

APPROVED MINUTES

Record of Meeting of the Liquor Control Board held March 9, 2016
at 13 Green Mountain Drive, Montpelier, Vermont

LCB Members Present: Melissa Mazza-Paquette, Acting Chair and Julian Sbardella Member

Others Present: Patrick Delaney, Commissioner, James Giffin, Interim Deputy Commissioner, Wesley Lawrence, Board Counsel, Jacob Humbert, Assistant Attorney General, William Goggins, Director, Education, Licensing & Enforcement, Laurie Pecor, Administrative Coordinator II

9:30 a.m. Meeting begins.

The agenda is moved around because there is not a quorum at this time. The Board will take up the following:

1. Pownal Agency update – Agency is still behind in what they owe. The Bennington Agency is looking into possibly buying them. The Department has not received any letters of interest yet.
2. Bradford Agency update – The agency has closed. Hannaford's is the only applicant. The Department will be working with Hannaford's to reestablish the Agency in the Bradford area ASAP.
3. Brandon Agency update – The Brandon Agency has said they would like to work with the Department on any issues that come up.

9:41 a.m. Commissioner updates:

- Management team interviews on purchasing, IT, and HR.
- Meeting with Brokers to introduce himself and share visions moving forward. Member Sbardella requests from the Commissioner a list of the Brokers that attended the meeting.
- Met with Gary Kessler in regards to his responsibilities.
- The Senate consolidated liquor bill is moving forward and we do not see any significant issues.

9:42 a.m. Member Lauzon enters the meeting. The Board now has a quorum with Member Lauzon arriving.

4. Board action on Draft minutes, Licenses and Decisions:
 - a. Meetings held February 10 and 17th, 2016 – Approved
 - b. Licenses issued February 3, 2016 through March 2, 2016 – Approved
 - c. Board Decisions – There are none officially. Board counsel advises back in December ZG Holdings, dba Zero Gravity had a question for the Board. They wanted an approval to transport pretax beer from one place to another. AAG

Humbert had stated it is not permitted statutorily. The licensee has taken steps to get that changed in statute. He does not think the Board has to rule on it but Attorney Lawrence does have a decision if they feel they need to.

5. ACGC Enterprises Inc., dba The Tavern, 241 Marble Street, West Rutland. Re: Renewal of first and third class licenses. AAG Humbert has been in negotiation with licensee's attorney Lois Baldwin. Owner Gail Carey has recently been charged and convicted with felony embezzlement. This conviction will go away after two years if no further convictions. AAG Humbert offers to the Board a settlement agreement that states that the Licensee will suffer a 5-day suspension starting at the close of business on March 22 and thru the opening of business on March 28, 2016. Licensee is also forbidden from selling break open tickets. Motion is made to accept settlement agreement. Motion Carries
6. 10:05 a.m. Board action to ratify the appointment of Gary Kessler to the Deputy Commissioner position. Member Lauzon abstains from voting. The Chair was teleconferenced in to vote on the appointment. Motion is made to accept the appointment. Motion Carries. Chair O'Brien leaves the meeting.
7. 10:09 a.m. Agony LLC, dba The Local, 24 Merchants Row, Rutland. Re: Licensee requests to have the order to wand patrons on Wednesday and Thursday dismissed. Motion is made to allow the licensee to not wand patrons for 30 days from today's hearing. In that time, he is ordered to get a letter from the City Police stating they support this. If the licensee does not obtain the letter from the City Police, the original order of wandering patrons on any night they open will go back in place.
8. 10:38 a.m. Ck Sports, 12 Mallets Bay Avenue, Winooski. Re: addition of Kyle Tipson to license. Motion is made to add Kyle Tipson to the license with the following stipulations:
 - a) Mr. Tipson is to notify the Department of any new charges or convictions within 30 days.
 - b) Mr. Tipson is ordered to provide a breath sample to any law enforcement person who requests this while at the licensed establishment
 - c) Stipulations will remain in effect for 3 years ending in April 2019.

Motion carries.

9. 10:58 a.m. Listing and De-listings – Motion is made to accept all with the exception of the Metcalf Blueberry Liquor. This should be 750 ml not the 375 ml. Motion carries.
10. 11:03 a.m. "What constitutes a meal? – Motion is made to accept the following definition: *Establishments licensed for on premise consumption, with the exception of clubs, must at all times when open for business offer meals, which are defined as any food prepared on the licensed premises utilizing kitchen appliances as required by the Department of Health and must publicly display a menu listing available meals(s). Snacks in any form including chips, peanuts, popcorn and pretzels are not considered a meal.* Motion carries.
11. Incentive evaluation – Motion is made to accept the incentive evaluation with the addition of yes no or n/a and comment boxes. Motion carries.
12. Discussion on Pownal and Brandon bonds. Board approved a bond amount of \$40,000 for Pownal and \$20,000 for Brandon.
13. Sunday closures of Danville and Norwich. A motion is made to acknowledge the closures of the Danville and Norwich agency on Sundays. Commissioner Delaney will

write a letter to them to let them know that this might hurt them in the future in terms of renewing their contracts. Motion carried.

11:50 a.m. Board breaks

11:55 a.m. Board reconvenes.

14. Communication group committee consists of the following members: *A-4 Winooski, A-75 Barre, A-46 Battery Street, A-67 Montpelier, A-14 Morrisville, A-18 Colchester, A-15 Wilmington, A-50 Woodstock, A-31 Milton, A-70 Newport, A-20 Northfield and A-7 Hardwick*. Motion is made to accept the agent committee. Motion carries.

15. Quality Dairy Farms, dba Mercer's Dairy declaratory ruling request – Motion is made to dismiss the request for a declaratory ruling for lack of information. Motion carried.

12:21 p.m.

16. Discussion of City of St. Albans liquor control ordinance – Monitor how the ordinance is used in the city. Director Goggins will let the Investigators know to do this.

12:41 p.m. Executive Session to discuss Legal Services next step. Attorney Wesley Lawrence leaves meeting. AAG Humbert, Commissioner Delaney and Interim Deputy Commissioner as well as the Board enters executive session.

1:25 p.m. Board reconvenes

17. There will be no business meeting on May 18, 2016.

18. Commissioner Delaney will keep track of the Board's challenges and present them to the Board at each meeting.

1:30 p.m. Motion is made to adjourn Board meeting by Member Lauzon. Member Lauzon leaves meeting.

1:35 p.m. Motion is accepted to adjourn. Motion carries.

NEXT MEETING IS APRIL 13, 2016