

From: [Chris DeFillippo](#)
To: [Lisa Adair](#)
Cc: [Martin Moore](#)
Subject: RE: Public Hearing on Cannabis
Date: Friday, September 23, 2022 9:56:13 AM
Attachments: [image001.jpg](#)

External (chris@roblesrael.com)

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Lisa,

My responses are in red below.

Samuel Chris DeFillippo, Esq.
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Ave. NW, Suite 700
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From: Lisa Adair <ladair@riocommunities.net>
Sent: Thursday, September 22, 2022 3:46 PM
To: Chris DeFillippo <chris@roblesrael.com>
Cc: Martin Moore <mmoore@riocommunities.net>
Subject: RE: Public Hearing on Cannabis

Thank you for your quick response. I will add your response to the Councils packet once I receive it from you.

Thanks

Lisa Adair
Municipal Clerk

City of Rio Communities

From: Chris DeFillippo <chris@roblesrael.com>
Sent: Thursday, September 22, 2022 3:44 PM
To: Lisa Adair <ladair@riocommunities.net>
Cc: Martin Moore <mmoore@riocommunities.net>
Subject: RE: Public Hearing on Cannabis

Lisa,

I do not believe that this qualifies as an IPRA request due to the fact that it unambiguously states that it is comments relating to the public hearing. I will work to provide draft responses for the Council by tomorrow.

Samuel Chris DeFillippo, Esq.
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From: Lisa Adair <ladair@riocommunities.net>
Sent: Thursday, September 22, 2022 3:14 PM
To: Chris DeFillippo <chris@roblesrael.com>
Cc: Martin Moore <mmoore@riocommunities.net>
Subject: FW: Public Hearing on Cannabis

Chris,

Here is the email thread from Mr. Westmoreland's email, and another resident somehow responding to both Mr. Westmoreland and me.

Thanks

Lisa Adair

Municipal Clerk
City of Rio Communities

Lisa

From: Klaus <kpete9349@aol.com>
Sent: Thursday, September 22, 2022 2:48 PM
To: Tommy Westmoreland <1761tgw@gmail.com>; Lisa Adair <ladair@riocommunities.net>
Subject: Re: Public Hearing on Cannabis

If they do follow the laws as written go for it, it's a money maker like liquor or gas !!!

[Sent from the all new AOL app for iOS](#)

On Thursday, September 22, 2022, 1:56 PM, Tommy Westmoreland <1761tgw@gmail.com> wrote:

After reading **2021HB2**, I have reached the following questions and comments:

1. **Who** notifies the city if a licensee violates State Cannabis Law?

I am not sure I entirely understand the question? Is a cannabis business violates state Cannabis law they may be prosecuted under local and state law— similar to if an individual violated any other state law.

2. Should there be a hearing on an action to suspend or terminate a licensee do we as a municipality get notice from anyone?

The City does not have the power to terminate a licensee, this power is held by the Cannabis Control Division of the State of New Mexico. The City may regulate the time, place, and manner of licensee's use of their license in the municipality. However, the license itself is state issued.

3. Since there are many different types of Cannabis Retail licenses, which one does this application fall under?

The Cannabis Control Division issues licenses to cannabis producers, microbusiness producers, integrated microbusinesses, manufacturers, retailers, consumption areas, vertically integrated establishments, couriers, and testing and research laboratories. In this case, the application is for a cannabis dispensary.

4. After reading **2021 HB2** it seems the state wants to have one of these retail facilities on every street corner. With that in mind it is my understanding that all cities can do about this type of business must be through its zoning ordinances. Hopefully P&Z is on top of that.

The City may regulate the time, place, and manner of licensee's use of their license in the municipality. The City currently has an ordinance in place that provides such restrictions. See Ordinance ???.

5. I have no opinion either way to allow or disallow Cannabis sales. Studies show pros and cons about availability and health benefits/detriments.

Importantly, the City may not prohibit the sale of cannabis within the City. Instead, the City is only provided the power to regulate the time place and manner of such sales.

Some of these businesses will sell to minors. Many will not and follow the law as it's written. New Mexico has some archaic alcohol laws and this one will follow right along with them.

It is explicitly illegal to sell cannabis to minors. If such action occurs, it will be prosecuted pursuant to local and State laws.

This applicant's **filing fees will be only a teeny bit** if a violation is found out to be true. New Mexico will give out licenses pretty much to almost anyone. The rue will come as the **State of New Mexico fines operators for the least little error. Good luck.**

There does not appear to be a question associated with this statement.

Tommy Westmoreland
458 Goddard Court
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505/388-6104