

APPROVED MINUTES

Record of Meeting of the Liquor Control Board held
January 13, 2016
at 13 Green Mountain Drive, Montpelier, Vermont

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

Others Present: James Giffin, Liquor Control Department Interim Commissioner, William Goggins, Director, Education, Enforcement & Licensing, Jacob Humbert, Assistant Attorney General, Wesley Lawrence, Board Counsel, Laurie Pecor, Administrative Coordinator and Ashley Griffin, Administrative Secretary.

9:30 a.m. Meeting begins.

- Board action on draft minutes and meeting held December 2, 16, 22, 29, 2015 and January 6, 2016 – Approved
- Board action on new licenses issued November 23, 2015 – January 5, 2016 – Approved
- Board action on Board Decisions – Zero Gravity LLC. – Decision is deferred until Member Lauzon arrives.

Public Comment: There is no one present for public comment.

9:36 a.m. Member Lauzon arrives.

Board Appeals of Enforcement Actions:

- Hanley's Inc., dba Jeffersonville Country Store, 21 Mill Street, Jeffersonville. Re: violation of general regulation number 13. Licensee's employee failed to ask for ID. Owner Douglas Gray disputes that the compliance check was done at the Jeffersonville Country Store and rather at his adjoining business owned by the same corporation Hanley's Inc. A motion is made to defer the hearing until next month when it can be correctly noticed. Motion carries.
- Big Ridge Tavern and Grille, 202 Bridges Circle, Warren. Re: New Application. The application is brought before the Board as is past practice when issues arise during the investigation. A motion is made to suspend the rules and approve the first class application. Motion carries. Application is approved.

9:58 a.m. Board recesses to allow Board member Cassarino to leave and seek medical attention.

10:21 a.m. Board reconvenes.

10:23 a.m. Board will enter into Executive Session.

11:23 a.m. Board is back on record.

- Motion is made to accept the Board decision in reference to Zero Gravity LLC. Licensee is found to be in violation of general regulation number 16 and 49 (a). General regulation number 34 is dismissed. Licensee is ordered to pay a \$770.00 fine. Motion carries.

11:15 a.m. Patrick Delaney has been hired as the Commissioner. He will start February 1, 2016. James Giffin will then become the Interim Deputy Commissioner until that position is filled. Interviews will start January 27, 2016. A motion is made to ratify the Interim Deputy Commissioner appointment at the next Board meeting on January 28, 2016. Motion carries.

11:19 a.m. Board Appeals of Enforcement Actions continued:

- Quality Dairy Farms, Inc., dba Mercer's Dairy, 13584 NYS Route 12, Booneville, NY has requested the Board for a Declaratory Ruling concerning Mercer's Wine Ice cream. The Board has requested that counsel request more information from the company before ruling on this.
- Discussion – 4th class tasting rooms inside a second class license. The Board asks Sergeant Prevost to put together a list of criteria the State will use in evaluating an applicant for a 4th class tasting room license and present it to the Board for action at the next meeting in February.

12:42 p.m. Board recesses.

12:52 p.m. Board reconvenes.

- Discussion – St. Albans City draft liquor control ordinance. AAG Humbert and Attorney Lawrence will review the ordinance and statute to decide a recommendation, if any, for Board action.

1:16 p.m. Member Lauzon leaves meeting.

Chair O'Brien gives the Board an update on Member Cassarino.

1:24 p.m.

- Board reviews a list of approximately 8 people who have expressed an interest in obtaining an agency contract. Interim Commissioner Giffin will draft a letter explaining that the Board is not looking to add any new agencies at this time. A motion is made to allow Chair O'Brien to approve the letter that Jim drafts to send out to the applicants. Motion carries.

- Discussion about “What is a meal” – Board instructs Sergeant Prevost to reach out to NABCA and or others to find out what other states define a meal and bring a recommended definition to the Board at their next meeting on February 10, 2016.
- Sunday closures Danville and Norwich that have a long standing practice will be discussed at the February 10, 2016 Board meeting.

1:42 p.m. Board recesses.

1:48 p.m. Board reconvenes.

- Board instructs Marcia Gardner to work with the design company on what the logo will look like for the new 802 Spirits signs. A motion is made to approve the verbiage “802 Spirits – Vermont Liquor Store” for the signs. Motion carries.
- Marcia gives an update on the training that will be scheduled in April with Gallo Academy in Burlington and Rutland for the agents.
- Interim Commissioner Giffin hands out the evaluation criteria that Kim Walker, Director of Retail Operations, has updated for the agencies. DLC will share this with the Agents for comments and seek Board approval at their February 10, 2016 meeting. The Board will give comments about the evaluation to Kim Walker by the meeting on January 28, 2016.
- Agent Meeting – Next Steps and Brainstorming for Ideal warehouse will be moved to the February 10, 2016 Board agenda.

Commissioner updates:

- Bradford and Arlington agency have notified us they expect to change ownership.
- Ongoing issues concerning the Pownal agency.
- Jim hands out information to the Board; Maine prices compared to Vermont prices top 30 items.
- Rolling out interim credit card readers to all stores
- POS system – Jim has a meeting with DII to discuss.
- Jim is asked to look at the NABCA report on taxes comparing control state vs non control states. Chair O’Brien informs Jim that there is money available from NABCA for consultants.
- Deputy Commissioner resumes are handed out.
- February 10, 2016 Board meeting will be focused on agency issues unless there is an urgent Enforcement matter.

2:37 p.m. Board adjourns.