

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE

STATE OF COLORADO

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STIPULATION, AGREEMENT, AND ORDER  
SA 24-GJ-29

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IN THE MATTER OF:

**FRUITA CONSUMERS COOPERATIVE ASSOCIATION  
D/B/A FRUITA CONSUMERS COOPERATIVE ASSOCIATION  
1650 HIGHWAY 6 & 50  
FRUITA, CO 81521**

**Fermented Malt Beverage and Wine (city) License No. 04-01586**

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The State of Colorado, Liquor Enforcement Division ("Division") and Fruita Consumers Cooperative Association, D/B/A Fruita Consumers Cooperative Association, 1650 Highway 6 & 50, Fruita, CO 81521 ("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 March 1, 2024, the Licensee, by and through its employee/agent [REDACTED] [REDACTED] permitted the selling, serving, giving, or procuring of an alcohol beverage (a 12-pack of mini cans of Bud Light fermented malt beverage) to 24MGJ17074, a seventeen-year-old Liquor Enforcement Division underage purchaser.
  - B. Angel Dawn Ferree 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 **September 13, 2024**, until 11:59 p.m. on **September 15, 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 shall sign and return the stipulation to the Liquor Enforcement Division on or before **August 30, 2024**; please mail to: P.O. Box 17087, Denver, Colorado 80217-0087, or email to **LED\_adminactions@state.co.us**.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.

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Fruita Consumers Cooperative Association  
Grand Junction Office  
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Michelle Stone-Principato  
Digitally signed by Michelle Stone-Principato  
Date: 2024.08.01 15:09:37 -06'00'

Michelle Stone-Principato  
Division Director  
Liquor Enforcement Division

  
Christopher Gillaspie  
Fruita Consumers Cooperative Association

7/29/24  
Date

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

Heidi Humphreys  
Digitally signed by Heidi Humphreys  
Date: 2024.08.06 14:38:42 -06'00'

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.*

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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> Fruita Consumers Cooperative Association d/b/a Fruita Consumers Cooperative Association 1650 Highway 6 & 50 Fruita, CO 81521 <u>chris@fruitacoop.com</u>  Fermented Malt Beverage and Wine (city) License No. 04-01586	<u>Licensee Mailing Address</u> Fruita Consumers Cooperative Association d/b/a Fruita Consumers Cooperative Association 1650 Highway 6 & 50 Fruita, CO 81521 <u>chris@fruitacoop.com</u>
Liquor Enforcement Division P.O. Box 17087 Denver, CO 80217-0087 <u>led_adminactions@state.co.us</u>	

By: **Alexandra Prichard**  
Allie Prichard

Digitally signed by  
Alexandra Prichard  
Date: 2024.08.07  
11:53:01 -06'00'