

**STATE OF VERMONT
LIQUOR CONTROL BOARD**

**IN RE: KNJ, INC. D/B/A KING'S CORNER DELI
 41 KING STREET
 BURLINGTON, VERMONT**

ORDER

The Liquor Control Board ("Board") held a Formal Hearing in Montpelier, Vermont on April 1, 2015 to consider the suspension of Licensee, KNJ, Inc.'s Second Class Liquor License for an alleged violation of Education Regulation No. 3(b), which requires that:

Each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the Department of Liquor Control before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the Department of Liquor Control, or from a program approved by the department. A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title.

Jacob A. Humbert, Esq., Assistant Attorney General, appeared on behalf of the Department of Liquor Control ("DLC"). Kathleen Ellen Donahue, owner, appeared on behalf of Licensee.

FINDINGS

1. On February 8, 2015, DLC conducted a compliance test at Licensee's establishment.
2. Licensee's employee, John Donohue, sold alcoholic beverages during this compliance test.

3. Mr. Donohue had not received training as required by Education Regulation No. 3(b) by that time.
4. Licensee testified and conceded each element of the alleged violation, namely that its employee sold alcoholic beverages without having undergone the requisite training.
5. The Board finds unequivocally that licensee violated Education Regulation No. 3(b). Consistent with that Regulation, "a licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title." Accordingly, a sanction of a one-day suspension is mandatory.

ORDER

The Board hereby Orders that the Licensee's liquor licenses be **SUSPENDED** for a period of one (1) day to be served within 30 days of this order by mutual agreement of the licensee and the Department. Further, all employees of Licensee shall be required to appear, in person, for DLC training within three (3) months of this Order.

DATED at Montpelier, Vermont this 8th day of April 2015.

VERMONT LIQUOR CONTROL BOARD

By: _____


Stephanie M. O'Brien, Chair

RIGHT TO APPEAL

Within 30 days after copies of this Order have been mailed, either party may appeal to the Vermont Supreme Court by filing a Notice of Appeal with the Department of Liquor Control and paying the requisite filing fee. *See* 3 V.S.A. § 815(a); V.R.A.P. 4 and 13(a).