

APPROVED MINUTES

Record of Meeting of the Liquor Control Board held February 8, 2017
at 13 Green Mountain Drive, Montpelier, Vermont

LCB Members present: Stephanie O'Brien, Chair, Thomas Lauzon and Julian Sbardella, Members.

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

9:30 a.m. Meeting begins.

1. Additions/Deletions to agenda: Docket number 2017-003 – John Rapuano, dba The Stratton Chandlery, 531 West Jamaica Road, Jamaica. Re: New second class license and Retail Delivery Permit application will be moved to the March 8, 2017 Board meeting because the applicant cannot make it up here in the storm.
2. Board actions on Draft minutes, Licenses and Decisions:
 - Minutes for meeting held December 14, 2016 - Approved
 - New licenses, renewals and permits issued December 5, 2016 – January 31, 2017- Approved
 - Board decisions – A motion was made to allow the Chief Medical Examiner to testify by phone in regards to V-Twin LLC, dba Corner Pocket, on March 8, 2016. Motion carries. The Board signed the motion compelling the Medical Examiner to testify.
3. Public Comment - There is no one here for Public Comment.
4. Discussion of Executive Order to merge Lottery and Liquor Control – Lottery Director Ed Flannigan and Chair Martha O'Conner are here to discuss the next steps and introduce themselves. They invite the Board to their next meeting on Wednesday, February 15, 2017 at 10:30 a.m.
5. Enforcement:

10:20 a.m.

- **Docket number 2017-002** – MCC Entertainment LLC, dba Social, 165 Church Street, Burlington. Re: New First class license application. Board takes recess to allow applicant time to consult with his lawyer.

11:15 a.m. Board recesses in regards to **Docket number 2017-002.**

- **Docket number 2017-006** G.J.M. Inc., dba Local Folk Smokehouse, 9 VT Route 17. Waitsfield. Re: violation of general regulation number 17 (obvious signs of intoxication/remain on premise) **RESOLVED- a motion is made to accept the settlement for payment of the \$510.00 fine. Counsel is directed to write to the licensee to insure that this was his intent. Motion carries.**
- Discussion concerning Agony LLC., dba The Local, 24 Merchants Row, Rutland, VT – The Supreme Court has dismissed their case.

11:38 a.m.

- **Docket number 2017-002** resumes. Exhibits are offered as follows:
States Exhibit 1: Board decision 10/25/2016 for 165 Church St. LLC -
States Exhibit 2: First class application
States Exhibit 3: Lease agreement between Sisters & Brothers Investment group and David Corron.
States Exhibit 4: M & K Enterprises LLC enforcement history tracking
States Exhibit 5: Bank account information for MCC Entertainment LLC
States Exhibit 6: Copies of Checks from Coran Joy account.
States Exhibit 7: Signed agreement between Coran Joy and David Corron.
States Exhibit 8: Statement from David Corron concerning Michael Couture.
States Exhibit 9: Personal Guarantee of Michael Couture.

12:35 p.m. Board enters executive session.

1:33 p.m. Board is out of executive session. A motion is made to grant the application for MCC Entertainment. Motion carries.

- **Docket number 2017-007** Scott Reed, dba Hide-Away Tavern, 95 State Street, Rutland. Re: violation of general regulation number 17 (obvious signs of intoxication/remain on premise) **Licensee and Board reached an Agreement on 02/03/2017 Licensee will serve a 7-day suspension starting on opening of business February 16, 2017.**
- Agony LLC, dba The Local, 24 Merchants Row, Rutland. The Supreme Court dismissed their case on 02/13/17, therefore a motion to lift the stay of suspension that the Board granted should be lifted and the 21-day suspension should go into effect immediately. Motion carries. The Department will serve the suspension notice on the licensee today.
- **Docket number 2017-005** – Agony LLC, dba The Local, 24 Merchants Row, Rutland. Re: violation of 17, (displaying obvious signs) 17(a)-(2 counts-reasonable to expect), and 36(a) (brawls/fights). Licensee and counsel did not attend hearings today. They indicated that they wished to surrender the license and would not attend the hearing. The license has not been surrendered therefore the hearing will go on. A motion is made to continue with the hearing. Motion carries. Officer Damon Nguyen is called to testify and describes the brawl involving 50 to 75 people he encountered one night at 2:00 a.m. at the Local. Investigator Mike Davidson testifies concerning a bartender from the Local who was overserved there and then left the bar and was stopped for DUI. He also testifies to the elements that are showed on the DVD.

- **Docket number 2017-008** – Lake House Saloon, LLC, 67 Main Street, Barton. Re: violation of general regulation 9, (gambling), 17 (5 counts, allowing intoxicated patrons to possess), 17(a) (5 counts-serving to intoxicated patrons) and 36 (failure to control conduct).
States Exhibit 1: Picture of D.J. Donald Sacketts' set up
States Exhibit 2: Picture of his equipment after brawl that occurred in the Bar.
Licensees Exhibit 1: 2010 Disclosure of Non-Profit Organization Form. The State objects to the relevance of this exhibit. The Board overrules the States objection. - Admitted
Licensees Exhibit 2: Letter from Town of Barton concerning break open tickets.

Findings are offered and waived by both the Licensee and the State.

6. January listings as presented– Approved
7. Home Brew Events discussion: The Department has received another request to hold a home brew event on a licensed premise. The Board recommended that Commissioner Delaney, in conjunction with AAG Humbert's office, work with any event organizers on an interim basis and approve or disapprove any permit requests until DLC proposes rules or guidelines for such events and presents these to the Board for its consideration.

6:20 p.m. Board enters executive session to discuss docket number 2017-005 and 2017-008.

6:55 p.m. Board is out of executive session and makes a motion to adjourn. Motion carries.

NEXT BOARD MEETING IS MARCH 8, 2017 AT 9:30 A.M.