

# Nevada Cannabis Compliance Board

## Meeting Minutes August 25, 2020

The Nevada Cannabis Compliance Board (CCB) held a public meeting on August 25, 2020, beginning at 9:00 a.m. In compliance with the Governor's Emergency Directive #006, dated March 22, 2020, the Meeting was conducted by means of electronic communication.

### **Cannabis Compliance Board Members Present:**

**Michael Douglas, Chair**  
**Jerrie Merritt**  
**Dennis Neilander**

**Tyler Klimas, Executive Director, called the meeting to order and took roll.** Chairman Michael Douglas and Member Jerrie Merritt were present in Las Vegas and Member Dennis Neilander joined via telephone. Deputy Asheesh Bhalla confirmed that the meeting complied with open meeting requirements.

#### **I. Public Comment**

Executive Director Klimas stated all public comment received up until the start of the meeting will be read into the record. Any public comment received after the start of the meeting will be read into the records at the second public comment period.

Tiana Bohner, Public Information Officer of the CCB, read the following public comments into the record.

Public comment was submitted by Michael Cristalli on behalf of MediFarm LLC in response to the change of location request submitted by Cheyenne Medical LLC d/b/a Thrive. Cristalli argued that the distance requirement was given to the landowner prior to the change of regulation. MediFarm applied for the change of location prior to the change in separation requirement and thereby has "grandfathered" status to the location. Cristalli stated MediFarm is the only qualified licensee for the location and all other applicants would be ineligible.

Public comment was submitted by Jake Long. Mr. Long provided comments regarding the CCB and its resources. He stated that the Accela website was outdated and not user friendly and the CCB website was jumbled and overly complicated. He stated the agent card application was costly. He asked what steps are being taken to improve the user experience and why is correspondence limited to email.

Public comment was submitted by Russell Ernst on behalf of High Sierra Holistics LLC in support of the proposed settlement agreement between HSH and TRNVP098 LLC. With the proposed settlement, HSH hoped to open a dispensary in Lyon County, creating new employment opportunities and tax revenue. HSH requested approval of the settlement agreement.

Public comment was submitted by Mitchell D. Britten on behalf of Cheyenne Medical LLC d/b/a Thrive in regard to agenda item VI. Britten stated that the opposition to Thrive's change of location request was an attempt by certain parties to the litigation to seek avenues of recovery outside of the courtroom. MediFarm's claim that it is negotiating in good faith is without legal merit as mere negotiations do not give legal right to use the property. MediFarm's attorney Michael Cristalli, is on the board of Qualcan, a marijuana establishment with a vested interest in outcome of this matter due to its position in the litigation. Cristalli attempted to use this hearing as leverage to further his clients' economic interest by offering to settle if Thrive gave up one of its licenses.

Public comment was submitted by Michael Talla, manager of 2975 Sammy Davis Jr. Drive LLC, in regard to agenda item VI. Mr. Talla stated that Thrive's request is legally justified and should be granted. Mr. Talla stated MediFarm does not have an executed lease for the property and no legal right to the use of the property. Thrive has an executed lease for the property and is the only tenant with rights to use the premises. If the Board were to accept MediFarm's position, it would effectively create a public policy to allow cannabis establishments to block the use of properties by receiving approval of a change of location, even when such establishment has no contract to utilize the property.

Public comment was submitted by Ardea Canepa-Rotoli, managing partner of Maddox, Segerblom and Canepa LLP representing A New Leaf Production Center LLC in regard to a renewal application mailed and emailed on August 10, 2020. New Leaf requested an expedited decision in response to the cover letter that was included with the renewal packet. New Leaf requested that the issue be placed on the agenda for the September meeting if a decision cannot be made during the August 25, 2020 meeting.

Public comment was submitted by Shane Terry, CEO of TRNVP098 LLC in support of the proposed settlement agreement between TRNVP098 and High Sierra Holistics. Mr. Terry felt it was a positive step for the industry's growth and the specifics of the settlement address some of the concerns brought up during the process, including unequal distribution of licenses and emphasis on diversity. All parties have completed and executed the proper transfer of interest documentation as required, all parties are current marijuana license holders and have qualified through background checks.

Public comment was submitted by Kimberly Maxson Rushton on behalf of RAD Source Technologies with respect to Regulation 12.065. Rushton stated Reg 12.065 was improperly considered and approved by the CCB. Regulation 12.065 specifically used the term "radiation" but appeared to apply to only one form of radiation. Regulation 12.065 was flawed in applying food regulations to cannabis products. Rushton stated CCB possessed scientific studies, data and reports conducted using a RAD Source machine.

Public comment was submitted by Sigal Chattah in objection to agenda item C, the request for transfers of interest as a result of the settlement agreement. The transfers should not be approved as the rankings of the plaintiffs would have precluded them from obtaining licenses under NRS 453D. The requests should be denied. Chattah listed the rankings of eleven parties.

Public comment was submitted by Amy Sugden on behalf of THC Nevada LLC, in objection to the settlement agreement and specifically item C and D on the agenda. Settling parties should not receive preferential treatment for change of ownership requests. How did the CCB undertake due diligence to consider approval of transfers in twenty-two days. Requested that supporting materials to be provided in advance. Sugden asked why the CCB can't wait until the Court's ruling.

Public comment was submitted by Cassandra Dittus in support of Mr. Neilander's previous comment during review of the proposed regulations. Ms. Dittus commented that Mr. Neilander gave insight that the chain of process for complaints before they are brought to the attention of the Board members has a distinct need for clarification and request for transparency through the process. If the CCB is to have transparency and stand on the side of impartial review of documentation provided in complaints, the review of complaints solely by the Executive Director and allowing of the decision to be made under that position alone created the same problem the tax department had.

## **II. Consideration for approval of the July 21, 2020 Cannabis Compliance Board meeting minutes.**

Chairman Douglas asked if there were any corrections or additions to make to the minutes provided. Jerrie Merritt made motion to approve the minutes. Dennis Neilander seconded the motion. All in favor said aye. Motion carried.

## **III. Status of Medical and Recreational Cannabis License Renewals**

Executive Director Klimas provided a brief summary of renewals and detailed some of the obstacles discovered while processing renewals. The CCB processes all license renewals, more than 700 for all establishment types for medical and recreational licenses, of which about 560 are due by June 30<sup>th</sup>. A number of outstanding tax obligations existed of varying level of severity. Eleven licensees representing twenty-two licenses had not submitted renewal applications or fees in July. Correspondence was sent advising Metrc access would be shut off immediately if the situation was not remedied. As a result, one license was surrendered and the others fulfilled their financial obligations. Also, eighteen licensees representing forty-eight licenses had outstanding tax obligations and missing tax filings. Correspondence was sent stating Metrc access would be shut off and license not renewed if they did not move towards compliance. As of the meeting, all parties have paid in full or entered into payment plans with the Department of Taxation. Moving forward the CCB staff will send notice indications licensees are out of compliance immediately following license renewal date if any taxes are outstanding. Regulation 5.095 states a licensee must cease operations if it fails to renew license by the expiration date and will be deemed voluntarily surrendered if not renewed within ninety days of the expiration date. The Board had no additional questions.

#### **IV. Tax Fundamentals for Cannabis Establishments**

Rachel Branner, Compliance Audit Investigator, presented an overview of the different tax types that cannabis establishments may be responsible for. The CCB took over licensing and regulatory duties from the Department of Taxation. The Department of Taxation continues to collect taxes owed by cannabis establishments and provides monthly updates to CCB staff regarding tax compliance issues. Cannabis establishments may be responsible for commerce tax, modified business tax, sales/use tax, wholesale marijuana tax, and retail marijuana tax. Ms. Branner detailed when the tax returns and payments are due and how the taxes are imposed, and any exemptions there may be. Ms. Branner explained the regulatory repercussions for those who fail to timely file, pay, and remit taxes to the Department of Taxation, including penalties and interest. Payment plans can be requested and may need to be approved by the Nevada Tax Commission if it will take longer than 12 months to pay or if the tax portion exceeds \$50,000. Civil penalties are assessed on cannabis establishments that have failed to meet their funding requirements with the Department of Taxation. Intentionally failing to file, pay or properly collect taxes is a category one violation. Unintentionally failing to file and/or pay taxes is a category three violation.

Chair Douglas asked how the CCB is notified of a tax delinquency. Executive Director Klimas responded that going forward the CCB would have effective communication with the Department of Taxation. There will be monthly meetings and quarterly reports indicating who may be behind on filings.

#### **V. Consent Agenda**

##### **A. Complaints**

Executive Director Klimas stated that pursuant to NRS 678A.510, the Attorney General reviewed these violations and recommended proceeding with disciplinary action. Klimas presented the violations alleged and requested the Board vote to authorize the service of a complaint for disciplinary action for each licensee. Five of the complaints sought discipline on an individual's agent card. Four complaints are for discipline against cannabis establishments.

As to Licensee A, the complaint alleged seven violations of NAC 453D. As to Licensee B, the complaint alleged three violations of NAC 453D. As to Licensee C, the complaint alleged two violations of NAC 453A and six violations of NAC 453D. As to Licensee D the complaint alleged one violation of NRS 678C, four violations of NAC 453A, and six violations of NAC 453D. As to Licensee E, the complaint alleged one violation of NAC 453A and fourteen violations of NAC 453D. As to Licensee F, the complaint alleged five violations of NAC 453D. As to Licensee G, the complaint alleged five violations of NAC 453D. As to Licensee H, the complaint alleged five violations of NAC 453D. As to the Licensee I, the complaint alleged five violations of NAC 453D.

Chair Douglas asked for a motion to accept the complaints. Member Merritt made the motion. Member Neilander seconded the motion for approval of service. All members said aye. Motion carried.

Chair Douglas noted that there was a public comment regarding the propriety of this exercise and reservations had been voiced. However, this was the process set forth by the Nevada Legislature and must be followed going forward. This may be looked at during the next legislative session.

##### **B. Request for Withdrawal of Transfer of Interest**

David Staley, Chief Investigator for the CCB, presented transfers of interest for the Board's consideration. Staley presented agenda item V B, that consisted of six requests for withdrawal of transfer of interest due to various requests made by the applicants. Item 4, for Inyo Fine Cannabis Dispensary LLC, was referred back to staff for inclusion at a later meeting.

Chair Douglas asked for questions. There were no questions from the Board. Member Neilander made motion to grant the withdrawals as stated on agenda item VB. Member Merritt seconded. All members said aye. Motion carried.

##### **C. Request for Transfer of Interest**

David Staley presented agenda item V C, which consisted of six transfer of interest (TOI) applications. Item 1 was the TOI application for NevadaPURE LLC in which NevadaPURE requested approval for an existing shareholder, Gary Rexroad, through his company RMC Pure LLC to purchase 6% ownership of

NevadaPURE from other existing minority shareholders. Staff identified no areas of concern with this application.

Chair Douglas asked to go through each one of the items and then the Board may ask specific questions.

David Staley presented item 2, the TOI application for LivFree Wellness LLC in which LivFree has requested approval for the acquisition of adult-use cannabis retail license RD547 from Helping Hands Wellness Center, Inc. Staff suggested if approved, the approval would be conditioned to require written attestation from LivFree that its operation of RD547 will meet or exceed the merits of the operation specified in the original application submitted by Helping Hands.

David Staley presented item 3, the TOI applications for Planet 13 Holdings, Inc. through its subsidiary MM Development Company Inc., in which Planet 13 requested approval for the acquisition of cannabis cultivation license C067 and RC067, and cannabis production licenses P034 and RP034 from West Coast Development Nevada, LLC. Planet 13 also requested approval for acquisition of adult-use cannabis retail license number RD215 from Nevada Organic Remedies, LLC. Planet 13 requested a waiver pursuant to NCCR 5.112 regarding a review of all Planet 13 shareholders. Planet 13 submitted the names and addresses of all shareholders that own over 5% of its common stock and all its officers and directors, some of which hold as little as seven one-hundredths of a percent of Planet 13 shares. Staff suggested if approved, the approval be conditioned to require written attestation from Planet 13 that its operation of RD215 will meet or exceed the merits of the operation specified in the original application submitted by Helping Hands. If the waiver is approved, it should be conditioned to expire upon the consummation of each of these transactions.

Staley presented item 4, the TOI applications for Mystic Holdings, Inc. through its subsidiary, Qualcan LLC, in which Mystic Holdings requested approval for acquisition of an adult-use cannabis retail license RD591 from Lone Mountain Partners, LLC and RD222 from Nevada Organic Remedies, LLC. Staff suggested if approved, the approval be conditioned to require written attestation from Mystic that its operation of RD 591 and RD222 will meet or exceed the merits of the operations specified in the original application submitted by Lone Mountain and Nevada Organic Remedies.

Staley presented item 5, the TOI application from Nevada Wellness, LLC in which Nevada Wellness requested the approval for its acquisition of a cannabis retail license held by GreenMart Nevada NLV, LLC. The transferee is Nevada Wellness Center and they have requested the application move forward on this agenda. GreenMart, the transferor, requested a continuance of this item to be heard on the September agenda. The application was filed by Nevada Wellness not GreenMart. If approved, staff recommended the approval to be conditioned to require GreenMart to provide a signed and notarized transfer of interest form as the transferor before the transfer of license can occur. Staff recommended the approval to be conditioned to require Nevada Wellness to provide written attestation to the operation of the adult-use cannabis retail license acquired from GreenMart will meet or exceed merits of the operation specified in the original application.

Staley presented item 6, the applications for the ETW Group in which Congeriem, LLC, a wholly owned subsidiary. Individual members of the ETW Group requested approval for the acquisition of adult-use cannabis retail licenses number, RD593, RD594, RD597, RD602 from Lone Mountain Partners, LLC and RD266 from CPCM Holdings, LLC, Cheyenne Medical, LLC and Commerce Park Medical, LLC. Staff requested if approved, the approval be conditioned to require written attestation from Cogerieium that its operation of RD593, RD594, RD597, RD602, and RD266 will meet or exceed the merits of the application submitted by Lone Mountain and CPCM Holdings, LLC, Cheyenne Medical, LLC, and Commerce Park Medical, LLC.

Member Neilander asked David Staley to outline the investigative process and the investigative reports since this is the first time there has been a robust investigative process for transfers of interest. Staley that the investigating agent will conduct background checks through as many different types that might be available, including: LexisNexis, Thompson Reuters, public media, Google, Facebook, and the Nevada Secretary of State, and typical background investigation included with fingerprint submission. Application, agreements and contracts between the two parties, and ownership records were reviewed. There was also a review and analysis of the abbreviated income statement balance sheet for the entities. This will be built upon as staff begins debt analysis and ratio analysis to help better understand the financial health of the company.

Member Neilander commented that the framework was in place to have a robust investigative work product for the Board. Member Merritt agreed that it was very helpful.

Chair Douglas had questions regarding Planet 13 and the names of shareholders and the requested waiver. Staley responded that they submitted the names and addresses of all their owners and officers, and requested a waiver of NCCR 5.112 in relation to the public shareholders of Planet 13.

Chair Douglas was concerned that at a minimum the names and addresses are required. Chair Douglas wanted to take items 1, 2, 4, 5, and 6 as a group with the conditions outlined by Staley and hear MM Development separately.

Member Neilander made a motion for approval of item 1, with no conditions from staff.

Member Neilander made a motion for approval of item 2, with condition that LivFree Wellness must provide written attestation that the operation of the adult-use retail cannabis license RD547 acquired from Helping Hands Wellness Center will meet or exceed the merits of the operation specified in the original application submitted by Helping Hands Wellness Center.

Member Neilander made a motion for approval of item 4, with recommendation and condition that Mystic Holdings Inc. provide written attestation that the operation of the adult-use cannabis retail license RD591 acquired from Lone Mountain Partners, LLC, will meet or exceed the merits of the operation specified in the original application submitted by Lone Mountain Partners, LLC; and the condition that Mystic and Lone Mountain provide a signed and notarized transfer of interest form; and the condition that Mystic Holdings provide a written attestation that the operation of the adult-use cannabis retail license RD222 acquired from Nevada Organic Remedies LLC will meet or exceed the merits of the operation specified in the original application submitted by Nevada Organic Remedies, LLC; and the condition that Mystic Holdings and Nevada Organic Remedies provide a signed and notarized transfer of interest.

Member Neilander made a motion for approval of item 5, with condition that the missing documents that are necessary to complete the application be provided to the CCB as a precondition of that transfer occurring; and condition that Nevada Wellness Center attest that the transfer will meet or exceed the merits of the operation specified in the original applications that were submitted.

Member Neilander made a motion for approval of item 6, with condition that Congerieum LLC provide written attestation that the adult-use cannabis license numbers RD593, RD594, RD597, RD602 acquired from Lone Mountain Partners, LLC and RD266 acquired from CPCM Holdings LLC, Cheyenne Medical, LLC and Commerce Park, LLC will meet or exceed the expectations and merits of the operations specified in the original applications.

Chair Douglas stated there was a motion for approval for items 1, 2, 4, 5, and 6. Member Merritt seconded. All members said aye. Motion carried with conditions.

Chair Douglas stated MM Development could speak for the record.

Leighton Kohler, officer and board member, responded on behalf of MM Development. Robert Groesbeck, founder and president, was present with Mr. Kohler. Mr. Koehler provided a summary of some of the difficulties that a public company would undergo and some of the impossibilities present in the event that a complete list of names and addresses is required. Planet 13 is a public company that used outside services to maintain a registered stockholder list, which contains owners and depository accounts. Within depository accounts, stockholders elect to be classified as non-objecting beneficial owners (NOBO) or objecting beneficial owners (OBO). The vast majority are OBO stockholders and Planet 13 does not have the ability to see names or addresses of those stockholders or obtain that information. Another complication was when an individual investor wanted to trade shares, it would be through a third-party intermediary broker who contacted the stock exchange. Despite being a small cap public company, the volume of daily trades made tracking individual owners an impossible task on a day to day basis. For this reason, public companies pick a list of stockholders as of a record date and send out an annual shareholder meeting request. This is a snapshot of the registered shareholder list at a market closing on the record date. This is the NOBO list.

Chair Douglas commented that there is 50.37% ownership from various listed stockholders, 0.27% from non-management employees, and 49.37% from public shareholders. CCB is tasked by the state to ensure owners in the industry meet certain requirements. The CCB can waive requirements as to 5%, but there is a very low threshold as to names and addresses. Chair Douglas felt this should be doable, but was it a reasonable expectation or something that was too difficult to be done. Chair Douglas did not want to hold up the transfer, but would like the names and addresses, and asked if it could be provided in a reasonable amount of time.

Mr. Kohler responded that the NOBO list was provided to the Attorney General's office last week, and can be provided to the CCB. There is a cost of \$5,000 or under to obtain the current NOBO list. They were unable to obtain the OBO list, which is the similar situation to public gaming companies.

Member Merritt agreed with Chair Douglas. Member Neilander commented that he shared the concerns of Chair Douglas. Member Neilander added that Gaming evolved to where the gaming regulations meshed with the Securities and Exchange Commission regulations. In general, there is a 5% threshold where there is no recording requirement below the 5% other than an annual list of stockholders. Member Neilander stated the NOBO list should be requested on an annual basis and be submitted. A condition to the license could be the annual list be provided to the CCB disclosing as much information as can be reasonably obtained. Chair Douglas agreed.

Mr. Kohler requested that the NOBO list be provided as of their record date for the annual shareholder meeting and confirmed that they will provide the list for the current transfers before the Board. The annual meeting is approximately June 24<sup>th</sup>.

Member Neilander asked what was the delta between the record date and the annual meeting date. Mr. Kohler responded thirty days.

Member Neilander made a motion for approval of item 3, with condition that Planet 13 Holdings, Inc. provide a written attestation that the operation of the adult-use cannabis retail license number RD215 acquired from Nevada Organic Remedies, LLC will meet or exceed the merits of the operation specified in the original application submitted by Nevada Organic Remedies, LLC; approval to partially grant the waiver requested with respect to Regulation 5.112 and the waivers conditioned that they would expire at the consummation of each transaction; and condition that Planet 13 Holdings, Inc. shall submit a stockholder's list on or about their date of record annually to the CCB.

Member Merritt seconded the motion. All members said aye. Motion carried.

D. Request for Final Licensure

Executive Director Klimas presented for approval is the request for final licensure for Circle S Farms LLC (RD374) located at 631 S. Las Vegas Blvd, Las Vegas, Nevada; and Acres Dispensary, LLC (D208, RD208) located at 940 E. Bolton St., Ely, Nevada. Klimas stated the licensees have met all regulatory operational requirements following final inspections and staff review. Staff recommends Board approval of both licensees to begin operations.

Member Merritt made motion for approval of item 1, Circle S Farms LLC. Chair Douglas seconded. All members said aye. Motion carried.

Member Neilander made motion for approval of item 2, Acres Dispensary, LL. Member Merritt seconded. All members said aye. Motion carried.

E. Consideration of the Proposed Settlement Agreements

Executive Director Klimas stated that before the Board were two proposed settlement agreements between Natural Medicine LLC and the State of Nevada Department of Taxation, and High Sierra Holistics, LLC TRNVP098 LLC and the State of Nevada Department of Taxation. Both settlements pertained to the case of in Re: Department of Taxation litigation case No. A-19-787004-B, pending in the Eight Judicial District Court. Steve Shevorski, Chief Litigation Counsel for the Attorney General's office, was there to discuss each agreement and answer questions.

Steve Shevorksi recommended approval of the two settlement agreements that arose out of the ongoing marijuana licensure litigation in the Eighth Judicial District Court, Department 11 before Judge Elizabeth Gonzales. The settlement agreements were entered into after the partial settlement agreement was conditionally approved by the Nevada Tax Commission and then by the Cannabis Compliance Board.

Mr. Shevorksi stated the first settlement agreement involved Natural Medicine and the Department of Taxation. Natural Medicine will contribute towards the payment obligation that is owed under the partial settlement agreement previously approved, a payment of \$100,000.00 that is owed by LivFree. With respect any obligation by the CCB, it was to make a good-faith effort to expedite and process a previously submitted transfer of ownership application between Natural Medicine and MediFarm LLC. In exchange, Natural Medicine agreed to dismiss with prejudice its complaint in the marijuana licensing obligation. This does not shut the courthouse door on anyone who wishes to vindicate their rights before Judge Gonzalez. The parties agree it is in their best interest to enter into this agreement. Natural Medicine recognized that the CCB is agreement to expedite and process but not approve. Any approval is subject to the Board, the State, and the laws of the State of Nevada. Mr. Shevorksi recommended approval.

Mr. Shevorksi stated the second settlement was between three parties: High Sierra Holistics, LLC, TRNVP098 LLC, and the Department of Taxation. High Sierra was a plaintiff in three actions against the Department of Taxation. Two of them are in the United States District Court Northern Division (consolidated before Judge Hicks) and one in state court before Judge Gonzalez. In this agreement, High Sierra Holistics agreed to dismiss with prejudice those three actions, and asked for good-faith effort to expedite and process High Sierra Holistics transfer of ownership application. The ownership application pertains to purchase of a license from TRNVP098 LLC, run by Shane Terry who submitted a letter for public comment in favor of the agreement. The agreement contained a similar term about a 14 month extension that was approved in the prior partial settlement agreement, conditionally approved by the Nevada Tax Commission and then approved to the extent permissible by this Board. Mr. Shevorksi recommended approval and noted that these matters will also go before the Nevada Tax Commission for approval at a publicly noticed meeting.

Chair Douglas asked the Board for questions. There were none.

Chair Douglas noted that the CCB is not obligated to do any more than it would normally be obligated to do in light of the settlement.

Chair Douglas made a motion for acceptance and approval of the settlement agreements in item 1 and 2. Member Neilander seconded the motion. All members said aye. Motion carried.

VI. Consideration of the Dispute over the Request for Change of Location between Cheyenne Medical, LLC and MediFarm LLC.

Executive Director Klimas stated the item came from an apparent dispute over a change of location request by two licensees: Cheyenne Medical, LLC and MediFarm LLC for the same location. Approved under the Marijuana Enforcement Division (MED), the CCB records recognize MediFarm LLC was the licensee conditionally approved to locate to the address of 2975 Sammy Davis Jr. Drive, Las Vegas, Nevada. The change of location was submitted on November 21, 2019 and approved on January 10, 2020. There was not a signed lease submitted as the MED did not require one. On May 15, 2020, the CCB received a request from Cheyenne Medical LLC to relocate to 2975 Sammy Davis Jr. Drive, and the request contained a signed lease agreement for the property. There is no licensee residing at the location. CCB staff requested guidance on how to proceed with the matter, including the steps toward resolution.

Chair Douglas asked for counsel to provide information that may be helpful to the Board to consider if this item comes before the Board in September.

Ashley Balducci, Senior Deputy Attorney General, stated she tried to get the legal position of the two licensees. From her investigation, she was not certain if either licensee was the original applicant or the extended applicant for the special use permit. Ms. Balducci would like to see who requested the extension of the special use permit.

Chair Douglas commented that it appeared someone made a request for a special use permit, which has expired but would be grandfathered in for that purpose. There were several questions including does that condition apply to anyone else and has the right of the first party to be on the property ended.

Chair Douglas stated he would like both parties present to the Board, within ten days starting the following day, their position as to why they should have a license a be able to retain that license from the zoning to the propriety of being properly on the property. Thereafter, they will have five days to respond to whatever has been written by the opposing side. They may be allowed to make a limited presentation in September.

Member Neilander added that with gaming, the grandfather runs with the land, but there is a provision that the grandfather can't go dark for more than two years or else the right is lost. Member Neilander asked Ms. Balducci to look into local law to see when does the SUP expire, who has the SUP, does the SUP extend the grandfather to another party even though there is not a lease.

Chair Douglas asked counsel to provide notice to the parties to request the information. There was no action for this item at the meeting.

VII. Next Meeting Date.

Chair Douglas stated the next meeting date was September 22, 2020.

VIII. Future Agenda Items

Chair Douglas asked if there were items requested for future agendas. There were none.

IX. Public Comment

No additional public comment was received.

X. Adjournment

Member Merritt made motion to adjourn. Member Neilander seconded. Meeting adjourned at 11:27 a.m.