

STATE OF VERMONT  
BOARD OF LIQUOR AND LOTTERY

IN RE:       YA DUDE, LLC D/B/A NECTARS  
              188 MAIN STREET  
              BURLINGTON, VERMONT

DOCKET NO. 2019-002

SETTLEMENT AGREEMENT

The Department of Liquor and Lottery ("DLL") cited Ya Dude, LLC d/b/a Nectars ("Licensee") to appear for a June 5, 2019 contested case hearing wherein the Board of Liquor and Lottery ("Board") would consider sanctions against the Licensee's First and Third-Class Liquor Licenses. Through their respective legal counsel, Licensee and DLL have reached a settlement agreement as follows:

LICENSEE SHALL SERVE A TWO-DAY LICENSE SUPENSION FROM THE BEGINNING OF BUSINESS ON TUESDAY, JULY 16, 2019 TO THE CLOSE OF BUSINESS ON WEDNESDAY, JULY 17, 2019.

LICENSEE SHALL ALSO PAY A \$750.00 MONETARY PENALTY TO DLL WITHIN THIRTY (30) DAYS OF THE BOARD'S APPROVAL OF THIS SETTLEMENT AGREEMENT.

FOR PURPOSES OF THIS MATTER ONLY, LICENSEE AGREES THAT DLL COULD PROVE THE NOTICED ALLEGATIONS BY A PREPONDERANCE OF THE EVIDENCE IF THIS MATTER WERE ADJUDICATED AT A HEARING. HOWEVER, THIS AGREEMENT IS NEITHER AN ADMISION OF LIABILITY BY LICENSEE NOR A CONCESSION BY DLL THAT ITS ALLEGATIONS ARE NOT WELL-FOUNDED. TO AVOID DELAY, UNCERTAINTY, INCONVENIENCE AND THE EXPENSE OF LITIGATION, LICENSEE AND DLL, WITH APPROVAL OF THE BOARD, HAVE AGREED TO SETTLE THIS MATTER AS DESCRIBED ABOVE.

LICENSEE ACKNOWLEDGES AND AGREES THAT THIS AGREEMENT WILL REMAIN PART TO LICENSEE'S ENFORCEMENT RECORD AND MAY BE USED FOR PURPOSES OF DETERMINING SANCTIONS IN ANY FUTURE LIQUOR LICENSING ENFORCEMENT MATTER.

Licensee acknowledges and agrees that, at all times and in all communications and proceedings related to this matter and to this Agreement, it has had the right to be represented and was represented by legal counsel. Licensee has carefully reviewed and considered this Agreement. Licensee agrees and understands that, by executing this Agreement, it is waiving any right to a hearing related to this matter before the Board (thereby waiving any right to be presented with the evidence against it, to cross examine witnesses, and to offer evidence of its own to contest DLL's allegation(s)) and waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter. 7 V.S.A. § 210; 3 V.S.A. §§ 809, 814.

LICENSEE, YA DUDE, LLC D/B/A NECTARS

Dated: 6/5/19

By:   
Its Duly Authorized Agent

Sandra A. Stempel  
Print Name

DEPARTMENT OF LIQUOR AND LOTTERY

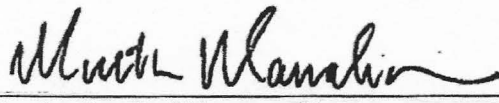
Dated: 6/7/19

By:   
Its counsel

JACOB A. HUMBERT  
Print Name

Consistent with the parties' agreement, the Board accepts the above resolution and hereby imposes the agreed-upon sanctions set forth herein.

Dated: 6/10/2019

  
For the Board of Liquor and Lottery