

RFSCPX, LLC.  
1375 Red Butte Drive  
Aspen, CO. 81611

November 29, 2017

City of Longmont Marijuana Licensing Authority,

RootsRx has been in the retail cannabis business since August, 2014. RootsRx opened its first retail dispensary in Eagle Vail and has added five dispensaries located in: Aspen, Basalt, Edwards, Gunnison and Leadville. RootsRx has two operating recreational grows, one in Eagle County and the other in Leadville. RootsRx has 10 retail licenses in total, the six stores, the two grows and licenses for an additional grow and a MIP (marijuana infused product). All licenses are in good standing.

RootsRx is owned by Rob Holmes. Rob has been an owner of the business since its inception, and will be the 100% owner of RootsRx Longmont. Prior to entering the recreational cannabis business in 2014, Rob spent 25 years working in the highly regulated financial businesses reporting to the U.S. Federal Reserve Bank, FINRA, the SEC and the NASD as a compliance officer head of risk management and a member of the Executive Committee for RBS Greenwich Capital.

Given his 30 plus years working in highly regulated businesses, Rob brings a deep understanding of operating a successful business in compliant fashion. While Rob has continued to grow RootsRx and meet all the basic requirements, RootsRx has established a banking relationship for all stores and cultivation facilities. To run the business effectively and in compliance, RootsRx employs outside professional accountants, has internal and external compliance reviews and a management structure that balances risk management with an entrepreneurial culture. RootsRx has supported internal growth through ongoing employee training and promotion of exceptional employees.

RootsRx is customer focused, determined to provide the best possible experience to those who visit our stores. Our managers and budtenders are knowledgeable in all product segments and are well equipped to educate and inform our guests.

RootsRx is well funded and has no outside investors or loans of any kind – the organization is 100% self-funded. We have secured a lease at 12000 Rogers Road and as soon as all approvals have been granted, we will commence renovations to bring the property up to our dispensary standards. All necessary funds are available for the renovations.

RootsRx is a community minded organization. Not only is the company involved in local charitable giving, it sponsors local events, is a member of Chambers of Commerce, and, importantly, has transparently worked with local officials to help with changes in local law and

regulation regarding Cannabis. Our staff is like minded and often give of their time and resources to the community and charitable organizations.

Rob and the RootsRx team are excited to join the Longmont community and look forward to a long and positive relationship with the city.

Respectfully,



Robert R. Holmes, Jr.

*A Response to the Request for Expression of Interest for  
Marijuana Licensing in the City of Longmont*



*Submitted by RFSCPX LLC (d.b.a. "RootsRx Longmont")*

*Proposed Location: 12000 Rogers Road  
Longmont, Colorado 80501*

*Wednesday, November 29, 2017*

# Background



**WARNING LETTER**

October 20, 2017

RFSCED, LLC.  
License #402R-00571  
c/o Robert Holmes (M18582)  
c/o Peter Tramm (M07443)  
210 Edwards Village Boulevard  
Suite B110  
Edwards, CO 81632  
Email: [REDACTED]

Reference Number: #17-09449/2017-1027

Dear Mr. Holmes and Mr. Tramm;

**This letter is to notify you of alleged violations of the Colorado Medical Marijuana Code ("Medical Code"), the Colorado Retail Marijuana Code ("Retail Code"), and/or the rules promulgated pursuant to the Medical Code and/or Retail Code, identified on or about October 18, 2017.**

**The alleged violations are set forth as follows:**

- 1. Licensee violated Rule R 306 (E) (2):Video Surveillance – Video Recording and Retention Requirements** All video surveillance recordings must be kept for a minimum of 40 days and be in a format that can be easily accessed for viewing. Video recordings must be archived in a format that ensures authentication of the recording as legitimately-captured video and guarantees that no alteration of the recorded image has taken place, **by:**

Failing to have 40 days of video surveillance footage stored on their DVR at their 402R-00571 facility. Your DVR video recording system failed to record surveillance footage for the afternoon of 10-18-2017 and the morning of 10-19-2017.

- 2. Licensee violated Rule R 306 (B) (2):Video Surveillance Equipment – All video surveillance systems must be equipped with a failure notification system that provides prompt notification to the Licensee of any prolonged surveillance interruption and/or the complete failure of the surveillance system, **by:****

Not having a failure notification system attached to the DVR/surveillance system that promptly notified the Licensee of the surveillance system and DVR failure.



3. **Licensee violated Rule R 306 (B) (3):Video Surveillance Equipment** – Licensees are responsible for ensuring that all surveillance equipment is properly functioning and maintained, so that the playback quality is suitable for viewing and the surveillance equipment is capturing the identity of all individuals and activities in the monitored areas, by:

Failing to ensure that all surveillance equipment was properly functioning within the Retail Marijuana Store thereby allowing approximately two hundred sales transactions to occur on the licensed premises without being recorded. The failure to have a properly functioning surveillance system and DVR also allowed all other activities of patrons and employees that occurred on the licensed premises not to be properly recorded.

Note that pursuant to §12-43.3-601(1), C.R.S and §12-43.4-601(1), C.R.S, the State Licensing Authority has the power to suspend or revoke a license or impose any other sanction authorized by the Medical and/or Retail Code or the rules promulgated pursuant to them, on any of the following grounds:

- a. A violation by the licensee or any of the agents or employees of the licensee of any of the provisions of the Medical and/or Retail Code;
- b. A violation by the licensee or any of the agents or employees of the licensee of any of the provisions of the rules promulgated pursuant to the Medical and/or Retail Code; or
- c. A violation by the licensee or any of the agents or employees of the licensee of any of the terms, conditions, or provisions of the license issued by the State Licensing Authority.

This Warning Letter and any response will become part of the Division's records associated with your license(s).

Correction of the alleged violation(s) does not preclude the Division's pursuit of an administrative action against you. However, failure to comply may result in additional and escalated administrative measures. The State Licensing Authority has the power to suspend, fine, restrict, or revoke licenses upon a violation of the Medical Code, Retail Code, or rules promulgated thereto<sup>1</sup>. Further, should the Division's investigation provide objective and reasonable grounds to believe, and the State Licensing Authority so finds, that violation(s) alleged herein are deliberate and willful or that the public health, safety and welfare imperatively require emergency action, your license(s) may be summarily suspended pending proceedings in accordance with section 24-4-105 and the Medical and Retail Codes.<sup>2</sup>

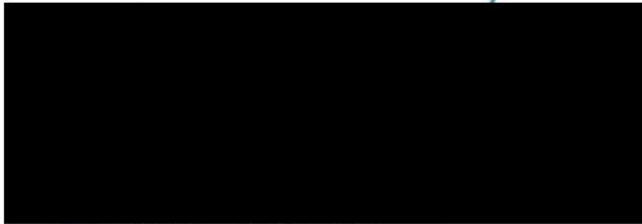
It is the responsibility of the Licensee to maintain compliance with all of the applicable rules and regulations under the Medical and Retail Codes.

If you have any questions, contact Investigator Tim Jantz at 970-248-7148 or via email at tim.jantz@state.co.us. Have your reference number ready when you call and include it with any email communications.

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<sup>1</sup> 12-43.3-601(1), C.R.S. and 12-43.4-601(1), C.R.S.

<sup>2</sup> 24-4-104(4)(a), C.R.S.



Supervisory Investigator  
Grand Junction Field Enforcement Office

cc: MED Field Enforcement Section Investigation File

From: Jantz - DOR, Timothy tim.jantz@state.co.us  
Subject: Re: Warning letter for surveillance  
Date: October 26, 2017 at 8:35 AM  
To: Rob Holmes [REDACTED]



Rob -

Thank you for the response, I will attach this and close out the incident.

Tim

On Thu, Oct 26, 2017 at 7:45 AM, Rob Holmes <[REDACTED]> wrote:

Investigator Tim, thank you for your letter. The security devices have been repaired and will send notification if there are any issues with the system, 40 days of storage are available and the required battery backups are in place. One point of clarification in the time period the system was down, 200 sales were not made - approximately \$200 in sales were made. As always, if you have any questions or concerns please do not hesitate to contact me, thanks Rob

On Oct 23, 2017, at 11:10 AM, Jantz - DOR, Timothy <[REDACTED]> wrote:

Rob & Pete;

Attached is a warning letter for the violations listed. Please send an email response withing ten days outlining your actions taken to rectify the issue.

Thanks,

Tim

--

Investigator Tim Jantz  
MED  
Grand Junction Field Office  
[970-248-7187](tel:970-248-7187)

**If you have a licensing, compliance or enforcement**



Robert R Holmes Jr.  
1375 Red Butte Drive  
Aspen Co 81611

June 9, 2016

Complaint No. 2016-0463  
RFSC1.VG LLC  
145 Front Street  
Leadville, Co 81611

Investigator Mohan and Supervisory Investigator Eaton, thank you for your letter dated June 9<sup>th</sup>, 2016. This letter will serve as our written response to the violations listed in your June 9<sup>th</sup>, 2016 warning letter.

"During my inspection I noticed a third structure within the Limited Access Area. The structure was a greenhouse with retail marijuana being cultivated inside. This diagram was not on the diagram submitted to the MED by RFSC1.VG, LLC. I spoke with Associated Key Robert Richard Holmes (M18582). Holmes said he did not complete a Modification of Premise with the MED prior to building the greenhouse."

Response: The new greenhouse drawing was submitted with our 2015 renewal application for RFSC1.VG LLC - please see attached (Exhibit A). On September 24<sup>th</sup>, 2015 the modification was filed with the city Leadville (see date filed in modification of premise application). Also please see attached: letter from City of Leadville (Exhibit B) and Certificate of Occupancy (Exhibit C). Robert Holmes was informed by phone and email on May 23, 2016, of the items needing to be addressed. On May 24, 2016 a follow up conversation was held with Robert Holmes and Clint Larson from RFSC1.VG LLC and Investigator Mohan to gain an understanding of what corrective actions were appropriate. On Friday May 27<sup>th</sup> Robert Holmes and staff met with Investigator Mohan and Supervisory Investigator Eaton to walk through the cultivation facility. On May 31<sup>st</sup> Robert Holmes and Clint Larson met at the MED Longmont office with investigator Mohan. A Modification of Premise application was submitted at the end of the meeting (Exhibit D). On June 2 the proposed modification was approved please see attached (Exhibit E).

"When I walked the perimeter of the licensed premises I noticed one section of the fence was approximately two feet high and other parts of the fence were lying on the ground and not attached to the fence poles. I observed the fence had one pedestrian gate which was unlocked and had a non-commercial grade pad lock on the fence next to it. I also noticed a double fence for vehicle traffic which was open and had a chain with a non-commercial grade pad lock attached to the chain. The third ingress/egress to the Limited Access Area was a greenhouse door made of a wood frame with plastic panels. The door did not have a lock and only had a small metal latch to hold the door closed."

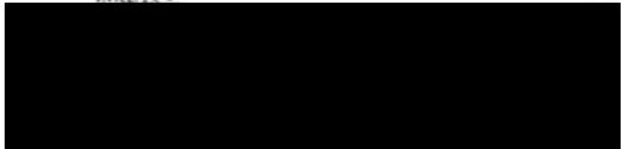
Response: At the time of the inspection we were in the process of upgrading the existing fence. Since this meeting all improvements have been made and all locks have been upgraded to commercial grade pad locks. Additionally, utilizing Modification of Premises process, the Limited Access area was reduced to remove the old green house and a new fence was added to secure the newly approved Limited Access Area - please see attached photos and a copy of the Modification of Premises application and approval letter previously attached.

"As I conducted my inspection I noticed several areas within the Limited Access Area lacked camera coverage. Also ingress/egress areas of the licensed premises lacked camera coverage."

Response: By reducing the limited access area, through the modification of Premise process, we reduced the need for additional camera coverage. We did add cameras and adjusted existing cameras to increase coverage. We have taken photos from our cameras at all ingress/egress with a face to test the quality of our coverage. Please see attached photos of all points of ingress/egress.

In an effort to prevent future violations we will increase our dialogue with Investigator Mohan. We will have our employees attend continuing education classes. We also will continue to have outside compliance audits - we will review whom we hire for this task in the future as we had an audit performed by a reputable firm on May 9<sup>th</sup>, 2016.

If you have any additional questions or concerns, please do not hesitate to contact me.  
Thanks



Robert R. Holmes Jr.  
RFSCLVG LLC,  
Managing Member  
Property Owner

# Site Control Plan

#### PROPOSED SITE IMPROVEMENTS:

We believe the property proposed at this application will require the following improvements:

- 1 Driveway / Parking:
  - A Develop five (5) new retail parking spaces adjacent to the existing building
  - B Install new LED area lighting along the existing driveway to increase visibility of the premises.
    - 1 The mounting height of the lighting is intended to provide increased security for the roadway while meeting the intent of Longmont's lighting ordinances specifically referencing night sky requirements.
  - C Install a new monument sign at the entry to the site in compliance with the sign ordinances of the Town of Longmont.
  - D We will work to improve the surface of the roadway in anticipation of the requirements of an increased traffic count utilizing the roadway.
  - E We will coordinate with emergency service providers to assure we have the appropriate space to accommodate the requirements of the authorities having jurisdiction over the site and structures.
- 2 Site Lighting:
  - A Roadway area lighting will be installed to light the roadway to the facility.
  - B Night sky compliant wall mounted lighting will be installed at the garage / shop building to bolster the security of the area.
  - C LED lighting will be installed under the eaves of the existing residential building we will re-purpose for the retail space. The LED lighting will be installed as down lighting in a shielded and lensed raceway in order to provide a uniform level of lighting at the perimeter of the building while complying with Longmont's lighting statutes.
- 3 Landscaping:
  - A We will install some new landscaping around the building that will be carefully conceived in order to meet the following criteria:
    - 1 Selection of plant species will respond to drought tolerant non-invasive and native plant materials.
    - 2 Installed landscaping will be provided with water in order for the materials to become established.
    - 3 We will work with a consultant to develop a water-wise approach to effectively improve the landscape of the area over time.

#### REQUIRED LAND DEVELOPMENT CODE APPROVALS

- 1 Annexation into the Town of Longmont:
  - A We acknowledge the need to annex this parcel to the Town of Longmont as part of the approval / application process.
  - B As part of the annexation process we will propose the property be zoned BLI (Business/Light-Industrial) to align with adjacent city zoning. With the annexation and zoning developed correctly and as noted herein we believe there should be no special use permits or other permitting required as the proposed use on the revised parcel will be a use by right.



- C We are prepared to begin this process immediately in order to meet the requirements of the Town of Longmont for approvals within this process.
- 2 Signage:
  - A We will develop a signage submittal to comply with Town of Longmont Signage requirements and anticipate this as being one of the necessary approvals required to develop the project.
    - 1 Selection of plant species will respond to drought tolerant non-invasive and native plant materials.
    - 2 Installed landscaping will be provided with water in order for the materials to become established.
    - 3 We will work with a consultant to develop a water-wise approach to effectively improve the landscape of the area over time.






PLANNING & DEVELOPMENT SERVICES  
385 Kimbark Street, Longmont, CO 80501  
303-651-8330, Fax 303-651-8696  
www.longmontcolorado.gov/planning

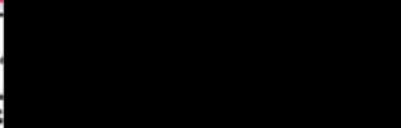
## Zoning Verification

This form must be submitted to the Planning & Development Services Department to verify zoning for marijuana establishments. Once submitted, staff will review, complete, and return the form to the requestor. The completed form must be submitted to the Marijuana Licensing Authority as part of the response to the City's Request for Expression of Interest to obtain a marijuana license. The fee for zoning verification is \$50 and can be paid by check, credit card, or cash at the Development Services Center.

Site Plans, site plan waivers, change of use, or other development applications are a separate process.

Applicant Information	
Applicant Name: <u>Robert R. Holmes Jr</u>	E-Mail: <u>rr.holmes@me.com</u>
Address (Include City & State): <u>1375 Red Butte Drive Aspen CO 81611</u>	
Phone: <u>970 618-6976</u>	Fax: <u>970 797-1956</u>
<small>* Applicant must be either the owner of the property or be a party with a purchase or lease agreement for the property.</small>	
New Business Information	
Property Address: 12000 Rogers Road / Parcel No.: 131501300013	
Name of Proposed Business: RootsRx Longmont	
Previous Business Use: Light Industrial/Home Business	
Applicant Certification	
Applicant Signature: 	Date: <u>11/28/17</u>

Residential buffer skirts property line. Any development on the property for the use would need to remain outside this buffer distance.

Zoning Information <small>To be completed by Planning &amp; Development Services Staff</small>	
Zoning District: <input type="checkbox"/> Commercial (C) <input type="checkbox"/> Commercial - Regional (CR) <input type="checkbox"/> Business Light Industrial (BLI) <input type="checkbox"/> Mixed Industrial (MI) <input type="checkbox"/> Other zoning district (not allowed)	Other Information: <input type="checkbox"/> At least 250' from residential zoning district <input checked="" type="checkbox"/> At least 1000' from K - 12 school  <small>Property is not within the City of Longmont currently. Envision Longmont indicates this property is meant for a Primary Employment land use.</small>
Staff Signature: 	Date: 28 November 2017
Staff Name & Title: Ian Colby   Planning Technician	



## Vicinity Map for 12000 Rogers Road





## Vicinity Map for 12000 Rogers Road

School Site Buffer Distance





## Property Report for Account R0068565

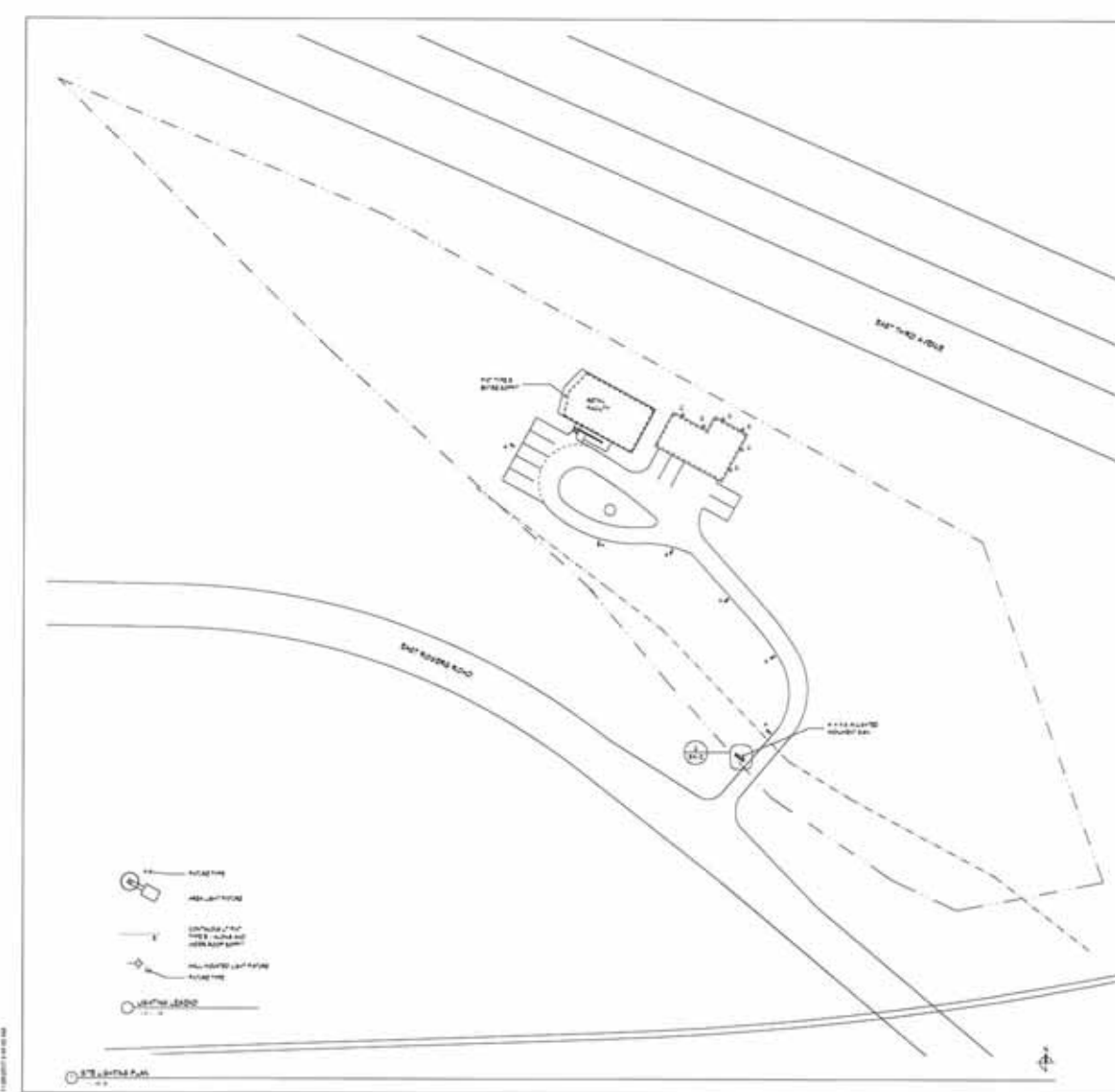
**Today's Date: 11/27/2017**



Property Address:	12000 ROGERS RD
City:	UNINCORPORATED
Owner:	HASELWOOD JAMES T REVOCABLE TRUST
Parcel Number:	131501300013
Mailing Address:	JAMES T HASELWOOD TRUSTEE PO BOX 19694
City, State, Zip:	BOULDER CO, 80308
Sec-Town-Range:	01 -2N -69
Subdivision:	TR, 290-298 - COMMERCIAL
Jurisdiction:	undefined
Legal Description:	2.2 AC SW 1/4 SW 1/4 1-2N-69 PER DEED 523244 12/08/82 BCR
Square Feet:	94,648
Acres:	2.17







11/20/2023 10:00 AM

SK-2

**LIGHT FIXTURE TYPE A**



1000 WATT, 40-5000 K, 10-15' H, 10-15' W, 10-15' D

**LIGHT FIXTURE TYPE B**



1000 WATT, 40-5000 K, 10-15' H, 10-15' W, 10-15' D

**LIGHT FIXTURE TYPE C**



1000 WATT, 40-5000 K, 10-15' H, 10-15' W, 10-15' D

**LIGHT FIXTURE TYPE D**



1000 WATT, 40-5000 K, 10-15' H, 10-15' W, 10-15' D

**ARCHITECTURE | DESIGN | STRATEGY**

ARCHITECTURE | DESIGN | STRATEGY

1000 WATT, 40-5000 K, 10-15' H, 10-15' W, 10-15' D

**AGG STUDIOS, INC.**



**ROOTS RX**

ROOTS RX DISPENSARY

1000 WATT, 40-5000 K, 10-15' H, 10-15' W, 10-15' D

**SK-2**

# Community Outreach Plan

## COMMUNITY OUTREACH COMMENTARY

RootsRx is a community minded organization. Not only is the company involved in local charitable giving, it sponsors local events, is a member of Chambers of Commerce, and, importantly, has transparently worked with local officials to help with changes in local law and regulation regarding Cannabis. Our staff is like minded and often give of their time and resources to the community and charitable organizations.

From a brief review of the City of Longmont's history of civic engagement, planning and stewardship of public interests, the City's commitment toward balancing orderly, sustainable growth and development with the needs of its citizens, the business community, and the environment is obvious. We believe the City's focus on carefully and transparently introducing a regulated marijuana industry into the community - *as evidenced by the Amended Title 6 of the Longmont Municipal Code on Marijuana Regulation, as well as the efforts by City Staff to work with stakeholders and applicants* - reflects such commitment.

At RootsRx, our commitment when approaching new communities for retail marijuana business opportunities is to understand the community and the market, to carefully address local licensing and land use regulatory frameworks, and to work transparently and communicate freely with our local partners and neighbors. As operators of six retail marijuana businesses across the central mountain region and western slope of Colorado, we believe wholeheartedly that operating a marijuana business in any community is a privilege, not a right. It is in this spirit that we commit to working with the City, neighboring property owners, non-profit organizations and civic groups to address any issues or opportunities for improvement that may develop over time with regard to the regulation of marijuana businesses in the City of Longmont.

# Odor Management Plan

## ODOR MANAGEMENT COMMENTARY

Roots RX utilizes engineered mechanical ventilation systems in our existing retail stores and specifically tailored to the individual retail space in which they are installed. Our engineered systems filter the air that leaves our retail spaces and provide fresh air to the space to continually mix the air in the space to further address odors that may occur within the facility.

Our filtration system will be integrated with the return air system and cleans the air that leaves the space with a specified commercial grade carbon filtration assembly specifically sized for the space it serves. The filtered air is then either exhausted to the exterior or returned to the interior spaces. Air that returns to the space is mixed with exterior air from air intakes located at appropriate locations on the building to assure compliance with code required air changes within the building ventilation system.

This purposefully engineered system has been deployed for the last three years in our retail facilities and has proven to be an effective odor mitigation system.



# **City of Longmont Vision, Values & Goals**

## CITY OF LONGMONT VISION, VALUES & GOALS COMMENTARY

The commitment the City of Longmont, its citizens and business community toward orderly and responsible growth is evidenced by the numerous master plan, policy and capital improvement planning efforts that guide growth and city administration. Key to the review of such documents, the 2016 Envision Longmont Community Plan sets forth clear, implementable guiding principles, strategies and action steps.

We believe the proposed retail marijuana business to be located at 12000 Rogers Road supports the pursuit of several aspects of the City's vision:

- **SUSTAINABLE** Longmont, by taking care of the needs of the present generation without compromising the ability to meet the needs of future generations; and
- **RESILIENT** Longmont, by increasing the capability of the City and its partners to anticipate risk, limit impact and bounce forward rapidly by adapting and learning in the face of disruptive shocks and stresses.

Specifically, the addition of RootsRx Longmont at 12000 Rogers Road addresses the following guiding principles:

### **GP1: Livable Centers, Corridors, and Neighborhoods**

- Key Elements of a Sustainable and Resilient Built Environment (p. 24)
  - A compact growth pattern is maintained through a focus on infill and redevelopment, and **reinvestment in the City's** historic, vacant, or **underutilized buildings**-ensuring land and available infrastructure are used efficiently.
  - The impacts of future growth on the City's natural environment are minimized through the use of **sustainable site planning** and development practices

### **Applicant Response:**

The proposed retail marijuana store at 12000 Rogers Road (and associated, forthcoming annexation petition) present an opportunity to maintain compact growth patterns by directing new development or redevelopment inward; this is an adaptive reuse of an existing, underutilized parcel that has been previously identified by the City (Envision Longmont) as being within the City's Municipal Service Area and as being appropriate for future "Primary Employment" uses.

We believe that an investment in the subject property for use as a retail marijuana store will directly benefit the City, its citizens and the business community by providing opportunities for re-use, improvement of property (and corresponding increases in tax assessments), and the full utilization of City infrastructure.

### **Goal 1.1 - Embrace a Compact and Efficient Pattern of Growth**

**1.1B: Infill and Redevelopment**

Support the adaptive reuse or redevelopment of underutilized sites and buildings and encourage higher density infill and redevelopment in centers and mixed-use corridors, and other areas of change where development can easily be accessed on foot, by bike, or using public transit.

**Applicant Response:**

See response above. This site, while not walkable to core areas of the City, should be considered adaptive, infill redevelopment of a parcel that provides future opportunities for expansion and diversification of uses, employment.

**Goal 1.2 - Promote a Sustainable Mix of Land Uses****1.2A: Overall Mix of Uses**

Strive for a balanced mix of residential, employment, retail, commercial, recreational, and other uses that allow residents to live, work, play, learn, and conduct much of their daily business within the City and increase the self-sufficiency of the community.

**Applicant Response:**

The proposed re-use of the subject property represents an opportunity for job and tax generating retail uses to be added within the local economy; increasing the self-sufficiency of the larger community.

**1.2B: Distribution of Service- and Recreation-Oriented Uses**

Promote a geographic distribution of service- and recreation-oriented uses across the City, balancing the need to address potentially underserved areas while protecting the character of established neighborhoods and historic resources.

**Applicant Response:**

The proposed retail marijuana store at 12000 Rogers Road will promote geographic distribution of a specific retail and service-related use thus aiding the City to balance the needs of citizens, the business community, visitors and guests while protecting the character of adjacent light-industrial/professional service neighborhood through careful, thoughtful, and transparent operations and site planning by the Applicant.