

BRATTLEBORO TOWN CLERK

230 Main Street, Suite 108
Brattleboro, Vermont 05301-2885

Telephone 802-251-8129
Fax 802-257-2312
Email acappy@brattleboro.org

MEMORANDUM

TO: Liquor Commissioners, Town of Brattleboro
VIA: Peter Elwell, Town Manager
FROM: Annette Cappy, Town Clerk
RE: DG Retail, LLC, d/b/a Dollar General Store #12210, Second Class Liquor License
DATE: October 13, 2016

November 15, 2016 Selectboard Meeting

DG Retail, LLC, d/b/a Dollar General, has been in operation at 23 Marlboro Road for several years. They are now seeking approval of a second class liquor license application.

There are no outstanding taxes or fees owed to the Town.

The establishment holds a valid Brattleboro Business License.

Attached is their second class liquor license application and addendum.

The application has been reviewed and approved by the Brattleboro Police and Fire Departments.

Following review by Local Liquor Commissioners, the application will be subject to review by the Vermont Department of Liquor Control for final action.

Ms. Merrill Bent of Woolmington, Campbell, Bernal & Bent, P. C. will be present at the Selectboard meeting to represent her clients and address any questions the Board may have.

cc: Fire
Police

20 16

12210

FIRST/SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION

LICENSE YEAR IS MAY 1ST THROUGH APRIL 30TH OF THE FOLLOWING YEAR

DG Retail, LLC

Print Full Name of Person, Partnership, Corporation, Club or LLC

Dollar General Store #12210

Doing Business As - Trade Name

23 Marlboro Rd.

Street and street number of premises covered by this application

Brattleboro, 05301

Town or City & Zip Code

802-254-1195

Telephone Number

100 Mission Ridge Goodlettsville, TN 37072

Mailing Address (if different from above)

Email address tax-beerandwinelicense@dollargeneral.com

Please circle appropriate categories

FIRST CLASS SECOND CLASS TOBACCO

Restaurant

Hotel

Club

Commercial Kitchen (a Liquor Control Commercial Caterer's License is needed with this license)

FEES:

FIRST CLASS LICENSE - \$115.00 to DLC and \$115.00 to Town/City

SECOND CLASS LICENSE - \$70.00 to DLC and \$70.00 to Town/City

TOBACCO LICENSE- (there is no fee for tobacco if applying for second class)

If applying for Tobacco only license please use the Tobacco Only form. Fee for this license is \$100.00 payable to DLC

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF Brattleboro, VERMONT

Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Liquor Control Board. Upon hearing, the Liquor Control Board may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Liquor Control Board have been violated, or that any statement, information or answers herein contained are false.

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING.

If this premise was previously licensed, please indicate name n/a

I/we are applying as: (please circle one)

- INDIVIDUAL
- PARTNERSHIP
- LIMITED LIABILITY COMPANY
- CORPORATION

Please fill in name and address of individual, partners, directors or members.

LEGAL NAME Lawrence Joseph Gatta STREET/CITY/STATE 100 Mission Ridge Goodlettsville, TN 37072

John William Garratt 100 Mission Ridge Goodlettsville, TN 37072

James W. Thorpe 100 Mission Ridge Goodlettsville, TN 37072

Are all of the above citizens of the UNITED STATES? Yes No
(Note: Resident Alien is not considered a U.S. Citizen)

If naturalized citizen, please complete the following:

Name _____ Court where naturalized (City/State/Zip) _____ Date _____

CORPORATE INFORMATION:

If you have checked the box marked CORPORATION, please fill out this information for stockholders (attach sheet if necessary).

LEGAL NAME _____ STREET/CITY/STATE _____

Date of incorporation _____ Is corporate charter now valid? _____

Corporate Federal Identification Number _____

Have you registered your corporation and/or trade name with the Town/City Clerk? _____ and/or Secretary of State? _____ (as required by VSA Title 11 § 1621, 1623 & 1625).

ALL APPLICANTS

HAVE ANY OF THE APPLICANTS EVER BEEN CONVICTED OR PLED GUILTY TO ANY CRIMINAL OR MOTOR VEHICLE OFFENSE IN ANY COURT OF LAW (INCLUDING TRAFFIC TICKETS) AT ANY TIME?

YES _____ X _____ NO _____

If yes, please complete the following information: (attached sheet if necessary)

Name	Court/Traffic Bureau	Offense	Date

Do any of the applicants hold any elective or appointive state, county, city, village/town office in Vermont? (See VSA, T.7, Ch. 9, §223) YES NO If yes, please complete the following information:

Name	Office	Jurisdiction

Please give name, title and date attended of manager, director, partner or individual who has attended a Liquor Control Licensee Education Seminar, as required by Education Regulation No. 3:

NAME: Melissa Bessette
TITLE: Store Manager
DATE: April 15, 2015

(If you have not attended an Education Seminar prior to making application, please visit www.liquorcontrol.vermont.gov and click on Seminar Schedule for a list of Seminars in your area)

FOR ALL APPLICANTS: DESCRIPTION /LOCATION OF PREMISES (Section 4)

Description of the premises to be licensed: West Brattleboro Plaza + 3 Acres - 1 story brick structure w/ multiple shop space

Does applicant own the premises described? No If not owned, does applicant lease the premises? yes

If leased, name and address of lessor who holds title to property: Ashe Controls Limited
23 Malboro Rd. Brattleboro, VT 05301

Are you making this application for the benefit of any other party? no

FIRST CLASS APPLICANTS ONLY: No first class license may be issued without the following information.

HEALTH LICENSE #/ Food _____ Lodging _____ (if licensed as a Hotel)

VERMONT TAX DEPARTMENT: Meals & Rooms Certificate/Business Account # _____

Business is devoted primarily to: (Circle one)
FOOD (restaurant) HOTEL CLUB COMMERCIAL CATERING BAR

If you are considering Outside Consumption service on decks, porches, cabanas, etc. you must complete an Outside Consumption Permit. This form can be found on our website at www.liquorcontrol.vermont.gov and then click on licensing and then forms.

ALL APPLICANTS MUST COMPLETE AND SIGN BELOW

The applicant(s) understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal repositories prior to acting on this application.

I/We hereby certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, §3113).

In accordance with 21 VSA, §1378 (b) I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

If applicant is applying as an individual: I hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to

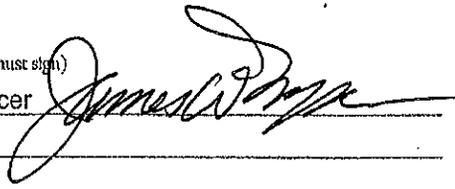
child support or am in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, §795).

Dated at _____ in the County of _____ and State of _____

this 4 day of oct, 2016

Corporations/Clubs: Signature of Authorized Agent Individuals/Partners: (All partners must sign)

James W. Thorpe, Secretary and Chief Merchandising Officer



(Title)

TOWN/CITY APPROVAL/DISAPPROVAL

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the applications and transmit both copies to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

Brattleboro, Vermont, 11/15/16
Town/City Date

APPROVED

DISAPPROVED

Approved/Disapproved by Board of Control Commissioners of the City or Town (circle one) of _____

Total Membership 5 members present

Attest, _____
City or Town Clerk

TOWN OR CITY CLERK SHALL MAIL ONE APPLICATION DIRECTLY TO THE DEPARTMENT OF LIQUOR CONTROL, 13 Green Mountain Drive, Montpelier, VT 05602. If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class application shall be considered binding except as taken or made at an open public meeting. VSA Title 1 §312.

SECTION 511 AND 512 OF THE INTERNAL REVENUE CODE OF 1954 REQUIRE EVERY RETAIL DEALER IN ALCOHOLIC BEVERAGES TO FILE A FORM ANNUALLY AND PAY A SPECIAL TAX IN CONNECTION WITH SUCH SALES ACTIVITY. FOR FURTHER INFORMATION, CONTACT:
THE BUREAU OF ALCOHOL, TOBACCO & FIREARMS (TTB) (513) 684-2979
DEPARTMENT OF THE TREASURY
550 MAIN STREET, CINCINNATI, OH 45202

NOTICE: All new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Liquor Control Board. Please note that this process can take anywhere from 2 weeks to 6 weeks to complete once Liquor Control receives the application.

BRATTLEBORO ADDENDUM TO STATE OF VERMONT LIQUOR AND TOBACCO LICENSE APPLICATION

Additional Criteria for Awarding a License Adopted by Brattleboro Selectboard February 21, 2012

- 1. A new licensee must be present at the Selectboard meeting where the license is being discussed. A meeting date and time will be provided to you by the town clerk.
2. The licensee will provide information on whether he/she has held a prior liquor license and, if so, where and when that license was held.
3. Establishments shall prepare a written Alcohol Sales Policy identifying steps that staff must take for every transaction. This policy shall include:
a.) Checking identification - including what perceived age triggers an identification check; what are acceptable forms of identification; and when is a second form of identification required
b.) Identifying fake identification and/or third party sales - including what to do if an identification appears to be fake or a third party sale is suspected.
c.) Dealing with intoxicated/disruptive customers - including how to deny a sale.
d.) Procedure for contacting law enforcement and keeping records of occurrences.
e.) Consequences/corrective actions for staff who fail to check ids, serve intoxicated customers or violate relevant laws pertaining to the sale/serving of alcohol.

For sample of a written Alcohol Sales Policy go to

http://www.brattleboroareapreventioncoalition.org/index.php?option=com_content&view=section&layout=blog&id=3&Itemid=4

- 4. Licensees must respond in writing to a Notice of Alcohol-Related Incident issued by the Brattleboro Police Department within two weeks of when the notice is mailed.
5. When a liquor license is renewed, information regarding violations (including whether or not licensee responded to alcohol violations within the two-week period) will be given to the Selectboard prior to the meeting at which the renewal is to be discussed.
6. Establishment must be in possession of a valid Brattleboro Business license. For more information regarding a business license, contact Brattleboro Listers' Office 802-251-8115.
7. All property taxes, water, sewer, or related fees, costs or penalties applicable by law and due the Town of Brattleboro as of the date of application or renewal must be current.

Has the applicant held a prior liquor license in any State. YES [X] NO [] PLEASE SEE ATTACHED

If yes, please answer the following:

- a. Name of establishment(s)
b. Physical Address Street Town, State
c. Mailing Address
d. From date Until date
Use additional sheets if necessary.

I hereby certify that I have read the above and will abide by State and local requirements.

Lynn Parker, Licensing Team Leader
please print name of Applicant or Authorized agent
Signature of applicant or authorized agent

Name of establishment (please print) Dollar General Store # 12210

Failure to comply with above may result in denial or revocation of liquor license.

DG Retail LLC has approximately 100 Beer/wine licenses in the following states:

Arizona

Kansas

Maine

New Hampshire

Oregon

Vermont

"Dollar General Corporate" various entities have over 6600 Beer/wine and liquor licenses in over 25 states.