

RESOLUTION 2025-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY FINDING CRESTED BUTTE GROCERY LLC D/B/A CLARK'S MARKET VIOLATED THE TOWN OF CRESTED BUTTE'S LOCAL LIQUOR LICENSING REGULATIONS.

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, a duly and properly noticed hearing on the Order to Show Cause was set for August 5, 2025, and continued to September 2, 2025.

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

Section 1. Findings of Fact.

- (1) On May 5, 2025, Licensee was cited by the State Liquor Enforcement Division for selling to a person under the age of 21.
- (2) 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.
- (3) On June 2, 2025, the Town Clerk issued an administrative renewal of Clark's license.
- (4) On June 9, 2025, Licensee entered into a Stipulation, Agreement, and Order with the State Liquor Enforcement Division regarding the May 5, 2025, violation.
- (5) On June 10, 2025, the Licensee requested a corrected liquor license be issued.
- (6) Between May 6, 2025, and June 10, 2025, there were numerous communications between the Licensee's licensing agent and the Town Clerk.
- (7) Tom Clark, Jr., testified that he was unaware of the violation at the time the renewal application was signed and submitted to the Town on May 6, 2025.

- (8) Mr. Clark further testified that the licensing process and the enforcement process were handled by different entities on behalf of Clark's Market.
- (9) Tom Downey, Esq., attorney for Clark's Market, asserted and preserved for the record that the original charging resolution contained a fatal flaw in that the June 9, 2025, date of signature of the Stipulation, Agreement, and Order was mistakenly identified as having been signed on May 9 not June 9, 2025.
- (10) Two members of the public testified at the hearing:
 - (a) Peter Cook, owner of Acme Liquor, testified that he believed Clark's Market's liquor license should be revoked and presented a petition purportedly containing 486 signatures supporting that position.
 - (b) Brent Thomson testified that he believed Clark's Market's liquor license should be revoked.

Section 2. Judgment.

The Town Council after careful consideration of the facts presented, testimony, and legal arguments finds that Clark's Market acting through Mr. Clark knew, or should have known, that a violation had occurred prior to the June 2, 2025 initial renewal issuance and knew, or should have known, the violation occurred and had been disposed of when it requested a corrected and effective license from the Town Clerk on June 10, 2025. The Town Council further finds that the Licensee violated the provisions of Municipal Code Section 6-2-30(b) by failing to inform the Town Clerk of the violation which would have required a renewal hearing before the Town Council rather than an administrative renewal.

Section 3. Penalty.

After due consideration of the facts and circumstances of the violation the Town Council imposes the following penalty for the violation:

- (1) A two-day suspension of the Licensee's liquor license such suspension to be held in abeyance pending no further violations of state or local liquor licensing laws and regulations for the renewal period ending June 10, 2026.
- (2) Licensee will need to appear at a license renewal hearing before the Town Council for the 2026 renewal period.

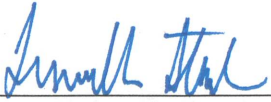
INTRODUCED, READ, AND PASSED THIS 15th DAY OF September 2025.

TOWN OF CRESTED BUTTE, COLORADO



Ian Billick, Mayor

ATTEST



Lynelle Stanford, Town Clerk

(SEAL)

