

## **RESOLUTION 2025-18**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY FINDING PROBABLE CAUSE OF A LIQUOR CODE VIOLATION BY CRESTED BUTTE GROCERY LLC D/B/A CLARK'S MARKET.**

**WHEREAS**, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

**WHEREAS**, pursuant to Crested Butte Municipal Code Section 6-2-10(b) the Town Council constitutes the Local Liquor Licensing Authority ("Town Council"); and

**WHEREAS**, Crested Butte Grocery LLC d/b/a Clark's Market ("Licensee") holds a Fermented Malt Beverage and Wine Liquor License No. 04-00825; and

**WHEREAS**, on May 5, 2025, Licensee was cited by the State Liquor Enforcement Division for selling to a person under the age of 21; and

**WHEREAS**, on May 6, 2025, Licensee signed and submitted a renewal application averring that Licensee's only violation in the past year was in Parachute, Colorado on a separate license (See **Exhibit A**); and

**WHEREAS**, on May 9, 2025, Licensee entered into a Stipulation, Agreement and Order with the State Liquor Enforcement Division regarding the May 5, 2025, violation (See attached **Exhibit B**).

**WHEREAS**, on May 26, 2025, the Town Clerk issued a renewal of the Licensee's liquor license (See attached **Exhibit A**); and

**WHEREAS**, pursuant to Municipal Code Section 6-2-30(b) due to the violation the license renewal required a hearing before the Town Council.

**NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, THAT:**

**Section 1.** The Town Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings

**Section 2.** Based on the foregoing, the Town Council finds that probable cause exists to believe that Crested Butte Grocery LLC d/b/a Clark's Market violated both State and Town of Crested Butte regulations by failing to disclose the May 5, 2025, violation during the renewal process for its liquor license.

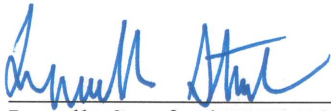
INTRODUCED, READ, AND PASSED THIS 21<sup>st</sup> DAY OF July 2025.

TOWN OF CRESTED BUTTE, COLORADO



Ian Billick, Mayor

ATTEST



Lynelle Stanford, Town Clerk

(SEAL)



DR 8400 (02/16/24)  
**COLORADO DEPARTMENT OF REVENUE**  
 Liquor Enforcement Division  
 PO BOX 17087  
 Denver CO 80217-0087  
 (303) 205-2300

Submit to Local Licensing Authority

**CLARK'S MARKET**  
**818 SOUTH MAIN STREET**  
**Blanding UT 84511**

Fees Due	
Annual Renewal Application Fee	\$
Renewal Fee	346.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

Make check payable to Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

### Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.

☐ Paid by check

Uploaded to MoveIt on Date

☐ Paid Online

Licensee Name

CRESTED BUTTE GROCERY LLC

Doing Business As Name (DBA)

CLARK'S MARKET

Liquor License Number

04-00825

License Type

Fermented Malt Beverage and Wine (city)

Sales Tax License Number

02526189

Expiration Date

07/04/2025

Due Date

05/20/2025

#### Business Address

Street Address

500 BELLEVIEW AVENUE

Phone Number

9703496492

City, State, ZIP Code

Crested Butte CO 81224

#### Mailing Address

Street Address

818 SOUTH MAIN STREET

City, State, ZIP Code

Blanding UT 84511

Email

jon@geberslicensing.com

Operating Manager

Tom Clark, Jr.

Date of Birth

11/22/1973

Exhibit

A

### Home Address

Street Address		Phone Number
449 Mountain Laurel, Unit 3		(970) 948-2037
City	State	ZIP Code
Aspen	CO	81611

1. Do you have legal possession of the premises at the street address? ☒ Yes ☐ No

Are the premises owned or rented? ☐ Owned

\*If rented, expiration date of lease

☒ Rented\*

12/2037

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? ☐ Yes ☒ No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit? ☒ Yes ☐ No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing? ☒ Delivery ☐ Takeout ☐ Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☒ No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☒ No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? ☐ Yes ☒ No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.



6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?.....

☐ Yes ☒ No

If yes, attach a detailed explanation.

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?.....

☒ Yes ☐ No

If yes, attach a detailed explanation.

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?.....

☒ Yes ☐ No

If yes, attach a detailed explanation.

#### Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

Tom Clark, Jr.

Title

President

Signature

Tom Clark

887FD6D4B9864CE...

Date (MM/DD/YY)

5/6/2025

#### Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE

STATE OF COLORADO

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STIPULATION, AGREEMENT, AND ORDER  
SA 24-GJ-44

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IN THE MATTER OF:

**BATTLEMENT GROCERY, LLC  
D/B/A CLARK'S MARKET  
71 SIPPRELLE DRIVE  
PARACHUTE, COLORADO 81635**

**Fermented Malt Beverage and Wine (county) License No. 04-01231**

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The State of Colorado, Liquor Enforcement Division ("Division") and Battlement Grocery, LLC, D/B/A Clark's Market, 71 Sipprelle Drive, Parachute, Colorado 81635 ("Licensee") hereby stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violation of the Colorado Liquor Code, Sections 44-3-901(1)(b)(I), and 44-3-901(11).

IT IS ALLEGED THAT:

- A. On April 16, 2024, the Licensee, by and through its employee/agent, Jeffrey M. Miller, permitted the selling, serving, giving, or procuring of an alcohol beverage (a can of Twisted Tea fermented malt beverage) to 23FLK17074, a seventeen-year-old Liquor Enforcement Division underage purchaser.
  - B. Jeffrey M. Miller failed to verify that the consumer was at least twenty-one years of age by requiring the consumer to present a valid identification and who appeared to be under the age of fifty (50).
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Stipulation, Agreement, and Order ("Order").
3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of proceeding to the issuance by the State Licensing Authority of an Order to Show Cause and conducting a



Stipulation, Agreement, and Order  
Clark's Market  
Grand Junction Office  
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hearing to determine the merits of such allegations. The terms and conditions of this Order are subject to approval by the State Licensing Authority.

4. Licensee admits the violations as alleged above in paragraph 1.
5. Licensee agrees, in lieu of the issuance of an Order to Show Cause, and subsequent proceedings, to submit to the following sanctions:
  - A. A **seven (7) day** suspension of Licensee's **Fermented Malt Beverage and Wine (county) License** to take place as follows:
    - i. License to be actively suspended for **three (3) days** from 12:01 a.m. on **December 27, 2024**, until 11:59 p.m. on **December 29, 2024**.
    - ii. During any period of active license suspension, Licensee shall post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2.
    - iii. **Four (4) days** of the suspension to be held in abeyance for a period of one (1) year, from the date of approval of this agreement by the state licensing authority, pending no further violations of the Colorado Liquor Code Section 44-3-901(1)(b)(I), C.R.S., during this period.
6. The Licensee has filed a written petition to the Division in accordance with 44-3-601(3), C.R.S. requesting that the Licensee be allowed to pay a fine in lieu of active suspension in paragraph 5(A)(i). The Division finds that the petition supports the following:
  - A. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and
  - B. That the books and records of the Licensee are kept in such a manner that loss of sales of alcohol beverages which the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy.
7. The parties agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of three (3) days, except that the fine shall not be less than five hundred dollars (\$500.00) nor more than one-hundred thousand dollars (\$100,000.00). The parties agree that the average days' sales for the month of **April 2024** shall be the appropriate measure of said estimated gross revenues. Based upon these records, the amount of the fine has been determined to be **\$500.00**.



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Clark's Market  
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- A. Payment of the fine pursuant to the provisions of this agreement shall either be made online at <https://secure.colorado.gov/payment/liquor>, select Administrative Action Fee or Fine and include the amount listed above or shall be in the form of a **certified check or a cashier's check** made payable to the Colorado Department of Revenue. Said fine shall be paid and mailed to the Department of Revenue, Attn: Liquor Enforcement Division, P.O. Box 17087, Denver, Colorado 80217-0087, on or before **December 6, 2024.**
  - B. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's three (3) day suspension as set forth in paragraph 5(A)(i) of this stipulation and agreement shall be deemed automatically permanently stayed.
  - C. If the Licensee fails to make payment in a timely manner as detailed in this paragraph, the full three (3) day suspension shall be served as detailed in paragraph 5.
8. This Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for action against Licensee (and any defenses that Licensee may have to such complaint and investigation) shall specifically not be at issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are proven, or Licensee enters into a stipulation in lieu of hearing in which it admits such allegations, the State Licensing Authority shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.
9. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 44-3-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in §§44-3-103(19)(b) and 44-3-601, C.R.S.
10. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature,



Stipulation, Agreement, and Order  
Clark's Market  
Grand Junction Office  
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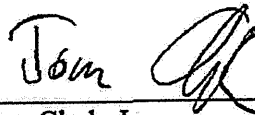
meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.

11. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
12. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives the following rights:
  - A. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
  - B. The right to cross-examine all witnesses against Licensee at a formal hearing;
  - C. The right to subpoena witnesses, present evidence and to testify on Licensee's own behalf at a formal hearing;
  - D. The right to be represented by counsel of Licensee's own choosing and at Licensee's expense at any stage of this proceeding;
  - E. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
  - F. The right to appeal this Order.
13. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.
14. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, Respondent's admissions herein shall be withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause.
15. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.

Stipulation, Agreement, and Order  
Clark's Market  
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Christine Schmid as proxy for Michelle Stone-Principato  
Digitally signed by Christine Schmid as proxy for Michelle Stone-Principato  
Date: 2024.11.07 08:46:52 -0700

Michelle Stone-Principato  
Division Director  
Liquor Enforcement Division



Tom Clark, Jr.  
Battlement Grocery, LLC

11-5-24

Date

**APPROVED and ORDERED** as dated in the Electronic Signature below.

Heidi  
Humphreys

Digitally signed by Heidi Humphreys  
Date: 2024.11.19  
16:28:04 -0700

Heidi Humphreys  
Executive Director/CEO  
Department of Revenue  
State Licensing Authority

*Telecopy or electronic versions of this stipulation which contain telecopy facsimiles of signatures shall be deemed duplicate executed originals of this stipulation. This stipulation may be executed in counterparts and delivered by facsimile, U.S. Mail (or private carrier), or .pdf transmission.*

Stipulation, Agreement, and Order  
Clark's Market  
Grand Junction Office  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing **STIPULATION, AGREEMENT, AND ORDER** was placed in the United States Mail on the date in the electronic signature below, addressed as follows:

<u>Licensee Business Address</u> Battlement Grocery, LLC d/b/a Clark's Market 71 Sipprelle Drive Parachute, CO 81635 <a href="mailto:John@clarksmarket.com">John@clarksmarket.com</a>  Fermented Malt Beverage and Wine (county) License No. 04-01231	<u>Licensee Mailing Address</u> Battlement Grocery, LLC d/b/a Clark's Market 818 South Blanding Blanding, UT 84511 <a href="mailto:John@clarksmarket.com">John@clarksmarket.com</a>
Liquor Enforcement Division P.O. Box 17087 Denver, CO 80217-0087 <a href="mailto:led_adminactions@state.co.us">led_adminactions@state.co.us</a>	

Alexandra  
By: Prichard

Digitally signed by  
Alexandra Prichard  
Date: 2024.11.21  
09:52:44 -07'00'

Allie Prichard

## **RENEWAL APPLICATION (CONTINUED)**

### **Q. 8 – Ownership**

The applicant's ownership currently has interest in the following Colorado liquor licenses:

Battlement Grocery, LLC d/b/a Clark's Market  
71 Sipprelle Drive, Parachute, CO 81634  
Fermented Malt Beverage (County) License - #04-01231

Norwood Grocery LLC d/b/a Clark's Market  
1435 Grand Avenue, Norwood, CO 81423  
Fermented Malt Beverage (City) License - #04-00854

Lowry Grocery, LLC d/b/a Clark's Market  
7059 E. Lowry Boulevard, Suite 102, Denver, CO 80224  
Liquor Store (City) License - #03-20250

Meeker Grocery, LLC d/b/a Watt Ranch Market / Clark's Market  
271 East Market Street, Meeker, CO 81641  
Fermented Malt Beverage On/Off (City) - #04-02061

Clark's Market Inc.  
215 South Monarch Street, Aspen, CO 81611  
Master File (Business) - #03-22800



DR 8495 (02/16/24)  
COLORADO DEPARTMENT OF REVENUE  
Liquor Enforcement Division  
PO BOX 17087  
Denver CO 80217-0087  
(303) 205-2300

## Tax Check Authorization, Waiver, and Request to Release Information

I, Tom Clark, Jr.

am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of

(the "Applicant/Licensee")

Crested Butte Grocery LLC

to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business)

Crested Butte Grocery LLC

Social Security Number/Tax Identification Number

84-1564733

Home Phone Number

Business/Work Phone Number

(970) 349-6492

Street Address

500 Belleview Avenue

City

Crested Butte

State

ZIP Code

CO

81224

Printed name of person signing on behalf of the Applicant/Licensee

Tom Clark, Jr.

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) Date Signed

Tom Clark

5/6/2025

**Privacy Act Statement**

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).





**COLORADO**  
Department of Revenue  
Specialized Business Group—  
Liquor & Tobacco

Physical Address:  
1707 Cole Blvd., Ste. 300  
Lakewood, CO 80401

Mailing Address:  
Colorado Liquor Enforcement Division  
P.O. Box 17087  
Denver, CO 80217-0087

June 6, 2025

Crested Butte Grocery LLC  
d/b/a Clark's Market  
500 Belleview Avenue  
Crested Butte, CO 81224  
[cb\\_manager@clarksmarket.com](mailto:cb_manager@clarksmarket.com)  
[jim@clarksmarket.com](mailto:jim@clarksmarket.com)  
[Alicia@clarksmarket.com](mailto:Alicia@clarksmarket.com)

Dear Licensee:

Attached is the proposed Stipulation, Agreement, and Order ("Order") regarding allegation(s) of violation(s) of the Colorado Liquor Code by your licensed entity. The attached Order is subject to the provisions of Rule 408 of the Colorado Rules of Evidence as an offer in compromise and statements made in compromise negotiations. This Order has important legal consequences. Please carefully read the terms of the Order. You should consider consulting legal counsel to advise you.

You may resolve this matter by signing and returning the attached Order and stated fine to the Liquor Enforcement Division ("Division") using the address above or email the executed order to [led\\_adminactions@state.co.us](mailto:led_adminactions@state.co.us). To exercise this option, the Division must receive the signed Order and fine payment by the date on the Order. The fine is due on the date specified within the Order and needs to be submitted at the same time as the signed Order so your fine can be appropriately processed. The associated fine may be paid by Certified Check or Cashier's check mailed to the mailing address above or paid online at: <https://secure.colorado.gov/payment/liquor>. If the Division does not receive the signed Order and payment by that time, the offer to settle expires, and the terms and conditions presented and offered in the attached Order become null and void. If you fail to respond by the date in the Order, or if you do not agree to the terms of the Order, an Order to Show Cause will be issued, and a hearing will be scheduled to determine the merits of the allegations contained in the Order. Should an Order to Show Cause be issued and the matter proceed to hearing, the Division may seek up to the maximum penalty allowed by law, if warranted by the circumstances.

The Order contains a proposed suspension time with proposed suspension dates, along with an established fine amount to be paid in lieu of the active suspension time. The suspension dates are negotiable, but the fine amount is not. The fine is due on the date specified within the Order, and needs to be submitted at the same time as the signed Order so your fine can be appropriately processed.

To discuss matters relating to this notice and the attached Order, you should contact [led\\_adminactions@state.co.us](mailto:led_adminactions@state.co.us) within ten (10) days of the date of this notice.

Sincerely,

*Michelle Stone-Principato*

Michelle Stone-Principato  
Division Director  
Liquor Enforcement Division

Exhibit

B

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE

STATE OF COLORADO

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STIPULATION, AGREEMENT, AND ORDER  
SA 25-GJ-108

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IN THE MATTER OF:

**CRESTED BUTTE GROCERY LLC  
D/B/A CLARK'S MARKET  
500 BELLEVIEW AVENUE  
CRESTED BUTTE, CO 81224**

**Fermented Malt Beverage and Wine (city) License No. 04-00825**

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The State of Colorado, Liquor Enforcement Division ("Division") and Crested Butte Grocery LLC, D/B/A Clark's Market, 500 Belleview Avenue, Crested Butte, CO 81224 ("Licensee") hereby stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violation of the Colorado Liquor Code, Sections 44-3-901(1)(b)(I), and 44-3-901(11).

IT IS ALLEGED THAT:

- A. On May 5, 2025, the Licensee, by and through its employee/agent, Rodney Morrill, permitted the selling, serving, giving, or procuring of an alcohol beverage ( a 300 mL bottle of Hakutsuro Sake - Vinous Liquor) to 24FGJ18079, a nineteen-year-old Liquor Enforcement Division underage purchaser.
  - B. Rodney Morrill failed to verify that the consumer was at least twenty-one years of age by requiring the consumer to present a valid identification and who appeared to be under the age of fifty (50).
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Stipulation, Agreement, and Order ("Order").
  3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of proceeding to the issuance by the State Licensing Authority of an Order to Show Cause and conducting a



hearing to determine the merits of such allegations. The terms and conditions of this Order are subject to approval by the State Licensing Authority.

4. Licensee admits the violations as alleged above in paragraph 1.
5. Licensee agrees, in lieu of the issuance of an Order to Show Cause, and subsequent proceedings, to submit to the following sanctions:
  - A. A **seven (7) day** suspension of Licensee's **Fermented Malt Beverage and Wine (city) License** to take place as follows:
    - i. License to be actively suspended for **three (3) days** from 12:01 a.m. on **July 11, 2025**, until 11:59 p.m. on **July 13, 2025**.
    - ii. During any period of active license suspension, Licensee shall post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2.
    - iii. **Four (4) days** of the suspension to be held in abeyance for a period of one (1) year, from the date of approval of this agreement by the state licensing authority, pending no further violations of the Colorado Liquor Code Section 44-3-901(1)(b)(I), C.R.S., during this period.
6. The Licensee has filed a written petition to the Division in accordance with 44-3-601(3), C.R.S. requesting that the Licensee be allowed to pay a fine in lieu of active suspension in paragraph 5(A)(i). The Division finds that the petition supports the following:
  - A. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and
  - B. That the books and records of the Licensee are kept in such a manner that loss of sales of alcohol beverages which the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy.
7. The parties agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of three (3) days, except that the fine shall not be less than five hundred dollars (\$500.00) nor more than one-hundred thousand dollars (\$100,000.00). The parties agree that the average days' sales for the month of **May 2025** shall be the appropriate measure of said estimated gross revenues. Based upon these records, the amount of the fine has been determined to be **\$574.79**.


- A. Payment of the fine pursuant to the provisions of this agreement shall either be made online at <https://secure.colorado.gov/payment/liquor>, select Administrative Action Fee or Fine and include the amount listed above or shall be in the form of a **certified check or a cashier's check** made payable to the Colorado Department of Revenue. Said fine shall be paid and mailed to the Department of Revenue, Attn: Liquor Enforcement Division, P.O. Box 17087, Denver, Colorado 80217-0087, on or before **June 27, 2025**.
  - B. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's three (3) day suspension as set forth in paragraph 5(A)(i) of this stipulation and agreement shall be deemed automatically permanently stayed.
  - C. If the Licensee fails to make payment in a timely manner as detailed in this paragraph, the full three (3) day suspension shall be served as detailed in paragraph 5.
8. This Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for action against Licensee (and any defenses that Licensee may have to such complaint and investigation) shall specifically not be at issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are proven, or Licensee enters into a stipulation in lieu of hearing in which it admits such allegations, the State Licensing Authority shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.
  9. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 44-3-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in §§44-3-103(19)(b) and 44-3-601, C.R.S.
  10. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature,

- meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.
11. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
  12. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives the following rights:
    - A. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
    - B. The right to cross-examine all witnesses against Licensee at a formal hearing;
    - C. The right to subpoena witnesses, present evidence and to testify on Licensee's own behalf at a formal hearing;
    - D. The right to be represented by counsel of Licensee's own choosing and at Licensee's expense at any stage of this proceeding;
    - E. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
    - F. The right to appeal this Order.
  13. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.
  14. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, Respondent's admissions herein shall be withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause.
  15. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.

Stipulation, Agreement, and Order  
Clark's Market  
Grand Junction Office  
Page 5

Christine Schmid as: Digitally signed by Christine  
proxy for Michelle Schmid as proxy for Michelle  
Stone-Principato Stone-Principato  
Date: 2025.06.12 07:53:27 -06'00'

Michelle Stone-Principato  
Division Director  
Liquor Enforcement Division

  
Tom Clark, Jr.  
Crested Butte Grocery LLC

6-9-25  
Date

**APPROVED and ORDERED** as dated in the Electronic Signature below.

Heidi  
Humphreys  
Digitally signed by Heidi  
Humphreys  
Date: 2025.06.24  
16:02:09 -06'00'

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Heidi Humphreys  
Executive Director/CEO  
Department of Revenue  
State Licensing Authority

*Telecopy or electronic versions of this stipulation which contain telecopy facsimiles of signatures shall be deemed duplicate executed originals of this stipulation. This stipulation may be executed in counterparts and delivered by facsimile, U.S. Mail (or private carrier), or .pdf transmission.*



**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing **STIPULATION, AGREEMENT, AND ORDER** was placed in the United States Mail on the date in the electronic signature below, addressed as follows:

<u>Licensee Business Address</u> Crested Butte Grocery LLC d/b/a Clark's Market 500 Belleview Avenue Crested Butte, CO 81224 <a href="mailto:cb_manager@clarksmarket.com">cb_manager@clarksmarket.com</a> <a href="mailto:jim@clarksmarket.com">jim@clarksmarket.com</a> <a href="mailto:Alicia@clarksmarket.com">Alicia@clarksmarket.com</a>  Fermented Malt Beverage and Wine (city) License No. 04-00825	<u>Licensee Mailing Address</u> Crested Butte Grocery LLC d/b/a Clark's Market 818 South Main Street Blanding, UT 84511 <a href="mailto:cb_manager@clarksmarket.com">cb_manager@clarksmarket.com</a> <a href="mailto:jim@clarksmarket.com">jim@clarksmarket.com</a> <a href="mailto:Alicia@clarksmarket.com">Alicia@clarksmarket.com</a>
Liquor Enforcement Division P.O. Box 17087 Denver, CO 80217-0087 <a href="mailto:led_adminactions@state.co.us">led_adminactions@state.co.us</a>	

Alexandra  
By: Prichard

Digitally signed by  
Alexandra Prichard  
Date: 2025.06.30  
12:30:35 -06'00'

Allie Prichard

BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO  
ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY

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NOTICE OF HEARING AND ORDER TO SHOW CAUSE

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IN THE MATTER OF:

**CRESTED BUTTE GROCERY LLC**

**D/B/A CLARK'S MARKET**

**500 BELLEVIEW AVENUE**

**Fermented Malt Beverage and Wine (city) License No. 04-00825**

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Whereas, on July 21, 2025, the Town Council of the Town of Crested Butte Colorado acting as the Local Liquor Licensing Authority determined that there was probable cause to believe the Licensee named above violated CRS 44-3-302 and Crested Butte Municipal Code 6-2-30 by failing to disclose material facts regarding a pending violation and stipulation with the Division of Liquor Enforcement during the renewal process.

NOW THEREFORE; Licensee is hereby ordered to appear before the Town of Crested Butte Town Council acting as the Local Liquor Licensing Authority on August 5, 2025 at 7:00PM , at the Crested Butte Town Hall located at 507 Maroon Ave, Crested Butte, Colorado 81224, to show cause, if any, why Licensee's Fermented Malt Beverage and Wine License No. 04-00825 should not be suspended or revoked for having violated the above cited provisions of State Statute and Municipal Code more specifically alleged below. Your failure to appear may result in the suspension or revocation of your liquor license without further notice.

YOU ARE FURTHER NOTIFIED that the purpose of the show cause hearing is to determine if you have violated the rules, regulations and laws which govern your operation of the Licensed Premises, as follows:

IT IS ALLEGED THAT:

1. On May 5, 2025, you were cited by the State Division of Liquor Enforcement for selling to a person under the age of 21.
2. On May 6, 2025, you submitted a renewal application to the Crested Butte Town Clerk wherein you averred that you had no pending liquor code violations except in the Town of Parachute.
3. On May 9, 2025, you entered into a Stipulation, Agreement, and Order with the State Liquor Enforcement Division regarding the May 5, 2025, violation.
4. At no time between May 6, 2025, and the issuance of your renewal on May 28, 2025, did you inform the Town that you had been cited or that you had entered a stipulation as required on the renewal application, and Municipal Code Section 6-2-30.

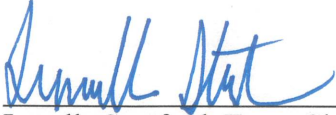
The hearing on this matter will be conducted pursuant to CRS 44-3-601 and the Regulations of the Colorado Department of Revenue, Liquor Enforcement Division. You may be represented by an attorney if you desire.

A copy of the Resolution of the Town Council of the Town of Crested Butte acting as the Local Liquor Licensing Authority finding probable cause to believe that you have committed a violation of the above-described State laws and regulations and the local ordinances of the Town of Crested Butte, is served with this order.

GIVEN BY ORDER OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE  
ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY.

DATED: July 21, 2025

TOWN OF CRESTED BUTTE LOCAL LIQUOR LICENSING AUTHORITY



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Lynelle Stanford, Town Clerk