

Settlement Practice for Waiver of Formal Hearing

The Liquor Control Board may suspend or revoke liquor licenses and impose fines for violations of the alcohol statutes and regulations. When a violation is charged, the licensee is entitled to a formal [hearing](#) before the Board. A licensee may however waive the formal hearing and accept an agreed upon penalty without contesting the charges, and without personal appearance before the Board. In these cases, the Board's practice is as follows:

The licensee must send a written settlement offer to the Board's legal counsel. This offer must: (1) waive the licensee's right to a formal hearing; (2) state that licensee does not contest the charges in the Notice of Hearing; and (3) propose an appropriate penalty.

The Board's legal counsel will contact the Board members; recite the charges stated in the Notice of Hearing, the licensee's history of violations and the licensee's settlement offer.

If the Board accepts the licensee's offer, the Board's legal counsel will inform the licensee in writing. The hearing will be cancelled and the agreed upon penalty will be imposed.

If the Board does not accept the licensee's suggested penalty, the Board may instruct its counsel to propose an alternative penalty, in writing, to the licensee. The licensee may accept the Board's proposal, by letter received by the Board's counsel, no later than two (2) days before the scheduled date of the formal hearing.

If the licensee accepts the Board's proposal as stated, the hearing will be cancelled and the agreed upon penalty will be imposed. Otherwise, the formal hearing will proceed as scheduled.

All written settlement communication from the licensee must be in writing signed by the licensee, or his attorney with a clear statement of authority to so act.

The Board will continue to entertain brief settlement discussions prior to the hearing, at the time, date and place of hearing. These discussions will take place between the Board's counsel and the licensee and/or his authorized representative. Board counsel will present any settlement offers from the licensee to the Board for consideration.

All settlement correspondence from a licensee must be delivered in writing to the Board's legal counsel at the following address, by U.S. mail, or via facsimile (fax) (personal delivery will not be accepted):

Wesley M Lawrence ,
Therault & Joslin, P.C.
141 Main Street
Suite 4
Montpelier, VT 05602 Fax: (802) 223-1461