



State of Vermont
Department of Liquor Control
13 Green Mountain Drive
Montpelier, VT 05602
liquorcontrol.vermont.gov

[phone] 802-828-2339
[fax] 802-828-1031

Michael J. Hogan, Commissioner

NOTICE OF HEARING

RE: Hearing to consider the suspension or revocation of the First and Third Class Licenses granted to PSVT, LLC, 291 Pleasant Street, Chester, Vermont said licenses being granted to sell alcoholic liquor for on-premise consumption.

Please take notice that pursuant to the authority vested in the Vermont Liquor Control Board by Title 7, Section 236, Vermont Statutes Annotated, a hearing will be held before the Liquor Control Board at **the Hilton Hotel, 60 Battery Street, Burlington Vermont on Monday, January 23, 2012 at 9:30 a.m.**

The hearing will be held as a formal hearing and will be held to consider the suspension or revocation of the first and third class licenses granted to **PSVT, LLC** said licenses being granted to sell alcoholic liquor for on-premise consumption, for alleged violation of General Regulation No. 17 of the regulations duly adopted by the Liquor Control Board, which is set forth and specified below.

General Regulation No. 17: No alcoholic beverages shall be sold or furnished to a person displaying signs of intoxication from alcoholic beverages or other drugs/substances. No alcoholic beverages may be consumed on the licensed premises by any person displaying such signs of intoxication. No person displaying such signs of intoxication shall be allowed to stay on the licensed premises, except under direct personal supervision by a licensee or his or her employees in a segregated non public area when the patron's immediate departure could be expected to pose a risk of bodily injury to the patron or any other person.

It is alleged that on October 22, 2011 you allowed a patron displaying obvious signs of intoxication to consume alcoholic beverages and to stay on the licensed premises in a public non-segregated area in violation of General Regulation No. 17

The Liquor Control Board shall determine whether or not such alleged violations did occur as specified herein.

Pursuant to Title 3, Vermont Statutes Annotated, Section 809(d), the said **PSVT, LLC** shall have an opportunity by themselves or through their attorney to appear at said hearing to present evidence and argument on all issues involved in this case and bring before the Liquor Control Board all pertinent facts that the said licensee believes will have a bearing on the issues involved in this case.

If the decision of the Board is to suspend or revoke said license, you will be required to comply with Title 7, Vermont Statutes Annotated, Section 240(a) and 240(b) which are set forth and specified as follows: Title 7 S 240 Proof of financial responsibility.(a) Any first, second or third class liquor licensee whose license is suspended by the local control Commissioners or suspended or revoked by the liquor control board for selling or furnishing intoxicating liquor to a minor, to a person apparently under the influence of intoxicating liquor, to a person after legal serving hours, or to a person whom it would be reasonable to expect would be intoxicated as a result of the amount of liquor served to that person, shall be required to furnish to the liquor control department a certificate of financial responsibility within 60 days of the commencement of the suspension or revocation or at the time of reinstatement of the licenses, whichever is later. Financial responsibility may be established by any one or a combination of the following: insurance, surety bond or letter of credit. Coverage shall be maintained at not less than \$25,000.00 per occurrence and \$50,000.00 aggregate per occurrence. Proof of financial responsibility shall be required for license renewal for three years following the suspension or revocation.



Liquor Control Board:
Stephanie O'Brien, Chair; John P. Cassarino, Member; Walter E. Freed, Member

(b) Proof of financial responsibility and completion of the licensee education program established in section 239 of this title shall be conditions to resume operation after a suspension or revocation for any of the reasons in subsection (a) of this section; however, at the discretion of the suspending or revoking authority, the licensee may receive a provisional license prior to the time these conditions are met in order to allow for compliance with the education requirement or to obtain the certificate of financial responsibility. A provisional license may not be issued for a period exceeding 60 days.

The liquor control investigator's report is enclosed.

In addition, given for the purposes of administrative completeness, the department recognizes the licensee has admitted to investigative ticket No. 345 for violation of General Regulation No. 17 and will be contacted by attorney Ronald C. Schmucker, Esq. before the said hearing date above.

All correspondence and documents pertaining to this matter should be sent to Ronald C. Schmucker, Esq., 340 Dorset Heights, South Burlington, Vermont 05403 Fax: (802) 660-7050

Dated at Montpelier, Vermont, this 7th day of December 2011.

A handwritten signature in cursive script, appearing to read "W. J. Goggins".

**William J. Goggins, Director
Department of Liquor Control**

VERMONT DEPARTMENT OF LIQUOR CONTROL
VIOLATION REPORT CFS 11VL00246

License Number: 07537-001-1RST-01

DBA: The Pizza Stone

OWNER: Darlene Doane

ADDRESS: 291 Pleasant St., Chester, VT 05143

COUNTY: Windsor

PHONE NUMBER: 802-875-2121

PERSON NOTIFIED: owner Darlene Doane

DATE OF VIOLATION: October 22, 2011 at approximately 10:15 PM

REGULATION VIOLATED: 17. No alcoholic beverages shall be sold or furnished to a person displaying signs of intoxication from alcoholic beverages or other drugs / substances. No alcoholic beverages may be consumed on the licensed premises by any person displaying such signs of intoxication. No person displaying such signs of intoxication shall be allowed to stay on the licensed premises, except under direct personal supervision by a licensee or his or her employees in a segregated nonpublic area when the patron's immediate departure could be expected to pose a risk of bodily injury to the patron or any other person.

a. Licensees or his or her employees shall not serve alcoholic beverages to a person whom it would be reasonable to expect would be under the influence as a result of the amount of alcohol served to that person. Under the influence, in this section, shall mean that degree of intoxication that would render it unsafe or illegal for the patron to undertake normal and expected activities upon leaving the licensed premises.

VIOLATION: On October 22, 2011, I was working for the Chester Police Department as a patrolman. I was advised by dispatch at approximately 10:15 PM of a noise disturbance at The Pizza Stone, located on 291 Pleasant Street. I responded and upon my arrival, I stopped at the end of the driveway and rolled my window down to listen and see if I could hear what the disturbance was. I was able to hear what sounded like a loud band coming from the inside of The Pizza Stone. I went into The Pizza Stone to speak with the owner, Darlene Doane. I advised her that we had been called about the noise. We walked outside to speak and get away from her patrons. She admitted that the noise was loud and that she would turn it down. She began to get agitated with me as I explained that I was aware of numerous noise complaints in the last month. She began to complain that her neighbors were making up these complaints so that she would have to shut down. She indicated that she was in a legal battle with the town over how late she could stay open. I tried to explain to her that because of the numerous complaints it could be an issue for her liquor license. But she would not listen and began interrupting me. She was being very loud and very agitated and swore several times. It should be noted that there were numerous people around us at the time. A woman came out of the restaurant and started explaining to me how everything was okay and that I could leave. I later identified the woman as Jean Kiewel, Darlene Doane's lawyer. It was very obvious to me that this

patron was very intoxicated. She was slurring her speech, her eyes were bloodshot and watery and she needed help to walk back into the restaurant as she was staggering so bad. The owner Darlene Dorn asked her to go back inside and she would handle it. I asked Darlene Dorn about Ms. Kiewel's intoxication level and she said it was okay. That she was with her husband and had not been served for the last 45 min. I told her that she was not allowed to stay there and that it was a violation of her liquor license to have somebody that was so intoxicated on the property. She continued to be very agitated with me saying that her husband was inside and she would make sure Kiewel was taken home. Ms. Doane was also complaining that it was a conflict for me to deal with her liquor license and the complaint as a Chester Police Officer. I explained to her that any law enforcement officer has the same ability to enforce liquor laws.

On October 26, 2011, Investigator Bill Manch and I met with the owner of the Pizza Stone, Darlene Doane to go over the incident from the 22nd. Darlene Doane started the conversation by apologizing to me for her behavior on the 22nd. I told her that we were there because of her Lawyer Jean Kiewel who was very intoxicated on the 22nd at her premise and was allowed to stay. Darlene admitted to me that her lawyer was intoxicated and that normally she does not get that way but had been going through some personal problems. She asked what she should do in the future should she have somebody that intoxicated in her restaurant. We explained what she should do according to the regulations. I issued administrative notice 00345 to her to appear before the liquor control board to answer my complaint that she allowed a patron, who was clearly intoxicated, to stay on the premise.

Respectfully Submitted by,
Ladd Wilbur
Investigator
VT. Dept. of Liquor Control
October, 28th 2011



Vermont Department of liquor control

Witness List CFS#11VL00246

Investigator Ladd Wilbur

License Number License Number: 07537-001-1RST-01

DBA: The Pizza Stone

OWNER: Darlene Doane

ADDRESS: 291 Pleasant St., Chester, VT 05143

COUNTY: Windsor

PHONE NUMBER: 802-875-2121

PERSON NOTIFIED: owner Darlene Doane

DATE OF VIOLATION: October 22, 2011 at approximately 10:15 PM

Chester Police Department

Ladd Wilbur

Jeff Holden

Pizza Stone Owner Darlene Doane

291 Pleasant ST

Chester, VT 05146

(802)875-2121

Jean A Kiewel

81 Kirk Meadow RD

Chester, VT 05146

(802)875-3158



State of Vermont
Department of Liquor Control
13 Green Mountain Drive
Montpelier, VT 05602
liquorcontrol.vermont.gov

[phone] 802-828-2339
[fax] 802-828-1031

Michael J. Hogan, Commissioner

NOTICE OF HEARING RECEIPT

Received this date from Liquor Control Investigator Wilbur, a Notice of Hearing for appearance before the Liquor Control Board at the Hilton Hotel, 60 Battery Street, Burlington, Vermont on Monday, January 23, 2012 at 9:30 a.m. to show cause why license should not be suspended or revoked.

RE: PSVT, LLC
d/b/a same
291 Pleasant Street
Chester, Vermont 05143



(signature)

Co-owner

(title)

1-11-2012

(date)





State of Vermont
Department of Liquor Control
13 Green Mountain Drive
Montpelier, VT 05620-4501
liquorcontrol.vermont.gov

[phone] 802-828-2345
[fax] 802-828-2803

Michael J. Hogan, Commissioner

Receipt of Board Order

Received this date from Liquor Control Investigator Wilbur a Notice of Settlement Agreement, issued by the Liquor Control Board, and dated January 11, 2012.

RE: P.S.V.T, LLC
d/b/a same
291 Pleasant Street
Chester, VT 05143

A handwritten signature in cursive script, appearing to read "nhl", written over a horizontal line.

(Signature)

A handwritten title in cursive script, appearing to read "CO-OWNER", written over a horizontal line.

(Title)

A handwritten date in cursive script, appearing to read "1. 23. 2012", written over a horizontal line.

(Date)





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Department of Liquor Control
13 Green Mountain Drive
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Michael J. Hogan, Commissioner

January 13, 2012

P.S.V.T. LLC
291 Pleasant Street
Chester, VT 05143

Dear Licensee:

We have received your request to waive your rights to the **January 23, 2012** hearing and accept a **settlement agreement** of the **First and Third** class liquor licenses of the above named licensee, which includes such suspension issued by the Vermont Liquor Control Board, a **3 (three)** day license suspension of the **first and third** class liquor licenses in the matter of violation of General Regulation Number 17.

If the decision of the Board is to suspend or revoke said license, you will be required to comply with Title 7, Vermont Statutes Annotated, Section 240(a) and 240(b) which are set forth and specified as follows: Title 7 S 240 Proof of financial responsibility.(a) Any first, second or third class liquor licensee whose license is suspended by the local control Commissioners or suspended or revoked by the liquor control board for selling or furnishing intoxicating liquor to a minor, to a person apparently under the influence of intoxicating liquor, to a person after legal serving hours, or to a person whom it would be reasonable to expect would be intoxicated as a result of the amount of liquor served to that person, shall be required to furnish to the liquor control department a certificate of financial responsibility within 60 days of the commencement of the suspension or revocation or at the time of reinstatement of the licenses, whichever is later. Financial responsibility may be established by any one or a combination of the following: insurance, surety bond or letter of credit. Coverage shall be maintained at not less than \$25,000.00 per occurrence and \$50,000.00 aggregate per occurrence. Proof of financial responsibility shall be required for license renewal for three years following the suspension or revocation.

(b) Proof of financial responsibility and completion of the licensee education program established in section 239 of this title shall be conditions to resume operation after a suspension or revocation for any of the reasons in subsection (a) of this section; however, at the discretion of the suspending or revoking authority, the licensee may receive a provisional license prior to the time these conditions are met in order to allow for compliance with the education requirement or to obtain the certificate of financial responsibility. A provisional license may not be issued for a period exceeding 60 days.

Therefore, the licensee's license will be suspended for a period of 3 (three) days, effective at the close of business on **Monday, February 27, 2012, until the opening of business on Friday, March 2, 2012.** During this period the licensee may not sell/serve alcohol beverages upon the premises and shall not order or receive any deliveries of alcohol.

The requirements of V.S.A., Title 7, § 240 (copy enclosed) relative to the proof of financial responsibility requirement following the above violation. This is a reminder that within 60 days



Liquor Control Board:
Stephanie M. O'Brien, Chair; John P. Cassarino, Member; Walter E. Freed, Member

from the start of the suspension you are required to furnish this office with a certificate of financial responsibility.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. J. Goggins', written in a cursive style.

William J. Goggins, Director
Education, Licensing & Enforcement Division

cc: Investigator Willbur
Town of Chester
Jacob Humbert, AGO
Ron Schmucker, Board Counsel
Liquor Control Board

NEWSBANK
(802) 875-6638

State of Vermont
Liquor Control Board
(Settlement Agreement)

TO: P.S.V.T. LLC
291 PLEASANT ST.
CHESTER, VT.

JAN 11, 2012

You have been notified of a hearing before the Liquor Control Board (LCB) on JAN 23 19 2012
at BORRINGTON, VT. Vermont, to consider the suspension or revocation of your liquor
license(s).

Reference is made to Notice of Hearing dated DEC 7, 2011 with investigative report(s)
attached, or to DLC ticket dated NA.

Based upon your inquiry concerning settlement of the violations alleged against you in the Notice of
Hearing, the LCB has agreed to accept a suspension of 3 days duration.

If you wish to settle and waive your right to a hearing, then sign and date this letter, and fax the signed
and dated letter to:

1. Department of Liquor Control (DLC) Enforcement Division at (802) 828-1031 (fax); and,
2. Jacob A. Humbert, Assistant Attorney General (AAG) at (802) 828-3187 (fax).

Please complete and sign this agreement and fax it to the DLC Enforcement Division no later than two (2)
business days before the date of the hearing, in order to ensure that your hearing can be cancelled in a
timely manner.

By signing and faxing this letter, you have given the DLC authority to accept your facsimile signature as
though it were the original.

If this matter is not settled in the manner set forth, then the settlement offer is null and void and is of no
further consequence. The LCB may, after hearing, impose any available penalty, or none at all,
depending upon the evidence.

If there are any questions, I can be reached during normal business hours at (802) 658-3586 or by fax at
(802) 660-7050.

Very truly yours,

Ronald C. Schmucker
Ronald C. Schmucker, Esq., Attorney to
the Vermont Liquor Control Board

I accept the 3 days suspension of my liquor license.

Dated: JAN 11, 2012

By:

DARLENE DOANE

Print Name
Duly Authorized Agent 3

B4:

STEPHEN HART