

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

**IN RE: JOHN VARNER
 (FARRELL DISTRIBUTING)**

ORDER CONDITIONALLY GRANTING SOLICITOR'S LICENSE

The Board of Liquor and Lottery (“Board”) held proceedings on January 9, 2019 to consider John Varner’s (“Applicant”) application for a Solicitor’s License (“Application”). Jacob A. Humbert, Esq., Assistant Attorney General, appeared on behalf of the Department of Liquor and Lottery (“DLL”). John Varner appeared. The Board considered testimony from Mr. Varner and Martin Prevost, DLL Licensing Director.

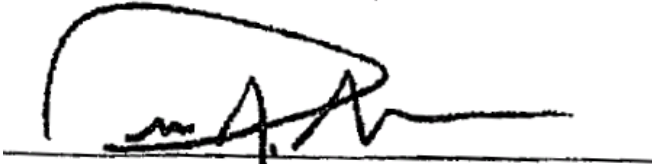
The Board is established as the paramount authority in the administration of Vermont’s liquor statutes. *See In Re: Wakefield*, 107 Vt. 180, 190 (1935); *Verrill, Jr. v. Daley, Jr.*, 126 Vt. 444, 446 (1967). The Board’s authority to grant a Solicitor’s License is codified at 7 V.S.A. §275. Applicant seeks a Solicitor’s License 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 Solicitor’s License is a privilege and not a right. *See, e.g., 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 Solicitor’s License to Applicant subject to the conditions that (1) Mr. Varner shall notify DLL by 5:00 p.m. on the fifth business day following any charge of any criminal offense against him in

any jurisdiction (such condition will remain in place until further notice from this Board); and (2) the next two renewals of Applicant's Solicitor's License will not be automatic or guaranteed and may require a hearing before this Board in the event that DLL, in its discretion, determines that such a hearing is necessary as a condition precedent to Solicitor's License renewal.

DATED at Montpelier, Vermont this 9th day of January 2019.

VERMONT BOARD OF LIQUOR AND LOTTERY



Thomas J. Lauzon, Member