



**LICENSEE PLEA AND WAIVER**

☐ **ADMITTED** - LICENSEE WAIVES THE RIGHT TO A HEARING BEFORE THE LIQUOR CONTROL BOARD, ADMITS THE ALLEGATION AS TRUE, AND AGREES TO PAY THE DESIGNATED FINE.

☒ **DENIED** - LICENSEE REQUESTS A HEARING BEFORE THE LIQUOR CONTROL BOARD IN ORDER TO CONTEST THE ALLEGATION.

Deliver this plea in person or by mail to:

Vermont Department of Liquor Control  
13 Green Mountain Drive  
Montpelier, Vt. 05620-4501

SIGN HERE:

\_\_\_\_\_  
Licensee Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Licensee Phone

\_\_\_\_\_  
Licensee Facsimile

IF LICENSEE PLEADS **ADMITTED**: Mark the plea, and sign and complete above. Deliver the plea to the Department of Liquor Control within ten (10) days with payment of the designated fine shown on the front of the Complaint. Pay by check or money order in U.S. funds; make checks payable to VT DEPT. OF LIQUOR CONTROL. This plea will be entered into Licensee's enforcement history.

IF LICENSEE PLEADS **DENIED**: Mark the plea, and sign and complete above. Deliver the plea to the Department of Liquor Control within ten (10) days. Licensee will be scheduled to appear before the Liquor Control Board. There is more detailed information about appearing before the Board on the back of the other copy of the complaint, which should be kept for reference.

IF LICENSEE **FAILS TO DELIVER A PLEA** WITHIN TEN (10) DAYS OF COMPLAINT: The Department of Liquor Control will impose the designated fine and Licensee will be liable for payment. If Licensee fails to pay the designated fine within ten (10) days thereafter, Licensee will be ordered to a hearing before the Liquor Control Board to consider liquor license suspension or revocation.

20101111 1111 1111

State of Vermont  
Liquor Control Board  
(Settlement Agreement)

TO: BAJA BORRITO CO., LTD  
KILLINGTON RD.  
KILLINGTON, VT.

MARCH 21, 2012

You have been notified of a hearing before the Liquor Control Board (LCB) on MARCH 21, 2012  
at MONTPELIER, Vermont, to consider the suspension or revocation of your liquor  
license(s).

Reference is made to Notice of Hearing dated FEB. 15, 2012 with investigative report(s)  
attached, or to DLC ticket dated \_\_\_\_\_.

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 \_\_\_\_\_ days duration.

ISSUE THIS  
AGREEMENT AS A LETTER OF WARNING RE. VIOLATION OF  
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: G.R. 43

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,

R. C. Schmucker

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

THIS SETTLEMENT AGREEMENT AS A LETTER OF  
I accept the \_\_\_\_\_ days suspension of my liquor license. WARNING.

Dated: MARCH 21, 2012

By: BAJA BORRITO CO., LTD.

Gary Mayer

Print Name  
Duly Authorized Agent

Narrative:

On the above date and time I observed several large bottles of spirits in the supply room of Baja Burrito located on Killington Road. In speaking with the bartender on duty (acting manager), he advised they were refilling small bottles on the bar with the large bottles in the inventory. I advised him of the regulation violation and issued an administrative ticket #00060 for regulation #43 in the amount of \$500. He called the owner to advise of the violation and will use the large bottle on the bar in the future.

I found the beer cooler and spirit room located in the basement open and accessible to anyone in the hotel. This area was not monitored and I was able to walk through with out detection or interaction with any employee. He was going to take corrective action to lock the area.

Inv. Michael Davidson

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☒ Agent ☐ Addressee
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery 3/23/12
- address different from item 1? ☐ Yes ☐ No  
if delivery address below:

Baja Burrito Company, Ltd.  
PO Box 551  
Pittsfield, VT 05762

2. Article 1  
(Transit)

7010 2780 0000 1854 7718

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

7010 2780 0000 1854 7718

Sent to

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions



State of Vermont  
Department of Liquor Control  
13 Green Mountain Drive  
Montpelier, VT 05602  
[liquorcontrol.vermont.gov](http://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 Baja Burrito Company, Ltd., Killington Road, Killington, 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 Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont on Wednesday, March 21, 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 **Baja Burrito Company, Ltd., Killington, Vermont**, said licenses being granted to sell alcoholic liquor for on-premise consumption, for alleged violation of General Regulation No. 43 of the regulations duly adopted by the Liquor Control Board, which is set forth and specified below.

**General Regulation No. 43:** Except as otherwise authorized by law or Liquor Control Board regulation, licensees shall not reuse, refill or tamper with any bottle of alcoholic beverages nor shall such licensee adulterate, dilute, fortify, or cause any substitution of any nature to be made in or to the contents of any bottle of alcoholic beverages.

*It is alleged that you have knowingly been refilling bottles of spirituous liquors in violation of General regulation No. 43*

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 **Baja Burrito Company, Ltd.** 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.

The liquor control investigator's report is enclosed.

All correspondence and documents pertaining to this matter should be sent to the Vermont Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont, 05602, to my attention.

Dated at Montpelier, Vermont, this 15th day of February 2012.

Vermont Department of Liquor Control

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



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

02/14/2012  
11:51

Vermont Liquor Control  
LAW Incident Table:

21825  
Page: 1

Incident Number: 12VL00031

Nature: Alcohol Offense Partition: VLC

Addr= 2865 KILLINGTON RD

Area: SPC1 RUTLAND VSP

City: Killington ST: VT Zip: 05751

Contact: Brandon Remick

Complainant&

Lst:

Fst:

Mid:

DOB:

SSN:

Adr:

Rac:

Sx:

Tel:

Cty:

ST:

Zip:

Offense Codes: 2240

Reported:

Observed: 2240

Circumstances: LT03

Rspndg Officers: Davidson, Micha

Rspnsbl Officer: Davidson, Micha Agency: VLC

CAD Call ID:

Received By: Davidson, Micha

Last RadLog:

How Received: P In Person

Clearance: RBL Reviewed by Lt/Capt/C

When Reported: 23:00:12 01/21/2012

Disposition: COM Disp Date: 01/21/2012

Occurrd between: 23:00:00 01/21/2012 Judicial Sts:

and: 23:00:00 01/21/2012 Supervisor Apprl: Goggins

MO:

Narrative: (See below)

=====

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
LW	12VL00024	01/21/2012	Alcohol Offense	Related Incident
NM	860857	01/21/2012	Remick, Brandon M	POI
NM	1706140	01/21/2012	Baja Burrito,	Offender

LAW Incident Offenses Detail:

Offense Codes

Seq Code

Amount

1 2240 OTHER LIQUOR LAW VIOLATIONS

0.00

LAW Incident Circumstances:

Contributing Circumstances

Seq Code

Comments

1 LT03 Bar/Night Club

LAW Incident Responders Detail

Responding Officers

Seq Name

Unit

1 Davidson, Micha 2035