

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

IN RE: VERMONT COMMUNITY INVESTMENTS, LLC  
D/B/A SPANKED PUPPY  
116 MAIN STREET  
COLCHESTER, VERMONT

DOCKET NO: 2018-035

**ORDER CONDITIONALLY GRANTING FIRST CLASS LIQUOR LICENSE**

The Board of Liquor and Lottery (“Board”) held proceedings on October 10, 2018 to consider Vermont Community Investments, LLC’s (“Applicant”) First-Class Liquor License Application (the “Application”). Jacob A. Humbert, Esq., Assistant Attorney General, appeared on behalf of the Department of Liquor and Lottery (“DLL”). Theodore Tomlinson appeared on behalf of the Applicant. The Board considered testimony from Mr. Tomlinson and Martin Prevost, DLL Licensing Director.

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 First-Class Liquor Licenses is codified at 7 V.S.A. §221. Applicant seeks a Second-Class Liquor License as defined by 7 V.S.A. §2(16) 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 us and is not to be taken lightly.

Upon consideration of the testimony offered, the Board **GRANTS** the Application and hereby approves a First-Class Liquor License to Applicant subject to the conditions that (1) Mr. Tomlinson shall not consume alcoholic beverages at any time while he is on the licensed premises; (2) Mr. Tomlinson shall submit to a breathalyzer or similar breath screening method at any time while he is on the licensed premises if requested by any law enforcement officer including, but not limited to, DLL investigator(s); and (3) Mr. Tomlinson shall notify DLL by 4:00 p.m. on the fifth business day following any charge of any criminal offense against him in any jurisdiction. These conditions will remain in effect until further notice from the Board.

DATED at Montpelier, Vermont this 15<sup>th</sup> day of October 2018.

**VERMONT BOARD OF LIQUOR AND LOTTERY**

A handwritten signature in black ink, appearing to read "Mark W. Blanchard", written over a horizontal line.

Board Chair