

City

Michael J. Hogan, Commissioner

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

April 2, 2012

The Dover Bar and Grill Corporation d/b/a Dover Bar and Grill Route 100 West Dover, VT 05356

Dear Licensee:

We have received your request to waive your rights to the April 11, 2012 hearing and accept a <u>settlement agreement</u> 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 16 and Hours of Sale No. 1.

Therefore, the licensee's license will be suspended for a period of 3 (three) days, specifically noted to be effective at the close of business on Thursday, May 17, 2012, until the opening of business on Monday, May 21, 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.

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

Sincerely,

William J. Goggins, Director

Education, Licensing & Enforcement Division

cc: Investigator Wilbur

Town of Dover Jacob Humbert, AGO Ron Schmucker, Board Counsel Liquor Control Board



BUT TO STATE OF THE STATE OF TH	
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 ■ 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 The Dover Bar and Grill Corporating d/b/a The Dover Bar and Grill PO Box 227 West Dover, VT 05356 	A Received by (Please Print Clearly) B. Date of Deliver. C. Signature X
₩	☐ Registered ☐ Return Receipt for Merchandi ☐ Insured Mail ☐ C.O.D.
	☐ Insured Mail ☐ C,O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2 Article Number (Complete Complete Com	
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DLC ENFORCEMENT DIVISION ADMINISTRATIVE NOTICE OF AGENCY ACTION Notice



No. 00852

License Number 8 8 0 - 00 / - 1 / C A B	-0/11/11/11
Corporation Name	DBA
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Roste 100	County
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City State	Zip Code Business Phone 33 32 434 - 2698
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WHICH CONSTITUTES	S A VIOLATION OF:
General Regulation #	TITLE 7 Provision: 7 VSA
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Written Warning- No Fines or Penalties copy of warning placed in licensee file	☐ See Attached Waiver Fine
☐ Administrative Referral	☐ Hearing
If you plead DENIED and the state proves the	If you plead ADMITTED or NO
violation, you will forfeit the waiver amount	CONTEST, you may pay the waiver
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undersifined complains that the Licensee did violate the above ard Regulation on this 2d day of 1 2012 at 2	AMOUNT S MI Date of Birth M., F Title: Part And Or identified y.S.A. Title 7 provision, or Liquor Control (Mathing an county.)
gnature: M Complains that the Licensee did violate the above and Regulation on this A day of Tob 2012 at 6	AMOUNT S MI Date of Birth M., F Title: Part And Or identified y.S.A. Title 7 provision, or Liquor Control (Mathing an county.)
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undersigned complains that the Licensee did violate the above ard Regulation on this day of the 2012 at prestigator Name Investigator Signa	AMOUNT MI Date of Birth M. F Title: Part And Or identified y.S.A. Title 7 provision, or Liquor Control that is a county. ture:

*Important info about this administrative notice of agency action on reverse side WHITE: Enforcement; YELLOW: Investigator; PINK: Licensee; Goldenrod: Return with Fine

ENFORCMENT

LICENSEE PLEA AND WAIVER

X 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:				
AFT	And the second s	2/19	1/12	
Licensee Authorized Agent		/ / I	Date	
Il Mountain view LP	(ROBOX402) &	West Dover	77	05356
Street	City	State		Zip
464-0964				
Licensee Phone	License	e Facsimile		

IF LICENSEE PLEADS <u>ADMITTED</u>: 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 <u>DENIED</u>: 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 Poard. 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 Liquer 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.

22 FEB HM 10 1.78

No.

DLC ENFORCEMENT DIVISION ADMINISTRATIVE NOTICE OF AGENCY ACTION Notice



No. 00853

License Number	
8801-0011-1/CAB	
Corporation Name	DBA
Physical Mailing Address	(JOUN) DOFACTONIL
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	TO I ID
£ 11.77 1	Zip Code Business Phone
Licensee did then and there commit the	e following acts
n violation of V.S.A. Title 7 Provision,	
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WHICH CONSTITUTES	S A VIOLATION OF:
General Regulation #	TITLE 7 Provision: 7 VSA
Written Warning- No Fines or Penalties	I = 9 Au 1 1W: E
☐ Written Warning- No Fines or Penalties copy of warning placed in licensee file	☐ See Attached Waiver Fine
- copy of warming placed in neemsee me	
☐ Administrative Referral	Hearing
☐ Administrative Referral	Hearing Hearing or NO
Administrative Referral If you plead DENIED and the state proves the	If you plead ADMITTED or NO CONTEST, you may pay the waiver
Administrative Referral If you plead DENIED and the state proves the violation, you will forfeit the waiver amount	c If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court.
Administrative Referral If you plead DENIED and the state proves the	CONTEST, you may pay the waiver amount instead of appearing in court.
Administrative Referral If you plead DENIED and the state proves the violation, you will forfeit the waiver amount and be subject to an administrative referal.	c If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court.
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Administrative Referral If you plead DENIED and the state proves the violation, you will forfeit the waiver amount and be subject to an administrative referal. Delivered To: Last First First Hathaway Jason	c If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court. WAIVER AMOUNT Date of Birtly Title
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Administrative Referral If you plead DENIED and the state proves the violation, you will forfeit the waiver amount and be subject to an administrative referal. Delivered To: Last First Hathat Ay Joseph Signature: IM IM Implementation on this day of First Hathat Ay Joseph Signature: IM IM Implementation on this day of First Hathat Ay Joseph Signature: IM IM Implementation on this day of First Hathat Ay Joseph Signature: IM IM Implementation on this day of First Hathat Ay Joseph Signature Hathat Ay Jos	e If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court. WAIVER AMOUNT Title Before Colored F Title F T
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*Important info about this administrative notice of agency action on reverse side
WHITE: Enforcement; YELLOW: Investigator; PINK: Licensee; Goldenrod: Return with Fine

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DLC ENFORCEMENT DIVISION ADMINISTRATIVE NOTICE OF AGENCY ACTION Notice



License Number	
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Corporation Name	
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Physical Mailing Address	County
assig tu	W. Allen
City State	Zip Code Business Phone
Licensee did then and there commit the	ne following acts
in violation of V.S.A. Title 7 Provision	
Regulation:	MALWAL
	41-11-11
/ / /	
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WHICH CONSTITUTE	S A VIOLATION OF:
General Regulation #	TITLE 7 Provision: 7 VSA
Written Warning- No Fines or Penalties copy of warning placed in licensee file	☐ See Attached Waiver Fine
☐ Administrative Referral	☐ Hearing
If you plead DENIED and the state proves the	
violation, you will forfeit the waiver amount	CONTEST, you may pay the waiver
and be subject to an administrative referal.	amount instead of appearing in court. WAIVER
	AMOUNT \$
Delivered To: Last First	Ml Date of Birth
Signature:	F Title:
he undersigned complains that the Licensee did violate the abo loard Regulation on thisday of 20 a	ove identified V.S.A. Title 7 provision, or Liquor Control
nvestigator Name: Investigator Sig	
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nvestigator #: Date Served: Time:	☐ Hand ☐ USMail

FROM: BONKERS BOARD ROOM

Apr. 02 2012 09:38AM P1

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	State of Vermon: Liquor Control Board (BOD) 464-2536 (Settlement Agreement) A VOL GRILL COVE PORAL TOON VI BARTIC V GRILL VI . 05356 Vermont, to consider the suspension or revocation of your liquor
	Figurer Control Board 1000 1 446 61-2536
•	(Seniement Agreement)
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TO THE TO NOW	> BARRVORILL
9/0/4 2000	
WOUTE 100	4/1/12
UESTIXUER,	11.00356
You have been notified of a	pearing before the Liquer Connol Board (LCB) on 4//// S Vernaont, to consider the suspension or revocation of your liquor
(inaman(a)	
	of Hearing dated 3/13/10 with investigative report(s)
Reference is made to Noticel	of Hearing dated with investigative report(s)
and called, c. to DDC stoker equ	
Based upon your inquiry col	seming settlement of the violations alleged against you in the Notice of
Heating the LCB has agreed	to accept a suspension of 3 days duration, To TAKE PLACE
if you wish to settle sad we	to your right to a hearing, then sign and date this letter, and fax the signed
and dated letter to:	
1. Department	of Liquot Control (DLC) Enforcement Division at (802) 828-1031 (fax); end,
2. Iscob A. H	mbert, Assistant Attorney General (AAG) at (802) 828-2187 (fax).
Picase complete and sign to	s agreement and fax it to the DLC Enforcement Division no later than two (2)
business days before the day	of the hearing, in order to ensure that your hearing can be cancelled in a
quely wsmer.	ं () ? ्
	etter, you have given the DLC authority to accept your facsimile signature as
though it were the original.	
lf this matter is not settled i	the manner set forth, then the settlement offer is null and void and is of no
further consequence. The I depending upon the evidence	CRomay, after hearing, impose any available penalty, or none at all.
If there are any questions, Is (802) 560-7050.	oan be reached during normal business hours at (802) 658-3586 or by fax at
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CAN AC / T/A	N BC
SCHEAULED A	Ronald C. Schmucker, Esq., Anomey to the Vermon: Liquor Control Board
	Down BAD CORD CORD
I accept the da	ys suspension of my liquor license. DUEIT BAIZ & GRILL CORP.
Dated: 4/2/	By: Clark Balyan
	C. MICHAGE BEHRINGON
,	Print Name
3	Duly Authorized Agent

Fitzgerald, Samara

From:

Fitzgerald, Samara

Sent:

Thursday, March 22, 2012 10:40 AM

To: Cc: Wilbur, Ladd

Subject:

Fitzgerald, Samara RE: Dover Bar and Grill

Hi

I am following up. Have you had a chance to serve the subpoena for Officer Gallup?

Samara Fitzgerald

Samara Fitzgerald, Executive Office Manager Education, Licensing & Enforcement Vermont Department of Liquor Control 13 Green Mountain Drive Montpelier, VT 05620-4501 802-828-4943 samara.fitzgerald@state.vt.us

From:

Wilbur, Ladd

Sent:

Wednesday, March 07, 2012 9:47 AM

To: Subject: Fitzgerald, Samara RE: Dover Bar and Grill

In the mail

Ladd Wilbur, Investigator

Vermont Department of Liquor Control

ladd.wilbur@state.vt.us

Phone: (802) 875-1139

From:

Fitzgerald, Samara

Sent: To: Monday, March 05, 2012 9:21 AM Wilbur, Ladd

Cc: Subject: Fitzgerald, Samara Dover Bar and Grill

Importance:

High

Hi Ladd,

I am trying to get licensee's together for the April hearing date of the 11th. Do you have the report for the ticket you wrote for Dover Bar and Grille? Ticket number 853. I do not have access to Spillman so I need those reports sent into the office or emailed. Let me know if there is anything else that goes along with it. Do you know if Bill has approved it yet? He is out of town most of this week. Thanks, Sam

Samara Fitzgerald

Samara Fitzgerald, Executive Office Manager Education, Licensing & Enforcement

STATE OF VERMONT LIQUOR CONTROL BOARD

SUBPOENA

To: Any Liquor	Control Investigator		
You are hereby com	amanded to serve on:	Officer Gallu	p – Dover PD
this subpoena requir	ring him/her/them to app	ear before the LI	QUOR CONTROL BOARD at
the Department of I	Liquor Control, 13 Green l	Mountain Drive,	Montpelier, Vermont on
Wednesday, April 1	1, 2012	at 9:30 a.m.	to testify at the hearing
in the matter of	The Dover Bar and Gril	ll Corporation, R	oute 100, West Dover, VT
		o de man lomano la renesenta e conserva de la conse	
		Signature:	Milael Hoza
		Date: M	farch 13, 2012
	RE"	TURN OF SER	VICE
On	•	served this subpo	
	——————————————————————————————————————	1	·
to him/her at			by delivering a copy of this subpoena
to min/her at	aitr/town		
	city/town	L	county
		Signature:	
			Liquor Control Investigator
FEES:			
.51¢ per mile			
\$30 for attendance			
Each witness subpoenae	d should report to the The I	Department of Lique	or Control

Fitzgerald, Samara

From:

Fitzgerald, Samara

Sent:

Thursday, March 15, 2012 9:52 AM

To:

Wilbur, Ladd

Cc: Subject: Fitzgerald, Samara Subpoena to serve!

Importance:

High

Attachments:

ladd.pdf



ladd.pdf (19 KB)

Hi Ladd! Attached is a subpoena for The Dover and Grill licensee hearing for Officer Gallup. Please let meknow when you have served this and send to office. Thank you! Sam

Samara Fitzgerald

Samara Fitzgerald, Executive Office Manager Education, Licensing & Enforcement Vermont Department of Liquor Control 13 Green Mountain Drive Montpelier, VT 05620-4501 802-828-4943 samara.fitzgerald@state.vt.us



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 The Dover Bar and Grill Corporation d/b/a Dover Bar and Grill, Main, Route 100, West Dover, 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, April 11, 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 The Dover Bar and Grill Corporation, Vermont, said licenses being granted to sell alcoholic liquor for on-premise consumption, for alleged violation of General Regulation No. 16 and Hours of Sale No. 1 of the regulations duly adopted by the Liquor Control Board, which is set forth and specified below.

General Regulation No. 16: No licensee, employee, or anyone involved in the sale or furnishing of alcoholic beverages, and/or the enforcement on the premises of the laws, rules and regulations of this State pertaining to the sale or furnishing of alcoholic beverages, shall consume or display the effects of alcohol or any illegal substance while in the performance of their duties.

Hours of Sale Regulation No. 1: Holders of a first class license or first and third class licenses shall sell or serve any malt or vinous beverages or spirituous liquors on his / her licensed premises between the hours of 8:00 a.m. and 2:00 a.m. the following morning. Consumption on the premises of such beverages and liquors sold and served pursuant to this regulation shall be prohibited after 2:30 a.m. Except as otherwise prohibited by law or regulation, the hours provided in this regulation shall be extended one hour for New Year's Day

It is alleged that on February 17, 2012 your employee, Jason Hathaway, was consuming alcoholic beverages while in the performance of his duties in violation of General Regulation No. 16.

It is alleged that on February 17, 2012 you served alcoholic beverages to a patron after the legal serving hour of 2:00 a.m. in violation of Hours of Sale Regulation No. 1.

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 The Dover Bar and Grill Corporation 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 13th day of March 2012. .

William J. Goggins
Department of Liquor Control
Education, Licensing & Enforcement Division

	U.S. Postal S CERTIFIED (Domestic Mail O	MAIL RE	CCEIPT Coverage Provided)	
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2780 0000 1.85	Postage Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)	\$	Postmark Here	
2070	P5 Form 8800 August 2		See Reverse for Instructions	
Complete it item 4 if Res Print your name so that we do attach this corron the from The Dodd/b/a l P.O. Bo	ems 1, 2, and 3. Also of stricted Delivery is destanted and address on the same and address on the same to the same and address on the same and address on the same and to the back of the same if space permits. I wer Bar and the same and t	complete ilred. he reverse you. e mailpiece, Grill Corpo d Grill	A. Received by Glease Print Clearly) M. Received by Glease Print Clearly) C. Signature X. J.	B: Date of Delivery 3:/5:/2 Agent Addressee 17: Yes
West D	2780 0000 1	.854 6087	□ Registered □ Return Rec □ Insured Mail □ C.O.D. 4. Restricted Delivery? (Extra Fee)	eipt for Merchandise
PS Form 381	1, July 1999	Domestic Ret	urn Receipt	102595-00-M-0952

VERMONT DEPARTMENT OF LIQUOR CONTROL VIOLATION REPORT CFS 12VL00060

License Number: 880-001-CAB-01

DBA: Dover Bar and Grill

OWNER: Dover bar and Grill Corporation ADDRESS: Route 100 Dover, VT 05356

COUNTY: Windsor

PHONE NUMBER: 802-4642 690

PERSON NOTIFIED: bartender Jason Hathaway

DATE OF VIOLATION: February 17th and 18th 2012

REGULATION VIOLATED: General Regulation #16 no licensee, employee, or anyone involved in the sale or furnishing of alcoholic beverages, and/or the enforcement on the premises of the laws, rules and regulations of this State pertaining to the sale or furnishing of alcoholic beverages, shall consume or display the effects of alcohol or any illegal substance while in the performance of their duties.

Hours of Sale Regulation #1 Holders of a first class license or first and third class licenses shall sell or serve any malt or vinous beverages or spirituous liquors on his / her licensed premises between the hours of 8:00 a.m. and 2:00 a.m. the following morning.

Consumption on the premises of such beverages and liquors sold and served pursuant to this regulation shall be prohibited after 2:30 a.m. Except as otherwise prohibited by law or regulation, the hours provided in this regulation shall be extended one hour for New Year's Day.

On February 17, 2012, at approximately 1:30am, I conducted an inspection at the Dover Bar and Grill located on Route 100, in the town of Dover. While conducting my inspection I noted the bartender, later identified as Jason Hathaway (DOB August 5, 1969) consume two shots of what I believe to be Yeager Meister. The bartender walked to the back of the bar thinking he was out of sight of the patrons and consumed the shots. While I was in the bar I was not recognized as an investigator, so I continued to watch the activities at the bar until 2:15am. I also noted that 2:10am the bartender poured and serve a beer to one of the patrons sitting at the bar. I identified myself and spoke to the bartender who admitted to me that he was drinking on-duty and that he knew it was wrong to serve alcohol after hours but served his off-duty Cook one beer. I obtained a sworn written statement which is attached and incorporated by reference from Mr. Hathaway. Mr. Hathaway consented to an Alco sensor and had a BAC of .065. I issued two administrative tickets, one for employee drinking on-duty ticket number 00853 and sale of alcohol after hour's, ticket number 00852. Mr. Hathaway will also be issued a criminal citation to appear in Windham Superior Court to answer to the charge of sale of alcohol after hours a Violation of Title 7 section 62.

> MATEMIA -3/1/2012

Respectfully Submitted by,

Ladd Wilbur Investigator

VT. Dept. of Liquor Control

VERMONT DEPARTMENT OF LIQUOR CONTROL WITNESS LIST CFS 12VL00060

License Number: 880-001-CAB-01

DBA: Dover Bar and Grill

OWNER: Dover bar and Grill Corporation ADDRESS: Route 100 Dover, VT 05356

COUNTY: Windsor

PHONE NUMBER: 802-4642 690

PERSON NOTIFIED: bartender Jason Hathaway

DATE OF VIOLATION: February 17th and 18th 2012

REGULATION VIOLATED: Reg#16. No licensee, employee, or anyone involved in the sale or furnishing of alcoholic beverages, and/or the enforcement on the premises of the laws, rules and regulations of this State pertaining to the sale or furnishing of alcoholic beverages, shall consume or display the effects of alcohol or any illegal substance while in the performance of their duties.

1. Holders of a first class license or first and third class licenses shall sell or serve any malt or vinous beverages or spirituous liquors on his / her licensed premises between the hours of 8:00 a.m. and 2:00 a.m. the following morning.

Consumption on the premises of such beverages and liquors sold and served pursuant to this regulation shall be prohibited after 2:30 a.m. Except as otherwise prohibited by law or regulation, the hours provided in this regulation shall be extended one hour for New Year's Day.

Vermont Department of liquor control

Investigator Ladd Wilbur

Dover bar and Grill

Jason Hathaway 11 Mountain View Ln. W., Dover, VT 802-464-2698 bartender

Millian

Dover Police Department Police Officer Ian Gallup

Respectfully Submitted by, Ladd Wilbur

Investigator

VT. Dept. of Liquor Control

February 27, 2012



Vermont Department of Liquor Control Statement Form

Page of 1 245
Time Commenced 17
Time Ended 12 256

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Jana Hallaces		117
1 Jason Hathaway	(DOB)	,ageWho resides
at 11 Mountainview Lond we	ST DOVES UT	
Do hereby make the following sworn written statement	to investigator Ladd Wilh	our of the vermont Department
of Liquor Control of my own free will without any three		e. The following statement is
true and accurate to the best of my Knowledge and bel	Those Who I so	erved that
Seemed "Guer Served" Work	PEODIE That I	Know and
How they were Getting now		e My Coek.
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