

**Record of Meeting of the Liquor Control Board Held May 6, 2015 at the
Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont**

LCB Members Present: Stephanie O'Brien; Chair, Melissa Mazza-Paquette; Member, Julian Sbardella; Member, and John Cassarino; Member

Others Present: Michael J. Hogan, Commissioner, Wesley Lawrence, Board Counsel, Jacob Humbert, Assistant Attorney General, William Goggins, Director, Education, Licensing and Enforcement, Laurie Pecor, Executive Office Manager, Jason Elmer, Investigator, Matthew Gonyo, Investigator.

9:30 a.m. Board hearings begin.

Public Comment: Ross Arsenal and Ron Hubert discuss concerns over new agency proposals. For the record Mr. Hubert is here as an agency holder and not as a Representative.

9:40 a.m. Fayville F & G Inc., located at 218 Old Mill Road, Arlington, VT. RE: violation of, general regulation number 16, 17, 36 and 45.

Present: Attorney for state: Jacob Humbert, Assistant Attorney General

There is no one here in attendance to represent the licensee. There have been several attempts to notice the Licensee for this hearing. A certified Notice of hearing was refused on April 15, 2015. Office Manager Laurie Pecor and Investigator Jason Elmer testify to what has been done in regards to notifying the licensee. The Board decides to proceed with case despite licensee not being in attendance.

10:18 a.m. Ed Seaton is called to testify. He was an employee at Fayville F & G Inc. He recalls interactions with licensee Karl Kirchoff.

10:30 a.m. Kelly Lewin is called to testify. She was an employee at Fayville F & G Inc. She recalls interactions with licensee Karl Kirchoff.

10:48 a.m. Bennington County Deputy Peter Urbonowicz is called to testify. He testifies to the assault complaint he responded to on the licensed premises on March 24, 2015 as well as Mr. Kirchoff's demeanor that day.

11:00 a.m. Board takes a 5 minute recess.

11:05 a.m. Board reconvenes. Investigator Elmer is called back to testify on events that occurred on March 27, 2015 when Investigator Elmer and Investigator Manch went to the licensed premises. The licensee was issued an administrative ticket to appear before the Liquor Board.

11:26 a.m. Board takes a recess.

11:35 a.m. Board reconvenes. Investigator Elmer testifies that all background investigation was done on applicant when the license was issued in November.

Exhibits: States 1 – Notice of Hearing
States 2 – US Postal Service Tracking Form
States 3 - Administration Ticket number 02310

11:48 a.m. Member Mazza-Paquette makes a motion to go into Executive Session to discuss Fayville F & G Inc., Member Sbardella seconds it. Motion carries.

12:40 p.m. Board comes out of Executive Session.

Board decision regarding Fayville F & G Inc.: a decision will be issued at June 17, 2015 Board Hearings.

12:42 a.m. 165 Church Street LLC, d/b/a Zen Lounge, 165 Church Street Burlington, VT
RE: violation of General Regulation number 7, 7(a) and 33.

Present: Attorney for state: Jacob Humbert, Assistant Attorney General
165 Church St LLC: Robert Rapatski, Owner

AAG Humbert briefs the Board on the issues surrounding the licensee that is brought before the Board today.

11:47 a.m. Detective Mike Hemond from the Burlington Police Department is called. He testifies to the issues he had with the licensee concerning the violation of General Regulation number 7 and 7(a).

1:10 p.m. Investigator Matthew Gonyo is called to testify concerning the events of March 17, 2015 in regards to violation of General Regulation number 33. Investigator Gonyo issued administrative ticket numbers 1891, 1892 and 1893 all warnings to the licensee.

1:26 p.m. Board recesses.

1:29 p.m. Board reconvenes. The Department moves to dismiss the violation of General Regulation number 7. The Department will continue the violation of 7(a). Licensee concedes to the violation of General Regulation number 33 and will accept the written warning.

1:36 p.m. Licensee Robert Rapatski presents his case. He would like to submit for the record a synopsis of the events. The Department objects to anything not related to January 2015.

1:50 p.m. The Board would like to speak to Detective Hemond again concerning what the licensee had expressed to him when he was asked for the video. Findings of fact are explained and offered to the licensee. The licensee declines Findings. Hearing ends.

The Board will review a final draft of the decision in regards to 165 Church Street LLC d/b/a Zen Lounge. At that time the decision will be issued.

Exhibit: Licensee 1 – Synopsis of events

2:14 p.m. Board action on minutes of meeting held April 1, 2015 is approved.
Board action on licenses issued March 25, 2015 –April 28, 2015 are approved.

Discussions:

- Director Goggins will look into getting a sliding sign for the Board room door to alert the public when the hearings are open vs executive session
- Chair O'Brien will try to schedule Secretary Condo's for the June 17, 2015 meeting to give training on public meetings.
- Business meetings need to have an agenda.
- Enforcement hearings need to be posted as a Draft within 5 days of hearings.
- Director Goggins asks the Board to grandfather in the charity event which is a home brewing contest on a licensed premises in Brattleboro. They had already been working with Director Goggins on this prior to the Board's decision in not allowing home fermenting events on licensed premises. This does not violate any statute. Board approves.
- Board asks Director Goggins to give them a briefing on what he testified to in regards to the Apparel bill. Nothing has changed. The Department does not have the resources to check on all of these events. Commissioner Hogan explains there is no definition for apparel currently.
- Jacob and Laurie will work together to establish meeting minutes that fit the guidelines for public meetings.

General Business Meeting:

Member Cassarino makes a motion to suspend the rules and not go into Executive Session in regards to the sale of the current agent Brandon Liquor Agency. Member Mazza-Paquette seconds it. Motion carries.

Marcia Gardner, Director of Sales and Marketing offers to the Board her knowledge that they have a new ceiling, new floors, they will have lottery, tobacco and wine and a deli in the back.

The current agent Terri Weeden will sell to PCH LLC d/b/a Champlain Beverage Brandon. Member Cassarino makes the motion to approve the sale; Member Mazza-Paquette seconds it.

3:36 p.m. Chair O'Brien moves to adjourn. Motion is approved. Board hearings end.

Next Board Hearings are scheduled for Wednesday June 17, 2015.