

**STATE OF VERMONT
LIQUOR CONTROL BOARD**

**In Re: CK SPORTS, INC., D/B/A C & K'S SPORTS BAR
12 MALLETT'S BAY AVENUE
WINOOSKI, VERMONT**

BOARD DECISION AND ORDER

CK Sports, Inc. d/b/a C & K's Sports Bar ("Licensee") appeared before the Liquor Control Board ("Board") on March 9, 2016 at Montpelier, Vermont regarding its request to add Kyle Tipson as an owner to its First and Third-Class Liquor Licenses. Mr. Tipson appeared at the Hearing on behalf of Licensee. Jacob A. Humbert, Esq., Assistant Attorney General, represented DLC. Based on the evidence presented, including testimony from DLC Investigator Matt Gonyo and Mr. Tipson, the Board rules as follows:

FINDINGS OF FACT

1. On October 14, 2015, this Board sanctioned Licensee for violations of General Regulation Nos. 21 and 50(a) for failing to disclose on its initial application, and in six subsequent renewal applications, the identity of all individuals having a direct or vested financial interest in its business. The Board concluded that Kyle Tipson, at all relevant times, had a direct or vested financial interest in the business of the Licensee and his identity and relationship to the Licensee was never disclosed to DLC. The Board's sanctions included a license suspension and fines.
2. Subsequent to our Order, and after apparent compliance with the terms of our Order, Licensee expressed continued interest in legally adding Mr. Tipson to its Licenses and, consequently, DLC investigated Mr. Tipson's fitness to hold a Vermont Liquor License.
3. DLC Investigator Matt Gonyo, a certified law enforcement officer with 18 years' experience, testified regarding his review of Mr. Tipson's application. In doing so, he conducted a "routine background investigation to determine whether there were any criminal convictions within the last fifteen years." His investigation revealed a "few criminal convictions." These included convictions for "driving under the influence" in 2000 and 2009, both apparently charged as first offenses. Notwithstanding these issues, Investigator Gonyo supported granting

Mr. Tipson a license, but with conditions that could include requirement to provide breath samples upon request of law enforcement if there was concern with him “drinking on the job.”

4. Mr. Tipson testified about the “blemishes” on his criminal record, proclaimed that he has turned his life around and agreed that a breathalyzer requirement would be reasonable.

CONCLUSIONS OF LAW

1. The Board is established as the paramount authority in the administration of Vermont’s liquor statutes and regulations. *See Verrill, Jr. v. Daley, Jr.*, 126 Vt. 444, 446 (1967).

2. 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).

3. 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 granted and to whom a license may be granted is a matter entrusted to us and is not a matter to be taken lightly.

4. Given the testimony we considered, and consistent with the discretion granted to us, we will grant the License Application with strict conditions set forth below.

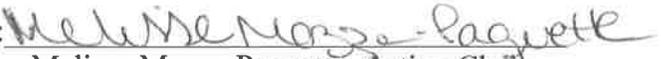
ORDER

Based on the foregoing, the Board’s **GRANTS** Licensee’s request to add Kyle Tipson as an owner to its First and Third-Class Liquor Licenses, subject to the following conditions that shall apply until the end of the 2018-2019 licensing period, or until the close of business on April 30, 2019:

- **LICENSEE AND/OR MR. TIPSON SHALL NOTIFY DLC IF MR. TIPSON IS CHARGED OR CONVICTED OF ANY CRIME WITHIN 30 DAYS OF ANY CHARGE OR CONVICTION.**
- **MR. TIPSON SHALL PROVIDE A BREATH SAMPLE AT THE REQUEST OF LAW ENFORCEMENT AT ANY TIME WHILE HE IS PRESENT ON THE LICENSED PREMISES.**

Dated at Montpelier, Vermont this 13th day of April 2016.

VERMONT LIQUOR CONTROL BOARD

By: 
Melissa Mazza-Paquette, Acting 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).