**STATE OF VERMONT**
**DEPARTMENT OF LIQUOR AND LOTTERY**
**DIVISION OF LIQUOR CONTROL**
**BOARD OF LIQUOR AND LOTTERY**

**IN RE:** **TWIN FARMS**
**452 ROYALTON TURNPIKE**
**BARNARD, VERMONT**

## BOARD DECISION

Twin Farms ("Licensee") appeared before the Board of Liquor and Lottery ("Board") on March 13, 2019 in Montpelier on a petition regarding their existing First and Third-Class liquor licenses. Licensee is represented Paul Frank + Collins. Several of Licensee's employees appeared and offered testimony. Jacob A. Humbert, Esq., Assistant Attorney General, represented the Department of Liquor and Lottery ("DLL"). Martin Prevost, Director of Licensing, and Skyler Genest, Director of Compliance & Enforcement, also addressed the Board.

According to Licensee's filing with DLL and testimony considered, its facility consists of one main hotel building with four rooms, a restaurant, an adjoining carriage house, a separate pub, a cabana house, and other isolated cottages that house guests of the hotel. Licensee is open only to hotel guests. The hotel guests register in advance and management knows its guests. The entire property is secluded in a rural area, with a gated entrance. Neither the restaurants, nor the pub or other facilities, are open to the general public. Only registered hotel guests are allowed access to the property and the facilities. Accordingly, Licensee has full control over who accesses the property.

Licensee has had no violations of our Regulations in its twenty-five year existence.

Licensee asks the Board to authorize it to serve alcoholic beverages to guests staying at its facility's out-buildings (cottages, rooms, houses and/or cabins as described above). Specifically, Licensee seeks to provide "room service" to those out-buildings (limited to the delivery of wine (by the glass or bottle), beer (by the bottle, can or draft pour) and sprits/mixed drinks (by the glass only)).

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). The Board's authority to grant or delineate the scope of a licensee's First and Third Class liquor licenses is codified at 7 V.S.A. §§221 and 223, and is a discretionary function entrusted to it by the Legislature. *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 the police power of the state. *Carousel Grill v. Liquor Control Board*, 123 Vt. 93, 94 (1962). At the forefront of our duties as a Board, we are charged with ensuring public safety. Determining whether a license can be issued; to whom a license may be issued; and where licensed activities may occur are matters entrusted to this Board and are not to be taken lightly.

Based on the testimony presented, with due consideration of any public safety concerns, and with regard to the specific circumstances presented by Licensee, the Board rules as follows:

**ORDER**

The Board hereby authorizes Licensee, via its First and Third-Class liquor licenses, to serve alcoholic beverages at its facility's guest out-buildings, subject to the following conditions:

1) Service must be made directly to, and only to, registered guest(s) over twenty-one years of age. *Registered guest* shall mean a person who signs their name to Licensee's guest register, or some other equivalent action, for the purposes of registering as a guest of Licensee;

2) Such service shall be limited to vinous beverage (i.e, wine, by bottle or glass), malt beverage (i.e., beer, by bottle, can or draft pour), and/or spirits/mixed drinks (by the glass only); and

3) Licensee must have and maintain strict control of any/all entrance(s) to its facility.

DATED at Montpelier, Vermont this 13th day of March 2019.

**VERMONT BOARD OF LIQUOR AND LOTTERY**

Board Chair