

APPROVED MINUTES

Record of Meeting of the Liquor Control Board held May 11, 2016
at the Rutland Court House, 9 Merchants Row,
Rutland, Vermont

LCB Members Present: Stephanie O'Brien, Chair, Melissa Mazza-Paquette, Julian Sbardella and Thom Lauzon, Members.

Others Present: Patrick Delaney, Commissioner, Gary Kessler, Deputy Commissioner, Wesley Lawrence, Board Counsel, Jacob Humbert, Assistant Attorney General, William Goggins, Director, Education, Licensing & Enforcement, Laurie Pecor, Administrative Coordinator II and Ashley Griffin, Administrative Secretary.

9:30 a.m. Meeting begins.

1. Additions/Deletions to agenda - Pownal Agency Update
2. Brandon Agency – Contract is approved for one year. Member Lauzon asks Deputy Commissioner Kessler to add more information concerning dates of lease going forward.
3. Pownal Agency Update – The agency did come into compliance concerning past due amount owed within 3 days of the Department closing the store. All inventory was moved to the North Bennington store. The Department worked hard to get the word out to the residents in that area that the agency would be closing which had the agency see a burst in sales and because of that they currently owe the Department \$11000.00. The Department has been in contact with the bonding agent. The Commissioner and Deputy Commissioner will draft a collection procedure for the Board.
4. Board actions on Draft minutes, Licenses and Decisions:
 - Minutes for meeting held April 13, 2016 – Approved with addition of the change from “not approved” to “approved of Exhibit E under 165 Church St, LLC.
 - New licenses April 2, 2016 through May 4, 2016 - Approved
 - Board decisions – Nothing outstanding.
5. Public Comment:
 - a) Nicolas Mann – allowing patrons to bring their own wine into licensed restaurants. The Department submitted the letter on Mr. Mann’s behalf. The

Board requests the Commissioner to respond to Mr. Mann as well as inform the Board on the Department's thoughts and concerns.

6. Positive Pie, 24 State Street, Montpelier. Re: Park-let outside consumption permit renewal. There have been no issues in regards to the park-let according to the Department. **Board Decision: Outside consumption permit for the Park-let is approved.**
7. Saints of Pub 42, 12 Wales Street, Montpelier. Re: addition of Ryan Greeno to liquor license – **Board Decision: Approved with conditions:**
 - a) **Ryan Greeno will not consume alcoholic beverages on the licensed premises at any time for six months following the date of decisions**
 - b) **Ryan Greeno will not consume alcoholic beverages on the licensed premises at any time while on duty.**
 - c) **Ryan Greeno shall notify the Department of Liquor Control within 48 hours if he is charged with a criminal offense.**
 - d) **Ryan Greeno shall provide a breath sample at the request of Law Enforcement at any time while he is present on the licensed premises for the six months following the date of the decision and after six months, Ryan Greeno shall provide a breath sample at the request of Law Enforcement at any time while he is on duty at the licensed premises.**

10:40 a.m. Board recesses.

10:53 a.m. Board reconvenes.

8. Agency store retail manual – The Department asks the Board to delegate to the Commissioner and Deputy Commissioner the authority to make non- substantial changes to the manual without having to come before the Board each time they want to make a change. Motion is made to allow them to make changes but inform the Board of the changes by copying the Board on notices to the licensees. Motion carries.

11:07 a.m. Agony LLC, dba The Local, 24 Merchants Row, Rutland, VT. Licensee Charles Greeno is present and represented by Attorney Matthew Hart. Licensee states he did not receive Investigator Davidson's supplemental report adding additional violations to the original report. Assistant Attorney General Jacob Humbert requests that the Board proceed with the original violations in the Notice of Hearing sent for the April 13, 2016 hearing that was postponed by the Board.

11:14 a.m. Board enters Executive Session

11:25 a.m. Board reconvenes. The Board will hear the case from the original Notice of Hearing that was originally scheduled for April 13, 2016. The Department may bring the additional violations at a future hearing.

9. Agony LLC, dba The Local, 24 Merchants Row, Rutland, VT. Re: violation of general regulation number 17(intoxicated patrons), 17(a) (reasonable to assume/over service), 36(failure to control conduct), 36(a)(disturbance) and removal of wandering requirement from a previous Board decision.

- a) States Exhibit 1: video taken outside The Local from the GoPro camera of employee Brandon Davis. Admitted.
- b) States Exhibit 2: continued video from States Exhibit 1 taken outside The Local from the GoPro camera of employee Brandon Davis. Admitted.
- c) States Exhibit 3: video footage of Mr. Bullock in the holding cell at the Rutland City Police Department. Admitted.
- d) States Exhibit 4: video taken inside The Local from the GoPro camera of employee Brandon Davis. Admitted.
- e) States Exhibit 7: video from The Local's camera 2 from their surveillance system. Admitted.

12:45 p.m. Board breaks for lunch.

1:16 p.m. Board reconvenes. Agony LLC hearing continues.

3:46 p.m. Case ends. The State requests *Findings of Fact*. These will be due by June 1, 2016.

3:50 p.m.

10) Discussion of "wine hour" submitted by Taconic. The Board finds that the "wine hour" would be a violation of Vermont Law. Request is denied.

11). Next Board hearings are moved to June 1, 2016 because of prior commitments of the Board.

4:03 p.m. Board enters Executive Session.

4:25 p.m. Board adjourns.