

Medical marijuana outlet fined for violation

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Good Earth Meds and its owner, Bill Delany, must pay a \$250 fine following a violation of the county's Medical Marijuana Ordinance that was discovered after the business was broken into on June 26.

At approximately 1 a.m. on June 26, Good Earth Meds, located at 600 Cloman Boulevard, was burglarized — one of a string of almost 20 burglaries throughout the county that began in the spring and continued into the summer.

Bars covering a window were ripped off and a rock was thrown through the window during the break-in. Items taken during the burglary were not made public.

Under the county's resolution allowing certain medical marijuana operations (a moratorium currently exists on all new operations), medical marijuana dispensaries are required to have a number of security systems.

Included is a requirement that all products containing marijuana be locked in a safe during all hours the dispensary is closed.

During the burglary investigation, however, it was discovered that some edibles (i.e. brownies) and tinctures were left sitting on a counter, said County Attorney Todd Starr.

Following the burglary, Starr said Delany self-reported the violation to the county — a fact Starr said county staff appreciated.

Starr said Delany also cooperated throughout the investigation, allowing the Archuleta County Sheriff's Department access to his video surveillance footage by 8:30 a.m. the morning of the burglary.

The footage ultimately helped in the arrest of the burglary suspects.

At the Aug. 16 meeting of the Archuleta County Board of County Commissioners, the board levied the \$250 fine against Good Earth Meds, as well as entering written findings into the official record.

The written findings report the course of events, as well as including state statute that allows for the BoCC to determine an appropriate enforcement action.

According to the findings document, "Pursuant to CRS 12-43.3-601(3)(a), (I) the public welfare and morals would not be impaired by permitting the licensee to operate without a period of suspension and that the payment of the fine will achieve the desired disciplinary purposes and; (II) the books and records of the licensee are kept in such a manner that the loss of sales that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy; and (III) The licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of this action that resulted in a final decision to suspend the license or permit."

The document further states, "While the Board of County Commissioners appreciates the integrity that Mr. Delany has heretofore displayed in the operation of his business and more specifically in his conduct on June 26; however, the Board believes that the violation of the Ordinance mandates an enforcement action."

The \$250 fine will be paid to the county's General Fund, Starr said during the Aug. 16 meeting.

The county determined that no suspension is warranted and that, upon "transmitting any information about this fine to the State, Archuleta County staff shall express the Commissioners will that Mr. Delany be treated not as a difficult operator, but rather as one who has generally complied with the rules and regulations, self reported and assisted with the Sheriff's Department."

Starr said he also spoke with the chief enforcement officer of the Department of Regulatory Affairs in researching what penalty should be levied against the company in order to "uphold the integrity of the ordinance," but not unduly hurt the business.

The incident has to be reported to the state by Jan. 15, but Starr reported that he has a declaration in writing from the state that no additional action will be taken against Good Earth Meds.

Delany was present at the BoCC's hearing and took full responsibility for the violation.

"I stand before you kind of humbled and embarrassed," Delany said, adding that he takes his responsibilities to the county and state seriously, but "failed" that night. "It wasn't an employee, it was me."

Delany said he had been in the process of adding another surveillance camera and safe within the building to comply with new state mandates and opted to leave the products under a working surveillance camera for the night.

The fine must be paid within 10 days.

Good Earth Meds is the only legal medical marijuana dispensary in Archuleta County.

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