

STATE OF VERMONT
LIQUOR CONTROL BOARD

IN RE: NATHAN RUPARD D/B/A HAZEL
 SEVENTY FIVE, LLC
 75 ELLIOT STREET
 BRATTLEBORO, VERMONT

DECISION ON FIRST AND THIRD CLASS LIQUOR LICENSE APPLICATION

The Liquor Control Board (“Board”) held proceedings in Montpelier on July 9, 2014 to consider Nathan Rupard d/b/a Hazel and/or Seventy Five, LLC’s (“Applicant”) application for First and Third Class Liquor Licenses. Applicant was present and appeared through two of its five owners, Steven Vakaros and Temple Peterson; both offered sworn testimony. The Department of Liquor Control (“DLC”) appeared and was represented by Jacob A. Humbert, Esq., Assistant Attorney General. DLC Investigator Sgt. Martin Prevost testified regarding his investigation of the application. The Board grants the license application subject to the conditions detailed in the below Order and based on the following:

- 1.□ 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).
- 2.□ Applicant seeks First Class and Third Class Liquor Licenses as defined by 7 V.S.A. §2(10) and (22) and is, therefore, subject to the Board’s jurisdiction.
- 3.□ The Board’s authority to grant First Class and Third Class Liquor Licenses is codified at 7 V.S.A. §§222 and 224.
- 4.□ Granting or denying a liquor license application is a discretionary function entrusted to the Board. *See In re DLC Corp.*, 167 Vt. 544, 548 (1998).
- 5.□ 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.
- 6.□ The matter came before the Board because two owners, Messrs. Vakaros and Peterson have been convicted of criminal offenses, all misdemeanors. Based on the nature of these offenses and their credible testimony regarding them, the Board orders as follows:

ORDER

Nathan Rupard d/b/a Hazel and/or Seventy Five, LLC's *First and Third Class Liquor License Application* is **GRANTED** subject to following conditions:

1. Steven Vakaros must comply with and complete all terms of probation to the Department of Corrections and/or Brattleboro Probation and Parole's satisfaction.
2. All owners and servers of alcoholic beverages at Applicant (now Licensee)'s establishment shall attend DLC in-person training within 60 days of the mailing of this Order.
3. All owners must not be charged with or convicted of a criminal offense during the license period.

DATED at Essex Junction, Vermont this 10th day of July 2014.

VERMONT LIQUOR CONTROL BOARD

By: Melissa D. Mazza-Paquette
Melissa Mazza-Paquette, Acting Chair