

STATEMENT OF THE ISSUE

- I. WHETHER THE TRIAL COURT ERRED IN FAILING TO FIND THAT THE "SAFE HARBOR" PROVISION OF SDCL 35-2-10.1 WAS APPLICABLE WHEN THE LICENSE HOLDER SUBSTANTIALLY COMPLIED WITH THE STATUTE.

Judge Rusch upheld the decision of Department suspending the alcohol beverage license of Cork 'N Bottle. Judge Rusch recognized the efforts of the owner of Cork 'N Bottle to prevent sales of alcohol to minors but failed to consider these efforts by modifying the decision of the Department.