

DA 25-0364

IN THE SUPREME COURT OF THE STATE OF MONTANA

2026 MT 197N

NATIONAL ORDER OF COWBOY RANGERS,

Petitioner and Appellant,

v.

MONTANA DEPARTMENT OF REVENUE,
CANNABIS ALCOHOL REGULATION DIVISION,

Respondent and Appellee.

APPEAL FROM: District Court of the Thirteenth Judicial District,
In and For the County of Yellowstone, Cause No. DV-2025-52
Honorable Colette B. Davies, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Walter D. Clapp, Honor Coin Law, PLLC, Red Lodge, Montana

For Appellee:

Hannah S. Cail, Montana Department of Revenue, Helena, Montana

Submitted on Briefs: December 3, 2025

Decided: August 18, 2026

Filed:



Clerk

Chief Justice Cory J. Swanson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 The National Order of Cowboy Rangers (Rangers) appeal from the Thirteenth Judicial District Court's dismissal of its petition for judicial review (Petition) of the Department of Revenue's (Department) denial of the Rangers' application for a fraternal all-alcoholic beverage license. The District Court held the Rangers' Petition was untimely. Rangers argue the Department was late in issuing its decision, and they experienced delays in obtaining counsel for the court case. Rangers assert the District Court erred in dismissing its Petition without a hearing, and failing to entertain its equitable reasons for delay in filing its Petition.¹ We affirm.

¶3 Travis Peterson owns and operates Meadowlark Brewing and Meadowlark Spirits, as a sole member limited liability company (Meadowlark) which owns two alcoholic beverage manufacturer's licenses for a brewery and a distillery. These licenses limit the operating hours and amount of public alcohol consumption permitted on the premises of each alcohol manufacturer. Meadowlark operates a taproom and restaurant in Billings,

¹ Rangers additionally argue the District Court erred in not addressing its separate constitutional arguments. Because we affirm the District Court's dismissal on the basis of untimeliness, we do not address the additional arguments.

Montana. In response to customer interest in expanded opportunities to consume alcohol on-site with dinner, Peterson began looking for another alcohol license opportunity.

¶4 Peterson became aware that all-alcohol beverage license restrictions do not apply to “any lodge of a recognized national fraternal organization if the [] fraternal organization has been in continuous existence for a period of 5 years or more prior to January 1, 1949, and is applying for a license at the same location that it has occupied for the last 5 years.” Section 16-4-201(8)(c), MCA. Peterson and his mother, Rhonda Peterson, initially attempted to acquire a fraternal alcohol license with a chapter of the National Grange of the Order of Patrons of Husbandry, before discovering this organization expressly forbids in its by-laws the use of alcohol in association with its chapters.

¶5 Rhonda Peterson then filed on May 2, 2023, a new fraternal license on behalf of the Supreme Ranch of the World National Order of Cowboy Rangers. Travis Peterson later provided testimony at the alcohol license hearing that the Rangers had ceased operating around 1928. Peterson created a new chapter for the Rangers, establishing the Meadowlark location as “Ranch No. 1” of the Supreme Ranch of the World, and identifying himself as the “Big Boss.” The Rangers filed but had not yet received federal IRS recognition as a 501(c)(10) nonprofit fraternal organization by the time of its alcohol license hearing. The Rangers have also not submitted an organization membership list or held an annual roundup.²

² In a last-ditch effort to generate organizational activity, the Rangers conducted one meeting the night before the December 8, 2023 hearing which they considered a “Round-up” and created a Cowboy Rangers Facebook page.

¶6 Upon receipt of the Rangers’ application, the Department published four notices of the application in the *Billings Gazette* in August and September 2023 and provided the opportunity for protest. The Department received 106 protest letters, and conducted a hearing on the matter at the Billings Hotel and Convention Center on December 8, 2023. The Department ordered post-hearing filings to be submitted within 30 days of the hearing. Protestors filed proposed findings of fact and conclusions of law on January 17, 2024. Rangers did not submit a post-hearing filing or any motions.

¶7 On October 31, 2024, the Department issued its decision denying the Rangers’ application for a fraternal license, essentially finding the Rangers were all hat and no cattle. It determined the Rangers failed to meet the statutory criteria for a fraternal organization that “has been in continuous existence for a period of 5 years or more prior to January 1, 1949, and is applying for a license at the same location that it has occupied for the last 5 years.” Section 16-4-201(8)(c), MCA. The Rangers’ counsel declined to file a petition for judicial review and withdrew from representation. The Rangers’ new counsel filed its Petition in the District Court on January 13, 2025.

¶8 The Department filed a motion to dismiss pursuant to M. R. Civ. P. 12(b)(6), for filing the Petition 45 days beyond the statutory deadline of 30 days. The Rangers responded by arguing the Department had been late in issuing its decision denying the license, and Rangers had difficulty obtaining new counsel after the original attorney withdrew. Rangers argued principles of equity should be considered in the court’s consideration of the missed deadline, and advanced additional constitutional claims.

¶9 The District Court granted the Department’s motion to dismiss after considering the Montana Administrative Procedure Act’s (MAPA) deadline of 30 days for an aggrieved party to file a petition for judicial review after an adverse decision. Section 2-4-702(2)(a), MCA. The District Court, following *BNSF Ry. Co. v. Cringle*, 2010 MT 290, ¶ 18, 359 Mont. 20, 247 P.3d 706 (*Cringle I*), held the time bar for judicial review is still “subject to constitutional review and equitable principles.” The District Court then considered the Rangers’ argument that it had difficulty obtaining new counsel, and the Department’s delayed decision was issued during the holiday season, making it difficult to meet the deadline.³ The District Court examined the Rangers’ excuses for delay and held it was not entitled to equitable relief because it failed to exercise reasonable diligence in missing the filing deadline by 45 days.

¶10 Upon a de novo review of the District Court’s mixed decision of facts and law, *BNSF Ry. Co. v. Cringle*, 2012 MT 143, ¶ 16, 365 Mont. 304, 281 P.3d 203 (*Cringle II*), we affirm the District Court. The court correctly held MAPA requires a party seeking judicial review of a final agency decision to file a petition within 30 days. Section 2-4-702(2)(a), MCA. In examining Rangers’ arguments for an equitable extension of that hard deadline, the District Court correctly held the Rangers failed to show reasonable diligence in obtaining legal counsel to vindicate their legal interests, *Cringle II*,

³ On appeal, the Rangers raise a new argument that the Decision was issued during hunting season, which contributed to the delay. The Rangers never claim the delay was due to being out on the range conducting a roundup.

¶ 21, nor is there any “evidence that [Rangers] [were] prevented by any factor outside its control from timely filing its appeal.” *Cringle II*, ¶ 23.

¶11 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶12 Affirmed.

/S/ CORY J. SWANSON

We Concur:

/S/ JAMES JEREMIAH SHEA

/S/ LAURIE McKINNON

/S/ KATHERINE M. BIDEGARAY

/S/ JIM RICE