

**STATE OF VERMONT
DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL
BOARD OF LIQUOR AND LOTTERY**

**IN RE: HG BURLINGTON, JV D/B/A (HUDSON GROUP)
 ONE MEADOWLANDS PLAZA
 EAST RUTHERFORD, NEW JERSEY**

DOCKET 2018-033

ORDER CONDITIONALLY GRANTING SECOND-CLASS LIQUOR LICENSE

HG Burlington, JV d/b/a Hudson Group (“Applicant”) appeared before the Board of Liquor and Lottery (“Board”) on October 10, 2018 at the offices of the Vermont Lottery Division for a hearing to consider an application for a Second Class Liquor License (“Application”) covering their retail locations at Burlington International Airport in South Burlington (“BTV”). Jacob A. Humbert, Esq., Assistant Attorney General, represented the Department of Liquor and Lottery (“DLL”). Applicant’s representative was present and testified. No members of the public, including any licensees, appeared at the hearing or sought to be heard regarding the Application.

Applicant intends to sell four and six pack quantities of beer, namely Vermont-brewed beers, to customers departing from and arriving at BTV to be consumed off airport premises. In support, applicant asserted that the purchase of so-called “souvenir-beer” on the post-security side of the airport may lessen the burden on airline staff, including ticket agents and baggage handlers, from handling checked luggage laden with alcoholic beverages that cannot be brought through BTV’s Transportation Security Administration security checkpoints. Applicant maintains that it will package and/or label the products sold in such a manner to deter immediate consumption on airport premises.

The Board is established as the paramount authority in the administration of Vermont’s liquor statutes. *See In Re: Wakefield*, 107 Vt. 180, 190 (1935); *Verrill, Jr. v. Daley, Jr.*, 126 Vt. 444, 446 (1967). The Board’s authority to grant Second-Class Liquor Licenses is codified at 7 V.S.A. §222. Applicant seeks a Second-Class Liquor License as defined by 7 V.S.A. §2(35) and is, therefore, subject to the Board’s jurisdiction. Granting or denying a liquor license

application is a discretionary function entrusted to the Board. *In re DLC Corp.*, 167 Vt. 544, 548 (1998). A liquor license is a privilege and not a right. *In re Judy Ann's Inc.*, 143 Vt. 228 (1983). Such privilege is subordinate to the public interest and the police power of the state. *Carousel Grill v. Liquor Control Board*, 123 Vt. 93, 94 (1962). At the forefront of our duties as a Board, we are charged with ensuring public safety. Determining whether a license can be issued; to whom a license may be granted; and where licensed activities may occur are matters entrusted to this Board and is not to be taken lightly.

Based on the testimony presented, and having heard no opposition, the Board will conditionally grant the Application subject to the absolute requirement that no sales of individual containers (i.e., cans) of malt beverages (beer) be made. Sales shall be limited to four and/or six-pack quantities. By its inherent nature, a Second-class license only permits off-premises consumption. Applicant is, therefore, subject to Board sanction should the products it sells be consumed on airport premises. The Board recommends, therefore, that such products be labeled or packaged such to restrict consumption on airport premises or on board aircraft. Given the novel nature of this license, the Board will require Applicant to appear before us before the next license renewal period begins in May 2019.

ORDER

Subject to the above terms, the Board conditionally **GRANTS** the Application for a Second-Class Liquor License. Licensee is required to appear before the Board prior to the consideration of any renewal application for the May 1, 2019 – April 30, 2020 license period.

DATED at Montpelier, Vermont this 15th day of October 2018.

VERMONT BOARD OF LIQUOR AND LOTTERY



Board Chair