

**STATE OF VERMONT
LIQUOR CONTROL BOARD**

**IN RE: LAKE HOUSE SALOON, LLC
 67 MAIN STREET
 BARTON, VERMONT**

FINAL BOARD DECISION AND ORDER

The Liquor Control Board (“Board”) held a Formal Hearing in Montpelier, Vermont on March 12, 2014 to determine the merits of the Department of Liquor Control’s (“DLC”) allegations that Lake House Saloon, LLC (“Licensee”) violated General Regulation Nos. 17 (3 counts), 36 (3 counts), 37 (6 counts) and 49(a) (2 counts) and consider the revocation or suspension of its liquor licenses. Jacob A. Humbert, Esq., Assistant Attorney General, represented DLC. Licensee appeared *pro se*, represented by Anne Marie MacEachern, its owner.

By Notice of Hearing dated January 10, 2014, Licensee is alleged to have violated these General Regulations:

General Regulation 17: no alcoholic beverages shall be sold or furnished to a person displaying signs of intoxication from alcoholic beverages or other drugs/substances. No alcoholic beverages may be consumed on the licensed premises by any person displaying such signs of intoxication. No person displaying such signs of intoxication shall be allowed to stay on the licensed premises, except under direct personal supervision by a licensee or his or her employees in a segregated nonpublic area when the patron’s immediate departure could be expected to pose a risk of bodily injury to the patron or any other person.

General Regulation 36. It shall be the duty of all licensees to control the conduct of their patrons at all times. No disturbances, brawls, fighting or illegal activity shall be permitted or suffered upon any licensed premises; nor shall such premises be conducted in such a manner as to render said premises or the streets, sidewalks, parking lots or highways adjacent thereto a public nuisance.

General Regulation 37. Except as otherwise authorized by law or Liquor Control Board regulation, no malt beverages may be drawn or served otherwise than in glasses, mugs, pitchers, or other containers, of a maximum capacity of thirty two ounces, nor more than four fluid ounces of spirituous liquor may be available to a customer at one time or used in the making of a single mixed drink, and not more than two of the above containers may be served to a customer at one time.

General Regulation 49(a). Licensees or their employees shall not offer or permit games, contests, or promotions, which encourage the consumption of alcohol beverages nor shall they furnish alcoholic beverages to anyone for no charge

The parties agreed to waive Proposed Findings of Fact and Conclusions of Law, allowing the Board to reach the following unanimous conclusion, announced on the record in the Licensee's presence, based on all the testimony offered and exhibits admitted into evidence. The Board concluded that Licensee violated General Regulation 37 six times and violated General Regulation 36 twice. The Board decided to dismiss violations of General Regulations 49(a) and 17. Based on credible testimony from Ms. MacEachern that changes have been instituted at her licensed establishment, especially with respect to the number of containers served at a time combined with a clear enforcement history, the Board concludes that a three (3) day suspension is appropriate plus mandatory DLC retraining of all employees/principals.

The Board understands that DLC and Licensee have agreed on a suspension date and that is incorporated into our order below.

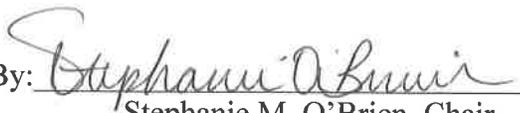
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, Lake House Saloon has violated General Regulations 36 (2 counts) and 37 (6 counts) and the Board hereby **ORDERS** that its First and Third Class Liquor Licenses be suspended for three (3) days effective at the start of business on Friday, April 25, 2014 through and including the close of business on Sunday, April 27, 2014.

The Board also **ORDERS** that prior to the reinstatement of the suspended liquor licenses, and any/all other of Licensee's alcohol servers receive DLC alcohol server retraining to its satisfaction.

DATED at Montpelier, Vermont this 4th day of April 2014.

VERMONT LIQUOR CONTROL BOARD

By: 
Stephanie M. O'Brien, 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).