

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

**IN RE: BDM ENTERPRISES, LLC D/B/A
 ORLANDO’S BAR AND LOUNGE
 1 LAWSON LANE
 BURLINGTON, VERMONT**

DOCKET NO. 2018-041

**ORDER CONDITIONALLY GRANTING FIRST AND THIRD CLASS LIQUOR
LICENSES**

BDM Enterprises, LLC d/b/a Orlando’s Bar and Lounge (“Applicant”) appeared before the Board of Liquor and Lottery (“Board”) on December 12, 2018 at the offices of the Department of Liquor and Lottery in Montpelier for a hearing to consider an application for First and Third-Class Liquor Licenses (“Application”). Jacob A. Humbert, Esq., Assistant Attorney General, represented the Department of Liquor and Lottery (“DLL”). Applicant’s owners/partners Sean Beauvais, Brandon Mossman and Ryan Dempsey appeared and testified in support of the Application. Sgt. Martin Prevost, Director of Licensing testified on behalf of DLL. The Application has been approved at the local level by the City of Burlington and, as of January 29, 2019, a federal entity having interest in this Application having advised Mr. Prevost that the Application process may move forward.

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 and Third Class Liquor Licenses is codified at 7 V.S.A. §221 and 7 V.S.A. §223. Applicant seeks First and Third-Class Liquor Licenses as defined by 7 V.S.A. §2(16) and 7 V.S.A. §2(40) 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.

Upon consideration of the testimony offered, the Board will grant the Application and subject to the condition that any of Licensee's owner(s)/partner(s) (including, but not limited to, Sean Beauvais, Brandon Mossman and Ryan Dempsey) must disclose to DLL the fact of any pending criminal charge(s) against him/them no later than 4:00 p.m. on the fifth day following any charge of any kind of criminal offense against him/them in any jurisdiction including, but not limited, to federal offenses. License renewal applications for 2019-2020 and 2020-2021 will not be automatic. Renewal applications may require appearance(s) before this Board before approval at the direction of DLL's Office of Compliance and Enforcement.

ORDER

Assuming the Applicant meets, in the discretion of Director of Licensing, all requirements of licensure, the Board **GRANTS** the Application for First and Third-Class Liquor Licenses subject to the above conditions.

DATED at Montpelier, Vermont this 30th day of January 2019.

VERMONT BOARD OF LIQUOR AND LOTTERY



Board Chair