

## DRAFT MINUTES

Record of the Meeting of the Liquor Control Board held April 5, 2017  
at 13 Green Mountain Drive, Montpelier, Vermont

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

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

9:30 a.m. Meeting begins.

The Board welcomes two new members to the Board. Marty Manahan and Sam Guy.

- Additions/Deletions to agenda: None
- Board action on draft minutes and meeting held on March 8, 2017 – Approved. Sam Guy and Martin Manahan abstain.
- Board action on new licenses and permits issued March 1, 2017 through March 31, 2017 – Approved. Sam Guy and Martin Manahan abstain.

Board Decision: John Rapuano, dba The Stratton Chandlery, LLC. 531 West Jamaica Rd., Jamaica.  
Re: New Second class license and Retail Delivery Permit application. **Board denies the application. A written decision will be drafted by Attorney Lawrence and will be sent to applicant. Sam Guy and Martin Manahan abstain.**

1. Public Comment - There is no one here for Public Comment. Brittany Wilson Secretary of Civil and Military affairs from the Governor's office is here today to observe the Board meeting and to welcome the new Board members.

2. Enforcement

- **Docket number 2017-010** – Slimain Handy's Convenience Stores, Inc., dba Simon's Essex Center Store & Deli, 134 Jericho Road, Essex. Re: violation of Education Regulation 3D (no training records on file)
  - States exhibit 1 – Letter sent from DLC to Licensee notifying them that they would be subjected to a one day suspension to be served March 23, 2017 – Admitted.
  - States exhibit 2 – Regulations concerning Education Regulation 3D – Admitted

- Licensee's exhibit 1 – Payroll hire dates from pay data – Admitted.
- Licensee's exhibit 2 – In house training form – Admitted.
- Licensee's exhibit 3 – Is a written statement from Brandon Lynn about the event. State objects as this is hearsay. Licensee's exhibit 3 is not admitted.

The Board will decide the case and send the licensee a written decision.

- **Docket number 2017-011** – Justin McCormack, New solicitor application for Farrell Distributing Corporation. **Board decision – Grant Justin McCormack solicitor license.**
3. North Troy agency doing business as the Jay Country Store is approved.
  4. Discussion of question related to "Enforcement Officer" limitation. Deputy Commissioner Kessler has had discussions with Representative Ronald Hubert and his opportunity to become a Federal Law Enforcement officer. He is currently a licensee and agent.
  5. Brittany Wilson has updates concerning the executive order in regards to combining Liquor Control and Lottery. The decision should be made on April 14, 2017.

10:46 a.m. Board recesses.

11:04 a.m. Board reconvenes.

6. Commissioner Comments
  - Director Goggins is approaching his mandatory retirement. The Department has worked on recreating the job title and have posted it online. Chair O'Brien thanks Director Goggins for his outstanding dedication and commitment to the Department.
  - Discussion to defer reopening of Chelsea agency. The location is not ideal. A motion is made to allow the Commissioner desecration to go ahead and grant the agency if there are any changes in the community in the future. Motion carries.
  - East Poultney agency contract is up for renewal on December 31, 2017. The Department is proposing the closing of that store. A motion is made to not renew the contract. Motion carries.
  - Discussion on the number of agency stores and equipment that is available if any to open new stores in regards to seasonal stores, stores along the interstate, etc. Commissioner Delaney will present to the Board projections and ideas of profitability within the next month or two.
  - The Board thanks the Commissioner for his great work for the Department in the last year. The Commissioner in turn commends the managers of the Department for all their help.
  - Discussion concerning signage – Agencies will be responsible for signage and it will be written into the new budget.
  - Discussion concerning looking for new revenue.

## 2. Enforcement continued

- **Docket number 2017-004** – V-Twin, LLC, dba Corner Pocket, 92 Portland Street, Morrisville. Re: violation of 7(a)-false information), 17 (2 counts-displaying signs and

remaining on premises), 17(a)-(2 counts-reasonable to expect), 29 (insuring safety), 36 (failure to control conduct) and 44 (failure to have food available)

- States exhibit 1 – Paul Smith’s autopsy report - Admitted.

Member Lauzon moves for findings in regards to 2017-010. Motion carries.

12:07 p.m. Board enters executive session.

1:04 p.m. Board reconvenes.

1. **Continued - Docket number 2017-004** – V-Twin, LLC, dba Corner Pocket, 92 Portland Street, Morrisville. Re: violation of 7(a)-false information), 17 (2 counts-displaying signs and remaining on premises), 17(a)-(2 counts-reasonable to expect), 29 (insuring safety), 36 (failure to control conduct) and 44 (failure to have food available)

- State’s exhibit 2 – Picture of inside of freezer at Corner Pocket – Admitted.
- State’s exhibit 3 – Picture of kitchen
- States exhibit 4 & 5– Video files removed with search warrant.
- States exhibit 4 is thumb drive showing the full content to the General Regulation violations – Admitted.
- States exhibit 5 - Condensed footage – Admitted.
- States exhibit 6 – Authorized video analysis documented on screen and spreadsheet from Investigator Genest– Admitted.
- States exhibit 7 – Amanda Bolduc, Forensic Chemists curriculum from April 2016 – Admitted
- States exhibit 8 – Estimate of drinking scenario analysis for this individual – Admitted.

3:13 p.m. Licensee’s case starts.

- Licensee exhibit A – Darcy Richardson, MS Resume -Admitted.
- Licensee exhibit F - Google map of the area of accident location – Admitted
- Licensee exhibit C – Picture showing the way Mr. Moody was headed - Admitted.
- Licensee exhibit B – Arrow and Bridge sign – Admitted.
- Licensee exhibit D – Picture of car sticking out of water – Admitted.

4:04 p.m. Board breaks

4:10 p.m. Board reconvenes.

- State’s exhibit 9 – East bound lane looking back at scene – Admitted.
- State’s exhibit 10 – Tire tracks where car went in river – Admitted.
- State’s exhibit 11 – Darling Road and left arrow sign and entire scene– Admitted.

- State's exhibit 12 – Standing top of bank where the vehicle left the roadway – Admitted.
  - State's exhibit 13 – Another view near Darling Road – Admitted.
  - State's exhibit 14 – Car in river – Admitted.
  - State's exhibit 15 – Under bridge, bank near Vast Trail – Admitted.
  - State's exhibit 16 – Top of bridge looking down at vehicle - Admitted.
  - State's exhibit 17 – How far the car ended up out in river - Admitted.
  - State's exhibit 18 – Front damage of Paul Smith's car – Admitted.
  - State's exhibit 19 – Photo of rear license plate on car – Admitted.
  - State's exhibit 20 – Hood damage – Admitted.
  - State's exhibit 21 – AT & T records – Admitted.
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- Licensee's exhibit E – Uniform crash report – Admitted.
  - Licensee's exhibit K – Picture of food in freezer at Corner Pocket – Admitted.
  - Licensee's exhibit I – Picture of food in freezer after health inspection – Admitted.
  - Licensee's exhibit J – View from outside loading dock – Admitted.

6:45 p.m. Motion is made for Findings of Fact. They will be due within 21 days of this hearings. Both the State and Licensee will submit findings by April 26, 2017. Motion carried.

6:47 p.m. Board enters Executive Session.

7:10 p.m. Board resumes and makes a motion to adjourn. Motion carries.

NEXT BOARD MEETING IS MAY 10, 2017