

APPROVED MINUTES

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

LCB Members Present: Stephanie O'Brien, Chair, Melissa Mazza-Paquette, Julian Sbardella and John Cassarino, Members.

Others Present: Patrick Delaney, Commissioner, Wesley Lawrence, Board Counsel, Jacob Humbert, Assistant Attorney General, William Goggins, Director, Education, Licensing & Enforcement, Laurie Pecor, Administrative Coordinator II and Ashley Griffin, Administrative Secretary.

9:30 a.m. Meeting begins.

1. Additions/Deletions to agenda – Bradford Agency Contract
2. Board actions on Draft minutes, Licenses and Decisions:
 - Minutes for meeting held April 8, 2016 – Approved
 - Board decisions – None
3. Bradford agency contract – Approved
4. Public Comment:
 - John Burnham, General Manager representing Taconic Hotel in Manchester, requests Board approval of a “Wine Hour” reception for registered guests.
 - Charles Greeno, owner representing Agony LLC, dba The Local, 24 Merchants Row, Rutland VT would like to discuss the wandering requirement that the Board imposed on his license. The Board will discuss this during the Enforcement action concerning Agony LLC.
5. Board Counsel update – The Board has retained Wesley Lawrence and his firm as Board Counsel. Motion carries. It is noted that the vote was unanimous.
6. 165 Church Street LLC, d/b/a Zen Lounge, 165 Church Street, Burlington. Re: violation of general regulation number 12, 13, 17 & 36. Representing 165 Church Street LLC is Attorney Andrew Manitsky.

- a) States Exhibit 1 is a photo of a yellow “21 and over” bracelet worn by Regal Spencer – States Exhibit 1 is admitted.
- b) States Exhibit 2 – This is a picture that Officer Kratochvil took of Mr. Spencer’s injuries – States Exhibit 2 is admitted.
- c) States Exhibit 3 is a photo of Mr. Spencer’s abrasion on left elbow as well as right wrist injuries with half casts – States Exhibit 3 is admitted.
- d) States Exhibit 4 Is the body camera video taken from Officer Drinkwine.
- e) Licensee Exhibit A is a strip of bracelets with clean lines. Licensee Exhibit A is admitted.
- f) Licensee Exhibit B – Regal Spencer’s medical records. Licensee Exhibit B is admitted.
- g) Licensee Exhibit C – Letter from Mr. Spencer’s attorney requesting insurance information – Licensee Exhibit C is admitted.
- h) Licensee Exhibit D – Photo taken by Licensee’s attorney of bottom five steps of stairs at Zen Lounge- Licensee Exhibit D is admitted.
- i) Licensee Exhibit E – VIP bracelet – Licensee Exhibit E is not admitted. Cannot be authenticated. **Exhibit E – VIP bracelet is admitted later on in testimony.**

10:40 a.m. Board recesses

10:46 a.m. Board reconvenes. 165 Church Street LLC, dba Zen Lounge hearing continues.

12:06 p.m. Board recesses for lunch.

12:48 p.m. Board reconvenes. Assistant Attorney General Jacob Humbert offers the Board an update on the rest of the cases on the agenda for today. Agony LLC, dba The Local will not be settled. C.D.P. Enterprises d/b/a Phat Kats Tavern renewal has come to a settlement agreement for the Board to consider and Selly Entertainment dba Karib will be continued to the next Board meeting in May.

12:53 p.m. C.D.P. Enterprises Inc., dba Phat Kat Tavern, 33 Depot Street, Lyndonville. Re: Renewal of license.

Board Decision: Settlement agreement with licensee is to renew license with the following conditions:

- 1) Owner Chad Pilotte will not consume any alcoholic beverages on the licensed premises at any time.**
- 2) Owner Chad Pilotte will not enter the licensed premises at any time after consuming alcoholic beverages.**
- 3) Owner Chad Pilotte will submit upon request to a preliminary breath/Alco sensor test by any Law Enforcement officer on the license premise.**

These three conditions would remain on the license in perpetuity unless and until the Board relieves the licensee of these conditions. Motion is made to accept the settlement agreement. Motion carries.

A motion is made by Member John Cassarino to add an addendum to the settlement agreement which would be that the renewal of the licensee's first and third class renewal is subject to the Local Town's approval. Motion carries.

1:06 p.m. Board recesses.

1:11 p.m. Board reconvenes. 165 Church Street, LLC dba Zen Lounge hearing continues.

3:25 p.m. The State and Licensee will submit Findings of Fact within 30 days of the date of this hearing. Case is concluded.

The hearing for Agony LLC, dba The Local will be rescheduled to the May 11, 2016.

3:35 p.m. Board enters executive session.

4:20 p.m. Board adjourns.

NEXT BOARD MEETING MAY 11, 2016