

## DRAFT MINUTES

Record of the Meeting of the Department of Liquor and Lottery Board held August 8, 2018  
At the Liquor Control Division, Montpelier, Vermont

LLCB Members present:

Martin Manahan Chair, Thomas Lauzon, Sam Guy, Sabina Haskell and Ed Flanagan, Members.

Others Present:

Patrick Delaney, Commissioner, Gary Kessler and Daniel Rachek, Deputy Commissioners, Wesley Lawrence, Board Counsel, Jacob Humbert, Assistant Attorney General and Laurie Pecor, Administrative Coordinator

9:30 a.m. Meeting begins.

- Additions/Deletions to agenda: None
  - Board action on draft minutes and meeting held on June 13, 2018- Approved
  - Board action on new licenses and permits issued June 1, 2018 through July 31, 2018 – Approved. Ed Flanagan and Sabina Haskell abstain from voting.
  - Board decisions – none
1. Public Comment – Susan Zeller, Chief Performance Officer of the Governor’s Pivot program; Program to Improve Vermont Outcomes Together. She is here to offer their services.
  2. Discussion on proposed program and rule changes to Lottery games to reflect the new legal identity. The deadline to get these procedures in is September 15, 2018.
  3. Discussion regarding the creation of a pilot project for travel center stores. Commissioner Delaney will talk with Maplewood Limited of Montpelier Inc. as they have expressed an interest in selling Vermont products in their stores. He will report back to the Board on the discussion at the next Board meeting.
  4. Enforcement
    - Quirky Kingdom, LLC dba East Burke Market, 461 Route 114 East Burke - Docket #2018-022. Re: violation of Title 7, V.S.A 1003(a) - sold tobacco during a compliance test. The owner William Quirk is present. The licensee stipulates to the allegation that his clerk sold tobacco to the minor during the compliance check. Because the FDA is charging him such an exorbitant fine he is asking the Board to lower their fine. AAG Jacob Humbert will send his opinion to Board Counsel Wesley Lawrence by August 24, 2018 and the Board will make the decision on what the penalties will be. They will then have the information to decide this case.

1. Licensee Exhibit A is POS age verification report submitted to the FDA— Admitted.

- Bourne Food Mart Inc, dba Notchbrook General Store, 4968 Mountain Road, Stowe - Docket #2018-024. Re: violation of general regulation number 13 - failure to ask for ID during a tobacco compliance test. Board member Sam Guy will abstain from the hearing as he knows the licensee Gary Bourne well. The Board is asked to take judicial notice of a prior case it had considered.

1. Board decision for Wellfleet Inc. dated June 26, 2017- Accepted.

Findings are offered but not warranted.

11:10 Board recesses

11:15 Board reconvenes

5. Discussion with Governor Scott and Secretary Young regarding the inaugural meeting of the new Liquor/Lottery Board.

Board continues with Enforcement cases.

- Neal's LLC., 2588 Route 103, Proctorsville. Docket #2018-021. Re: license renewal. License is renewed on the condition that the licensee not consume alcohol on the premise regardless if he is working or not, for this licensing year and to submit to a PBT test if asked by any law enforcement officer.
- MCC Entertainment, dba Social, 165 Church St. Burlington- Docket #2018-019. Re: violation of general regulation number 21(a) – failure to notify of director/owner changes.
  1. States exhibit 1 is the Secretary of State amendment form – Accepted.
  2. States exhibit 2 is MCC Entertainment annual report submitted to the Secretary of State's office – Accepted.

The state seeks a letter of warning to the licensee for violation of general regulation number 21(a). The Department also requests that they are allowed to fully vet the applicant.

A motion is made to issue a letter of warning to the Licensee for violation of general regulation number 21(a) and has 10 days from this date to come into compliance with the Department as to Directors/members of the company or the license will be revoked. This is not 10 business days but 10 consecutive days. Motion accepted.

12:36 p.m. Board goes into Executive Session.

1:30 p.m. Board reconvenes.

6. Commissioner comments:
  - June financial updates.
  - July financial updates.

- IT Project – on schedule and on budget.
- POS project – installed registers in 4 stores so far with only small glitches.
- Interior/Exterior Signage update.
- Consolidation of Liquor and Lottery.
- Update on Lottery sales, games contracts and other games.
- Alternating Board meetings between Liquor and Lottery buildings. Next month the meeting will be held at the Lottery Building.

2:13 p.m. Board adjourns.

NEXT MEETING IS SEPTEMBER 12, 2018