Liquor Authority Hearing & Local Marijuana Licensing Authority Hearing
Wednesday, August 19, 2026
9:00 AM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

Agenda

1. **Call to Order**

2. **Show Cause Hearing**

    2.A. Il Poggio

    2.B. Tavern Kitchen and Bar

    2.C. Heather's

Karp Neu Hanlon PC
ATTORNEYS AT LAW

Jeffrey J. Conklin
Managing Partner

Email: jjc@mountainlawfirm.com
Direct: 970.928.2124
Office: Basalt

July 29, 2026

Via Certified Mail, U.S. Mail, and Email

Il Poggio Snowmass, LLC
c/o Jeffery Moerke and Ashely Palm
409 S. Hunter Street
Aspen, CO 81611
office@harpandhudco.com

JVAM, PLLC
PO Box 878
Glenwood Springs, CO 81602

Re: Il Poggio – Order to Show Cause

Dear Mr. Moerke and Ms. Palm:

As you are aware, I represent the Town of Snowmass Village (the "Town") and write concerning the Il Poggio restaurant. As previously advised, Il Poggio is delinquent in remitting sales tax to the Town. Failure to remit sales taxes constitute violations of the Town Code and provide a basis for the Town to suspend Il Poggio's liquor license. *See* C.R.S. § 44-3-601(1)(a).

Accordingly, the Town's Liquor Licensing Authority has issued the enclosed Order to Show Cause. You are required to appear before the Snowmass Village Liquor Licensing Authority on **August 19, 2026 at 9:00 AM** at Snowmass Village Town Hall.

In addition, a Complaint for Code violations was previously filed with the Court and served on you by certified mail in accordance with the Colorado Municipal Court Rules of Procedure. For the avoidance of doubt, this letter includes that Complaint and a new Summons for service.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

KARP NEU HANLON, P.C.

Jeffrey J. Conklin

JJC:
cc : Megan Boucher (via email)
Enclosures (2)

BEFORE THE TOWN OF SNOWMASS VILLAGE LIQUOR LICENSING AUTHORITY
PITKIN COUNTY, COLORADO

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

IN THE MATTER OF:

IL POGGIO SNOWMASS LLC
D/B/A IL POGGIO
57 ELBERT LANE
UNIT 25 VILLAGE SQUARE
SNOWMASS VILLAGE, CO 81615

Town of Snowmass Village Liquor License No. 03-20506

WHEREAS, it has been made to appear to the Liquor Licensing Authority of the Town of Snowmass Village, Colorado (the "Town"), that upon review of the Verified Complaint for The Town of Snowmass Village v. Il Poggio Snowmass LLC filed July 14, 2026, probable cause exists to believe that Il Poggio Snowmass LLC d/b/a Il Poggio ("Il Poggio"), 57 Elbert Lane, Snowmass Village, CO did violate the Colorado Liquor Code and Colorado Liquor Rules, specifically 1 CCR 203-2, Regulation 47-310.E.4, in that Il Poggio is delinquent on it sales tax payment obligations to the Town, and such failure to comply with tax requirements as prescribed by statute may be grounds to suspend or revoke a liquor license. *See Mr. Lucky's, Inc. v. Dolan*, 197 Colo. 195, 591 P.2d 1021 (1979) (upholding a decision by the Colorado Department of Revenue to suspend a liquor license based on the licensee's record of untimely filing income tax returns in violation of Colorado statutes). Pursuant to C.R.S. § 44-3-601(1)(a), the Town may suspend or revoke a liquor licensee's license or permit after investigation and public hearing at which the licensee is afforded an opportunity to be heard. This statute authorizes such suspension or revocation based on the licensee's violation of Colorado liquor license laws, any rules authorized by such laws, and any terms, conditions, or provisions of the license or permit issued by the local licensing authority.

NOW THEREFORE, YOU ARE HEREBY ORDERED to appear before the Town of Snowmass Village Liquor Licensing Authority, on August 19, 2026 at 9:00 a.m., at the Snowmass Village Municipal Court, 130 Kearns Road, Snowmass Village, CO 81615 to show cause, if any you have, why your Retail Liquor License for Hotel & Restaurant should not be suspended or revoked, or, in the alternative, fines imposed pursuant to the Colorado Liquor Rules.

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing. The hearing will only be postponed for good cause shown. If you should fail to appear at the scheduled time and place for the hearing, testimony will be taken and your license could be suspended or revoked.

Please be further advised that if the Town of Snowmass Village Liquor Licensing Authority does find you in violation of any of the above-cited section(s) of the Colorado Liquor or Beer Code, Colorado Liquor Rules, the Snowmass Village Municipal Code, or the terms and conditions of your Liquor License, the Snowmass Village Liquor Licensing Authority may consider, in selecting sanctions to be imposed against you, any mitigating or aggravating factors, and any provisions of State law, the Snowmass Village Municipal Code, or the permit, as well as any sanctions previously imposed.

It is hereby ordered that a copy of this Order to Show Cause and Notice of Hearing shall be mailed or delivered to the above-named Licensee.

BY ORDER OF THE TOWN OF SNOWMASS VILLAGE LIQUOR LICENSING AUTHORITY

Dated: July 29, 2026

TOWN OF SNOWMASS VILLAGE
LIQUOR LICENSING AUTHORITY

Town Clerk

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Order to Show Cause and Notice of Hearing was hand delivered and/or placed in the United States Mail at Snowmass Village, Colorado, first class, postage prepaid, on the 29th day of July, 2026, addressed as follows:

Il Poggio Snowmass LLC
d/b/a Il Poggio
409 S Hunter Street
Aspen, CO 81611

Jeffrey J. Conklin

MUNICIPAL COURT, TOWN OF SNOWMASS VILLAGE, STATE OF COLORADO 130 Kearns Road, Snowmass Village, CO 81615	
Plaintiff: THE TOWN OF SNOWMASS VILLAGE, a Colorado home-rule municipal corporation v. **Defendant:** IL POGGIO SNOWMASS LLC, a Colorado limited liability company, d/b/a IL POGGIO RESTAURANT	▲ COURT USE ONLY ▲ Case Number:
Attorneys for the Town of Snowmass Village: Jeffrey J. Conklin, Esq. #40194 Karp Neu Hanlon, P.C. 201 14th Street, Suite 200 P. O. Drawer 2030 Glenwood Springs, CO 81602 Tel.: (970) 945-2261 Fax: (970) 945-7336 jjc@mountainlawfirm.com	
VERIFIED COMPLAINT	

Plaintiff, Town of Snowmass Village (the "Town"), by and through its attorneys Karp Neu Hanlon, P.C., hereby brings this Verified Complaint and states the following:

PARTIES

1. The Town of Snowmass Village, Colorado (the "Town" or "Plaintiff") is a Colorado home-rule municipal corporation located in Pitkin County, State of Colorado.

2. Defendant Il Poggio Snowmass LLC, d/b/a Il Poggio Restaurant ("Il Poggio" or "Defendant") is a Colorado limited liability company that operates as a restaurant pursuant to a business license and liquor license within the Town.

JURISDICTION

3. Town of Snowmass Village Municipal Court has original jurisdiction over this action pursuant to Section 7.2(a) of the Town of Snowmass Village Home Rule Charter ("Town Charter") and Section 4-64(i) of the Town of Snowmass Village Municipal Code ("Town Code").

GENERAL ALLEGATIONS

4. Il Poggio is located at 57 Elbert Lane, Snowmass Village, CO 81615.

5. Section 4-51 of the Town Code provides:

Sec. 4-51. - Sales tax imposed.

There is hereby imposed on all sales of tangible personal property at retail and the furnishing of services as provided in Section 4-53 hereof, a tax equal to three and one-half percent (3 ½ %) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Town Treasurer or by separate ordinance of the Town. If any vendor, during any reporting period, shall collect as a tax an amount in excess of three and one-half percent (3 ½ %) of his or her total taxable sales, he or she shall remit to the Town Treasurer the full amount of tax herein imposed and also such excess. Sales tax revenues generated and received by the Town at the taxation rate of two and one-half percent (2 ½ %) shall be deposited in the Tourism Fund, a special restricted fund, the terms of which are set forth under Article II of Chapter 4 of this Code. Sales tax revenues generated and received by the Town at the remaining taxation rate of one percent (1%) may be deposited in any Town fund to be used for any Town purpose, consistent with finance and budget laws and all other legal requirements.

6. Section 4-52 of the Town Code provides in relevant part:

Sec. 4-52. - Definitions.

* * * *

Doing business in the Town, for the purpose of this Article, means the selling, leasing or delivering in the Town or any activity in the Town in connection with the selling, leasing or delivering in the Town of tangible personal property by a retail sale as defined in this Section, for use, storage, distribution or consumption within the Town. This term shall include, but shall not be limited to, the following methods of transacting business:

a. The maintaining within the Town directly, or indirectly, or by a subsidiary, an office, distributing house, salesroom or house, warehouse or other place of business.

* * * *

Gross taxable sales means the total amount received in money, credits and property, excluding the fair market value of exchanged property which is to be sold thereafter in the usual course of the retailer's business, or other consideration valued in money from sales and purchases at retail within the Town, and embraced within the provisions of this Article. The taxpayer may take credit in his or her report of gross sales for an amount equal to the sale price of property returned by the purchaser when the full sale price thereof is refunded whether in cash or by credit. The fair market value of any exchanged property which is to be sold thereafter in the usual course of the retailer's business, if included in the full price of a new article, shall be excluded from the gross sales. On all sales at retail, valued in money, when such sales are made under conditional sales contracts, credit sales or any other form of sale where payment of the principal sum is extended more than sixty (60) days from the sale date, the amount of tax due on such sale for any particular taxing period shall be based on the amount of cash actually received by the taxpayer for such sale during that period. Taxes previously paid on gross sales represented by accounts found to be worthless and actually charged off for income tax purposes may be credited in a subsequent tax reporting period, but if any such accounts are thereafter collected by the taxpayer, a tax shall be paid upon the amount collected. Separately-stated charges for services that are not otherwise taxable under this Article shall not be included in the calculation of gross taxable sales even if such services are rendered in connection with a taxable retail sale.

* * * *

Tangible personal property means corporeal personal property. This shall not be construed to include newspapers, as legally defined in Section 24-70-102, C.R.S.

7. Defendant is a restaurant doing business in the Town pursuant to Section 4-52 of the Town Code.

8. Section 4-62 of the Town Code provides in relevant part:

Sec. 4-62. - Vendor liable for tax; filing of returns.

(a) Every retailer, also herein called vendor, shall be liable and responsible for the payment of an amount equivalent to three and one-half percent (3.5 %) of all sales made by him or her of commodities or services as specified in Section 4-53, and shall before the twentieth day of each month make a return to the Town Treasurer for the preceding calendar month and remit an amount equivalent to said three and one-half percent (3.5 %) on such sales to the Town Treasurer. Such returns of the taxpayer or his or her duly authorized agent shall contain such information and be made in such manner and upon such forms that the Town Treasurer may prescribe.

* * * *

9. Defendant is obligated to remit to the Town before the 20th day of each month sales tax at the rate of three and one-half percent (3.5%) of all sales made or services rendered for the preceding calendar month, pursuant to Sections 4-51 and 4-62 of the Town Code (the "Tax").

10. Defendant has failed to pay the Tax.

11. Defendant is in violation of the Town Code as a result of it sales tax delinquency.

12. Section 4-64 of the Town Code provides in relevant part:

Sec. 4-64. - Estimate of deficiencies; town's remedies.

(a) All sums of money paid by the purchaser to the retailer as taxes imposed by this Article shall be and remain public money, the property of the Town, in the hands of such retailer, and he or she shall hold the same in trust for the sole use and benefit of the Town until paid to the Town Treasurer, and for failure to so pay to the Town Treasurer, such retailer shall be punished as provided by law.

(b) If a person neglects or refuses to make a return and payment of the tax as required by this Article, the Town Treasurer shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent; and shall add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one percent (1%) per month from the date when due. Promptly thereafter, the Town Treasurer shall give to the delinquent taxpayer written notice of such estimated taxes, penalty and interest, which deficiency notice shall be mailed to the taxpayer by certified mail to the taxpayer's address on file with the Town. The deficiency notice shall include notification, in clear and conspicuous type, of the time limit to file a protest to the notice and that the taxpayer has the right to elect a hearing on the deficiency pursuant to Section 4-65. Any protest to the deficiency notice shall be filed with the Town Treasurer within thirty (30) days of the date of the mailing of the notice.

(c) If any taxes, penalty or interest imposed by this Article and shown due by returns filed by the taxpayer, or shown by assessments duly made as provided herein, are not paid within five (5) days after the same are due, the Town Treasurer shall issue a notice, setting forth the name of the taxpayer, the amount of tax, penalties and interest, the date of the accrual thereof, and that the Town claims a first and prior lien therefor, second only to the first and prior lien claimed by the State, on the real and tangible personal property of the taxpayer except as to the pre-existing claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights shall have attached prior to the filing of the notice as herein provided on the property of the taxpayer. Said notice shall be on forms prepared by the Town Treasurer, and shall be verified by him or her or his or her duly qualified deputy, or any duly qualified agent of the Town Treasurer whose duties are the collection of such tax, and may be filed in the office of the Clerk and Recorder of any county in the State in which the taxpayer owns real or tangible personal property; and the filing of such notice shall constitute a lien on such property in that county and constitute notice thereof. After said notice has been filed, or concurrently therewith, or any time when taxes due are unpaid, whether such notice be filed or not, the Town Treasurer may issue a warrant directed to any duly authorized revenue collector, or to the sheriff of any county of the State, commanding him or her to levy upon, seize and sell sufficient of the real and personal property of the tax debtor found within his or her county for the payment of the amount due, together with interest, penalties and costs, as may be provided by law, subject to valid pre-existing claims or liens.

* * * *

(f) The Town Treasurer may also treat any such taxes, penalties or interest due and unpaid as a debt due the Town from the vendor. In case of failure to pay the tax, or any portion thereof, or any penalty or interest thereon due, the Town Treasurer may receive at law the amount of such taxes, penalties and interest in the county or district court having jurisdiction of the amounts sought to be collected. The return of the taxpayer or assessment made by the Town Treasurer, as herein provided, shall be prima facie proof of the amount due. Such actions may be actions in attachment, and writs or attachment may be issued to the sheriff. It shall be the duty of the Town Attorney when requested by the Town Treasurer to commence action for the recovery of taxes due under this Article, and this remedy shall be in addition to all other existing remedies provided in this Article.

* * * *

(i) It shall be unlawful and a misdemeanor, punishable as provided under Section 1-72 of this Code, to violate any provision of this Article, to fail or refuse to make any return required hereby, or to make any false or fraudulent return, or any false statement in any return, or to prepare such returns in a reckless or grossly negligent manner, to fail or refuse to make timely payment to the Town Treasurer of any taxes collected or due to the Town, or in any manner to evade the collection and timely payment of the tax, or any part thereof, imposed by this Article, or for any person or purchaser to fail or refuse to pay such tax or evade the timely payment thereof, or to aid or abet another in any attempt to evade the timely payment of tax imposed by this Article.

(1) In his or her discretion, the Town Treasurer may direct the issuance of a summons and complaint to appear before the Snowmass Village Municipal Court to any person who may be in violation of any of the provisions of this Article.

(2) Issuance of a summons and complaint by the Town and subsequent

> conviction of a violation of this Article in the municipal court shall not prohibit the court from requiring payment of all taxes, penalties and interest found to be due under this Article in addition to any fine imposed by the court. Each and every twenty-four (24) hour period of violation shall constitute a separate violation of this Article.

* * * *

13. Pursuant to Section 4-64 of the Town Code, on April 24, 2026, the Town Treasurer provided a Notice of Sales Tax Deficiency to Defendant requiring payment by May 5, 2026 of the sales tax with penalty and interest amounts applied, for a total amount due of $40,570.97, as shown on page 2 of **Exhibit A** attached hereto.

14. Defendant failed to respond or provide payment pursuant to the Notice of Sales Tax Deficiency.

15. Pursuant to Section 4-64(c) of the Town Code, the Town Treasurer issued a Notice and Statement of Lien for Unpaid Sales Taxes (the "Lien") to Defendant as shown on page 5 of **Exhibit A**.

16. On June 9, 2026, the Town, through its Town Attorney, issued a letter to Defendant (the "Letter"), notifying Defendant that its failure to remit sales taxes to the Town provides a basis to suspend Defendant's liquor license, as shown on page 1 of **Exhibit A**.

17. The Letter required Defendant to satisfy its delinquent payment obligation no later than June 19, 2026.

18. The Letter informed Defendant that failure to comply by the June 19, 2026 deadline would result in the Town commencing Show Cause proceedings related to Defendant's liquor license.

19. Defendant did not respond to the Letter or satisfy its outstanding payment obligation.

20. The Town provided a second Notice of Sales Tax Deficiency to the Defendant on June 25, 2026.

21. To date, Defendant owes $47,325.61 in past due sales tax remittances, together with penalties and interest, as shown in the second Notice of Sales Tax Deficiency attached as **Exhibit B.**

FIRST CLAIM FOR RELIEF

(Violation of Town Code §§ 4-51 – Sales Tax Imposed and 4-62 – Vendor Liable for Tax; Filing of Returns)

22. Plaintiff incorporates the foregoing allegations as if set out in full herein.

23. Defendant has violated Town Code Sections 4-51 and 4-62 by failing to remit the required 3.5% sales Tax to the Town.

24. Accordingly, Plaintiff is entitled to an Order from the Court finding Defendant in violation of Sections 4-51 and 4-62 of the Town Code requiring Defendant to pay the Tax, as well as such other relief as the Court deems just and proper.

WHEREFORE, the Town requests the Court to grant the following relief:

A. Find Defendant to be in violation of the Town's Sales Tax requirement pursuant to Town Code Chapter 4, Article IV, specifically Sections 4-51 and 4-62;

B. Order that Defendant pay the past due balance for the Tax together with all interest and penalties due as of the date of filing of this Complaint;

C. Order that Defendant continue paying the Tax as it is due;

D. Order that the Town, pursuant to Section 4-64, subsections (c) and (d), of the Town Code, is authorized to issue a warrant to the Pitkin County Sheriff commanding the Sheriff to levy upon the real and personal property of the Defendant for the payment of the past due amount;

E. Impose a fine against Defendant of $1,000 for violation of Town Code Sections 4-51 and 4-62 for each day the violation continues;

F. Order that Plaintiff is entitled to monetary relief for any and all fines, fees, and costs permitted under the Town Code, including but not limited to attorney fees and costs; and

G. Order any and all other relief the Court may deem appropriate.

Respectfully submitted this 14th day of July, 2026.

KARP NEU HANLON, P.C.
Attorneys for Plaintiff

By: ______________________________
Jeffrey J. Conklin, #40194

Plaintiff's Address: 130 Kearns Road, Snowmass Village, CO 81615

VERIFICATION

STATE OF COLORADO)
) SS.
COUNTY OF PITKIN)

I, Marianne Rakowski, Finance Director and Treasurer for the Town of Snowmass Village, state under oath that I have read this Verified Complaint and verify its contents to the best of my knowledge and belief.

Marianne Rakowski
Marianne Rakowski

Subscribed and sworn to before me this 15 day of July, 2026 by Marianne Rakowski.

WITNESS my hand and official seal.

Notary Public

MEGAN HARRIS BOUCHER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20254014611
MY COMMISSION EXPIRES APRIL 15, 2029

EXHIBIT A

Karp.Neu.Hanlon PC
ATTORNEYS AT LAW

Jeffrey J. Conklin
Managing Partner

Email: jjc@mountainlawfirm.com
Direct: 970.928.2124
Office: Basalt

June 9, 2026

Via Email

Il Poggio Snowmass, LLC
c/o Jeffery Moerke and Ashely Palm
409 S. Hunter Street
Aspen, CO 81611
office@harpandhudco.com

Re: Il Poggio – Delinquent Sales Tax

Dear Mr. Moerke and Ms. Palm:

I represent the Town of Snowmass Village (the "Town") and write concerning the Il Poggio restaurant ("Il Poggio"). As you are likely aware, Il Poggio is delinquent in remitting sales tax to the Town. The Town previously sent you a Notice of Deficiency regarding such delinquency (*see* **Exhibit A**) and recorded a lien against Il Poggio's property interests (*see* **Exhibit B**). No response has been received.

Please be advised that Il Poggio's failure to remit sales taxes license constitute violations of the Town Code and provide a basis for the Town to suspend Il Poggio's liquor license. *See* C.R.S. § 44-3-601(1)(a).

Please contact the Town Finance Department to satisfy Il Poggio's delinquent sales tax not later than **June 19, 2026**. Failure to do so will result in the Town commencing Show Cause proceedings related to Il Poggio's liquor license.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

KARP NEU HANLON, P.C.

Jeffrey J. Conklin

JJC:
cc : Marianne Rakowski (via email)
Enclosures (2)

EXHIBIT A

Exhibit
A

Town of SNOWMASS Village

NOTICE OF SALES TAX DEFICIENCY

Il Poggio Snowmass LLC ("Licensee")
57 Elbert Lane
Snowmass Village, CO 81615

Under the authority granted to me by Section 4-67 of the Snowmass Village Municipal Code ("Code"), as the Town Treasurer, I hereby issue this Notice of Deficiency.

Pursuant to Code Section 4-67, when a taxpayer neglects to remit taxes due, the Town Treasurer is authorized to assess the same and add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one-half percent (.5%) per month from the date when due, which shall be ten (10) days after the sending of this written notice and demand for payment. This Notice was mailed on 4/24/2026 and, therefore, the deficiency noticed is due and payable on or before 5/4/2026.

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 36,657.32	$ 3,665.73	$ 247.92	$ 40,570.97
TOTAL	**$ 36,657.32**	**$ 3,665.73**	**$ 247.92**	**$ 40,570.97**

If the amounts assessed hereby remain unpaid and delinquent, pending any lawful hearings, appeals and legal processes, the Town is authorized to take such further action as lawful and necessary to collect said funds, including, but not limited to, the filing of a lien against your real and personal property.

If you do not agree with this assessment, are entitled to a hearing pursuant to Code Sec. 4-65. You must file your appeal petition within thirty (30) days from the mailing date of this Notice. This Notice was mailed on 4/24/2026, therefore your appeal deadline is 5/24/2026. Your hearing petition must include your name, business address, tax license number, a copy of the notice sent by the Town being appealed, the taxable periods and the amounts of tax which are being disputed, and a statement of the grounds for your appeal.

ISSUED to the Licensee this 24th day of April, 2026, by:

Marianne Rakowski

Marianne Rakowski, Finance Director/Treasurer

EXHIBIT A

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of April, 2026, I placed the foregoing Notice of Deficiency and all attachments thereto, in the United States Certified Mail, return receipt requested, addressed as follows:

Il Poggio Snowmass LLC ("Licensee")
409 S Hunter St
Aspen, CO 81611
ATTN: Ashley Palm

Emily Flood

Emily Flood, Finance & Sales Tax Analyst

EXHIBIT A

Exhibit

B

Certificate of Service

OR

I declare under oath that I mailed a true and correct copy of the NOTICE & STATEMENT OF TAX LIEN FOR UNPAID TAXES in the above-referenced matter to Il Poggio by certified mail, return receipt requested, on May 13, 2026 to the following address:

Il Poggio

409 S. Hunter Street

Aspen, CO 81611

Emily Flood
(signature)

Emily Flood
(print name)

EXHIBIT A

RECEPTION#: 716588, R: $43.00, D: $0.00
DOC CODE: LIEN
Pg 1 of 2, 05/12/2026 at 03:47:08 PM
Ingrid K. Grueter, Pitkin County, CO

TOWN OF SNOWMASS VILLAGE
130 Kearns Road
Snowmass Village, CO 81615

NOTICE & STATEMENT OF LIEN FOR UNPAID SALES TAXES

TO ALL CONCERNED, TAKE NOTICE:

Pursuant to Section 4-64 of Chapter 4 of the Snowmass Village Municipal Code ("Code"), THE TOWN OF SNOWMASS VILLAGE, COLORADO ("Town"), having fulfilled all the municipal requirements of assessment, notice and demand for $ 40,570.97, representing the assessed sales tax, penalty and interest (as listed below and detailed in **Attachment A**), owed to the Town by Il Poggio Snowmass LLC d/b/a Il Poggio Snowmass LLC, ("Taxpayer"), such amount remaining due and unpaid, DOES HEREBY CLAIM A FIRST AND PRIOR LIEN for such amount, against the real property described below, located within the County of Pitkin, State of Colorado, and against any and all real and personal property of the Taxpayer located in Pitkin County, Colorado:

TAX	$ 36,657.32
PENALTY	$ 3,665.73
INTEREST	$ 247.92
TOTAL	$ 40,570.97

Street Address: 57 Elbert Lane, Snowmass Village, CO 81615
Legal Description: Snowmass Village Mall Subdivision, Lot C

Marianne Rakowski, Finance Director, being first duly sworn upon oath states: that she is a duly qualified representative of the Town of Snowmass Village, Colorado; that she has read the foregoing Notice and Statement of Lien and knows the contents thereof; that the same is true of her own knowledge, information and belief.

5-12-26
Date

Marianne Rakowski
Marianne Rakowski,
Town of Snowmass Village, Finance Director

STATE OF COLORADO)
) ss.
COUNTY OF PITKIN)

Subscribed and sworn before me by Marianne Rakowski, as Finance Director of the Town of Snowmass Village, Colorado this 12 day of May, 2026. Witness my hand and official seal.
My commission expires on 12/12/2028

Notary Public

THERESA COOK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20244045509
MY COMMISSION EXPIRES DECEMBER 12, 2028

EXHIBIT A

ATTACHMENT A

DETAILED DESCRIPTION OF DELINQUENCY DATES, AMOUNT OWED, INTEREST, AND PENALTIES

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 36,657.32	$ 3,665.73	$ 247.92	$ 40,570.97
TOTAL	**$ 36,657.32**	**$ 3,665.73**	**$ 247.92**	**$ 40,570.97**

EXHIBIT B

Town of SNOWMASS Village

NOTICE OF SALES TAX DEFICIENCY

Il Poggio Snowmass LLC ("Licensee")
57 Elbert Lane
Snowmass Village, CO 81615

Under the authority granted to me by Section 4-67 of the Snowmass Village Municipal Code ("Code"), as the Town Treasurer, I hereby issue this Notice of Deficiency.

Pursuant to Code Section 4-67, when a taxpayer neglects to remit taxes due, the Town Treasurer is authorized to assess the same and add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one-half percent (.5%) per month from the date when due, which shall be ten (10) days after the sending of this written notice and demand for payment. This Notice was mailed on 4/23/2026 and, therefore, the deficiency noticed is due and payable on or before 5/3/2026.

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 41,881.07	$ 4,188.11	$ 1,256.43	$ 47,325.61
TOTAL	**$ 41,881.07**	**$ 4,188.11**	**$ 1,256.43**	**$ 47,325.61**

If the amounts assessed hereby remain unpaid and delinquent, pending any lawful hearings, appeals and legal processes, the Town is authorized to take such further action as lawful and necessary to collect said funds, including, but not limited to, the filing of a lien against your real and personal property.

If you do not agree with this assessment, are entitled to a hearing pursuant to Code Sec. 4-65. You must file your appeal petition within thirty (30) days from the mailing date of this Notice. This Notice was mailed on 6/25/2026, therefore your appeal deadline is 7/25/2026. Your hearing petition must include your name, business address, tax license number, a copy of the notice sent by the Town being appealed, the taxable periods and the amounts of tax which are being disputed, and a statement of the grounds for your appeal.

ISSUED to the Licensee this 25th day of June, 2026, by:

____
Marianne Rakowski, Finance Director/Treasurer

EXHIBIT B

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 2026, I placed the foregoing Notice of Deficiency and all attachments thereto, in the United States Certified Mail, return receipt requested, addressed as follows:

Il Poggio Snowmass LLC ("Licensee")
409 S Hunter St
Aspen, CO 81611
ATTN: Ashley Palm

Emily Flood, Finance & Sales Tax Analyst

<table>
<tr><td>MUNICIPAL COURT, TOWN OF SNOWMASS VILLAGE, STATE OF COLORADO
130 Kearns Road, Snowmass Village, CO 81615</td><td rowspan="3">▲ COURT USE ONLY ▲
____
Case Number:</td></tr>
<tr><td>Plaintiff: THE TOWN OF SNOWMASS VILLAGE, a Colorado home-rule municipal corporation

v.

Defendants: IL POGGIO SNOWMASS LLC, a Colorado limited liability company, d/b/a IL POGGIO RESTAURANT</td></tr>
<tr><td>Attorneys for the Town of Snowmass Village:
Jeffrey J. Conklin, Esq. #40194
Karp Neu Hanlon, P.C.
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602
Tel.: (970) 945-2261
Fax: (970) 945-7336
jjc@mountainlawfirm.com</td></tr>
<tr><td colspan="2" align="center">SUMMONS</td></tr>
</table>

To the above-named Defendant, please take notice that:

1. On **Wednesday, August 19, 2026 at 9:00 am** at Snowmass Village Municipal Court in Snowmass Village, Colorado, the court may be asked to enter judgment against you as set forth in the Verified Complaint.

2. A copy of the Verified Complaint against you is attached.

3. If you do not agree with the Verified Complaint, then you must either:

   a. Go to the court, located at 130 Kearns Road, Snowmass Village, CO 81615, at the above date and time and file an answer stating any legal reason you have why judgment should not be entered against you. Alternatively, if you wish to appear remotely, you may do so and must request the call-in or videoconference details with the clerk of court.

   b. File an answer with the court before that date and time.

4. When you file your answer, you may be required to pay a filing fee to the Clerk of the Court.

5. If you file an answer, you must give or mail a copy to the Plaintiff or the attorney who signed the complaint.

6. If you do not file an answer, then the court may enter a default judgment against you for the relief requested in the complaint.

Dated this 29th day of July, 2026.

KARP NEU HANLON, P.C.
Attorneys for Plaintiff

By: ______________________________
Jeffrey J. Conklin, #40194

This summons is issued pursuant to Rule 204, Colorado Municipal Court Rules of Procedure, as amended. A copy of the complaint must be served with this summons.

WARNING: ALL FEES ARE NON-REFUNDABLE.

RETURN OF SERVICE

I declare under the penalty of perjury under the law of Colorado that I served this Summons and Verified Complaint on July 129, 2026, by certified mail, return receipt requested to Defendant's registered agent (pursuant to CMCR 204(e)):

Il Poggio Snowmass LLC
c/o Jeffery Moerke and Ashley Palm
57 Elbert Lane
Snowmass Village, CO 81615

Il Poggio Snowmass LLC
c/o Jeffery Moerke and Ashley Palm
409 S Hunter Street
Aspen, CO 81611

JVAM, PLLC
PO Box 878
Glenwood Springs, CO 81602

______________________________ ________________________
Name Date

Karp Neu Hanlon PC
ATTORNEYS AT LAW

Jeffrey J. Conklin
Managing Partner

Email: jjc@mountainlawfirm.com
Direct: 970.928.2124
Office: Basalt

July 29, 2026

Via Certified Mail, U.S. Mail, and Email

The Tavern Kitchen and Bar, LLC
c/o Jeffery Moerke and Ashely Palm
409 S. Hunter Street
Aspen, CO 81611
office@harpandhudco.com

JVAM, PLLC
PO Box 878
Glenwood Springs, CO 81602

Re: Tavern Kitchen and Bar – Order to Show Cause

Dear Mr. Moerke and Ms. Palm:

As you are aware, I represent the Town of Snowmass Village (the "Town") and write concerning the Tavern in Snowmass Village. As previously advised, the Tavern is delinquent in remitting sales tax to the Town and does not have a business license. Failure to remit sales taxes constitute violations of the Town Code and provide a basis for the Town to suspend the Tavern's liquor license. *See* C.R.S. § 44-3-601(1)(a).

Accordingly, the Town's Liquor Licensing Authority has issued the enclosed Order to Show Cause. You are required to appear before the Snowmass Village Liquor Licensing Authority on **August 19, 2026 at 9:00 AM** at Snowmass Village Town Hall.

In addition, a Complaint for Code violations was previously filed with the Court and served on you by certified mail in accordance with the Colorado Municipal Court Rules of Procedure. For the avoidance of doubt, this letter includes that Complaint and a new Summons for service.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

KARP NEU HANLON, P.C.

Jeffrey J. Conklin

JJC:
cc : Megan Boucher (via email)
Enclosures (2)

BEFORE THE TOWN OF SNOWMASS VILLAGE LIQUOR LICENSING AUTHORITY
PITKIN COUNTY, COLORADO

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

IN THE MATTER OF:

THE TAVERN KITCHEN AND BAR LLC
D/B/A THE TAVERN KITCHEN AND BAR
67 ELBERT LANE
SNOWMASS VILLAGE, CO 81615

Town of Snowmass Village Liquor License No. 03-19590

WHEREAS, it has been made to appear to the Liquor Licensing Authority of the Town of Snowmass Village, Colorado (the "Town"), that upon review of the Verified Complaint for The Town of Snowmass Village v. The Tavern Kitchen and Bar LLC, filed July 14, 2026, probable cause exists to believe that The Tavern Kitchen and Bar LLC d/b/a the Tavern Kitchen and Bar (the "Tavern"), 67 Elbert Lane, Snowmass Village, CO did violate the Colorado Liquor Code and Colorado Liquor Rules, specifically 1 CCR 203-2, Regulation 47-310.E.4, in that the Tavern is delinquent on it sales tax payment obligations to the Town, and such failure to comply with tax requirements as prescribed by statute may be grounds to suspend or revoke a liquor license. *See Mr. Lucky's, Inc. v. Dolan*, 197 Colo. 195, 591 P.2d 1021 (1979) (upholding a decision by the Colorado Department of Revenue to suspend a liquor license based on the licensee's record of untimely filing income tax returns in violation of Colorado statutes). Pursuant to C.R.S. § 44-3-601(1)(a), the Town may suspend or revoke a liquor licensee's license or permit after investigation and public hearing at which the licensee is afforded an opportunity to be heard. This statute authorizes such suspension or revocation based on the licensee's violation of Colorado liquor license laws, any rules authorized by such laws, and any terms, conditions, or provisions of the license or permit issued by the local licensing authority.

NOW THEREFORE, YOU ARE HEREBY ORDERED to appear before the Town of Snowmass Village Liquor Licensing Authority, on August 19, 2026 at 9:00 a.m., at the Snowmass Village Municipal Court, 130 Kearns Road, Snowmass Village, CO 81615 to show cause, if any you have, why your Retail Liquor License for Hotel & Restaurant should not be suspended or revoked, or, in the alternative, fines imposed pursuant to the Colorado Liquor Rules.

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing. The hearing will only be postponed for good cause shown. If you should fail to appear at the scheduled time and place for the hearing, testimony will be taken and your license could be suspended or revoked.

Please be further advised that if the Town of Snowmass Village Liquor Licensing Authority does find you in violation of any of the above-cited section(s) of the Colorado Liquor or Beer Code, Colorado Liquor Rules, the Snowmass Village Municipal Code, or the terms and conditions of your Liquor License, the Snowmass Village Liquor Licensing Authority may consider, in selecting sanctions to be imposed against you, any mitigating or aggravating factors, and any provisions of State law, the Snowmass Village Municipal Code, or the permit, as well as any sanctions previously imposed.

It is hereby ordered that a copy of this Order to Show Cause and Notice of Hearing shall be mailed or delivered to the above-named Licensee.

BY ORDER OF THE TOWN OF SNOWMASS VILLAGE LIQUOR LICENSING AUTHORITY

Dated: July 29, 2026

TOWN OF SNOWMASS VILLAGE
LIQUOR LICENSING AUTHORITY

Megan H. Boucher

Town Clerk

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Order to Show Cause and Notice of Hearing was hand delivered and/or placed in the United States Mail at Snowmass Village, Colorado, first class, postage prepaid, on the 29th day of July, 2026, addressed as follows:

The Tavern Kitchen and Bar LLC
d/b/a The Tavern Kitchen and Bar
409 S Hunter Street
Aspen, CO 81611

Jeff Conklin

<table>
<tr><td>MUNICIPAL COURT, TOWN OF SNOWMASS VILLAGE, STATE OF COLORADO
130 Kearns Road, Snowmass Village, CO 81615</td><td rowspan="3">▲ COURT USE ONLY ▲

____
Case Number:</td></tr>
<tr><td>Plaintiff: THE TOWN OF SNOWMASS VILLAGE, a Colorado home-rule municipal corporation

v.

Defendant: THE TAVERN KITCHEN AND BAR LLC, a Colorado limited liability company</td></tr>
<tr><td>Attorneys for the Town of Snowmass Village:
Jeffrey J. Conklin, Esq. #40194
Karp Neu Hanlon, P.C.
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602
Tel.: (970) 945-2261
Fax: (970) 945-7336
jjc@mountainlawfirm.com</td></tr>
<tr><td colspan="2">VERIFIED COMPLAINT</td></tr>
</table>

Plaintiff, Town of Snowmass Village (the "Town"), by and through its attorneys Karp Neu Hanlon, P.C., hereby brings this Verified Complaint and states the following:

PARTIES

1. The Town of Snowmass Village, Colorado (the "Town" or "Plaintiff") is a Colorado home-rule municipal corporation located in Pitkin County, State of Colorado.

2. Defendant The Tavern Kitchen and Bar LLC (the "Tavern" or "Defendant") is a Colorado limited liability company that operates as a restaurant pursuant to a business license and liquor license within the Town.

JURISDICTION

3. Town of Snowmass Village Municipal Court has original jurisdiction over this action pursuant to Section 7.2(a) of the Town of Snowmass Village Home Rule Charter ("Town Charter") and Section 4-64(i) of the Town of Snowmass Village Municipal Code ("Town Code").

GENERAL ALLEGATIONS

4. The Tavern is located at 67 Elbert Lane, Snowmass Village, CO 81615.

5. Pursuant to Section 4-2 of the Town Code, a license is required to conduct business within the Town.

6. The Tavern does not have a current business license with the Town.

7. Section 4-51 of the Town Code provides:

Sec. 4-51. - Sales tax imposed.

There is hereby imposed on all sales of tangible personal property at retail and the furnishing of services as provided in Section 4-53 hereof, a tax equal to three and one-half percent (3 ½ %) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Town Treasurer or by separate ordinance of the Town. If any vendor, during any reporting period, shall collect as a tax an amount in excess of three and one-half percent (3 ½ %) of his or her total taxable sales, he or she shall remit to the Town Treasurer the full amount of tax herein imposed and also such excess. Sales tax revenues generated and received by the Town at the taxation rate of two and one-half percent (2 ½ %) shall be deposited in the Tourism Fund, a special restricted fund, the terms of which are set forth under Article II of Chapter 4 of this Code. Sales tax revenues generated and received by the Town at the remaining taxation rate of one percent (1%) may be deposited in any Town fund to be used for any Town purpose, consistent with finance and budget laws and all other legal requirements.

8. Section 4-52 of the Town Code provides in relevant part:

Sec. 4-52. - Definitions.

* * * *

Doing business in the Town, for the purpose of this Article, means the selling, leasing or delivering in the Town or any activity in the Town in connection with the selling, leasing or delivering in the Town of tangible personal property by a retail sale as defined in this Section, for use, storage, distribution or consumption within the Town. This term shall include, but shall not be limited to, the following methods of transacting business:

a. The maintaining within the Town directly, or indirectly, or by a subsidiary, an office, distributing house, salesroom or house, warehouse or other place of business.

* * * *

Gross taxable sales means the total amount received in money, credits and property, excluding the fair market value of exchanged property which is to be sold thereafter in the usual course of the retailer's business, or other consideration valued in money from sales and purchases at retail within the Town, and embraced within the provisions of this Article. The taxpayer may take credit in his or her report of gross sales for an amount equal to the sale price of property returned by the purchaser when the full sale price thereof is refunded whether in cash or by credit. The fair market value of any exchanged property which is to be sold thereafter in the usual course of the retailer's business, if included in the full price of a new article, shall be excluded from the gross sales. On all sales at retail, valued in money, when such sales are made under conditional sales contracts, credit sales or any other form of sale where payment of the principal sum is extended more than sixty (60) days from the sale date, the amount of tax due on such sale for any particular taxing period shall be based on the amount of cash actually received by the taxpayer for such sale during that period. Taxes previously paid on gross sales represented by accounts found to be worthless and actually charged off for income tax purposes may be credited in a subsequent tax reporting period, but if any such accounts are thereafter collected by the taxpayer, a tax shall be paid upon the amount collected. Separately-stated charges for services that are not otherwise taxable under this Article shall not be included in the calculation of gross taxable sales even if such services are rendered in connection with a taxable retail sale.

* * * *

Tangible personal property means corporeal personal property. This shall not be construed to include newspapers, as legally defined in Section 24-70-102, C.R.S.

9. Defendant is a restaurant doing business in the Town pursuant to Section 4-52 of the Town Code.

10. Section 4-62 of the Town Code provides in relevant part:

Sec. 4-62. - Vendor liable for tax; filing of returns.

(a) Every retailer, also herein called vendor, shall be liable and responsible for the payment of an amount equivalent to three and one-half percent (3.5 %) of all sales made by him or her of commodities or services as specified in Section 4-53, and shall before the twentieth day of each month make a return to the Town Treasurer for the preceding calendar month and remit an amount equivalent to said three and one-half percent (3.5 %) on such sales to the Town Treasurer. Such returns of the taxpayer or his or her duly authorized agent shall contain such information and be made in such manner and upon such forms that the Town Treasurer may prescribe.

* * * *

11. Defendant is obligated to remit to the Town before the 20th day of each month sales tax at the rate of three and one-half percent (3.5%) of all sales made or services rendered for the preceding calendar month, pursuant to Sections 4-51 and 4-62 of the Town Code (the "Tax").

12. Defendant has failed to pay the Tax.

13. Defendant is in violation of the Town Code as a result of it sales tax delinquency.

14. Section 4-64 of the Town Code provides in relevant part:

Sec. 4-64. - Estimate of deficiencies; town's remedies.

(a) All sums of money paid by the purchaser to the retailer as taxes imposed by this Article shall be and remain public money, the property of the Town, in the hands of such retailer, and he or she shall hold the same in trust for the sole use and benefit of the Town until paid to the Town Treasurer, and for failure to so pay to the Town Treasurer, such retailer shall be punished as provided by law.

(b) If a person neglects or refuses to make a return and payment of the tax as required by this Article, the Town Treasurer shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent; and shall add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one percent (1%) per month from the date when due. Promptly thereafter, the Town Treasurer shall give to the delinquent taxpayer written notice of such estimated taxes, penalty and interest, which deficiency notice shall be mailed to the taxpayer by certified mail to the taxpayer's address on file with the Town. The deficiency notice shall include notification, in clear and conspicuous type, of the time limit to file a protest to the notice and that the taxpayer has the right to elect a hearing on the deficiency pursuant to Section 4-65. Any protest to the deficiency notice shall be filed with the Town Treasurer within thirty (30) days of the date of the mailing of the notice.

(c) If any taxes, penalty or interest imposed by this Article and shown due by returns filed by the taxpayer, or shown by assessments duly made as provided herein, are not paid within five (5) days after the same are due, the Town Treasurer shall issue a notice, setting forth the name of the taxpayer, the amount of tax, penalties and interest, the date of the accrual thereof, and that the Town claims a first and prior lien therefor, second only to the first and prior lien claimed by the State, on the real and tangible personal property of the taxpayer except as to the pre-existing claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights shall have attached prior to the filing of the notice as herein provided on the property of the taxpayer. Said notice shall be on forms prepared by the Town Treasurer, and shall be verified by him or her or his or her duly qualified deputy, or any duly qualified agent of the Town Treasurer whose duties are the collection of such tax, and may be filed in the office of the Clerk and Recorder of any county in the State in which the taxpayer owns real or tangible personal property; and the filing of such notice shall constitute a lien on such property in that county and constitute notice thereof. After said notice has been filed, or concurrently therewith, or any time when taxes due are unpaid, whether such notice be filed or not, the Town Treasurer may issue a warrant directed to any duly authorized revenue collector, or to the sheriff of any county of the State, commanding him or her to levy upon, seize and sell sufficient of the real and personal property of the tax debtor found within his or her county for the payment of the amount due, together with interest, penalties and costs, as may be provided by law, subject to valid pre-existing claims or liens.

* * * *

(f) The Town Treasurer may also treat any such taxes, penalties or interest due and unpaid as a debt due the Town from the vendor. In case of failure to pay the tax, or any portion thereof, or any penalty or interest thereon due, the Town Treasurer may receive at law the amount of such taxes, penalties and interest in the county or district court having jurisdiction of the amounts sought to be collected. The return of the taxpayer or assessment made by the Town Treasurer, as herein provided, shall be prima facie proof of the amount due. Such actions may be actions in attachment, and writs or attachment may be issued to the sheriff. It shall be the duty of the Town Attorney when requested by the Town Treasurer to commence action for the recovery of taxes due under this Article, and this remedy shall be in addition to all other existing remedies provided in this Article.

* * * *

(i) It shall be unlawful and a misdemeanor, punishable as provided under Section 1-72 of this Code, to violate any provision of this Article, to fail or refuse to make any return required hereby, or to make any false or fraudulent return, or any false statement in any return, or to prepare such returns in a reckless or grossly negligent manner, to fail or refuse to make timely payment to the Town Treasurer of any taxes collected or due to the Town, or in any manner to evade the collection and timely payment of the tax, or any part thereof, imposed by this Article, or for any person or purchaser to fail or refuse to pay such tax or evade the timely payment thereof, or to aid or abet another in any attempt to evade the timely payment of tax imposed by this Article.

(1) In his or her discretion, the Town Treasurer may direct the issuance of a

summons and complaint to appear before the Snowmass Village Municipal Court to any person who may be in violation of any of the provisions of this Article.

(2) Issuance of a summons and complaint by the Town and subsequent conviction of a violation of this Article in the municipal court shall not prohibit the court from requiring payment of all taxes, penalties and interest found to be due under this Article in addition to any fine imposed by the court. Each and every twenty-four (24) hour period of violation shall constitute a separate violation of this Article.

* * * *

15. Pursuant to Section 4-64 of the Town Code, on April 24, 2026, the Town Treasurer provided a Notice of Sales Tax Deficiency to Defendant requiring payment on or before May 4, 2026 of the sales tax with penalty and interest amounts applied, for a total amount due of $25,133.15, as shown on page 2 of **Exhibit A** attached hereto.

16. Defendant failed to respond or provide payment pursuant to the Notice of Sales Tax Deficiency.

17. Pursuant to Section 4-64(c) of the Town Code, the Town Treasurer issued a Notice and Statement of Lien for Unpaid Sales Taxes (the "Lien") to Defendant as shown on page 5 of **Exhibit A**.

18. On June 9, 2026, the Town, through its Town Attorney, issued a letter to Defendant (the "Letter"), notifying Defendant that its failure to remit sales taxes to the Town provides a basis to suspend Defendant's liquor license, as shown on page 1 of **Exhibit A**.

19. The Letter required Defendant to satisfy its delinquent payment obligation and obtain a business license from the Town no later than June 19, 2026.

20. The Letter informed Defendant that failure to comply by the June 19, 2026 deadline would result in the Town commencing Show Cause proceedings related to Defendant's liquor license.

21. Defendant did not respond to the Letter or satisfy its outstanding payment obligation and business license requirement.

22. The Town provided a second Notice of Sales Tax Deficiency to the Defendant on June 25, 2026, to which Defendant did not respond.

23. To date, Defendant owes $31,885.22 in past due sales tax remittances, together with penalties and interest, as shown in the second Notice of Sales Tax Deficiency attached as **Exhibit**

B.

FIRST CLAIM FOR RELIEF
(Violation of Town Code §§ 4-51 – Sales Tax Imposed and 4-62 – Vendor Liable for Tax; Filing of Returns)

24. Plaintiff incorporates the foregoing allegations as if set out in full herein.

25. Defendant has violated Town Code Sections 4-51 and 4-62 by failing to remit the required 3.5% sales Tax to the Town.

26. Accordingly, Plaintiff is entitled to an Order from the Court finding Defendant in violation of Sections 4-51 and 4-62 of the Town Code requiring Defendant to pay the Tax, as well as such other relief as the Court deems just and proper.

SECOND CLAIM FOR RELIEF
(Violation of Town Code § 4-2 – Business and Sales Tax License)

27. Plaintiff incorporates the foregoing allegations as if set out in full herein.

28. Defendant has violated Town Code Section 4-2 by failing to acquire and maintain a business license while continuing to conduct business within the Town.

29. Accordingly, Plaintiff is entitled to an Order from the Court finding Defendant in violation of Section 4-2 of the Town Code requiring Defendant to obtain a business license, as well as such other relief as the Court deems just and proper.

WHEREFORE, the Town requests the Court to grant the following relief:

A. Find Defendant to be in violation of the Town's Sales Tax requirement pursuant to Town Code Chapter 4, Article IV, specifically Sections 4-51 and 4-62;

B. Order that Defendant pay the past due balance for the Tax together with all interest and penalties due as of the date of filing of this Complaint;

C. Order that Defendant continue paying the Tax as it is due;

D. Order that the Town, pursuant to Section 4-64, subsections (c) and (d), of the Town Code, is authorized to issue a warrant to the Pitkin County Sheriff commanding the Sheriff to levy upon the real and personal property of the Defendant for the payment of the past due amount;

E. Impose a fine against Defendant of $1,000 for violation of Town Code Sections 4-51 and 4-62 for each day the violation continues;

F. Order that Defendant must obtain a business license from the Town should it continue conducting business within the Town;

G. Order that Plaintiff is entitled to monetary relief for any and all fines, fees, and costs permitted under the Town Code, including but not limited to attorney fees and costs; and

H. Order any and all other relief the Court may deem appropriate.

Respectfully submitted this 14th day of July, 2026.

KARP NEU HANLON, P.C.
Attorneys for Plaintiff

By: ______________________________
Jeffrey J. Conklin, #40194

Plaintiff's Address: 130 Kearns Road, Snowmass Village, CO 81615

VERIFICATION

STATE OF COLORADO)
) SS.
COUNTY OF PITKIN)

I, Marianne Rakowski, Finance Director and Treasurer for the Town of Snowmass Village, state under oath that I have read this Verified Complaint and verify its contents to the best of my knowledge and belief.

Marianne Rakowski
Marianne Rakowski

Subscribed and sworn to before me this 15 day of July, 2026 by Marianne Rakowski.

WITNESS my hand and official seal.

MEGAN HARRIS BOUCHER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20254014611
MY COMMISSION EXPIRES APRIL 15, 2029

Megan H. Boucher
Notary Public

EXHIBIT A

Karp.Neu.Hanlon PC
ATTORNEYS AT LAW

Jeffrey J. Conklin
Managing Partner

Email: jjc@mountainlawfirm.com
Direct: 970.928.2124
Office: Basalt

June 9, 2026

Via Email

Tavern Kitchen and Bar
c/o Jeffery Moerke and Ashely Palm
409 S. Hunter Street
Aspen, CO 81611
office@harpandhudco.com

Re: Tavern Kitchen and Bar – Delinquent Sales Tax – Expired Business License

Dear Mr. Moerke and Ms. Palm:

I represent the Town of Snowmass Village (the "Town") and write concerning the Tavern Kitchen and Bar (the "Tavern"). As you are likely aware, the Tavern is delinquent in remitting sales tax to the Town. The Town previously sent you a Notice of Deficiency regarding such delinquency (*see* **Exhibit A**) and recorded a lien against the Tavern's property interests (*see* **Exhibit B**). In addition, the Tavern does not have a current business license with the Town.

Please be advised that the Tavern's failure to remit sales taxes and maintain a current business license constitute violations of the Town Code and provide a basis for the Town to suspend the Tavern's liquor license (Hotel and Restaurant Liquor License 03-19590. *See* C.R.S. § 44-3-601(1)(a).

Please contact the Town Finance Department to satisfy the Tavern's delinquent sales tax and the Town Manager Office to obtain a business license not later than **<u>June 19, 2026</u>**. Failure to do so will result in the Town commencing Show Cause proceedings related to the Tavern's liquor license.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

KARP NEU HANLON, P.C.

Jeffrey J. Conklin

JJC:
cc : Marianne Rakowski (via email)
Enclosures (2)

EXHIBIT A

Exhibit

A

Town of SNOWMASS Village

NOTICE OF SALES TAX DEFICIENCY

The Tavern Kitchen and Bar LLC ("Licensee")
67 Elbert Lane
Snowmass Village, CO 81615

Under the authority granted to me by Section 4-67 of the Snowmass Village Municipal Code ("Code"), as the Town Treasurer, I hereby issue this Notice of Deficiency.

Pursuant to Code Section 4-67, when a taxpayer neglects to remit taxes due, the Town Treasurer is authorized to assess the same and add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one-half percent (.5%) per month from the date when due, which shall be ten (10) days after the sending of this written notice and demand for payment. This Notice was mailed on 4/24/2026 and, therefore, the deficiency noticed is due and payable on or before 5/4/2026.

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 22,706.49	$ 2,270.65	$ 156.01	$ 25,133.15
TOTAL	**$ 22,706.49**	**$ 2,270.65**	**$ 156.01**	**$ 25,133.15**

If the amounts assessed hereby remain unpaid and delinquent, pending any lawful hearings, appeals and legal processes, the Town is authorized to take such further action as lawful and necessary to collect said funds, including, but not limited to, the filing of a lien against your real and personal property.

If you do not agree with this assessment, are entitled to a hearing pursuant to Code Sec. 4-65. You must file your appeal petition within thirty (30) days from the mailing date of this Notice. This Notice was mailed on 4/24/2026, therefore your appeal deadline is 5/24/2026. Your hearing petition must include your name, business address, tax license number, a copy of the notice sent by the Town being appealed, the taxable periods and the amounts of tax which are being disputed, and a statement of the grounds for your appeal.

ISSUED to the Licensee this 24th day of April, 2026, by:

Marianne Rakowski

Marianne Rakowski, Finance Director/Treasurer

EXHIBIT A

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of April, 2026, I placed the foregoing Notice of Deficiency and all attachments thereto, in the United States Certified Mail, return receipt requested, addressed as follows:

The Tavern Kitchen and Bar LLC ("Licensee")
409 S Hunter St
Aspen, CO 81611
ATTN: Ashley Palm

Emily Flood

Emily Flood, Finance & Sales Tax Analyst

EXHIBIT

B

Certificate of Service

OR

I declare under oath that I mailed a true and correct copy of the NOTICE & STATEMENT OF TAX LIEN FOR UNPAID TAXES in the above-referenced matter to The Tavern Kitchen and Bar, LLC by certified mail, return receipt requested, on May 13, 2026 to the following address:

The Tavern Kitchen and Bar, LLC

409 S. Hunter Street

Aspen, CO 81611

Emily Flood
(signature)

Emily Flood
(print name)

EXHIBIT A

RECEPTION#: 716589, R: $43.00, D: $0.00
DOC CODE: LIEN
Pg 1 of 2, 05/12/2026 at 03:47:09 PM
Ingrid K. Grueter, Pitkin County, CO

TOWN OF SNOWMASS VILLAGE
130 Kearns Road
Snowmass Village, CO 81615

NOTICE & STATEMENT OF LIEN FOR UNPAID SALES TAXES

TO ALL CONCERNED, TAKE NOTICE:

Pursuant to Section 4-64 of Chapter 4 of the Snowmass Village Municipal Code ("Code"), THE TOWN OF SNOWMASS VILLAGE, COLORADO ("Town"), having fulfilled all the municipal requirements of assessment, notice and demand for $ 25,133.15, representing the assessed sales tax, penalty and interest (as listed below and detailed in **Attachment A**), owed to the Town by The Tavern Kitchen and Bar LLC d/b/a The Tavern Kitchen and Bar, ("Taxpayer"), such amount remaining due and unpaid, DOES HEREBY CLAIM A FIRST AND PRIOR LIEN for such amount, against the real property described below, located within the County of Pitkin, State of Colorado, and against any and all real and personal property of the Taxpayer located in Pitkin County, Colorado:

TAX	$ 22,706.49
PENALTY	$ 2,270.65
INTEREST	$ 156.01
TOTAL	$ 25,133.15

Street Address: 67 Elbert Lane, Snowmass Village, CO 81615
Legal Description: Snowmass Village Mall Subdivision, Lot B

Marianne Rakowski, Finance Director, being first duly sworn upon oath states: that she is a duly qualified representative of the Town of Snowmass Village, Colorado; that she has read the foregoing Notice and Statement of Lien and knows the contents thereof; that the same is true of her own knowledge, information and belief.

5-12-26
Date

Marianne Rakowski
Marianne Rakowski,
Town of Snowmass Village, Finance Director

STATE OF COLORADO)
) ss.
COUNTY OF PITKIN)

Subscribed and sworn before me by Marianne Rakowski, as Finance Director of the Town of Snowmass Village, Colorado this 12 day of May, 2026. Witness my hand and official seal.

My commission expires on 12/12/2028

Notary Public

THERESA COOK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20244045509
MY COMMISSION EXPIRES DECEMBER 12, 2028

EXHIBIT A

ATTACHMENT A

DETAILED DESCRIPTION OF DELINQUENCY DATES, AMOUNT OWED, INTEREST, AND PENALTIES

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 22,706.49	$ 2,270.65	$ 156.01	$ 25,133.15
TOTAL	**$ 22,706.49**	**$ 2,270.65**	**$ 156.01**	**$ 25,133.15**

EXHIBIT B

NOTICE OF SALES TAX DEFICIENCY

The Tavern Kitchen and Bar LLC ("Licensee")
67 Elbert Lane
Snowmass Village, CO 81615

Under the authority granted to me by Section 4-67 of the Snowmass Village Municipal Code ("Code"), as the Town Treasurer, I hereby issue this Notice of Deficiency.

Pursuant to Code Section 4-67, when a taxpayer neglects to remit taxes due, the Town Treasurer is authorized to assess the same and add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one-half percent (.5%) per month from the date when due, which shall be ten (10) days after the sending of this written notice and demand for payment. This Notice was mailed on 4/23/2026 and, therefore, the deficiency noticed is due and payable on or before 5/3/2026.

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 28,217.01	$ 2,821.70	$ 846.51	$ 31,885.22
TOTAL	**$ 28,217.01**	**$ 2,821.70**	**$ 846.51**	**$ 31,885.22**

If the amounts assessed hereby remain unpaid and delinquent, pending any lawful hearings, appeals and legal processes, the Town is authorized to take such further action as lawful and necessary to collect said funds, including, but not limited to, the filing of a lien against your real and personal property.

If you do not agree with this assessment, are entitled to a hearing pursuant to Code Sec. 4-65. You must file your appeal petition within thirty (30) days from the mailing date of this Notice. This Notice was mailed on 6/25/2026, therefore your appeal deadline is 7/25/2026. Your hearing petition must include your name, business address, tax license number, a copy of the notice sent by the Town being appealed, the taxable periods and the amounts of tax which are being disputed, and a statement of the grounds for your appeal.

ISSUED to the Licensee this 25th day of June, 2026, by:

Marianne Rakowski, Finance Director/Treasurer

EXHIBIT B

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 2026, I placed the foregoing Notice of Deficiency and all attachments thereto, in the United States Certified Mail, return receipt requested, addressed as follows:

The Tavern Kitchen and Bar LLC ("Licensee")
409 S Hunter St
Aspen, CO 81611
ATTN: Ashley Palm

Emily Flood, Finance & Sales Tax Analyst

<table>
<tr><td>MUNICIPAL COURT, TOWN OF SNOWMASS VILLAGE, STATE OF COLORADO
130 Kearns Road, Snowmass Village, CO 81615</td><td rowspan="3">▲ COURT USE ONLY ▲
____
Case Number:</td></tr>
<tr><td>Plaintiff: THE TOWN OF SNOWMASS VILLAGE, a Colorado home-rule municipal corporation

v.

Defendants: THE TAVERN KITCHEN AND BAR LLC, a Colorado limited liability company</td></tr>
<tr><td>Attorneys for the Town of Snowmass Village:
Jeffrey J. Conklin, Esq. #40194
Karp Neu Hanlon, P.C.
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602
Tel.: (970) 945-2261
Fax: (970) 945-7336
jjc@mountainlawfirm.com</td></tr>
<tr><td colspan="2">SUMMONS</td></tr>
</table>

To the above-named Defendant, please take notice that:

1. On **Wednesday, August 19, 2026 at 9:00 am** at Snowmass Village Municipal Court in Snowmass Village, Colorado, the court may be asked to enter judgment against you as set forth in the Verified Complaint.

2. A copy of the Verified Complaint against you is attached.

3. If you do not agree with the Verified Complaint, then you must either:

   a. Go to the court, located at 130 Kearns Road, Snowmass Village, CO 81615, at the above date and time and file an answer stating any legal reason you have why judgment should not be entered against you. Alternatively, if you wish to appear remotely, you may do so and must request the call-in or videoconference details with the clerk of court.

   b. File an answer with the court before that date and time.

4. When you file your answer, you may be required to pay a filing fee to the Clerk of the Court.

5. If you file an answer, you must give or mail a copy to the Plaintiff or the attorney who signed the complaint.

6. If you do not file an answer, then the court may enter a default judgment against you for the relief requested in the complaint.

Dated this 29th day of July, 2026.

KARP NEU HANLON, P.C.
Attorneys for Plaintiff

By: ______________________________
Jeffrey J. Conklin, #40194

This summons is issued pursuant to Rule 204, Colorado Municipal Court Rules of Procedure, as amended. A copy of the complaint must be served with this summons.

WARNING: ALL FEES ARE NON-REFUNDABLE.

RETURN OF SERVICE

I declare under the penalty of perjury under the law of Colorado that I served this Summons and Verified Complaint on July 29, 2026, by certified mail, return receipt requested to Defendant's registered agent (pursuant to CMCR 204(e)):

The Tavern Kitchen and Bar LLC
c/o Jeffery Moerke and Ashley Palm
67 Elbert Lane
Snowmass Village, CO 81615

The Tavern Kitchen and Bar LLC
c/o Jeffery Moerke and Ashley Palm
409 S Hunter Street
Aspen, CO 81611

JVAM, PLLC
PO Box 878
Glenwood Springs, CO 81602

______________________________ _________________________
Name Date

Karp Neu Hanlon PC
ATTORNEYS AT LAW

Jeffrey J. Conklin
Managing Partner

Email: jjc@mountainlawfirm.com
Direct: 970.928.2124
Office: Basalt

July 29, 2026

Via U.S. Mail, Certified Mail, and Email

Heather's II, LLC
300 Carriage Way
Snowmass Village, CO 81615

P.O. Box 4852
Basalt, CO 81621
heatherssnowmass@gmail.com

166 Juniper Trl,
Carbondale, CO 81623, US

Re: Heather's – Order to Show Cause

Dear Licensee:

As you are aware, I represent the Town of Snowmass Village (the "Town") and write concerning Heather's restaurant. As previously advised, Heather's is delinquent in remitting sales tax to the Town. Failure to remit sales taxes license constitute violations of the Town Code and provide a basis for the Town to suspend Heather's liquor license. *See* C.R.S. § 44-3-601(1)(a).

Accordingly, the Town's Liquor Licensing Authority has issued the enclosed Order to Show Cause. You are required to appear before the Snowmass Village Liquor Licensing Authority on **August 19, 2026 at 9:00 AM** at Snowmass Village Town Hall.

In addition, a Complaint for Code violations was previously filed with the Court and served on you by certified mail in accordance with the Colorado Municipal Court Rules of Procedure. For the avoidance of doubt, this letter includes that Complaint and a new Summons for service.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

KARP NEU HANLON, P.C.

Jeffrey J. Conklin

Karp Neu Hanlon PC
ATTORNEYS AT LAW

JJC:
cc : Megan Boucher (via email)
Enclosures (2)

BEFORE THE TOWN OF SNOWMASS VILLAGE LIQUOR LICENSING AUTHORITY
PITKIN COUNTY, COLORADO

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

IN THE MATTER OF:

HEATHER'S II, LLC
D/B/A HEATHER'S SNOWMASS VILLAGE
300 CARRIAGE WAY
SNOWMASS VILLAGE, CO 81615

Town of Snowmass Village Liquor License No. 03-22425

WHEREAS, it has been made to appear to the Liquor Licensing Authority of the Town of Snowmass Village, Colorado (the "Town"), that upon review of the Verified Complaint for The Town of Snowmass Village v. Heather's II, LLC filed July 14, 2026, probable cause exists to believe that HEATHER'S II, LLC d/b/a Heather's Snowmass Village ("Heather's"), 300 Carriage Way, Snowmass Village, CO did violate the Colorado Liquor Code and Colorado Liquor Rules, specifically 1 CCR 203-2, Regulation 47-310.E.4, in that Heather's is delinquent on it sales tax payment obligations to the Town, and such failure to comply with tax requirements as prescribed by statute may be grounds to suspend or revoke a liquor license. *See Mr. Lucky's, Inc. v. Dolan*, 197 Colo. 195, 591 P.2d 1021 (1979) (upholding a decision by the Colorado Department of Revenue to suspend a liquor license based on the licensee's record of untimely filing income tax returns in violation of Colorado statutes). Pursuant to C.R.S. § 44-3-601(1)(a), the Town may suspend or revoke a liquor licensee's license or permit after investigation and public hearing at which the licensee is afforded an opportunity to be heard. This statute authorizes such suspension or revocation based on the licensee's violation of Colorado liquor license laws, any rules authorized by such laws, and any terms, conditions, or provisions of the license or permit issued by the local licensing authority.

NOW THEREFORE, YOU ARE HEREBY ORDERED to appear before the Town of Snowmass Village Liquor Licensing Authority, on August 19, 2026 at 9:00 a.m., at the Snowmass Village Municipal Court, 130 Kearns Road, Snowmass Village, CO 81615 to show cause, if any you have, why your Retail Liquor License for Hotel & Restaurant should not be suspended or revoked, or, in the alternative, fines imposed pursuant to the Colorado Liquor Rules.

You are entitled to have an attorney represent you at the hearing. If you should retain an attorney, you should do so well in advance of the hearing. The hearing will only be postponed for good cause shown. If you should fail to appear at the scheduled time and place for the hearing, testimony will be taken and your license could be suspended or revoked.

Please be further advised that if the Town of Snowmass Village Liquor Licensing Authority does find you in violation of any of the above-cited section(s) of the Colorado Liquor or Beer Code, Colorado Liquor Rules, the Snowmass Village Municipal Code, or the terms and conditions of your Liquor License, the Snowmass Village Liquor Licensing Authority may consider, in selecting sanctions to be imposed against you, any mitigating or aggravating factors, and any provisions of State law, the Snowmass Village Municipal Code, or the permit, as well as any sanctions previously imposed.

It is hereby ordered that a copy of this Order to Show Cause and Notice of Hearing shall be mailed or delivered to the above-named Licensee.

BY ORDER OF THE TOWN OF SNOWMASS VILLAGE LIQUOR LICENSING AUTHORITY

Dated: July 29, 2026

TOWN OF SNOWMASS VILLAGE
LIQUOR LICENSING AUTHORITY

Town Clerk

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Order to Show Cause and Notice of Hearing was hand delivered and/or placed in the United States Mail at Snowmass Village, Colorado, first class, postage prepaid, on the 29th day of July, 2026, addressed as follows:

HEATHER'S II
d/b/a Heather's Snowmass Village
PO Box 4852
Basalt, CO 81621

Jeffrey J. Conklin

<table>
<tr><td>MUNICIPAL COURT, TOWN OF SNOWMASS VILLAGE, STATE OF COLORADO
130 Kearns Road, Snowmass Village, CO 81615</td><td rowspan="3">▲ COURT USE ONLY ▲

Case Number:</td></tr>
<tr><td>Plaintiff: THE TOWN OF SNOWMASS VILLAGE, a Colorado home-rule municipal corporation

v.

Defendant: HEATHER'S II, LLC, a Colorado limited liability company, d/b/a HEATHER'S SNOWMASS VILLAGE</td></tr>
<tr><td>Attorneys for the Town of Snowmass Village:
Jeffrey J. Conklin, Esq. #40194
Karp Neu Hanlon, P.C.
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602
Tel.: (970) 945-2261
Fax: (970) 945-7336
jjc@mountainlawfirm.com</td></tr>
<tr><td colspan="2">VERIFIED COMPLAINT</td></tr>
</table>

Plaintiff, Town of Snowmass Village (the "Town"), by and through its attorneys Karp Neu Hanlon, P.C., hereby brings this Verified Complaint and states the following:

PARTIES

1. The Town of Snowmass Village, Colorado (the "Town" or "Plaintiff") is a Colorado home-rule municipal corporation located in Pitkin County, State of Colorado.

2. Defendant HEATHER'S II, LLC, d/b/a Heather's Snowmass Village ("Heather's" or "Defendant") is a Colorado limited liability company that operates as a restaurant pursuant to a business license and liquor license within the Town.

JURISDICTION

3. Town of Snowmass Village Municipal Court has original jurisdiction over this action pursuant to Section 7.2(a) of the Town of Snowmass Village Home Rule Charter ("Town Charter") and Section 4-64(i) of the Town of Snowmass Village Municipal Code ("Town Code").

GENERAL ALLEGATIONS

4. Heather's is located at 300 Carriage Way, Snowmass Village, CO 81615.

5. Section 4-51 of the Town Code provides:

Sec. 4-51. - Sales tax imposed.

There is hereby imposed on all sales of tangible personal property at retail and the furnishing of services as provided in Section 4-53 hereof, a tax equal to three and one-half percent (3 ½ %) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Town Treasurer or by separate ordinance of the Town. If any vendor, during any reporting period, shall collect as a tax an amount in excess of three and one-half percent (3 ½ %) of his or her total taxable sales, he or she shall remit to the Town Treasurer the full amount of tax herein imposed and also such excess. Sales tax revenues generated and received by the Town at the taxation rate of two and one-half percent (2 ½ %) shall be deposited in the Tourism Fund, a special restricted fund, the terms of which are set forth under Article II of Chapter 4 of this Code. Sales tax revenues generated and received by the Town at the remaining taxation rate of one percent (1%) may be deposited in any Town fund to be used for any Town purpose, consistent with finance and budget laws and all other legal requirements.

6. Section 4-52 of the Town Code provides in relevant part:

Sec. 4-52. - Definitions.

* * * *

Doing business in the Town, for the purpose of this Article, means the selling, leasing or delivering in the Town or any activity in the Town in connection with the selling, leasing or delivering in the Town of tangible personal property by a retail sale as defined in this Section, for use, storage, distribution or consumption within the Town. This term shall include, but shall not be limited to, the following methods of transacting business:

a. The maintaining within the Town directly, or indirectly, or by a subsidiary, an office, distributing house, salesroom or house, warehouse or other place of business.

* * * *

Gross taxable sales means the total amount received in money, credits and property, excluding the fair market value of exchanged property which is to be sold thereafter in the usual course of the retailer's business, or other consideration valued in money from sales and purchases at retail within the Town, and embraced within the provisions of this Article. The taxpayer may take credit in his or her report of gross sales for an amount equal to the sale price of property returned by the purchaser when the full sale price thereof is refunded whether in cash or by credit. The fair market value of any exchanged property which is to be sold thereafter in the usual course of the retailer's business, if included in the full price of a new article, shall be excluded from the gross sales. On all sales at retail, valued in money, when such sales are made under conditional sales contracts, credit sales or any other form of sale where payment of the principal sum is extended more than sixty (60) days from the sale date, the amount of tax due on such sale for any particular taxing period shall be based on the amount of cash actually received by the taxpayer for such sale during that period. Taxes previously paid on gross sales represented by accounts found to be worthless and actually charged off for income tax purposes may be credited in a subsequent tax reporting period, but if any such accounts are thereafter collected by the taxpayer, a tax shall be paid upon the amount collected. Separately-stated charges for services that are not otherwise taxable under this Article shall not be included in the calculation of gross taxable sales even if such services are rendered in connection with a taxable retail sale.

* * * *

Tangible personal property means corporeal personal property. This shall not be construed to include newspapers, as legally defined in Section 24-70-102, C.R.S.

7. Defendant is a restaurant doing business in the Town pursuant to Section 4-52 of the Town Code.

8. Section 4-62 of the Town Code provides in relevant part:

Sec. 4-62. - Vendor liable for tax; filing of returns.

(a) Every retailer, also herein called vendor, shall be liable and responsible for the payment of an amount equivalent to three and one-half percent (3.5 %) of all sales made by him or her of commodities or services as specified in Section 4-53, and shall before the twentieth day of each month make a return to the Town Treasurer for the preceding calendar month and remit an amount equivalent to said three and one-half percent (3.5 %) on such sales to the Town Treasurer. Such returns of the taxpayer or his or her duly authorized agent shall contain such information and be made in such manner and upon such forms that the Town Treasurer may prescribe.

* * * *

9. Defendant is obligated to remit to the Town before the 20th day of each month sales tax at the rate of three and one-half percent (3.5%) of all sales made or services rendered for the

preceding calendar month, pursuant to Sections 4-51 and 4-62 of the Town Code (the "Tax").

10. Defendant has failed to pay the Tax.

11. Defendant is in violation of the Town Code as a result of its sales tax delinquency.

12. Section 4-64 of the Town Code provides in relevant part:

Sec. 4-64. - Estimate of deficiencies; town's remedies.

(a) All sums of money paid by the purchaser to the retailer as taxes imposed by this Article shall be and remain public money, the property of the Town, in the hands of such retailer, and he or she shall hold the same in trust for the sole use and benefit of the Town until paid to the Town Treasurer, and for failure to so pay to the Town Treasurer, such retailer shall be punished as provided by law.

(b) If a person neglects or refuses to make a return and payment of the tax as required by this Article, the Town Treasurer shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent; and shall add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one percent (1%) per month from the date when due. Promptly thereafter, the Town Treasurer shall give to the delinquent taxpayer written notice of such estimated taxes, penalty and interest, which deficiency notice shall be mailed to the taxpayer by certified mail to the taxpayer's address on file with the Town. The deficiency notice shall include notification, in clear and conspicuous type, of the time limit to file a protest to the notice and that the taxpayer has the right to elect a hearing on the deficiency pursuant to Section 4-65. Any protest to the deficiency notice shall be filed with the Town Treasurer within thirty (30) days of the date of the mailing of the notice.

(c) If any taxes, penalty or interest imposed by this Article and shown due by returns filed by the taxpayer, or shown by assessments duly made as provided herein, are not paid within five (5) days after the same are due, the Town Treasurer shall issue a notice, setting forth the name of the taxpayer, the amount of tax, penalties and interest, the date of the accrual thereof, and that the Town claims a first and prior lien therefor, second only to the first and prior lien claimed by the State, on the real and tangible personal property of the taxpayer except as to the pre-existing claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights shall have attached prior to the filing of the notice as herein provided on the property of the taxpayer. Said notice shall be on forms prepared by the Town Treasurer, and shall be verified by him or her or his or her duly qualified deputy, or any duly qualified agent of the Town Treasurer whose duties are the collection of such tax, and may be filed in the office of the Clerk and Recorder of any county in the State in which the taxpayer owns real or tangible personal property; and the filing of such notice shall constitute a lien on such property in that county and constitute notice thereof. After said notice has been filed, or concurrently therewith, or any time when taxes due are unpaid, whether such notice be filed or not, the Town Treasurer may issue a warrant directed to any duly authorized revenue collector, or to the sheriff of any county of the State, commanding him or her to levy upon, seize and sell sufficient of the real and personal property of the tax debtor found within his or her county for the payment of the amount due, together with interest, penalties and costs, as may be provided by law, subject to valid pre-existing claims or liens.

* * * *

(f) The Town Treasurer may also treat any such taxes, penalties or interest due and unpaid as a debt due the Town from the vendor. In case of failure to pay the tax, or any portion thereof, or any penalty or interest thereon due, the Town Treasurer may receive at law the amount of such taxes, penalties and interest in the county or district court having jurisdiction of the amounts sought to be collected. The return of the taxpayer or assessment made by the Town Treasurer, as herein provided, shall be prima facie proof of the amount due. Such actions may be actions in attachment, and writs or attachment may be issued to the sheriff. It shall be the duty of the Town Attorney when requested by the Town Treasurer to commence action for the recovery of taxes due under this Article, and this remedy shall be in addition to all other existing remedies provided in this Article.

* * * *

(i) It shall be unlawful and a misdemeanor, punishable as provided under Section 1-72 of this Code, to violate any provision of this Article, to fail or refuse to make any return required hereby, or to make any false or fraudulent return, or any false statement in any return, or to prepare such returns in a reckless or grossly negligent manner, to fail or refuse to make timely payment to the Town Treasurer of any taxes collected or due to the Town, or in any manner to evade the collection and timely payment of the tax, or any part thereof, imposed by this Article, or for any person or purchaser to fail or refuse to pay such tax or evade the timely payment thereof, or to aid or abet another in any attempt to evade the timely payment of tax imposed by this Article.

(1) In his or her discretion, the Town Treasurer may direct the issuance of a summons and complaint to appear before the Snowmass Village Municipal Court to any person who may be in violation of any of the provisions of this Article.

(2) Issuance of a summons and complaint by the Town and subsequent conviction of a violation of this Article in the municipal court shall not prohibit the court from requiring payment of all taxes, penalties and interest found to be due under this Article in addition to any fine imposed by the court. Each and every twenty-four (24) hour period of violation shall constitute a separate violation of this Article.

* * * *

13. Pursuant to Section 4-64 of the Town Code, on May 14, 2026, the Town Treasurer provided a Notice of Sales Tax Deficiency to Defendant requiring payment on or before May 24, 2026 of the sales tax with penalty and interest amounts applied, for a total amount due of $34,002.05, as shown on page 2 of **Exhibit A** attached hereto.

14. Defendant failed to respond or provide payment pursuant to the Notice of Sales Tax Deficiency.

15. On June 9, 2026, the Town, through its Town Attorney, issued a letter to Defendant (the "Letter"), notifying Defendant that its failure to remit sales taxes to the Town provides a basis to suspend Defendant's liquor license, as shown on page 1 of **Exhibit A**.

16. The Letter required Defendant to satisfy its delinquent payment obligation no later than June 19, 2026.

17. The Letter informed Defendant that failure to comply by the June 19, 2026 deadline would result in the Town commencing Show Cause proceedings related to Defendant's liquor license.

18. Defendant did not respond to the Letter or satisfy its outstanding payment obligation.

19. To date, Defendant owes $34,002.05 in past due sales tax remittances, together with penalties and interest.

20. Pursuant to Section 7-41(a) of the Town Code, the Town may charge a fee for solid waste collection.

21. Section 7-41(b) of the Town Code authorizes the Town to discontinue solid waste service for delinquent accounts not paid in full within 10 days after the due date on the bill and provides that any unpaid amount shall constitute a lien upon the lot, land, building, and premises served or benefited.

22. Defendant is delinquent in paying for solid waste collection and owes a total

amount due of $10,862.57 pursuant to the accounting attached as **Exhibit B**.

FIRST CLAIM FOR RELIEF
(Violation of Town Code §§ 4-51 – Sales Tax Imposed and 4-62 – Vendor Liable for Tax; Filing of Returns)

23. Plaintiff incorporates the foregoing allegations as if set out in full herein.

24. Defendant has violated Town Code Sections 4-51 and 4-62 by failing to remit the required 3.5% sales Tax to the Town.

25. Accordingly, Plaintiff is entitled to an Order from the Court finding Defendant in violation of Sections 4-51 and 4-62 of the Town Code requiring Defendant to pay the Tax, as well as such other relief as the Court deems just and proper.

SECOND CLAIM FOR RELIEF
(Violation of Town Code § 7-41 – Fees)

26. Plaintiff incorporates the foregoing allegations as if set out in full herein.

27. Defendant has violated Town Code Section 7-41 by failing to pay the required fee for solid waste collection service to the Town.

28. Accordingly, Plaintiff is entitled to an Order from the Court finding Defendant in violation of Section 7-41 of the Town Code requiring Defendant to pay the solid waste collection fee, as well as such other relief as the Court deems just and proper.

WHEREFORE, the Town requests the Court to grant the following relief:

A. Find Defendant to be in violation of the Town's Sales Tax requirement pursuant to Town Code Chapter 4, Article IV, specifically Sections 4-51 and 4-62;

B. Order that Defendant pay the past due balance for the Tax together with all interest and penalties due as of the date of filing of this Complaint;

C. Order that Defendant continue paying the Tax as it is due;

D. Impose a lien, pursuant to Section 4-64, subsections (c) and (d), of the Town Code, upon the real and personal property of the Defendant for the payment of the past due amount for the Tax;

E. Find Defendant to be in violation of the solid waste service fee requirement pursuant to Town Code Chapter 7, Article III, specifically Section 7-41;

F. Order that Defendant pay the past due balance for solid waste service due as of the date of filing of this Complaint;

G. Impose a lien, pursuant to Section 7-41(b) of the Town Code, upon Defendant's property served for the payment of the past due amount in solid waste fees;

H. Impose a fine against Defendant of $1,000 for violation of Town Code Sections 4-51 and 4-62 for each day the violation continues;

I. Impose a fine against Defendant of $1,000 for violation of Town Code Section 7-41 for each day the violation continues;

J. Order that Plaintiff is entitled to monetary relief for any and all fines, fees, and costs permitted under the Town Code, including but not limited to attorney fees and costs; and

K. Order any and all other relief the Court may deem appropriate.

Respectfully submitted this 14th day of July, 2026.

KARP NEU HANLON, P.C.
Attorneys for Plaintiff

By: ______________________
Jeffrey J. Conklin, #40194

Plaintiff's Address: 130 Kearns Road, Snowmass Village, CO 81615

VERIFICATION

STATE OF COLORADO)
) SS.
COUNTY OF PITKIN)

I, Marianne Rakowski, Finance Director and Treasurer for the Town of Snowmass Village, state under oath that I have read this Verified Complaint and verify its contents to the best of my knowledge and belief.

Marianne Rakowski
Marianne Rakowski

Subscribed and sworn to before me this 15 day of July, 2026 by Marianne Rakowski.

WITNESS my hand and official seal.

Notary Public

MEGAN HARRIS BOUCHER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20254014611
MY COMMISSION EXPIRES APRIL 15, 2029

EXHIBIT A

Karp.Neu.Hanlon PC
ATTORNEYS AT LAW

Jeffrey J. Conklin
Managing Partner

Email: jjc@mountainlawfirm.com
Direct: 970.928.2124
Office: Basalt

June 9, 2026

Via Email

Heather's II, LLC
300 Carriage Way
Snowmass Village, CO 81615

P.O. Box 4852
Basalt, CO 81621
heatherssnowmass@gmail.com

Re: Heather's – Delinquent Sales Tax

Dear Licensee:

I represent the Town of Snowmass Village (the "Town") and write concerning Heather's restaurant. As you are likely aware, Heather's is delinquent in remitting sales tax to the Town. The Town previously sent you a Notice of Deficiency regarding such delinquency (*see* **Exhibit A**). No response has been received.

Please be advised that Heather's failure to remit sales taxes license constitute violations of the Town Code and provide a basis for the Town to suspend Heather's liquor license. *See* C.R.S. § 44-3-601(1)(a).

Please contact the Town Finance Department to satisfy Heather's delinquent sales tax not later than **June 19, 2026**. Failure to do so will result in the Town commencing Show Cause proceedings related to Heather's liquor license.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

KARP NEU HANLON, P.C.

Jeffrey J. Conklin

JJC:
cc : Marianne Rakowski (via email)
Enclosures (1)

EXHIBIT A

Exhibit

A

Town of SNOWMASS Village

NOTICE OF SALES TAX DEFICIENCY

Heathers II LLC ("Licensee")
300 Carriage Way
Snowmass Village, CO 81615

Under the authority granted to me by Section 4-67 of the Snowmass Village Municipal Code ("Code"), as the Town Treasurer, I hereby issue this Notice of Deficiency.

Pursuant to Code Section 4-67, when a taxpayer neglects to remit taxes due, the Town Treasurer is authorized to assess the same and add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate of one-half percent (.5%) per month from the date when due, which shall be ten (10) days after the sending of this written notice and demand for payment. This Notice was mailed on 5/14/2026 and, therefore, the deficiency noticed is due and payable on or before 5/24/2026.

ASSESSEMENT				
	TAX	PENALTY	INTEREST	TOTAL
SALES TAX	$ 30,639.98	$ 3,064.00	$ 298.07	$ 34,002.05
TOTAL	**$ 30,639.98**	**$ 3,064.00**	**$ 298.07**	**$ 34,002.05**

If the amounts assessed hereby remain unpaid and delinquent, pending any lawful hearings, appeals and legal processes, the Town is authorized to take such further action as lawful and necessary to collect said funds, including, but not limited to, the filing of a lien against your real and personal property.

If you do not agree with this assessment, are entitled to a hearing pursuant to Code Sec. 4-65. You must file your appeal petition within thirty (30) days from the mailing date of this Notice. This Notice was mailed on 5/14/2026, therefore your appeal deadline is 6/13/2026. Your hearing petition must include your name, business address, tax license number, a copy of the notice sent by the Town being appealed, the taxable periods and the amounts of tax which are being disputed, and a statement of the grounds for your appeal.

ISSUED to the Licensee this 14th day of May, 2026, by:

Marianne Rakowski

Marianne Rakowski, Finance Director/Treasurer

EXHIBIT A

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of May, 2026, I placed the foregoing Notice of Deficiency and all attachments thereto, in the United States Certified Mail, return receipt requested, addressed as follows:

Heathers II LLC ("Licensee")
PO Box 4852
Basalt, CO 81621

____

Emily Flood, Finance & Sales Tax Analyst

EXHIBIT B

For Billing Questions: 970-923-3796
For Service Questions: 970-923-5110

Town of SNOWMASS Village

TOWN OF SNOWMASS VILLAGE
P.O. BOX 5010
SNOWMASS VILLAGE, CO 81615

CUSTOMER No:	585
Customer Type:	RL
Due Date:	08/07/2026
Invoice Date:	07/07/2026
Invoice No:	2026-00000123
Trash Total:	$632.59
Recycling Total:	$282.78
Subtotal	$915.37
Balance Forward:	$9,947.20
Total Amount Due:	**$10,862.57**

2026 Second Quarter Rearload Trash & Recycle Service

Heather's Restaurant
at Stonebridge Inn
PO Box 5008
Snowmass Village CO 81615
lmason21@comcast.net

Amount Enclosed: $ ____________

DETACH AND RETURN THIS STUB WITH REMITTANCE

TERMS: NET 30 DAYS following the date of the invoice unless otherwise specified. A FINANCE CHARGE OF 1.5% PER MONTH (EFFECTIVE RATE OF 18% PER ANNUM) WILL BE CHARGED ON PAST DUE ACCOUNTS.

TRASH:

Date	2 Yard	4 Yard	6 Yard	8 Yard	Stops	Pickups Per Week	Charges
4/1-4/30	1				1	4	$550.59
5/1-5/31	1				1	0	$0.00
6/1-6/30	1				1	0	$0.00
TOTAL							$550.59

TRASH OVERFLOW

Date	Cost Per Yard	Yards		Charges
4/7/2026	$41.00	2	extra pickup	$82.00
TOTAL				$82.00

RECYCLABLES:

Date	90-gal.	2 Yard	Cardboard Yards	Stops	Pickups Per Week	Charges
4/1-4/30	2	1	0	1	3	$159.78
5/1-5/31	2	1	0	1	0	$0.00
6/1-6/30	2	1	0	1	0	$0.00
TOTAL						$159.78

RECYCLABLES OVERFLOW

Date	Cost	Yards	Contaminated Recycle	Charges
6/13/2026	$41.00	3	on call pickup	$123.00
TOTAL				$123.00

TOTAL CHARGES	**$915.37**

<table>
<tr><td>MUNICIPAL COURT, TOWN OF SNOWMASS VILLAGE, STATE OF COLORADO
130 Kearns Road, Snowmass Village, CO 81615</td><td rowspan="3">▲ COURT USE ONLY ▲
____
Case Number:</td></tr>
<tr><td>Plaintiff: THE TOWN OF SNOWMASS VILLAGE, a Colorado home-rule municipal corporation

v.

Defendants: HEATHER’S II, LLC, a Colorado limited liability company, d/b/a HEATHER’S SNOWMASS VILLAGE</td></tr>
<tr><td>Attorneys for the Town of Snowmass Village:
Jeffrey J. Conklin, Esq. #40194
Karp Neu Hanlon, P.C.
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602
Tel.: (970) 945-2261
Fax: (970) 945-7336
jjc@mountainlawfirm.com</td></tr>
<tr><td colspan="2" align="center">SUMMONS</td></tr>
</table>

To the above-named Defendant, please take notice that:

1. On **Wednesday, August 19, 2026 at 9:00 am** at Snowmass Village Municipal Court in Snowmass Village, Colorado, the court may be asked to enter judgment against you as set forth in the Verified Complaint.

2. A copy of the Verified Complaint against you is attached.

3. If you do not agree with the Verified Complaint, then you must either:

   a. Go to the court, located at 130 Kearns Road, Snowmass Village, CO 81615, at the above date and time and file an answer stating any legal reason you have why judgment should not be entered against you. Alternatively, if you wish to appear remotely, you may do so and must request the call-in or videoconference details with the clerk of court.

   b. File an answer with the court before that date and time.

4. When you file your answer, you may be required to pay a filing fee to the Clerk of the Court.

5. If you file an answer, you must give or mail a copy to the Plaintiff or the attorney who signed the complaint.

6. If you do not file an answer, then the court may enter a default judgment against you for the relief requested in the complaint.

Dated this 29th day of July, 2026.

KARP NEU HANLON, P.C.
Attorneys for Plaintiff

By: ______________________________
Jeffrey J. Conklin, #40194

This summons is issued pursuant to Rule 204, Colorado Municipal Court Rules of Procedure, as amended. A copy of the complaint must be served with this summons.

WARNING: ALL FEES ARE NON-REFUNDABLE.

RETURN OF SERVICE

I declare under the penalty of perjury under the law of Colorado that I served this Summons and Verified Complaint on July 29, 2026, by certified mail, return receipt requested to Defendant's registered agent (pursuant to CMCR 204(e)):

HEATHER'S II, LLC
300 Carriage Way
Snowmass Village, CO 81615

HEATHER'S II, LLC
PO Box 4852
Basalt, CO 81621

HEATHER'S II, LLC
166 Juniper Trl.
Carbondale, CO 81623

Heather's Restaurant at Stonebridge Inn
PO Box 5008
Snowmass Village, CO 81615

____________________________ ________________________
Name Date