

CITY BEVERAGE

v.

BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS

Submitted on Briefs April 21, 2016
Decided May 3, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

City Beverage appeals from a judgment of the District Court (Portland, *Eggert, J.*) affirming a decision by the Bureau of Alcoholic Beverages and Lottery Operations rejecting its application for an agency liquor store license and instead awarding a license to Whole Foods Market. Contrary to City Beverage's contention, the Bureau did not err by failing to expressly enumerate its findings on each statutory licensing factor because its decision was sufficient to inform the parties of its reasoning, and because it evaluated the evidence in light of those factors most relevant to its decision. *See Nadeau v. Nadeau*, 2008 ME 147, ¶ 35, 957 A.2d 108; *Shanoski v. Miller*, 2001 ME 139, ¶ 25, 780 A.2d 275. City Beverage failed to preserve its other arguments by failing to raise them before the Bureau. *See New Eng. Whitewater Ctr., Inc. v. Dep't of Inland Fisheries and Wildlife*, 550 A.2d 56, 58 (Me. 1988).

The entry is:

Judgment affirmed.

On the briefs:

Andre J. Hungerford, Esq., Hungerford Legal P.C., Portland,
for appellant City Beverage

Janet T. Mills, Attorney General, and Lauren F. LaRochelle,
Asst. Atty. Gen., Office of the Attorney General, Augusta, for
appellee Bureau of Alcoholic Beverages and Lottery Operations

Portland District Court docket number AP-2014-1
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