and Sections 38-296, 38-297 and 38-298.)



Application # _____

City Clerk's office 303-538-7230

9500 Civic Center Drive

Thornton, Colorado 80229-432

APPLICANT CONTACT INFORMATION:

Name of Applicant: _____

Trade Name of Business: _____

Mailing Address: _____

Phone: _____ (Home) _____ (Work) _____ (Cell)

I affirm that the marijuana business is not located within 1,000 feet of any school, either public or private; or 500 feet of any state-licensed childcare facility or any alcohol or drug treatment facility and that the proposed location meets or exceeds all portions of Sections 18-213 or 18-331.

Applicant Signature Title DateSTATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public Signature: _____

My Commission Expires: _____

TO BE COMPLETED BY CITY DEVELOPMENT

Request Received:	Date:
Application Reviewed By:	Date:
Zone District:	Allowed Use: ____ Yes ____ No
Setbacks: Public/Private Schools (1,000 feet)	Setback Met? ____ Yes ____ No
Licensed Childcare Facility (500 feet)	Setback Met? ____ Yes ____ No
Alcohol and Drug Treatment Facility (500 feet)	Setback Met? ____ Yes ____ No
Verification Completed:	Date:

The preliminary finding in the gray table above is valid as of the completion date of the preliminary verification only. The preliminary finding does not create any right or entitlement for the applicant to rely on such finding on the date of the lottery for the award of the license.

MARIJUANA
Form 2M

MARIJUANA

Form 3M



**BACKGROUND INVESTIGATION
MARIJUANA
Form 5M**

Application # _____
City Clerk's office 303-538-7230
9500 Civic Center Drive
Thornton, Colorado 80229-4326

**TO BE COMPLETED BY ALL APPLICANTS – INCLUDING PRINCIPAL OFFICERS, PARTNERS,
STOCKHOLDERS, OR DIRECTORS WITH 10% OR MORE OWNERSHIP**

Name of Individual (please print):	
Trade Name of Establishment:	
Address of Proposed Establishment:	

Notice: The Marijuana Background Application Form is an official document. If you provide false information on your marijuana license application and/or do not disclose all information the application asks, your license is subject to denial or revocation, and you may be subject to criminal prosecution. The City of Thornton will conduct a complete background investigation and will check all sources of information. You are advised that it is better to disclose all information than face denial, revocation, or criminal prosecution.

If you need clarification of any of the following questions, please contact the City Clerk's office at 303-538-7367 during business hours.

1. Have you been convicted of a drug-related felony at any time?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Have you ever been convicted of a weapon-related felony conviction?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Have you been convicted of a drug-related misdemeanor in the past five years?	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Do you have any pending drug-related charges?	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Are you currently serving a felony drug deferred judgment?	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Have you, or any business in which you have had a 25% or more ownership interest, had a marijuana license suspended or revoked by the State of Colorado, or a local jurisdiction?	<input type="checkbox"/> YES <input type="checkbox"/> NO

STOP! If you answered YES to any of the above questions, by law you cannot obtain or hold a City of Thornton Marijuana license.

**BACKGROUND INVESTIGATION
MARIJUANA
FORM 5M – PAGE 2**

REFERRAL TO THORNTON POLICE DEPARTMENT		PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK	
Your Full Name (last, first, middle)		Primary Phone #	home cell work
		Alternate #	home cell work
List any other names you have used			
Current residence address		Mailing address (if different from residence)	
Email Address			
Personal Information			
Unless otherwise provided by law, the personal information required is solely for identification purposes and will be treated as confidential.			
Date of Birth	Social Security Number	Do you have a current Driver's License/ID? If so, give number and state <input type="checkbox"/> Yes <input type="checkbox"/> No # _____ State _____	
<p>The City of Thornton, by law, has the authority to regulate Marijuana Licenses. Pursuant to that authority, the City conducts background investigations of applicants for owners of Retail and Medical licensed establishments. The Background Investigation Report provides basic information about the applicant, which is necessary for the investigation.</p> <p style="text-align: center;"><u>Every answer you give will be checked for its truthfulness. A deliberate falsehood will jeopardize the application, as such falsehood within itself constitutes evidence regarding the reputation and character of the applicant.</u></p> <ul style="list-style-type: none"> ➤ I have read and I do understand the above statement. I further acknowledge that I have obtained and examined copies of Chapter 42, Article X of the Thornton City Code, pertaining to marijuana laws for the City and the Colorado Medical and Retail Marijuana Codes (Title 44, Colorado Revised Statutes). ➤ I further certify the facts contained within the Background Investigation Report are true and correct and I understand that any falsification or misrepresentation will result in a rejection of this application or a revocation of said license. Also said falsification, omission, or misrepresentation is evidence of perjury in the second degree. ➤ As an applicant for a Marijuana license before the Marijuana Licensing Authority, I hereby authorize the Thornton Police Department to make any and all appropriate inquiries regarding the above-enumerated qualifications. Moreover, I authorize those people or organizations selected by the Thornton Police Department to release any and all information of a confidential or privileged nature. ➤ I hereby release you, your organization, or others from any liability or damage, which may result from furnishing the information requested. I understand that any information or records obtained from you or by the City may become public records available upon request by the public. 			
Signature			Date Signed
SEAL	Subscribed and sworn to before me by:		
	in the County of Adams, State of Colorado, this day of , 20		
	Notary Public:		
	My Commission Expires:		

Fingerprinting Instructions

1. Log onto <https://uenroll.identogo.com/>
2. Enter **the service code is 25YQ8H**.
3. From there you can schedule or manage an appointment, find out what you need to bring to the appointment, locate an Identogo facility near you, and how to submit a fingerprint card by mail (for out of state applicants).
4. When scheduling an appointment, you will need to enter a CBI account number. Thornton's account number is **CONCJ6177**.
5. The \$39.50 CBI fee and \$10 rolling fee will be collected by Identogo from the applicant via credit/debit, money order or business check at the time of fingerprinting.
6. The applicant will be provided a system generated receipt. Please have the applicant drop off the receipt at the City Clerk's office or email to clerk@thorntonco.gov
7. Results will be posted via CBI's Secure Document Delivery System (SDDS) to the City of Thornton's Police Department account.



**AFFIRMATION AND CONSENT
MARIJUANA
Form 6M**

Application # _____
City Clerk's office 303-538-7230
9500 Civic Center Drive
Thornton, Colorado 80229-4326

**MARIJUANA BUSINESS LICENSE
AFFIRMATION AND CONSENT**

I, _____, as the applicant or as an authorized agent for the applicant, declare that this entire application packet, including the state application on which the city will rely, statements, and attachments are true, correct, and complete to the best of my knowledge. I am voluntarily submitting this application to the City of Thornton under oath and with full knowledge that I may be charged with offering a false instrument for recording, pursuant to C.R.S. §18-5-114 perjury, pursuant to C.R.S. 18-8-501, *et seq.* or other crimes of deception for intentional omissions and misrepresentations. I understand that any error or omission may constitute grounds for the denial of a license, or if later discovered, the revocation of any license issued.

Applicant Signature

Title

Date

STATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public Signature: _____

My Commission Expires: _____

ARTICLE X. - MARIJUANA LICENSING

DIVISION 1. - GENERALLY

Sec. 42-701. - Purpose and legislative intent; short title.

(a) Section 16 of Article XVIII of the Colorado Constitution and C.R.S. § 12-43.3-101 et seq. and § 12-43.4-101 et seq. afford to localities the option of licensing marijuana establishments within their respective jurisdictions. The purpose of this article is to authorize such licensing, regulate marijuana establishments in the city pursuant to the requirements of this article, and designate a local licensing authority to preside over alleged violations of this article. This article is adopted pursuant to the aforementioned constitutional and statutory authority, as well as the city's plenary authority as a home rule city to adopt and enforce ordinances under its police power in order to preserve the public health, safety, and general welfare.

(b) Short title. This article may be cited as the "Thornton Marijuana Licensing Code."

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-702. - Definitions.

(a) The definitions set forth in Sections 14 and 16(2) of Article XVIII of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. § 44-11-104, as amended, and the regulations thereto at 1 CCR 212-1, as well as the Colorado Retail Marijuana Code, C.R.S. § 44-12-103, as amended, and the regulations thereto at 1 CCR 212-2 shall apply equally to this article where applicable, except where specifically defined below, or as otherwise stated herein:

(b) The following words, terms, and phrases are in addition to the generally applicable definitions contained in Section 1-2 of the Code, and when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person who is applying for or has applied for approval for a license to sell marijuana or operate a retail or medical marijuana testing facility in the city, more particularly:

- (1) If an individual, that person making an application for a license under this article.
- (2) If a partnership, all the partners of the partnership who are making an application for a license under this article.

- (3) If any type of business entity, all the officers, directors, and owners of at least ten percent of the entity making an application for a license under this article.

Co-located marijuana business means both a licensed retail marijuana store and a licensed medical marijuana center license, operating contiguously and located within the same building, and under the exclusive control of the same licensee.

Colorado Medical Marijuana Code means Article 11 of Title 44 of the Colorado Revised Statutes, as amended.

Colorado Retail Marijuana Code means Article 12 of Title 44 of the Colorado Revised Statutes, as amended.

Community Engagement Plan means a plan, consisting of the (1) name, telephone number, and email address of the person responsible for neighborhood outreach and engagement; (2) written policies to address concerns and complaints; and (3) a plan to host at least one initial neighborhood meeting after being awarded a license, and prior to opening its retail marijuana store, to present information about the business, with notice to be mailed at least 10 days prior to the meeting to all real property owners, businesses operating, and homeowner's associations lying within 1,500 feet of the boundaries of the proposed licensed premises, as well as all current city councilmembers.

Geographical quadrant(s) means the four designated city quadrants identified in Section 18-331 of this code.

Hearing officer means a person appointed by the Marijuana Licensing Authority to conduct hearings and otherwise act pursuant to applicable provisions of this article.

Licensee means a person who is licensed by the city and the state licensing authorities to sell marijuana in the city or operate a retail or medical marijuana testing facility.

Marijuana means and includes the following, as defined by 1 CCR 212-1 and 1 CCR 212-2: Medical Marijuana, Medical Marijuana Concentrate, Medical Marijuana-Infused Product, Edible Retail Marijuana Product, Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product.

Marijuana establishment means any marijuana store, retail marijuana testing facility, or medical marijuana testing facility licensed to operate in the city.

Marijuana store means a facility licensed by the city and state to operate in the city as a retail marijuana store or a co-located marijuana business that distributes, transmits, dispenses, displays, sells, or delivers, or otherwise provides marijuana to consumers, patients or caregivers as authorized pursuant to Section 14 or Section 16 of Article XVIII of the Colorado constitution and other applicable state law.

Medical marijuana center means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in C.R.S. § 44-11-402, and that sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.

Retail marijuana store means a person licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana product from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana product to consumers.

(Ord. No. 3401, § 1, 8-23-16; Ord. No. 3547, § 1, 12-3-19)

Sec. 42-703. - Effective date.

This article shall be effective September 1, 2016 and shall govern all applications submitted to the state licensing authority for licensing of any marijuana establishment in the city under the Colorado Retail Marijuana Code and Colorado Medical Marijuana Code on and after that date.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-704. - Relationship to Colorado Retail Marijuana Code and Colorado Medical Marijuana Code; other laws.

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Colorado Retail Marijuana Code and the Colorado Medical Marijuana Code, as well as the rules and regulations promulgated, and as amended from time to time in 1 CCR 212-1 and 1 CCR 212-2 (hereinafter "Rules and Regulations") and are adopted as if set forth fully herein. In the event of a conflict between the provisions of this article and the provisions of the Colorado Retail Marijuana Code, Colorado Medical Marijuana Code, or any other applicable state or local law or regulation, the more restrictive provision shall control.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-705. - Severability.

If any clause, sentence, paragraph, or part of this article or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this article or its application.

(Ord. No. 3401, § 1, 8-23-16)

Secs. 42-706—42-708. - Reserved.

DIVISION 2. - MARIJUANA LICENSING AUTHORITY

Sec. 42-709. - Creation; duties and powers; composition and organization; title.

- (a) *Creation.* There is created a marijuana licensing authority, hereinafter referred to in this article as the "authority."
- (b) *Duties and powers of the authority.* The authority shall have the power to grant or deny an application for any type of new marijuana establishment license pursuant to this article. The authority shall have the authority to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held. The authority shall adopt rules of procedure regulating the conduct of its meetings, and all hearings, which rules and amendments to them shall be approved by resolution. The authority shall appoint a hearing officer whose duties and powers are set forth in section (c) below. Hearings held by the hearing officer shall be conducted pursuant to rules of procedure for hearings adopted by the authority and approved by resolution. The authority shall adopt sentencing guidelines, which guidelines shall be approved by resolution.
- (c) *Duties and powers of the hearing officer.* The hearing officer shall have the authority to approve or deny applications for marijuana establishment license renewals, change of corporate structure, change of location, modification of licensed premises, and appeals of a denial of a change in manager registration. The hearing officer shall have the authority to summarily suspend a license pending a hearing. The hearing officer shall have the power, after hearing, to revoke or suspend any license, or to impose fines in lieu of suspension, civil penalties, sanctions, or other conditions on the applicant, the licensee, or the manager, relating to the license. The hearing officer shall have the

authority to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held.

(d) *Composition and organization.* The authority shall be composed of and organized as follows:

- (1) The members of the authority shall be the incumbent members of the city council, as they exist from time to time. The chair of the authority shall be the seated mayor, and the vice chair shall be the mayor pro tem.
- (2) A quorum shall consist of five members, and a decision of a majority of the quorum shall control.
- (3) No person shall serve or continue to serve as a member of the authority who has or obtains any financial interest in the operation of any business holding a license pursuant to C.R.S. § 44-11-101 et seq. or § 44-12-101 et seq. or if a member of such person's immediate family has obtained such an interest.

(Ord. No. 3401, § 1, 8-23-16; Ord. No. 3547, § 2, 12-3-19)

Secs. 42-710—42-711. - Reserved.

DIVISION 3. - LICENSING

Sec. 42-712. - Classes of licenses authorized.

(a) The authority may issue the following licenses authorized by the Colorado Retail Marijuana Code and the Colorado Medical Marijuana Code:

- (1) Retail marijuana store license.
- (2) Retail marijuana testing facility license.
- (3) Medical marijuana center license.
- (4) Medical marijuana testing facility license.

(b) *Co-location requirement.* A medical marijuana center license shall not be issued except as part of a co-located marijuana business. Application for a medical marijuana center license shall be made via a dual-license application, and shall not require duplication of the required materials or required supplemental materials. A licensee who has been granted both a retail marijuana store license and a medical marijuana center license

shall operate the co-located marijuana business on a single licensed premise. The premise for a co-located marijuana business shall be contiguous, located within the same building and under the exclusive control of the same licensee.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-713. - License required.

- (a) The license requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a sales and use tax business license granted and issued by the city treasurer, or any applicable zoning, development, or building permits.
- (b) The issuance of any license pursuant to this article does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.
- (c) It shall be unlawful for any person to operate a marijuana establishment in the city without obtaining a local license to operate pursuant to the requirements of this article while concurrently holding a license in good standing from the state. Any violation of this section shall be punished as provided in Section 1-8(b) of the Code.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-714. - Application acceptance periods.

- (a) *Initial applications.* Applications for the issuance of a new retail marijuana store license or for both a retail marijuana store and medical marijuana center license shall be accepted in the office of the city clerk for a period of 30 days after the effective date of the ordinance for purposes of applying for the first approved license(s) to operate a marijuana store in each of the four geographical quadrants. Applications for retail marijuana testing facilities and medical marijuana testing facilities shall be accepted in the office of the city clerk after the effective date of the ordinance. The city clerk may, in its discretion, increase the time period for acceptance of initial applications.
- (b) *Subsequent applications.* When a marijuana store license becomes available in one or more of the geographical quadrants, the city clerk shall post notice of such availability on the city's website, opening a 30-day application period for the filing and acceptance

of new applications. The city clerk will specify the start and end date and time of the application period, and may, in its discretion, increase the time period for acceptance of applications.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-715. - General application requirements.

- (a) *Zoning compliance verification.* Before an application for a marijuana establishment license will be accepted by the city clerk, a potential applicant must request and obtain zoning compliance verification from Thornton City Development, which shall provide a preliminary determination of whether or not the location proposed for licensing complies with any and all zoning and land use laws of the city, and any and all restrictions on location of marijuana establishments set forth in this article and in Chapter 18 of the code at the time of the request. This preliminary determination shall not preclude a later determination that the proposed location does not comply with any one or more zoning or land use laws of the city. Zoning compliance verification shall be determined within ten days of receipt of a request for such determination, unless a survey is required to determine compliance, in which case zoning compliance verification shall be determined within 20 days of receipt of a request. Zoning compliance verification forms shall be available at the offices of city development.
- (b) *Forms.* All applications for a license to operate a marijuana establishment in the city shall be submitted to the city clerk upon forms provided by the city and shall include all supplemental materials as required by the Colorado Retail Marijuana Code, Colorado Medical Marijuana Code, and rules adopted pursuant thereto, as well as those required in this article. The city clerk may, at the clerk's discretion, require additional documentation associated with the application as may be necessary to enforce the requirements of the Colorado Retail Marijuana Code, the Colorado Medical Marijuana Code, and this article.
- (c) *Acceptance and completeness.* For purposes of this article, an application shall not be accepted unless the application is accompanied by a zoning compliance verification approved by city development. For purposes of this article, an application shall not be considered complete until the city clerk has (i) determined that all requirements of the application have been provided to the city, (ii) received the all required fees for the application, and (iii) obtained all other information deemed necessary to be eligible for the lottery.

- (d) *Application supplemental materials.* In addition to providing a complete copy of the application and supplemental materials submitted to the state for licenses authorized in Section 42-712, each application shall be accompanied by the following:
- (1) A description of the products and services to be provided;
 - (2) Affidavit of lawful presence in the United States for all owners and persons with a financial interest;
 - (3) Proposed floor plan of the premises to be licensed, drawn to scale on an 8.5" x 11" paper, showing principal uses of each section of the floor area. If known, the floor plan shall include the square footage of the premises;
 - (4) Area map, drawn to scale or depicted in a satellite photograph on 8.5" x 11" paper indicating a 1,000-foot buffer area measured out from the footprint of the building demonstrating that the premises shall be at least 1,000 feet from any type of school as defined in the Colorado Retail Marijuana Code, and at least 500 feet from any licensed child care facility, and any public or private treatment facility as defined by CRS 27-82-102 for the treatment of alcohol or drug substance abuse disorder, whether inside or outside the city, as of the date the application is received;
 - (5) Security plan indicating how the business intends to comply with the requirements related to monitoring and securing the licensed premises as required by this article and all applicable state laws and rules and regulations;
 - (6) Copy of valid ID for every applicant, owner, person, or entity with a financial interest, as well as the business manager;
 - (7) Lease or deed, or contingent lease or deed, which shall be in the name of the applicant;
 - (8) If property is leased, written consent from the owner allowing the marijuana business on the premises;
 - (9) Site plan, including all uses of the proposed licensed premise, all outdoor lights and signage;
 - (10) List of all proposed structural changes and modifications to the premises;
 - (11) Proof of insurance, or proposed contract for proof of insurance;
 - (12) Plan for preventing those under the age of 21 from entering the licensed premises;
 - (13)

Affidavit regarding previous business or sales tax license suspensions/revocations of the applicant, owner, person, or entity with a financial interest, as well as the business manager;

(14) Odor management plan, detailing what methods will be used to prevent the emission of any odor of marijuana from the licensed premises;

(15) Community Engagement Plan.

(e) *Application screening—Grounds for denial of the initial application.* In addition to the prohibitions on persons as licensees found in C.R.S §44-11-306 and C.R.S. §44-12-305, each of the following, in and of itself, constitutes full and adequate grounds for denying an application for a license:

(1) The applicant has not paid all applicable fees required by this article;

(2) The application is not complete;

(3) The applicant has not complied with or does not meet the requirements of this article, the Colorado Retail Marijuana Code, the Colorado Medical Marijuana Code, any rules or regulations adopted pursuant thereto, or any other applicable state or local law or regulation;

(4) The applicant has been denied a license from the state in regard to the concurrent application;

(5) The application contains false, misleading, or incomplete information;

(6) The applicant, as defined in Section 42-702, has a prior felony drug conviction, has a drug-related misdemeanor in the past five years, has pending drug-related charges, or is currently serving any felony drug deferred judgment;

(7) The applicant has a prior felony weapon-related conviction;

(8) The location proposed for licensing does not comply with all zoning and land use laws of the city.

(9) The applicant, applicant's principal officers, directors, members or owners who now, or at any time in the past, have had 25% or more ownership in any marijuana business have had, or the business has had, a marijuana license suspended or revoked by the Colorado Marijuana Enforcement Division, or any local jurisdiction's local licensing authority.

(10)

The application is for the same physical location as an application that has already been received. The first application with proper proof of possession per 42-715(d) (7) and (8) will be the only application permitted for any particular location. No subsequent applications for any location will be considered for any particular lottery, even if an applicant for a location is ineligible for other reasons.

(Ord. No. 3401, § 1, 8-23-16; Ord. No. 3547, § 3, 12-3-19; Ord. No. 3564, § 1, 9-22-20)

Sec. 42-716. - Licensing process—Marijuana stores.

- (a) Applications for licenses for marijuana stores pursuant to this article shall be awarded via a lottery process, comprised of an initial review designed to ensure completeness of applications and compliance with state and city requirements and then a public random lottery to select the licensee from among qualified applicants.
- (b) Initial review. Upon receipt by the city clerk of an application for a license under this article, the city clerk or designee shall:
 - (1) Verify that the application is complete, pursuant to the requirements in Section 42-715(c); and
 - (2) Screen the application for automatic grounds for denial set forth in Section 42-715(e)
- (c) A public lottery will be conducted from among the qualified applicants, and a single applicant shall be drawn at random to determine which applicant will be awarded the license.
 - (1) *Public notice.* The city clerk shall publish notice of the public lottery in accordance with Section 2-1 of this code, as amended.
 - (2) *Conduct of the Lottery* The Marijuana Licensing Authority shall conduct a drawing from among the qualified applicants, in a public forum, to determine which applicant shall be awarded the available license. The Marijuana Licensing Authority shall use a process by which the names of the applicants are shielded from view, and through which each qualified applicant has an equal chance of being selected. The selected applicant shall be awarded the license.
- (d) After the license is awarded, the licensee must execute its community engagement plan.

(Ord. No. 3401, § 1, 8-23-16; Ord. No. 3547, § 4, 12-3-19)

Sec. 42-717. - Licensing process—Retail and medical marijuana testing facilities.

- (a) Any applicant who meets the requirements of the Colorado Retail Marijuana Code and its accompanying regulations at 1 CCR 212-2, or the Colorado Medical Marijuana Code and its accompanying regulations at 1 CCR 212-1, and is not the owner of a retail or medical marijuana cultivation facility, retail or medical marijuana products manufacturing facility, retail marijuana store, or medical marijuana center may be licensed as, and may operate a retail marijuana or medical marijuana testing facility. A retail marijuana testing facility may be co-located with a medical marijuana testing facility.
- (b) The authority may approve a retail or medical marijuana testing facility license if the applicant has submitted a full and complete application, the proposed licensed premise complies with all Development Code requirements, the applicant, any other owners and managers have completed and passed a background check, all fees have been paid, and all required inspections have been made and passed.
- (c) The authority shall approve or deny an application for a retail or medical marijuana testing facility based solely on its review of the application, and shall not require a public hearing. If the location proposed in the application for a retail or medical marijuana testing facility is one which would require a public hearing pursuant to the Development Code, the authority shall conditionally approve the license, and the license shall not be issued unless the applicant prevails in the public hearing. Any decision to approve or deny an application shall be made, and the license issued, within 90 days of the receipt of the application or approval after public hearing, whichever is later.
- (d) The decision of the authority, after public hearing, shall be a final decision, appealable pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-718. - Limitation on number of licenses.

- (a) The authority shall approve licenses for no more than four marijuana store locations in the city in all, and no more than one marijuana store location per geographical quadrant.
- (b) In no event shall the authority issue a marijuana store license to the same applicant for more than one location in the city.

- (c) There is no limit on the number of retail or medical marijuana testing facility licenses the authority may approve.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-719. - Transfer of ownership or change of corporate structure.

- (a) *Transfer of ownership.* A transfer of ownership of any marijuana store license issued pursuant to this article shall be prohibited for two years after the date the license is issued by the city, except in the event of the death of a licensee who was a sole proprietor, and when transfer of ownership to the licensee's heir is requested. Any request for transfer of ownership of any license issued more than two years after the date the license was issued, or in the event of death of the sole proprietor and a request to transfer ownership to the sole proprietor's heir, said request shall require the filing of an application and payment of the requisite fees, and shall be subject to the requirements of stages 1 and 3 of the licensing process stated in Section 42-716, except that retail and medical testing facilities shall only be required to proceed through stage 1. The hearing in stage 3 of the licensing process shall be held in front of the hearing officer, who shall make findings in accordance with Section 42-716(d)(5).
- (b) *Change of corporate structure.* A change of corporate structure of any marijuana store which results in any of the changes in subsections (1) through (3) below shall require the filing of an application and payment of the requisite fees, and shall be subject to the requirements of stages 1 and 3 of the licensing process in Section 42-716, except that retail and medical testing facilities shall not be required to submit a community engagement plan. The hearing in Stage 3 of the licensing process shall be held in front of the hearing officer, who shall make findings in accordance with section 42-716(d)(5):
 - (1) Any transfer or assignment of ten percent or more of the capital stock of any corporation, or ten percent or more of the ownership interests of any limited partnership interest in any year, or transfer of a controlling interest regardless of size.
 - (2) Any change in the officers or directors of a corporation which involves the addition or substitution of individual(s) who was not previously an officer or director of the corporation during a period of time that the corporation held the license.
 - (3) Any transfer of the capital stock of any corporation, or transfer of any limited partnership interest in any general partnership of a limited partnership, or transfer of any limited liability company interest in a limited liability company of any kind,

joint venture or business entity which results in any individual owning more than ten percent of an ownership interest in the business entity if that individual's ownership interest did not exceed ten percent prior to the transfer.

- (4) A change of corporate structure which results in any transfer or assignment of less than ten percent of the capital stock of any corporation or less than ten percent of the ownership interests of any limited partnership interest in any year to a person who currently has an interest in the business, and which does not result in a change of controlling interest, shall not require an application for change of corporate structure.
- (c) No application for transfer of ownership or change in corporate structure shall be approved by the hearing officer until all city and state occupational taxes, city and state sales and use taxes, excise taxes, any fines, penalties, and interest assessed against or imposed upon such licensee in relation to operation of the licensed business are paid in full.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-720. - Change of location; modification of premises.

- (a) To change the location of a license under this article, the licensee shall submit an application in the prescribed form to the city clerk for such changes, and submit the requisite fees. All such applications shall be subject to the same procedures and requirements in stages 1 and 3 of Section 42-716, in the same manner as for the issuance of a new license, except that the hearing shall be before the hearing officer, and retail and medical marijuana testing facilities shall only be required to proceed through stage 1.
- (b) No change of location of a licensed marijuana store shall be approved if the new proposed location does not comply with the Development Code and zoning requirements set forth in Chapter 18, and the limitation on the number of marijuana store locations per geographical quadrant.
- (c) After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises, excluding interior cosmetic changes, which materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of the original license

approval without the prior written consent of the hearing officer and the state licensing authorities. After a license has been approved, but has not yet been issued, changes to the premises cannot be made without the prior written consent of the authority.

- (d) To modify the licensed premises by any physical changes or alterations, the licensee shall present the following to the city clerk:
 - (1) Complete plans and specifications of the proposed changes or alterations.
 - (2) All prescribed forms complete in every detail.
 - (3) An oath or affirmation that all information submitted has been given fully, accurately, truthfully and without concealment of any material fact(s).
 - (4) If the property is leased, written permission from the landlord for the modification.
 - (5) A fee shall be required in an amount to be determined from time to time by resolution of the city council.
- (e) If upon receipt of all the above information and after investigation the city clerk determines that the modification will result only in interior cosmetic changes on the licensed premises, the modification shall be deemed not material, in which case an application is not required, and the modification may be approved by the city clerk.
- (f) If upon receipt of all the above information and after investigation the city clerk determines that the modification would materially alter the licensed premises, the city clerk shall notify the licensee that the licensee shall be required to file an application for modification of premises, and submit the requisite fees. Upon receipt of the application, the city clerk shall distribute the application to the appropriate departments for review, and shall schedule a hearing no later than 30 days after receipt of the application. At the hearing, the hearing officer shall determine whether the proposed modification(s) will allow the licensee to continue to operate in compliance with state and local operating regulations. The hearing officer has the authority to grant, deny, or grant with additional requirements any application for modification of premises.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-721. - Term of licenses; renewals.

- (a) Any local license granted, and thereafter issued to the licensee, or renewed pursuant to this article shall be valid for a period of one year from the date of issuance or renewal.

- (b) A licensee may apply for the renewal of an existing license by filing an application for renewal on forms provided by the city not less than 45 days but not more than 90 days prior to the expiration of the license. An application for renewal will only be accepted if it is accompanied by the requisite fees and required supplemental materials. If the licensee fails to apply for renewal at least 45 days prior to the expiration of the license but does apply prior to the expiration of the license, the city may process the renewal application if the applicant submits a late filing fee, in addition to the renewal application fee, at the time of submittal of the renewal application. If the licensee files an application less than 45 days prior to the expiration of the license but before the expiration of the license, the city clerk may elect to administratively continue the license beyond the expiration date while the renewal process is pending, but in no event shall the license be administratively continued for more than 60 days.
- (c) A license for which a renewal application has not been received by the license expiration date shall be considered expired and becomes immediately invalid, and the marijuana establishment shall not continue to operate. The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application pursuant to the procedure set forth in Section 42-714(b).
- (d) Grounds for denial of renewal application. In addition to the prohibitions on persons as licensees found in C.R.S § 12-43.3-307 and C.R.S. § 12-43.4-306, each of the following, in and of itself, constitutes full and adequate grounds for administratively denying an application for renewal of a license under this article:
- (1) The licensee has not paid all applicable fees required by this article;
 - (2) The licensee has failed to file tax returns when due as required by the city, or the licensee is overdue on his or her payment to the city of taxes, fines, interest, or penalties assessed against or imposed upon such licensee in relation to the licensed business;
 - (3) The licensee has made any false or misleading statement in the license or renewal application;
 - (4) The licensee or any of the principal officers, directors, owners, managers, agents, or employees have been convicted of a drug related criminal offense within the previous 12 months;
 - (5) The licensee has failed to maintain a valid state issued license;
 - (6)

The licensee does not meet or cannot meet the requirements of this article, the Colorado Retail Marijuana Code, the Colorado Medical Marijuana Code, or any rule or regulation adopted pursuant thereto;

- (7) The licensee has failed to obtain a certificate of occupancy. However, the city clerk has the discretion, upon written request by the licensee, to extend the term of the license for no more than 90 days upon the licensee's representation that a certificate of occupancy is more likely than not to be issued within that 90 days;
 - (8) The renewal application fails to include the licensee's community engagement plan for the renewal term or does not meet the requirements stated in Section 42-716 (d)(2); or
 - (9) At the time of renewal, the licensee is not in substantial compliance with its approved community engagement plan, i.e. the approved community engagement plan active for the 12 months leading up to the renewal date. Licensees are required to file a report with the renewal application regarding compliance with the licensee's approved community engagement plan, indicating how each component of the plan has been met during the term of the license. If each component has not been met, the licensee shall indicate steps taken to attempt to meet the component, and why the component was not met. If each component of the approved community engagement plan is not addressed in the licensee's report, substantial compliance will not be found. If the city clerk finds that the licensee has not taken any steps to meet one or more component of the approved community engagement plan, substantial compliance will not be found. If, in the opinion of the city clerk, the licensee has not made good faith effort in achieving substantial compliance with its approved community engagement plan, the city clerk may find a lack of substantial compliance, and must state with specificity, in writing, the grounds for such a finding, which shall be appealable to the hearing officer.
- (e) Upon receipt of a renewal application, the city clerk shall forward the application to the appropriate departments for review. If the licensee is in compliance with all city and state laws, rules and regulations, is in substantial compliance with its approved community engagement plan, if applicable, and is otherwise not prohibited from holding a marijuana establishment license, the license shall be renewed administratively. If the city clerk determines that there are grounds for denial of the renewal application, as stated above, the renewal application shall be referred to the hearing officer for a hearing. If, after hearing, the hearing officer determines that the

licensee is prohibited by state or local law from holding a marijuana establishment license, the renewal application shall be denied. If, after hearing, the hearing officer determines that the licensee is not in compliance with all city and state laws and rules and regulations, the renewal application shall be denied. If, after hearing, the hearing officer determines that the licensee is not in substantial compliance with its approved community engagement plan, the hearing officer may deny the application, or may approve the application with conditions designed to ensure future compliance with the licensee's community engagement plan. Failure to abide by any of the terms or conditions as required by the hearing officer to achieve substantial compliance shall be grounds for a complaint against the licensee, and may result in the imposition of a civil penalty, or suspension or revocation of the license.

- (f) After the hearing officer's decision, any party may appeal to the Marijuana Licensing Authority ("MLA") on the grounds that the hearing officer erred in a ruling of law or a procedural ruling or finding of fact, and only if the ruling or finding affected the outcome of the case. Upon receiving an appeal, the MLA will review (1) rulings of law de novo, (2) procedural rulings for abuse of discretion, and (3) a material finding of fact to determine if evidence supporting such finding was lacking or greatly outweighed by the record as a whole. An appeal to the MLA must be filed within ten business days of the hearing officer's decision, and the appeal will be limited to the issues raised in a timely manner. The MLA may affirm, reverse, modify or remand for further proceedings the hearing officer's decision. A timely filed appeal shall stay the hearing officer's decision until the appeal has been decided or dismissed; otherwise, the hearing officer's decision shall be the final decision of the city.
- (g) Notwithstanding anything contained in this article, a licensee has no vested right to the renewal of a license, and no property right in the renewal of a license.

(Ord. No. 3401, § 1, 8-23-16; Ord. No. 3482, § 1, 7-24-18)

Sec. 42-722. - Fees.

- (a) *Authority and process.* The city is authorized to impose fees relating to the administration and implementation of this article. Such fees shall be established by the city clerk and approved by resolution of the city council. At least annually, the amount of fees charged pursuant to this article shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the city in connection with the administration, regulation, and enforcement of the ordinance.

- (b) *Timing of payment.* All application fees shall be payable at the time an application is submitted to the city clerk. License fees shall be payable at the time the applicant is selected to move forward to stage 3 of the licensing process pursuant to Section 42-716.
- (c) *Refunds.* All application and late filing fees shall be nonrefundable. License fees shall be nonrefundable except that the city shall refund 50 percent of the license fee if the application for the issuance of a license is denied after public hearing pursuant to Section 42-716. Renewal and permit fees shall be refunded only if the license, renewal or permit is denied. In the event of a suspension or revocation of a license or permit, or termination of business for any reason whatsoever, no portion of the license fee shall be refunded.

(Ord. No. 3401, § 1, 8-23-16)

Sec. 42-723. - Delivery of retail marijuana.

- (a) A licensed retail marijuana store, located in the city, may deliver retail marijuana and retail marijuana products to private residences in the city, provided that such delivery satisfies the requirements set forth in C.R.S. § 44-10-601(13), as amended or relocated, and the Colorado Marijuana Rules. Deliveries may only be made by employees of the licensed retail marijuana store.
- (b) All retail marijuana products delivered to any location in the city are subject to city sales tax.

(Ord. No. 3589, § 1, 5-11-21)

Secs. 42-724—42-727. - Reserved.

DIVISION 4. - OPERATIONAL REGULATIONS

Sec. 42-728. - Operational regulations—Marijuana establishments.

All marijuana establishments shall comply with the rules and regulations adopted, and as amended from time to time, in the Code of Colorado Regulations 1 CCR 212-2 (Retail Marijuana Code) and 1 CCR 212-1 (Sales, Manufacturing, and Dispensing of Medical Marijuana). In addition, marijuana establishments shall comply with the following local operational regulations. Failure to

comply with any Retail Marijuana Code regulation, any sales, manufacturing, and dispensing of medical marijuana regulation, or any of the following operational regulations may be grounds to suspend or revoke any license, or for the imposition of civil penalties where applicable.

- (1) *Minimum standards.* A marijuana establishment shall not be permitted to operate until the licensee has acquired all of the necessary permits, licenses, authorizations, including a certificate of occupancy, and demonstrates implementation of the requirements of sections (b) through (g), below.
- (2) *Security plan.* All licensees shall file a written security plan with the city clerk. The security plan will be protected from public disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. The written security plan shall address, at a minimum, the following elements:
 - a. Evidence that the premises will comply with all security and video surveillance requirements set forth in this article, Rules 305 and 306 of the Code of Colorado Regulations 1 CCR 212-2 (Retail Marijuana Code) and Rules 305 and 306 of the Code of Colorado Regulations 1 CCR 212-1 (Medical Marijuana Code), if applicable;
 - b. A site plan showing the entire vicinity in which the marijuana establishment is located, including the street(s), parking lot(s), other tenants within the property, and any other entities that physically border the establishment;
 - c. A floor plan of the marijuana establishment detailing the locations of the following:
 1. All entrances and exits to the establishment;
 2. The location of any windows, skylights, and roof hatches;
 3. The location of all cameras, and their field of view;
 4. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
 5. The location of the digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and
 6. Restricted and public areas.
 - d. The type of security training provided for, and completed by, establishment personnel, including conflict resolution training and procedures for handling violent incidents;

- e. How the licensee intends to use and maintain an incident log;
 - f. The establishment's procedures for preventing the use of marijuana on the licensed premises;
 - g. Security measures taken by the licensee to prevent individuals from entering the limited access area portion of the licensed premises;
 - h. The licensee's closing procedures after the cessation of business each day;
 - i. The licensee's plan to prevent theft or the diversion of marijuana, including maintaining all marijuana in a secure, locked room that is accessible only to authorized persons;
 - j. The type of alarm system and outdoor lighting to be used by the licensee;
 - k. The licensee's procedures for accepting delivery of marijuana at the establishment, including procedures for how it is received, where it is stored, and how the transaction is recorded; and
 - l. A copy of the licensee's security alarm system monitoring contract.
- (3) *Video surveillance.* Marijuana establishments are required to install a video surveillance system satisfying the minimum standards described below, in addition to the state requirements set forth in Rule 306 of the Code of Colorado Regulations 1 CCR 212-2 (Retail Marijuana Code):
- a. All surveillance recordings shall be retained for a minimum of 60 days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as being legitimately captured without alterations.
 - b. In addition to maintaining surveillance recordings in a locked area on the licensed premises, a copy of the surveillance recordings must be stored at a secure off-site location or through a network "cloud" service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the city and updated within 72 hours of any change to the location or provider.
 - c. Video surveillance records and recordings must be made available immediately upon request of the city police department.
 - d. If video surveillance or storage equipment becomes inoperable, or storage network service becomes disabled, the marijuana establishment shall cease all transactions until the equipment or network service is made operable.

- (4) *Security alarm system.* All marijuana establishments shall install, maintain, and use a professionally monitored security alarm system meeting the following requirements:
- a. The system shall provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults;
 - b. The system shall include at least one silent holdup or duress alarm that can be manually triggered in case of emergency;
 - c. The alarm system must be equipped with a failure notification and a battery backup system sufficient to support a minimum of four hours in the event of a power outage;
 - d. The alarm system must be monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and shall be updated within 72 hours in the event the monitoring company is changed; and
 - e. The licensee shall maintain for a period of three years, reports of any incidents triggering an alarm, and such reports shall be made available to the city police department during any inspection of the facility.
- (5) *Secured storage.* All marijuana establishments must install a safe or vault for storage of cash on the premises when the business is closed to the public. The safe or vault must be incorporated into the building structure or secured to the structure in such a manner as to prevent removal.
- (6) *Proof of age scanner.* The business shall verify the proof of age of every person entering the business with an electronic identification scanner. An electronic identification scanner is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes. If the proof of age scanner becomes inoperable, the equipment shall be replaced within seven days.
- (7) *Odor management.* For all marijuana establishments, the odor of marijuana must not be perceptible to a reasonable person at the exterior of the building of the licensed premises or at any adjoining use of the licensed premises.
- (8)

Hours of operation. Marijuana establishments may only be open to the public between the hours of 8:00 a.m. and midnight, daily. No sale, delivery, or other distribution may occur upon the premises outside of those hours. Hours of operation must be posted at the main entry of the store.

- (9) *Documents to be displayed.* All marijuana and sales tax licenses shall be conspicuously posted inside the establishment near the main entrance.
- (10) *Registered manager.* No marijuana establishment shall be operated or managed by any person other than the licensee, with the exception of a business manager registered with the city. Such licensee or business manager shall be on the premises and responsible for all activities within the licensed business during all times when the business is open. In the event the licensee intends to employ a business manager that was not identified on the license or renewal application, the licensee shall report the name of such business manager to the city, and such business manager shall submit to the city, at least 30 days prior to serving as a business manager, an application containing all of the information required by this article and on the license application, and shall submit the requisite fees. If, after investigation, it is determined that the proposed business manager is lawfully eligible, pursuant to city and state laws and regulations, to operate the marijuana establishment, the city clerk shall grant the manager registration administratively. If, after investigation, it is determined that the proposed business manager is not lawfully eligible, pursuant to city and state laws and regulations, to operate the marijuana establishment, the city clerk shall deny the manager registration administratively. Any such denial shall be appealable to the hearing officer. A licensee shall report to the city any change in business managers at least 30 days prior to employing an additional business manager, and no more than five days after a business manager is released from such position.
- (11) *Public access restricted.* Retail and medical marijuana testing facilities shall not be open to the public. All visitors must be tracked in an entry log identifying the visitor's name, entry and departure times, and purpose of the visit. Visitors must be escorted by a manager or owner at all times.
- (12) *Inspections.*
 - a. *Grant of authorization.* By signing and submitting a license application, the applicant/licensee certifies that the applicant/licensee has received permission from the property owner to allow inspections as may be required under state

or local licensing law. In addition, the owner of the premises authorizes the city clerk, its designee, the city police department, and the city's building official or the official's designee, to enter upon and inspect the premises upon presentation of official credentials. These inspections are part of the routine policy of inspection and enforcement of these regulations for the purpose of protecting the public safety, individuals operating and using the services of the marijuana establishment, and the adjoining properties and neighborhood. This rule shall not limit any inspection authority authorized under any other provision of law or regulation, including those of police, fire, building, and code enforcement officials.

- b. *Initial inspection.* The city shall inspect all marijuana establishments prior to issuance of a license to verify that the facilities are constructed and can be operated in accordance with the application submitted and the requirements of laws of the city and the State of Colorado. The initial inspection shall occur after the marijuana establishment is ready for operation, but no marijuana shall be present on the premises until the inspection is complete and a license is issued.
 - c. *Regular inspections.* At a minimum, the city shall be authorized to perform regular inspections on a quarterly basis during the first year following licensure, and on a yearly basis prior to license renewal following the first year of operation.
 - d. *Random inspections.* The regular licensing inspection procedures described shall not prevent the city from inspecting marijuana establishments at random intervals and without advance notice.
 - e. *Inspection of records.* Upon request, the licensee or business manager on duty shall retrieve and provide any relevant business records pertaining to the inspection, including but not limited to, security camera recordings, marijuana inventory manifests, and copies of invoices and receipts. The city may require any licensee to furnish such information as it considers necessary for the proper administration of these regulations.
- (13) *Reporting of source, quantity, and sales.* The records to be maintained by each marijuana establishment shall include the source and quantity of any marijuana and or marijuana product distributed, produced, or possessed within the premises. Such reports shall include the following information, at a minimum, for both acquisitions from wholesalers and retail sales transactions:

- a. Date, weight, type of marijuana, and dollar amount or other consideration of transaction;
 - b. For wholesale transactions, the sales and use tax license number of the seller from the State of Colorado and city, if any; and
 - c. The amount of marijuana within the limited access areas.
- (14) *Reporting of criminal activity.* Reports of all criminal activities or attempts of violation of any law at the marijuana establishment, including the curtilage surrounding the licensed premises and the designated parking area, or related in any way to the marijuana business, shall be reported to the city police department by the licensee or manager within 12 hours of occurrence. Additionally, any violation of any law by any licensee or applicant of the marijuana business shall be reported to the city clerk within 72 hours.

(Ord. No. 3401, § 1, 8-23-16; Ord. No. 3485, § 1, 7-24-18)

Secs. 42-729—42-733. - Reserved.

DIVISION 5. - UNLAWFUL ACTS

Sec. 42-734. - Unlawful acts.

Any person who pleads guilty or no contest to or who, after trial, is found guilty of violating any of the following shall be subject to penalties pursuant to Section 1-8(b) of this code. It is unlawful for any person to:

- (1) Be on or within the premises of any marijuana establishment, if such person is under 21 years of age;
- (2) Permit or allow any person under 21 years of age to enter or remain on or within the premises of any marijuana establishment;
- (3) Engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, or consumption of marijuana or marijuana products other than those forms of business and commerce that are expressly authorized by the Thornton Marijuana Licensing Code;
- (4) Fail to report to the city police department any disorderly conduct or criminal activity occurring at the location, on the licensed premises, or within the licensed premises set forth on the license of the license holder. This duty applies to the

holder of a marijuana establishment license issued pursuant to this article or any manager or employer of such license holder. For the purposes of this subsection, the terms "location," "premises," and "licensed premises" shall have that meaning and definition set forth in C.R.S. § 12-43.4-103, and the term "report" shall mean to either contact the non-emergency line for the city police department or 911 within 12 hours of the occurrence;

- (5) Smoke, use, or ingest on the premises of the marijuana establishment any marijuana, fermented malt beverage, malt, vinous, and spirituous liquor, or a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges;
- (6) Operate or be in physical control of any marijuana establishment while under the influence of any intoxicant, including but not limited to marijuana, fermented malt beverage, malt, vinous, and spirituous liquor, or a controlled substance;
- (7) Purchase marijuana in the city from any person not properly licensed to sell marijuana pursuant to Section 42-701 et al.;
- (8) Possess extraction vessels, and butane, propane, compressed CO₂, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana;
- (9) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, including the United States Postal Service;
- (10) Distribute or sell marijuana within a marijuana establishment to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs;
- (11) Violate or permit any person to violate any provision of this article or any condition of approval placed upon a license granted pursuant to this article, or any law, rule or regulation applicable to the use of marijuana or the operation of a marijuana establishment;
- (12) Refuse or fail to provide video surveillance footage to the city police department in connection with an open criminal or license violation investigation, or to refuse to allow inspection of a marijuana establishment pursuant to Section 42-728. Any licensee, owner, business manager, or operator of a marijuana establishment, or the owner of the property where a marijuana establishment is located, may be charged with this violation;

- (13) Store or keep marijuana intended for sale or distribution by the licensee in any place outside of the licensed business premises, except pursuant to a valid optional premises cultivation or retail marijuana cultivation facility license issued by the state pursuant to the Colorado Retail Marijuana Code or the Colorado Medical Marijuana Code;
- (14) Sell or distribute marijuana for remuneration without a license or outside of the restricted access area, as defined in 1 CCR 212-1 and 1 CCR 212-2, of the marijuana establishment;
- (15) Sell, give, or distribute marijuana to persons under the age of 21;
- (16) Sell more than one ounce of retail marijuana or its equivalent in retail marijuana products, including retail marijuana concentrate during a single transaction to a person, except for non-edible, non-psychoactive retail marijuana products, including ointments, lotions, balms, and other non-transdermal topical products.
- (17) Sell more than two ounces of medical marijuana during a single sales transaction to any patient unless that patient has designated the marijuana store as its primary center and supplied it with documentation from the patient's physician that allows the patient more than two ounces of medical marijuana or its equivalent in marijuana-infused product;
- (18) Give away, dispense, or otherwise distribute marijuana for free;
- (19) Sell expired marijuana;
- (20) Knowingly conduct or permit any employee to conduct any sales transactions when the video surveillance system or equipment is inoperable;
- (21) Operate a marijuana establishment without a license from the city and the state;
- (22) Operate a marijuana establishment in a manner that is not consistent with the application, or is in violation of any plan or condition made part of the license application;
- (23) Operate a marijuana establishment without obtaining and passing all building inspections and obtaining all permits required by the city;
- (24) Operate a marijuana establishment in violation of any building, fire, zoning, plumbing, electrical, or mechanical codes as adopted and amended by the city;
- (25) Modify or allow any modification to the licensed premises without approval of the city clerk or hearing officer;
- (26)

Use or display a marijuana establishment license at a different location or for a different business entity than in the location and business entity disclosed on the application for the issued license;

- (27) Own or manage a marijuana establishment in which another person cultivates, produces, distributes, or possesses marijuana, in violation of this chapter or any other applicable law;
- (28) Employ or allow a business manager that has not been properly registered by the city pursuant to Section 42-728(2)(10); or
- (29) Operate or possess a marijuana establishment in violation of this chapter, any ordinance of the city or any state law or regulation.

(Ord. No. 3401, § 1, 8-23-16)

DIVISION 6. - DISCIPLINARY ACTIONS; SANCTIONS; PENALTIES

Sec. 42-735. - Disciplinary actions; sanctions; penalties.

- (a) A violation of any of the provisions of this article, Chapters 10, 18, 22, or 26 of the Thornton City Code, any building, fire, or health code, any provision of the Colorado Retail Marijuana Code or any rules and regulations adopted pursuant thereto, or the Colorado Medical Marijuana Code and any rules and regulations adopted pursuant thereto, or any violation of the terms and conditions of a license issued by the authority pursuant to this article, may be grounds for the suspension or revocation of a license, or the imposition of a civil penalty, or any combination of suspension, revocation, and civil penalty by the hearing officer. Hearings regarding violations or for the suspension or revocation of a license issued pursuant to this article shall be before the hearing officer and shall be conducted pursuant to the rules of procedure for hearings adopted by the authority and approved by resolution.
- (b) If the hearing officer has probable cause to believe that a licensee has deliberately and willfully violated any applicable law, rule, or regulation, or engaged in conduct which imposes an undue risk to the public health, safety, or welfare, the hearing officer may enter an order for the summary suspension of such license, pending further investigation and hearing, for a period not exceeding 15 days.
- (c)

The hearing officer may, upon complaint, impose a civil penalty, or suspend or revoke any marijuana establishment license if, after notice and hearing thereon, the hearing officer finds that:

- (1) The licensee has failed to pay all required fees;
- (2) The licensee is overdue on payment of city taxes, fines, or penalties assessed against or imposed upon such licensee in relation to the licensed business;
- (3) The licensee has made any false statement in the license or renewal application or any of the required supplemental materials submitted with the license or renewal application or any required information to be submitted in such application;
- (4) The licensee has failed to comply with the duty to supplement the information contained in the license application;
- (5) The licensee has failed to file any reports, produce video surveillance, or furnish any information as required by the provisions of this article or the Colorado Retail Marijuana Code or Colorado Medical Marijuana Code relating to the operation of the marijuana establishment;
- (6) The licensee has refused to allow an inspection of the licensed premises as authorized by this article;
- (7) The licensee has failed to operate in compliance with the operational regulations set forth in this article;
- (8) The licensee has failed to comply with its security plan as filed with the city clerk;
- (9) The licensee has failed to operate the marijuana establishment in accordance with any applicable building, fire, health, or zoning code. In the event of such a violation, the city clerk shall promptly notify the licensee of the violation and shall allow the licensee up to a 20-day period in which to correct this violation. If the licensee fails to correct the violation before the expiration of such period, the city clerk shall forthwith bring forth a complaint for the suspension or revocation of the license, which shall be decided after hearing in front of the hearing officer;
- (10) The licensee has knowingly permitted or encouraged, or has knowingly and unreasonably failed to prevent a public nuisance within the meaning of Chapter 38, Article 10 of this Code from occurring on or about the licensed premises;
- (11) The licensee or any of the agents, servants, or employees of the licensee have failed to comply with any of the regulations adopted, and as amended, in the Code of Colorado Regulations 1 CCR 212-2 (Retail Marijuana Code) and 1 CCR 212-1

(Sales, Manufacturing, and Dispensing of Medical Marijuana) that the city has concurrently adopted in the article, or any of the additional operational regulations contained in this article; or

- (12) The licensee, or any of the agents, servants, or employees of the licensee, have violated any ordinance of the city or any state or federal law on the premises or have permitted such a violation on the premises by any other person.
- (d) In deciding whether to impose a civil penalty, or whether a license should be suspended or revoked in accordance with this section, and in deciding what conditions to impose in the event of a suspension, if any, the hearing officer shall adhere to the sentencing guidelines, and shall consider:
 - (1) The nature and seriousness of the violation;
 - (2) Corrective action or other mitigation, if any, taken by the licensee;
 - (3) Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;
 - (4) The likelihood of recurrence;
 - (5) All circumstances surrounding the violation;
 - (6) Whether the violation was willful or deliberate;
 - (7) The length of time the license has been held by the licensee;
 - (8) The number of violations by the licensee within the applicable 12-month period;
 - (9) Previous sanctions, if any, imposed against the licensee;
 - (10) Any other factor making the situation with respect to the licensee or the licensed premises unique or the violation of greater concern; and
 - (11) The sentencing recommendation of the city attorney or any stipulation between the city attorney and the licensee.
- (e) For purposes of imposing of a civil penalty, or suspending or revoking any license, the licensee shall be deemed to have permitted an act or condition if a reasonable licensee or permittee would have been aware of the act or condition and taken action to stop the act or eliminate the condition.
- (f) Any act or omission committed by any employee, agent, or independent contractor that occurs in the course of his or her employment, agency, or contract with the licensee shall be imputed to the licensee or permittee for purposes of imposing any suspension, revocation, or other sanction on the licensee or permittee.

- (g) In addition to or in the alternative to any suspension, revocation, or civil penalty imposed for any violation, the hearing officer may impose new or additional terms, requirements, conditions, or limitations on any license or permit issued or under this article.
- (h) For violations of this article, the hearing officer may impose civil penalties against the licensee of up to \$5,000.00 per license for each day during which such violation occurs or continues. Each day in which a violation shall occur or continue shall be deemed a separate and distinct offense. Penalties shall be imposed in accordance with the sentencing guidelines approved by the authority and adopted by resolution.
- (i) If the hearing officer finds that the license should be suspended or revoked, the licensee shall be provided written notice of such suspension or revocation and the reasons therefore within 20 days following the date of the hearing.
- (j) The hearing officer's decision to suspend or revoke a license is a final decision reviewable in accordance with state law. The licensee's failure to timely appeal the decision is a waiver of the licensee's right to contest the suspension or revocation of the license.
- (k) Whenever a decision of the hearing officer suspending a license becomes final, the licensee may, at the conclusion of the hearing, or at least three calendar days before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period, except the period of a mandatory suspension pursuant to the sentencing guidelines.
- (1) Whenever a licensee petitions the hearing officer for payment of a fine in lieu of suspension, the licensee shall file its petition, along with a nonrefundable petition fee as determined from time to time by resolution of the city council, in the city clerk's office at least three business days prior to the effective date of the suspension. Upon the receipt of the petition, the hearing officer has sole discretion to stay the proposed suspension and cause any investigation to be made, and may grant the petition based upon the following factors:
 - a. The public welfare and morals would not be impaired by permitting the licensee to operate during the suspension and that payment of the fine will achieve the desired disciplinary purposes.
 - b. The books and records of the licensee are kept in such a manner that the loss of sales can be determined with reasonable accuracy therefrom; and
 - c. The licensee's record of compliance with all state and local marijuana licensing

laws, regulations and ordinances.

- (2) If the fine in lieu is accepted, the amount of the fine shall be the equivalent to 20 percent of the licensee's estimated gross revenues from sale of marijuana during the period of the proposed suspension, but not to exceed the fine amount limitations adopted in the sentencing guidelines.
- (3) Payment of any fine pursuant to the provisions of this subsection shall be in the form of cash, money order, or certified check or cashier's check made payable to the city.
- (4) Upon payment of the fine, the hearing officer shall enter its further order permanently staying the imposition of the suspension.
- (l) No fee previously paid by a licensee in connection with a license shall be refunded if the licensee's license is suspended or revoked.

(Ord. No. 3401, § 1, 8-23-16)

Secs. 42-736—42-800. - Reserved.