

STATE OF VERMONT
LIQUOR CONTROL BOARD

IN RE:

Lok Wu Corp
4519 Main Street
Manchester, Vermont

DECISION

The Liquor Control Board held proceedings in South Burlington, Vermont, on September 26, 2012, to consider the suspension or revocation of the first and third class liquor licenses granted to Licensee, Lok Wu Corp, 4519 Main Street, Manchester, Vermont. The Licensee was present by and through Andy Lee, its manager, and by and through Karl C. Anderson, its attorney. The Department of Liquor Control (DLC) was represented by Assistant Attorney General Jacob A. Humbert.

A Notice of Hearing, dated August 21, 2012, with Investigative Reports attached, was sent to the Licensee by which it was alleged:

- a. That the Licensee was not in good standing with respect to any and all taxes payable to the Commissioner of Taxes in violation of General Regulation No. 10; and
- b. That the Licensee is no longer operating the food or liquor business connected with the licensed premises in violation of General Regulation No. 44.

Said Regulations were duly adopted by the Liquor Control Board.

FINDINGS OF FACT

1. The Licensee, Lok Wu Corp, 4519 Main Street, Manchester, Vermont, is the holder of first and third class liquor licenses by which it is permitted to sell alcoholic liquor for on-premise consumption.

2. General Regulation No. 10 states:

No first or third class liquor license shall be issued to a person who is not first licensed with the Vermont Department of Taxes to collect the Vermont Rooms and Meals tax.

Suspension of first or third class liquor licenses may result by action of the Liquor Control Board, after notice and hearing, upon certification to the Board by the Vermont Department of Taxes that the licensee has failed to collect the Vermont Rooms and Meals tax, has failed to pay over to the Vermont Department of Taxes the Vermont Rooms and Meals tax collected, or is not licensed with the Vermont Department of Taxes to collect the Vermont Rooms and Meals tax.

3. General Regulation No. 44 states:

The holder of a first class license or first and third class license must be able to show that they are at all times operating the food and liquor business connected with the licensed premises; the licensee shall not lease, sub-lease or let out the food or liquor business on a percentage basis or any other agreement, except as provided in Vermont Statutes Annotated, T. 7, section 222 (4). With the prior approval of the Board, a club may let out its food business on a percentage or concession basis, provided the club retains general supervision and control of the conduct of such food business.

4. Prior to the receipt of any evidence by the Board, Assistant Attorney General Humbert announced that the Licensee was prepared to surrender its liquor licenses and thereby obviate the need for a hearing on the allegations set forth in the Notice of Hearing.

5. Attorney Karl Anderson, on behalf of Lok Wu Corp, and of his representation of Andy Lee, the manager of Lok Wu Corp, announced that Lok Wu Corp will immediately surrender its liquor licenses to the Department of Liquor Control and cease doing business. By way of a collateral matter, Andy Lee will apply to the Department of Liquor Control for liquor licenses in his own name or in the name of his family corporation.

6. Present before the Board also was William Bloomer, Esq., and his client, Gi Wei Wu, a director of Lok Wu. Attorney Bloomer represents Gi Wei Wu in his individual capacity and does not represent Lok Wu Corp.

7. All parties present confirmed the relinquishment of the liquor licenses held by Lok Wu Corp to the Department of Liquor Control.

8. The Board's attorney advised all parties present that the allegations in the Notice of Hearing will be taken as established fact.

9. At that point, the proceeding ended, neither party having any additional information for the Board.

DECISION

It is the determination of the Liquor Control Board that the allegations in the Notice of Hearing dated August 21, 2012 against Lok Wu Corp are taken as established fact and, therefore, the violations stand as alleged. The hearing on this matter having been averted by the surrender of the Lok Wu Corp liquor licenses, this matter is concluded and the liquor licenses granted to Lok Wu Corp on their relinquishment to the Department of Liquor Control are null and void and will have no further force and effect.

Dated at Montpelier, Vermont, this 31st day of October, 2012.

VERMONT LIQUOR CONTROL BOARD

By: Stephanie M. O'Brien
Stephanie M. O'Brien, Chair