



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 Mount Snow, Ltd., 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, May 30, 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 **Mount Snow, Ltd.** 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 March 16, 2012 you allowed numerous patrons displaying obvious signs of intoxication to purchase and consume alcoholic beverages and remain on the 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 **Mount Snow, 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.

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.

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

Dated at Montpelier, Vermont, this 30th day of April 2012.

A handwritten signature in dark ink, appearing to read 'W. J. Goggins', with a stylized flourish at the end.

William J. Goggins, Director
Department of Liquor Control

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.

Mount Snow, Ltd.
"AKA" The Snow Barn
39 Mount Snow Rd
West Dver, VT 05356

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☒ Agent
☒ Addressee

B. Received by (Printed Name) Gary Thurston

C. Date of Delivery 5-3-12

address different from item 1? ☒ Yes
 or delivery address below: ☐ No

PO Box 2805

3. Service type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number 7010 2780 0000 1854 7893

5/2/12

PS Form 3811, February 2004

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

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or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

7010 2780 0000 1854 7893



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 Bill Manch, a Settlement Agreement, issued by the Liquor Control Board, and dated June 8, 2012.

RE: Thomas J Montemagni,
Corporate Attorney
Mount Snow Ltd
Dba Snow Barn
39 Mount Snow Road
West Dover, VT 05356

Thomas J. Montemagni
(Signature)

Corporate Attorney
(Title)

12/05/12
(Date)



Liquor Control Board:

Stephanie M. O'Brien, Chair, John P. Cassarino, Thomas Gallagher, Julian Sbardella, Melissa Mazza, Members



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

December 3, 2012

Mount Snow Ltd,
Dba Snow Barn
249 Handle Road
West Dover, VT 05356

RE: Mt. Snow, Ltd, dba Snow Barn , License # 881-006

Dear Licensee:

We have received your 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 **7 (seven)** day license suspension of the **first and third** class liquor licenses **to occur in consecutive days to begin on the close of business December 6, 2012 through the opening of business on December 14th, 2012, 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.

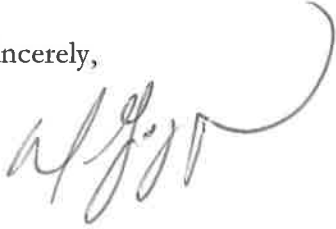
Therefore, the licensee's license will be for a period of 7 (seven) days, specifically noted. During this period the licensee may not sell/serve alcohol beverages upon the premises and shall not order or receive any deliveries of alcohol.



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 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', with a large, sweeping flourish extending from the end of the signature.

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

cc: Investigator Manch
Town of Dover
Jacob Humbert, AGO
Ron Schmucker, Board Counsel
Liquor Control Board

The Vermont Statutes Online

Title 7: Alcoholic Beverages

Chapter 9: LICENSING

7 V.S.A. § 240. Proof of financial responsibility

§ 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 license, 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 the 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. (Added 1987, No. 103, § 3.)

State of Vermont
Liquor Control Board
(Settlement Agreement)

TO: MOUNT SNOW, LTD
c/o THE SNOW BARN
349 HANBLE RD.
WEST DOWRY, VT. 05356

JUNE 7, 2012

You have been notified of a hearing before the Liquor Control Board (LCB) on JUNE 13, 2012
at MONTPELIER, Vermont, to consider the suspension or revocation of your liquor
license(s).

Reference is made to Notice of Hearing dated APRIL 30, 2012 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 7 days duration (UP) 7 CONSECUTIVE
DAYS, TO BEGIN ON THE 3rd FRI. AFTER THE 2012-13 SEASONAL *
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.

* OPENING, BUT NOT EARLIER
THAN DEC. 7, 2012

Very truly yours,

R. C. Schmucker

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

I accept the 7 days suspension of my liquor license

(AS EXPLAINED ABOVE)

Dated: JUNE 8 2012

By: KALLY STAWIAK

KALLY STAWIAK, GENERAL

Print Name
Duly Authorized Agent

MANAGER



November 29, 2012

Jacob A. Humbert Esq.
State of Vermont
Office of the Attorney General
109 State Street
South Burlington, Vermont 05609-1001

Re: Mount Snow Ltd. d/b/a Snow Barn

Dear Attorney Humbert:

In accordance with our mutually agreed upon Settlement Agreement dated June 7, 2012 (copy annexed for your convenience) please note we will close the Snow Barn for seven consecutive days as of December 7, 2012 and reopening on December 14, 2012.

Please contact me should you have any questions in this regard.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Montemagni".

Thomas J. Montemagni
Corporate Attorney
Mount Snow Ltd.

39 Mount Snow Rd.
West Dover, VT 05356
tmontemagni@mountsnow.com
P: 802-464-4039 / F: 802-464-4135

Cc: Ronald C. Schmucker, Board Counsel
William J. Goggins, Ed, Licensing & Enforcement Div. DLC ✓

Jun. 8. 2012 2:00PM

State of Vermont
Liquor Control Board
(Settlement Agreement)TO: MOUNT SNOW, LTD
460 THE SNOW BARN
349 HANBLE RD.
NEST COVER, VT. 05356

JUNE 7, 2012

You have been notified of a hearing before the Liquor Control Board (LCB) on JUNE 13, 2012
at MONTPELIER, Vermont, to consider the suspension or revocation of your liquor
license(s).Reference is made to Notice of Hearing dated APRIL 30, 2012 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 7 days duration (or) 7 CONSECUTIVE
DAYS, TO BEGIN ON THE 3rd FRI. AFTER THE 2012-13 SEASONAL *
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.*** OPENING, BUT NOT EARLIER
THAN DEC. 7, 2012**

Very truly yours,

Ronald C. Schmucker, Esq., Attorney to
the Vermont Liquor Control BoardI accept the 7 days suspension of my liquor license **(AS EXPLAINED ABOVE)**Dated: JUNE 8 2012

By:

KELLY CAWAK, GENERAL
Print Name
Duly Authorized Agent
MANAGER



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

June 11, 2012

Thomas J. Montemagni, Esq.
Mount Snow, Ltd.
39 Mount Snow Road
West Dover, VT 05356

Dear Licensee:

We have received your request to waive your rights to the **June 13, 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 **7 (seven)** day license suspension of the **first and third** class liquor licenses **to occur in consecutive days to begin on the second Friday after the 2012-13 seasonal opening, but not earlier than December 7, 2012 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 when noticed at a future time for a period of 7 (seven) days, specifically noted. During this period the licensee may not sell/serve alcohol beverages upon the premises and shall not order or receive any deliveries of alcohol.



Liquor Control Board:

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

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 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', with a long, sweeping horizontal line extending to the right.

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

cc: Investigator Manch
Town of Dover
Jacob Humbert, AGO
Ron Schmucker, Board Counsel
Liquor Control Board

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.

Thomas J. Montemagni, Esq.
Mount Snow, Ltd.
39 Mount Snow Road
West Dover, VT 05356

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

W. Davis 6-13-12
 address different from item 1? ☐ Yes
 ter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article N
 (Transfer) 7010 2780 0000 1854 6070

PS Form 3811, February 2004

Domestic Return Receipt

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 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

7010 2780 0000 1854 6070



May 15, 2012

Ronald C. Schmucker, Esq.
340 Dorset Heights
South Burlington, Vermont 05403

Re: Mount Snow Ltd., d/b/a Snow Barn

Dear DLC:

Attached herewith is my Notice of Appearance in the above caption matter.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Montemagni".

Thomas J. Montemagni
Corporate Attorney
Mount Snow Ltd.
39 Mount Snow Rd.
West Dover, VT 05356
tmontemagni@mountsnow.com
P: 802-464-4039
F: 802-464-4135

✓ Cc: State of Vermont
Department of Liquor Control,
13 Green Mountain Drive
Montpelier, VT 05602
Attn: Mr. William J. Goggins, Director



December 5, 2012

Via Fax 802-828-1031

William J. Goggins, Director
Education, Licensing & Enforcement Division
State of Vermont
13 Green Mountain Dr.
Montpelier, VT 05602

Re: Mount Snow Ltd., d/b/a Snow Barn

Dear Director Goggins:

In accordance with The Vermont Statutes Title 7 §240 and in accordance with your Dec. 3rd reminder, please find annexed our COI for your records.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Andersen", written over a horizontal line.

Denise Andersen
Corporate Paralegal
Mount Snow Ltd.
39 Mount Snow Rd.
West Dover, VT 05356
dandersen@mountsnow.com
P: 802-464-4089 / F: 802-464-4135

Total Pages (3)

Fitzgerald, Samara

From: Fitzgerald, Samara
Sent: Thursday, July 26, 2012 12:40 PM
To: Manch, Bill
Cc: Fitzgerald, Samara
Subject: The Stratton corp./Mount Snow Ltd.

Hi Bill,

The Stratton Corp. d/b/a Stratton base lodge, received a settlement for a 7 day license suspension to commence on the second Friday after the 2012-13 seasonal opening, but not earlier than November 30th. In addition they need to pay a \$2000 fine before July 31st.

I will also keep track of this license too, like the similar suspension for Mount Snow, Ltd. A.k.a the snow barn. I think the best way is to let me know when their seasonal 'open' date is. Then I will process their suspension paperwork to them for hand carry. I will periodically check in with you as the date comes closer.

Does this work for you? Let me know. Thanks, Sam

Samara Fitzgerald

Samara Fitzgerald, Executive Office Manager
Education, Licensing & Enforcement
Vermont Department of Liquor Control

WILLIAM H. SORRELL
ATTORNEY GENERAL
JANET C. MURNANE
DEPUTY ATTORNEY GENERAL
WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



TEL: (802) 828-3171
FAX: (802) 828-2154
TTY: (802) 828-3665
CIVIL RIGHTS: (802) 828-3657

<http://www.atg.state.vt.us>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 17, 2012

VIA FIRST CLASS MAIL

Thomas J. Montemagni, Esq.
Mount Snow, Ltd.
39 Mount Snow Road
West Dover, VT 05356

RE: Mt. Snow, Ltd. d/b/a Snow Barn; Pending Notice of Hearing

Dear Tom:

Liquor Control Board counsel, Ronald Schmucker, has forwarded me your May 15, 2012 letter offering payment of \$2,500.00 to resolve the pending allegations against the Snow Barn. Please be advised that the Department would be willing to settle this matter for a five (5) day license suspension, covering consecutive days and encompassing a weekend period, to be served once the licensee re-opens for the ski season.

That sanction is most appropriate for a number of reasons. First, based on the personal observations of two Investigators on March 16-17, 2012, the Department can provide specific detail on at least five (5) individuals displaying significant and obvious signs of intoxication in violation of General Regulation No. 17. That would represent merely a one (1) day suspension for each. Those violations are exacerbated by that fact that as of 1:00 a.m. significantly intoxicated patrons were too numerous to detail at length, with Investigator Thibault concluding that the bar was "out of control." Second, the licensee's conduct demonstrated a disregard of these intoxicated patrons, with continued service and failure to intercede in a timely fashion. Third, the licensee's enforcement history includes prior violations in part related to over-service issues, resulting in a two (2) day license suspension and \$1,200.00 penalty. The Department believes that any sanction here should be crafted to reverse this apparent trend. The previous sanction was obviously not a sufficient deterrent. Fourth, the Board has generally elected to impose suspensions, rather than merely monetary penalties, to address public safety concerns such as those here.

Please let me know your thoughts concerning the above. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Humbert".

JACOB A. HUMBERT
Assistant Attorney General

cc. Ronald C. Schmucker, Esq. (340 Dorset Heights, S. Burlington, VT 05403)



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

CERTIFIED MAIL

May 14, 2012

Mount Snow Ltd.
d/b/a "AKA" The Snow Barn
249 Handle Road
West Dover, VT 05356

ATTN:
Thomas J. Montemagni

Dear Licensee:

This is sent to advise you that your hearing before the Liquor Control Board has been re-scheduled.

The re-scheduled date and time is June 13, 2012 at 9:30 a.m. at the Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont.

Should you require further information, please do not hesitate to call our office.

Sincerely,

Samara S. Fitzgerald, Executive Office Manager
Education, Licensing & Enforcement Division

cc: Jacob Humbert, Asst. Attorney General
Ronald C. Schmucker, Board Counsel
Liquor Control Investigator
Dover Town Clerk Office



STATE OF VERMONT

Department of Liquor Control

v.

Mount Snow Ltd. d/b/a Snow Barn

Violation of General Regulations
Rule No. 17

NOTICE OF APPEARANCE

NOW COMES, Thomas J. Montemagni, Esq. and enters his appearance on behalf
of Mount Snow Ltd d/b/a the Snow Barn located at 294 Handle Rd., West Dover, VT.

Dated at West Dover, Vermont this 15th day of May 2012.

Mount Snow Ltd.

By: 
Thomas J. Montemagni, Esq.
Mount Snow Ltd. &
39 Mount Snow Road
West Dover, Vermont 05356
802-464-4039
tmontemagni@mountsnow.com



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

Michael J. Hogan, Commissioner

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

CERTIFIED MAIL

May 14, 2012

Mount Snow Ltd.
d/b/a "AKA" The Snow Barn
249 Handle Road
West Dover, VT 05356

Dear Licensee:

This is sent to advise you that your hearing before the Liquor Control Board has been **re-scheduled**.

The re-scheduled date and time is **June 13, 2012 at 9:30 a.m.** at the Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont.

Should you require further information, please do not hesitate to call our office.

Sincerely,

A handwritten signature in cursive script, reading "Sam S. Fitzgerald".

Samara S. Fitzgerald, Executive Office Manager
Education, Licensing & Enforcement Division

cc: Jacob Humbert, Asst. Attorney General
Ronald C. Schmucker, Board Counsel
Liquor Control Investigator
Dover Town Clerk Office



ENVELOPE TO THE RIGHT

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.

**Mount Snow Ltd.
d/b/a "AKA" The Snow Barn
39 Mount Snow Road
West Dover, VT 05356**

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

THURSTON

5/16/12

Address different from Item 1? ☐ Yes

or delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer

7010 2780 0000 1854 7985

PS Form 3811, February 2004

Domestic Return Receipt

5/15/12
102595-02-M-1540

**U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPTTM
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

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

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

7010 2780 0000 1854 7985

VERMONT DEPARTMENT OF LIQUOR CONTROL
VIOLATION REPORT

LICENSEE: Mount Snow, LTD.

DBA: The Snow Barn
294 Handle Road
West Dover, VT 05356

LICENSE #: 07696-004-1CAB-01

ALLEGED VIOLATION(S): General Regulation #17

DATE OF VIOLATION: March 17th, 2012

PERSON NOTIFIED: Investigator Bill Manch

DATE OF NOTIFICATION: March 17th, 2012

REPORT OF INVESTIGATION:

On March 16th, 2012, at approximately 2245 hours, to March 17th, 2012, at approximately 0110 hours, Investigator Thibault and I conducted a special assignment in an undercover capacity. This assignment was conducted at a licensed establishment doing business as (DBA) The Snow barn. The Snow Barn is located at #294 Handle Road, West Dover, VT.

On March 16th, 2012, at approximately 2245 hours, Investigator Thibault and I entered The Snow Barn. Upon entering, we were each required to pay a \$5.00 entry fee. After paying the \$5.00 entry fee we were allowed access inside. I immediately observed that there was live band performing on the stage inside of the establishment. It should be noted that it was extremely hard to hear throughout the evening while the band was playing. I observed that there were approximately 100 patrons inside of the establishment upon entering. This number appeared to increase until approximately 0000 hours. There was several staff members present throughout the establishment and two bartenders on duty.

At approximately 0002 hours, I observed a white male, approximately in his early to mid-twenties, walk from the open bar area towards me. He was wearing a black coat and black jeans. As he was approaching me, I observed that he was very unsteady on his feet and was unable to walk in a straight line. As he passed me, he actually made physical contact with me by bumping into me as I stood in a stationary position against the wall. The male did not say anything to me and stopped only a few feet away from me. This particular male appeared to be alone and was displaying signs of intoxication. As he stood stationary approximately 10 feet away from me, I observed that his eyes were bloodshot red and that he was having difficulties maintaining his balance. All of this was in the presence of a staff member that was monitoring patrons and was only 3 feet away from this particular male. After a few minutes, the male walked back past me headed towards the dance area again. He continued to have a difficult time walking straight and made contact with other patrons as well. A few minutes later, he walked back past me to the same exact spot as described above. The male appeared very confused due to the intoxication from alcoholic beverages or other drugs/substances and was swaying noticeably. After a few minutes the male walked away again and I never saw him the rest of the evening.

At approximately 0009 hours, I observed a tall white male with a shaved head, wearing a white "Westland" t-shirt and blue jeans, standing on the dance floor next to a raised table. This male was eating pizza and drinking a Bud Light. This male was displaying significant signs of intoxication. As he was standing stationary eating his pizza he could barely stand up. He was staggering around and kept having to shuffle his feet so that he did not fall over. This male appeared to be so intoxicated that he was not able to verbally interact with anyone. At approximately 0015 hours, I observed him receive another Bud Light from his friend at the bar. This male takes one sip, puts the beer down and appears as though he is about to vomit. Investigator Thibault and I watched this for several minutes as the male continues to stagger while standing in one place trying not to vomit. *****It should be noted that Investigator Thibault was able to obtain a video of this above-described male, just prior to him being kicked out at approximately 0052 hours***.**

At 0028 hours, I observed a short, white heavy set female, wearing a bright green shirt on the dance floor. She was part of a larger group that was wearing custom made t-shirts identifying some sort of family event. This female appeared to be in her mid-thirties to early 40's. She would dance for

a period of time, then go behind us where she had left her drink. It appeared to be a mixed drink in a plastic cup. As I observed her, I immediately noticed how unsteady she was on her feet. She bumped into me several times and other patrons as well. I noticed that she was also gaining the attention of other patrons as she moved about the establishment. At one point while she was directly behind me, she was leaning on a support beam with her head and face covered by her hands. I observed her mouth the words of "I'm so fucked up", to one of the members in her party. At no time did I see any staff members interact with her during the course of the evening.

At approximately 0034 hours, I entered the men's restroom. While standing at one of the urinals, a white male in his late twenties, with a beard and brown sweatshirt, entered the bathroom and was using the urinal to my immediate left. This particular male mumbled something and drew my attention as I thought he might have been saying something to me. When I looked over at him I noticed his eyes were closed and his head was tilted back. He was trying to stand in one place but was swaying around in front of the urinal causing him to urinate on the walls and floor. Shortly after this subject emerged from the bathroom, I did not see him the rest of the evening.

It should be noted that at approximately 0000 hours, Investigator Thibault and I observed that there appeared to be several intoxicated patrons present in the establishment. I was unable to document all of the intoxicated patrons I observed within this one hour time period. Investigator Thibault and I even had a conversation about this and how those numbers seemed to increase substantially by the time it was 0100 hours. Investigator Thibault and I agreed that the majority of the patrons leaving the establishment at 0100 hours, were showing signs of intoxication.

General regulation #17 states;

No alcoholic beverages shall be sold or furnished to a person displaying any 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.

Our special assignment concluded at approximately 0110 hours, on March 17th, 2012. All information and violations were reported verbally to Investigator Manch immediately after leaving The Snow Barn.

This report was officially documented on March 19th, 2012. This action ended my involvement with the special assignment scheduled for March 16th-17th 2012, at the establishment known as The Snow Barn.

Respectfully Submitted,

 #2090

**Investigator Jamie K. Chase #2090
Vermont Department of Liquor Control
March 19th, 2012**

VERMONT DEPARTMENT OF LIQUOR CONTROL
VIOLATION REPORT

LICENSEE:

Mount Snow, LTD.

DBA:

**The Snow Barn
294 Handle Road
West Dover, VT 05356**

LICENSE #:

07696-004-1CAB-01

ALLEGED VIOLATION(S): *Regulation 17 No alcoholic beverages shall be sold or furnished to a person displaying any 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.*

REPORT OF INVESTIGATION:

On March 16th, 2012, at approximately 2245 hours, Investigator Chase and I entered The Snow Barn. I immediately observed that there was live band performing on the stage inside of the establishment. I observed that there were approximately 100 patrons inside of the establishment upon entering. This number appeared to increase until approximately 0000 hours. There was several staff members present throughout the establishment and two bartenders on duty. One of the bouncer's names was Walt according to his name tag. I spoke to him later in the evening.

At approximately 2330 hours I was at the bar obtaining two beers for Investigator Chase and I.

Standing beside me was a male subject who was approximately forty five years of age, five-foot seven inches tall and weighed about one hundred and seventy five pounds. He was wearing a Celtics hat and a red hoodie.

I noticed that he was leaning against the bar to help hold him up. His eyes were bloodshot and watery and when I asked him how the skiing was he replied "good first thing in the morning". His speech was very slurred. At the same time the bartender who was wearing a wool hat and black shirt gave this person a draft beer and a bill. I observed the subject remove his wallet from his back pocket which was very difficult for him. He repeatedly looked at the bill and then back in his wallet, the entire time he was swaying back and forth. He slowly got three five dollar bills out of his wallet. He placed the bills on the slip and put his wallet away. I noticed the bartender take the money but left the slip on the bar. The intoxicated male was talking to another patron for a couple of minutes and then looked back and noticed the slip and again paid the bill. The bartender removed the cash and the slip the second time.

At approximately 0000 hours, I observed a tall white male with a shaved head, wearing a white shirt and blue jeans, standing on the dance floor next to a raised table. This male was eating pizza and drinking a Bud Light. This male was displaying significant signs of intoxication. As he was standing stationary eating his pizza he could barely stand up. He was staggering around and kept having to shuffle his feet so that he did not fall over. This male appeared to be so intoxicated that he was not able to verbally interact with anyone.

At approximately 0015 hours, I observed him receive another Bud Light from his friend at the bar. The male appeared as though he was about to vomit. Investigator Chase and I watched this for several minutes as the male continued to stagger while standing in one place trying not to vomit he kept lifting up his shirt and rubbing his stomach. The subject moved away from the dance floor and back towards the center of the bar area. I watched him for a period of time and videoed him with my cell phone at 0035 hours. The male was swaying from side to side and seemed not to be able to have a conversation with anyone. He had no facial expression, his eye lids were droopy.

I continued to observe this male when I noticed a bouncer standing beside me, he had a name tag on that said Walt, I stated to him "Are you going skiing in the morning", he replied "no I don't think so".

I then stated to him "I can't believe all these people come up here to ski and yet they get so drunk there is no way then could ski the next day."

The bouncer just nodded to me. I then said "look at this guy with the white shirt man he is hammered." The bouncer just nodded again. Approximately ten minutes later he got another bouncer and they removed the subject from the establishment.

At approximately 0000 hours, Investigator Chase and I discussed that there was a lot of individuals showing signs of intoxication. It was very difficult to document all of the violations. It would be easier to say that the establishment was not concerned with individuals who displayed signs of intoxication, and it was out of control.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read "Andy Thibault". The signature is written in a cursive, flowing style.

**Investigator Andy Thibault
Vermont Department of Liquor Control
March 21, 2012**

Pecor, Laurie

To: Manch, Bill
Cc: Curran, Tom
Subject: Mt Snow

Attachments: board rceipt_20121203150006.pdf; fin resp_20121203150332.pdf; mt snow_20121203140506.pdf; mt snow_20121203113541.pdf

Attached please find a board order, receipt of board order, letter from attorney and financial responsibility that needs to be served on the attorney asap per Bill Goggins. The suspension takes effect this Friday.



board



fin



mt



mt

t_2012120315000620121203150332.pdf0121203140506.pdf0121203113541.pdf

Laurie Pecor
Licensing
Vermont Department of Liquor Control
Office: 802-828-2339
Fax: 802-828-1031