

DRAFT MINUTES

Record of Meeting of the Liquor Control Board held December 14, 2016
at 13 Green Mountain Drive, Montpelier, Vermont

LCB Members present: Stephanie O'Brien, Chair, Melissa Mazza-Paquette, and Julian Sbardella, 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 and Laurie Pecor, Administrative Coordinator II and Ashley Griffin, Program Technician

9:32 a.m. Meeting begins.

1. Additions/Deletions to agenda: None
2. Board actions on Draft minutes, Licenses and Decisions:
 - Minutes for meetings held November 8, 9 and 28, 2016 - Approved
 - New licenses and permits issued November 5 – December 4, 2016 - Approved
 - Board decisions – None
3. Public Comment -
 - Brad Ring, Battenkill Communications Inc. RE: Promoting industry gatherings of Home Brewed products. He asks the Board to reconsider ruling on not allowing Home Brewed events on licensed premises given Title 7 and Legislature's omission of permitting such events on licensed premises and conflict between regulations governing 1st/3rd class licenses and home brewing events.
 - Alan Newman and Alex Crothers talked to the Board about their recent events and wants to make sure that they continue their good relationship with the Department. The Board encouraged and welcomed Mr. Newman and Mr. Crothers to speak with Investigator Gonyo to help ensure proactive and open communication with Investigators as well as the DLC Board.
4. Portside Inc., dba Nesbitt's Portside Tavern, 101 Governor Hunt Road, Vernon. Re: violation of general regulation number 16 (employee drinking), 17 (displaying obvious signs) and 36 (a) (conduct of patrons) Cameron Nesbitt one of the owners for Portside Inc. attended. Findings of Fact were offered and waived.

10:50 a.m. Board recesses

10:55 a.m. Back on record

5. Wesco Inc., dba Champlain Farms, 1 North Main Street Waterbury. Re: violation of general regulation number 16 (employee drinking while on duty) David Simendinger president of Wesco Inc. attended. He asks the Board for leniency concerning the violation.
6. Lam Family LLC, dba Ethan Allen Pub, 1130 North Avenue, Burlington. Re: violation of general regulation number 16 (employee showing signs of consumption) and 36 (control conduct of patrons) Phuong Lam owner of Lam Family LLC attended. On DLC's motion, the Board dismisses all violations because DLC's subpoenaed witnesses did not show up and DLC withdrew the alleged violations as a result. Investigator Gonyo states that he has spoken with the licensee and is encouraged that these issues have been addressed.

11:30 a.m. Board enters executive session.

1:08 p.m. Board comes out of executive session and reconvenes.

7. CK Sports Inc., dba C & K's Sports 12 Mallets Bay Avenue, Winooski. Re: Failure to follow a Board order. Kyle Tipson, owner attended. Licensee does not dispute that he received the DUI but he claims he called and left a message for the Investigator to call him back. Subsequent to the arrest, but which did not mention the arrest for DUI. He states that the Investigator did not call him back for several weeks and at that point he figured the Investigator already knew about the violation so he did not bring it up. Findings of Fact were offered and waived.

1:50 p.m. Board recesses

1:58 p.m. Board reconvenes

8. Discussion on Battenkill's request. The Board asks Jacob, Bill and Patrick to get together on this and present something on it to the Board.
9. Budget Discussion and Review. This will be deferred until the next meeting when Member Lauzon is here as he had requested this.
10. Danville Agency has requested to continue to be able to be closed on Sundays as was previously granted to the prior owners. A motion is made to grant this request. Motion carries.
11. Harmonyville Agency requests to be closed on Sunday until May so that they can make improvements to the agency during this time. A motion is made to allow Harmonyville Agency to close on Sundays to make improvements and to be back open no later than the first Sunday in June. Motion carries.

12. Commissioner's Comments:

- There have been positive results in our first month from the new sales program. Volume is up approximately 4 ½ percent above the Commissioner's projection.
- Bailment replenishment ordering will be effective January 1. The orders have been in the hands of the suppliers for approximately 2 ½ weeks.

- The Department has received mixed commentary on posting NH pricing on the shelf talkers.
- Legislative efforts. The Commissioner and Deputy Commissioner are making an effort to get out and meet with them.
- Marketing – Teresa has hit the ground running. She has a number of projects going.
- Annual report – This is in the process of being completed. This will be notched up from what was presented last year.
- Kim Walker, Patrick Delaney and Gary Kessler met with all the agents with 3 meetings held thru-out the state. Agents were required to come to this meeting. They got to hear what our expectations are in operating a Liquor Agency.
- Portal for Agents to have access to information is in the process.
- RFP for the POS project is moving forward. There was a meeting with interested bidders and we have received questions from those bidders which the Department along with our partners are answering.
- The delivery scanner project is well underway. The Department has made the decision to roll the new scanners out in January after the holiday.
- Lottery for limited product. The Department would like to do something in conjunction with the local Distillers.
- Title 7 – Legislative Counsel Damian Leonard is finished the modernization project. He has forwarded the three completed sections to everyone. He will combine them and send all a copy within the next week. Gary will provide a brief list of possible legislation that the Department will be seeking. If any Board member has a concern they will forward it to Gary before December 30, 2016.

3:21 p.m. Board enters executive session

3:36 p.m. Board reconvenes and makes a motion to adjourn. Motion carries.

NEXT BOARD MEETING IS JANUARY 18, 2017 AT 9:30 A.M.