

**STATE OF VERMONT  
LIQUOR CONTROL BOARD**

**IN RE: ANA'S EMPANADAS, INC.  
KILLINGTON, VERMONT**

**SUMMARY ORDER GRANTING  
FIRST CLASS LIQUOR LICENSE APPLICATION**

The Liquor Control Board ("Board") held proceedings in Montpelier, Vermont on March 12, 2014 to consider the First Class Liquor License Application for Ana's Empanadas, Applicant. Robert DiTursi, Applicant's Vice President, appeared in support of the Application. Jacob A. Humbert, Esq., Assistant Attorney General, appeared on behalf of the Department of Liquor Control ("DLC").

The Board is established as the paramount authority in the administration of Vermont's liquor statutes. *In Re: Wakefield*, 107 Vt. 180, 190 (1935); *Verrill, Jr. v. Daley, Jr.*, 126 Vt. 444, 446 (1967). 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 police power of the state. *See Carousel Grill v. Liquor Control Board*, 123 Vt. 93, 94 (1962). At the forefront of the Board's duties, we are charged with ensuring public safety. Determining whether a license can be issued and to whom a license may be granted is a matter entrusted to us and is not a matter to be taken lightly.

The proposed licensed premises are rather unusual, including a fixed base "food shack" and an enclosed 25-foot radius of fencing located on a leased portion of the Killington Resort comprising the base of a ski lift area. DLC did not object and the Town of Killington approved the license application at the local level from 11:00 a.m. to 4:00 p.m. through April 15, 2014. Mr. DiTursi offered testimony and photographs of the Ana's Empanadas facility (admitted into evidence) in support of the Application.

Upon consideration of the Application, testimony and evidence in support, the Board, by majority vote, agreed to provisionally grant the Application, which would cover the remainder of the 2013-2014 license period and the entire 2014-2015 license period (should Applicant apply, pay the requisite fee and otherwise meet with DLC and

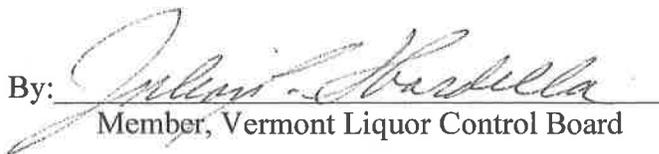
local approval). Applicant, however, will be required to appear before the Board at its March 2015 meeting, the date to be determined, should it wish to pursue license renewal for the 2015-2016 licensing period, to discuss alcoholic beverage sales during the provisional period and to address any concerns the Board may have at that time.

**ORDER**

The Board hereby **GRANTS** Ana's Empanadas application for a First Class license through April 30, 2014 and, if timely application is made, the requisite fee paid and DLC/local requirements are otherwise met, will approve a license renewal through to April 30, 2015. Before a license application renewal will be considered for the May 1, 2015 to April 30, 2016 licensing period, Applicant must appear before the Board at its March 2015 Board Meeting.

**DATED** at Montpelier, Vermont this 4<sup>th</sup> day of April 2014.

**VERMONT LIQUOR CONTROL BOARD**

By:   
Member, Vermont Liquor Control Board