

**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117**



12/19/2022

Staff Report regarding CUP 17-001 and Variance 20-011

History:

On March 23, 2022 a Code Enforcement Letter was sent out to Owner of Monte Fiore Nicholas Perrino for being in violation of CUP 17-001 and Variance 20-011. Failure to report excise taxes of any by the 20th of every month. Two separate instances of Non-sufficient funds. As well as not filing an amendment to the existing CUP 17-001 of the change of ownership from a partnership to a sole proprietorship. This went before the Planning Commission on March 24, 2022. At that meeting the Planning Commission made a recommendation to begin the process of revoking CUP 17-001 to the Huerfano County Board of County Commissioners. At the BOCC Meeting on April 12th, 2022, the County Commissioners unanimously voted that Monte Fiore had until June 1st to come into complete compliance with the following conditions:

1. Property Taxes are paid up to date as well as any interest due.
2. Excise taxes are paid up to date along with all penalties.
3. Land Use application be filed with the Land Use department to amend the CUP to reflect the change of ownership.

As of April 20, 2022 Monte Fiore has come into compliance as was recommended by the BOCC.

Current, not have complied:

1. Monthly reporting of any/all sales need to be done and into Huerfano County Treasurer's office or Finance office no later than the 20th of each month. Monte Fiore did not do any reporting or pay any excise taxes for the months of June, July, or September of 2022. The reporting that was done in November was filed on the incorrect paperwork and Kim Trujillo our Finance officer reached out to Monte Fiore requesting the correct paperwork be submitted. As of today there has been no response to her email.
2. There has been no further movement on amending the CUP 17-001 from a partnership to a sole proprietorship, as it was supposed to go back to a partnership with different partners. I did receive an application from the new owners from MED in June 2022. I talked with Mr. Perrino back in September 2022 and he stated he was waiting on the transaction from interested parties for a new partnership.
3. It was brought to the attention of the Land Use office that at the Huerfano County tax lien sale on November 17th, 2022 that property that Monte Fiore operates on, had a tax lien of \$90,872.66, which was paid by some other individual.
4. It was also brought to the Land Use Office that there is also a Federal tax lien against the property is the amount of \$417,262.87.

Staff comments:

1. Send the information to the Planning Commission for review and recommendation

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Planning Commission Recommendation:

1. On December 8 the Planning Commission unanimously voted to send to the Huerfano County Board of County Commissioners to begin the revocation of CUP 17-001 and Variance 20-011

Further Findings:

1. The amount paid each month does not reflect what was reported for that corresponding month. (see attached spreadsheet as well as the monthly Huerfano County Government Marijuana Excise Tax Forms from January 2022-November 2022) According to the calculations there is a difference of -\$41795.99.
2. Please see attachment Resolution #18-06