

Department of Liquor Control

Report to the House Committee on General, Housing & Military Affairs, Senate Committee on Economic Development, Housing & General Affairs, & Tobacco Evaluation Review Board For Tobacco Compliance Tests Conducted During Calendar Year 2014

January 15, 2015



January 15, 2015

House Committee on General, Housing & Military Affairs

Senate Committee on Economic Development, Housing & General Affairs

Tobacco Evaluation & Review Board

Pursuant to Section 13(c) of Act No 58 of 1997 and 2 V.S.A. § 22, there is enclosed our Department's report on tobacco compliance tests conducted during the calendar year 2014.

Sincerely,

Michael Abogan

Michael J. Hogan Commissioner of Liquor Control

Act 58 Report Summary-2014

The Department of Liquor Control conducted tobacco compliance tests as required by Act No. 58 of 1997 for the calendar year of 2014. The overall percentage of those licensees who did not sell tobacco to minors was 91%. It should be noted that the total number of licensees checked for compliance are made up of individual clerks who are trained by DLC, trained by their employer, or not trained at all. Also, Vermont is one of a few states to use 17-year-olds exclusively for compliance tests. Vermont's compliance data is statistically incomparable to that of other states using 15 and 16 year old minors.

As of July 1, 2008, the Department of Liquor Control is issuing tobacco licenses after the Legislature passed (H149). This will allow the department to have a more accurate database of information for licensing and compliance testing.

Some national studies indicate that aggressive enforcement programs that have raised compliance rates in the mid-to-high 80% range have had no impact upon teenage tobacco use rates (in part because of a shift to social sources when commercial sources are less plentiful). The Vermont Department of Liquor Control (DLC) has observed a strong correlation between education of licensees and their employees and increased success in compliance testing rates. For licensees educated by Vermont Department of Liquor Control's Education Division, rates of tobacco compliance have consistently (over the past 12 months) exceeded a 90% success rate, with an average of 93% (see attachments).

The need to encourage licensees and their employees to attend DLC seminars is underscored by this data.

Tobacco Compliance Tests Conducted During Calendar Year 2014

This report is called for by section 13 (c), Act No. 58 of 1997.

1. BACKGROUND: TOBACCO COMPLIANCE TESTS

"Federal law requires that all states, as a condition of receiving substance abuse prevention and treatment block grant funding, comply with section 1926 of the Public Health Service Act, otherwise known as the "Synar Amendment." In order to meet this requirement, states must have demonstrated a measurable reduction in retail tobacco sales to underage youth in the years subsequent to the "Synar Amendment" and to demonstrate a continuation of the reductions in sales.

One major component of the federal requirement is that states must conduct a statewide retail "compliance check" survey. The purpose of this survey is to gather information regarding the prevalence of illegal retail sales of tobacco products to underage youth. This survey is conducted on an annual basis as an ongoing measure to gauge progress in decreasing the incidence of such sales. The information gathered in the survey is reported annually to the U.S. Department of Health and Human Services, in compliance with the federal Synar legislation." (1997 Synar, State of Wisconsin Website)

"In July 1992, Congress enacted the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act (P.L. 103-321), which includes an amendment (Section 1926) aimed at decreasing access to tobacco products among individuals under the age of 18. Named for its sponsor, Congressman Mike Synar of Oklahoma, the Synar Regulation requires states to enact and enforce laws prohibiting any manufacturer, retailer, or distributor from selling or distributing tobacco products to individuals under the age of 18. The goal of the amendment is to reduce the number of successful illegal purchases by minors to no more than 20% in each state within a negotiated time period." (Synar Regulation: Sample Design Guidance, Center for Substance Abuse Prevention, 1996)

Funding for Compliance Checks in Vermont 1997

Section 12, Act No. 58 of 1997 directed the Department of Liquor Control (DLC) to carry out "compliance tests of tobacco licensees as frequently and as comprehensively as necessary to assure consistent statewide compliance with the prohibition on sales to minors of at least 90 percent for 17-year old buyers." Prior to Act 58, the Department of Liquor Control conducted tobacco compliance tests that met the Federal Synar requirements. The Department of Liquor Control funded these tests.

1998

1999

Section 71 of the FY98 Appropriations Act (Act No. 61 of 1997) appropriated \$80,000 to the Department "to purchase contract services to provide compliance checks and enforcement relating to the sale of tobacco products to minors." Pursuant to this authority and appropriation, the Department issued a request for proposals to carry out these tests. After going through the RFP process, Thomas Radecki, doing business as Doctors & Lawyers for a Drug Free Youth in Carbondale, Illinois, was the sole bidder.

The Department entered into a contract, for an amount not to exceed \$50,000, to carry out these tests in calendar year 1998. February-September 1998 compliance tests also conformed to protocols and sampling methods, supplied to the Liquor Control Department by the Vermont Department of Health, to comply with the requirements of the Federal Government's Synar regulations. The contract with Mr. Radecki terminated Oct. 31, 1998. The cost for contract services totaled \$20,034.

The Legislature declined to make any appropriation for fiscal year 1999 compliance tests and indicated the Department should accept a contract from the Federal Food & Drug Administration under which Department of Liquor Control employees would carry out tobacco compliance checks for the FDA. Pursuant to the Legislature's directive, the Department entered into such a contract with the FDA.

In September 1998, DLC applied for the FDA grant. The grant period was initially for 9-98 to 9-99. In November 1998 the FDA Grant was delayed by the Joint Fiscal Committee for Legislative review in the 1999 Legislative session. The Legislature approved the grant in May 1999 and the Department conducted its first FDA Grant compliance test that month. The Department conducted 1,184 tests from May to December 1999. Of that amount, 243 licensees sold tobacco products to minors, resulting in a 79% compliance rate.

2000

The Department continued its tobacco compliance program in 2000, funded by the FDA grant. Beginning in 2000, during compliance tests, an additional enforcement officer now accompanies the minor and functions as a witness for the attempted purchase of tobacco products. Minors working with DLC for these "stings" are also now required to sign a form that explains the procedures for the compliance tests (see attachments). Additionally, tobacco education is now funded as part of the Alcohol Server Training Program provided to those licensees that hold both alcohol and tobacco licenses. The Department's Education Unit also offers Tobacco Education to those licensees who request it.

On March 21, 2000, the U.S. Supreme Court ruled that the FDA lacks the authority to regulate tobacco products. The FDA grant ended abruptly. DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2000 through December 2000. The number of licensees sampled was 1320. Those selling to 17-year-old minors totaled 298, or 23%. Those not selling to 17 year old minors totaled

1,022, or 77%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 298 licensees who failed the compliance test by selling to a minor, 227 asked for ID and 71 did not.

2001

DLC complied with Act 58, and the Department again used monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2001 through December 2001. The numbers of licensees sampled were 1,279. Those selling to 17-year-old minors totaled 231, or 18%. Those not selling to 17 year old minors totaled 1,048, or 82%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 230 licensees who failed the compliance test by selling to a minor, 164 asked for ID and 66 did not.

2002

DLC complied with Act 58, and the Department again used monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2002 through December 2002. The numbers of licensees sampled were 1,086. Those selling to 17-year-old minors totaled 155, or 14%. Those not selling to 17 year old minors totaled 931, or 86%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 155 licensees who failed the compliance test by selling to a minor, 112 asked for ID and 43 did not.

2003

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2003 through December 2003. The number of licensees sampled was 1,111. Those who sold to 17-year-old minors were 172 or 15%. Those not selling to 17 year old minors were 939 or 85%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 172 licensees who failed the compliance test by selling to a minor, 124 asked for ID and 48 did not.

2004

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2004 through December 2004. The number of licensees sampled was 1,614. Those who sold to 17-year-old minors were 179 or 11%. Those not selling to 17 year old minors were 1,435 or 89%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 179 licensees who failed the compliance test by selling to a minor, 110 asked for ID and 69 did not.

2005

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2005 through December 2005. The number of licensees sampled was 1,421. Those who sold to 17-year-old minors were 179 or 13%. Those not selling to 17 year old minors were 1,242 or 87%. The results were further drilled down revealing how many sellers asked purchasers for

an ID and how many did not, results are as follows. Of the 179 licensees who failed the compliance test by selling to a minor, 108 asked for ID and 71 did not.

2006

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2006 through December 2006. The number of licensees sampled was 1,523. Those who sold to 17-year-old minors were 177 or 12%. Those not selling to 17 year old minors were 1,346 or 88%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 177 licensees who failed the compliance test by selling to a minor, 108 asked for ID and 69 did not.

2007

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2007 through December 2007. The number of licensees sampled was 1,434. Those who sold to 17-year-old minors were 188 or 13%. Those not selling to 17 year old minors were 1,246 or 87%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 188 licensees who failed the compliance test by selling to a minor, 86 asked for ID and 102 did not.

2008

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2008 through December 2008. The number of licensees sampled was 1,436. Those who sold to 17-year-old minors were 165 or 11%. Those not selling to 17 year old minors were 1,271 or 89%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 165 licensees who failed the compliance test by selling to a minor, 86 asked for ID and 79 did not.

2009

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2009 through December 2009. The number of licensees sampled was 742. Those who sold to 17-year-old minors were 79 or 10.7%. Those not selling to 17 year old minors were 663 or 89.3%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 79 licensees who failed the compliance test by selling to a minor, 43 asked for ID and 36 did not.

2010

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2010 through December 2010. The number of licensees sampled was 909. Those who sold to 17-year-old minors were 106 or 11.6%. Those not selling to 17 year old minors were 803 or 88.4%. The results were further drilled down revealing how many sellers asked purchasers for an

ID and how many did not, results are as follows. Of the 106 licensees who failed the compliance test by selling to a minor, 83 asked for ID and 23 did not.

2011

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2011 through December 2011. The number of licensees sampled was 899. Those who sold to 17-year-old minors were 89 or 9%. Those not selling to 17 year old minors were 899 or 91%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 89 licensees who failed the compliance test by selling to a minor, 57 asked for ID and 32 did not.

2012

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2012 through December 2012. The number of licensees sampled was 968. Those who sold to 17-year-old minors were 94 or 10%. Those not selling to 17 year old minors were 874 or 90%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 94 licensees who failed the compliance test by selling to a minor, 73 asked for ID and 21 did not.

2013

DLC complied with Act 58, and the Department began using monies appropriated from the National Master Tobacco Settlement. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol. The tobacco compliance tests were conducted from January 2013 through December 2013. The number of licensees sampled was 1265. Those who sold to 17-year-old minors were 118 or 9%. Those not selling to 17 year old minors were 1147 or 91%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not, results are as follows. Of the 118 licensees who failed the compliance test by selling to a minor, 92 asked for ID and 26 did not.

2. <u>COMPLIANCE TESTS RESULTS, BEFORE 2014</u>

The Department of Liquor Control conducted its first tobacco compliance tests in December 1994 and January 1995.

Four other compliance tests were carried out in 1996, two tests in 1997, eight in 1998, seven in 1999, twelve in 2000-2012. The results of these compliance tests were as follows:

SURVEY #1 - December 1994-December 1996

# Licensees Sampled	1389	100%
# Licensees who sold tobacco products	435	31%
# Licensees not selling	954	69%

SURVEY #2 – June 1997 (SYNR)

# Licensees Sampled	465	100%
# Licensees who sold tobacco products	36	8%
# Licensees not selling	429	92%

SURVEY #3 - November 1997 (Chewing Tobacco)

# Licensees Sampled	222	100%
# Licensees who sold tobacco products	17	8%
# Licensees not selling	205	92%

SURVEY #4 – February-September 1998 (Radecki)

# Licensees Sampled	2007	100%
# Licensees who sold tobacco products	155	8%
# Licensees not selling	1852	92%

SURVEY #5 - May- December 1999 (FDA Grant)

# Licensees Sampled	1184	100%
# Licensees who sold tobacco products	243	21%
# Licensees not selling	941	79%

SURVEY #6 -Jan-December 2000(Master Settlement Monies)

# Licensees Sampled	1320	100%
# Licensees who sold tobacco products	298	23%
# Licensees not selling	1022	77%

SURVEY #7 - Jan - December 2001 (Master Settlement Monies)

# Licensees Sampled	1279	100%
# Licensees who sold tobacco products	231	18%
# Licensees not selling	1048	82%

SURVEY #8 Jan-December 2002 (Master Settlement Monies)

# Licensees Sampled	1086	100%
# Licensees who sold tobacco	155	14%
# Licensees not selling	931	86%

SURVEY #9 Jan-December 2003 (Master Settlement Monies)

# Licensees Sampled	1111	100%
# Licensees who sold tobacco	172	15%
# Licensees not selling	939	85%

SURVEY #10 Jan-December 2004 (Master Settlement Monies)

# Licensees Sampled	1614	100%
# Licensees who sold tobacco	179	11%
# Licensees not selling	1435	89%

SURVEY #11 Jan-December 2005 (Master Settlement Monies)

# Licensees Sampled	1421	100%
# Licensees who sold tobacco	179	13%
# Licensees not selling	1242	87%

SURVEY #12 Jan-December 2006 (Master Settlement Monies)

# Licensees Sampled	1523	100%
# Licensees who sold tobacco	177	12%
# Licensees not selling	1346	88%

SURVEY #13 Jan-December 2007 (Master Settlement Monies)

# Licensees Sampled	1434	100%
# Licensees who sold tobacco	188	13%
# Licensees not selling	1246	87%

SURVEY #14 Jan-December 2008 (Master Settlement Monies)

# Licensees Sampled	1436	100%
# Licensees who sold tobacco	165	11%
# Licensees not selling	1271	89%

SURVEY #15 Jan-December 2009 (Master Settlement Monies)

# Licensees Sampled	742	100%
# Licensees who sold tobacco	79	10.7%
# Licensees not selling	663	89.3%

# Licensees Sampled	909	100%
# Licensees who sold tobacco	106	11.6%
# Licensees not selling	803	88.4%

SURVEY #17 Jan-December 2011 (Master Settlement Monies)

# Licensees Sampled	988	100%
# Licensees who sold tobacco	89	9%
# Licensees not selling	899	91%

SURVEY #18 Jan-December 2012 (Master Settlement Monies)

# Licensees Sampled	968	100%
# Licensees who sold tobacco	94	10%
# Licensees not selling	874	90%

SURVEY #19 Jan-December 2013 (Master Settlement Monies)

# Licensees Sampled	1265	100%
# Licensees who sold tobacco	118	9%
# Licensees not selling	1147	91%

3. METHODOLOGY AND PROCEDURES

All compliance tests are carried out using procedures approved by the Vermont Attorney General's Office. With written parental permission, youth (minors) participate with the Department to help perform the compliance checks, also called "stings."

The selection of retailers to be tested is made by the Department of Liquor Control, utilizing software designed to randomly select retailers for testing from a database that is updated the first of every month. The following procedures are used in conducting tobacco compliance surveys:

Tobacco Compliance Test Procedures

DLC Requires:

- That written parental permission be obtained for participating youth (minors).
- A copy of the participating youth's birth certificate and a photograph for DLC's file.
- That participating youth will be supervised <u>at all times</u> by a Liquor Control Investigator. The Liquor Control Investigator will remain outside the establishment and in close proximity, or may enter shortly after the youth enters. An additional enforcement officer enters the establishment as a witness to verify the events taking place and also to assist in case the minor is threatened in any way.
- That participating youth will be given the money for the attempted purchase by a Liquor Control Investigator. The Investigator notes the amount of money given to the youth prior to entering the establishment.
- That participating youth will be instructed <u>not to misrepresent</u> their age or pressure the clerk to sell tobacco products.
- That participating youth will present valid photographic identification, if asked, when attempting to purchase tobacco products.
- That if asked about his/her age, the youth will admit to their correct age.
- That upon entering the tobacco-selling establishment the youth will attempt to observe the clerk selling the tobacco products to obtain a good physical description.
- That after the purchase attempt, the youth will exit with or without the tobacco products.
- That if tobacco products are purchased, an identifying sticker will be placed on the product to identify it with the tobacco compliance report, to be completed immediately.
- That after conducting tobacco compliance tests (immediately afterward or at least within three days), the Liquor Control Investigator will inform licensees

who sold tobacco products to youths. A citation is issued to the clerk by the Liquor Control Investigator who is then available to explain any penalties the licensee has incurred.

• That payment for assisting with the tobacco compliance check will be delivered to participating minor at a later date.

NOTES ON THE AGES OF THE MINORS USED IN THE COMPLIANCE TESTS

When the Department began conducting tobacco compliance tests, the age of the minors ranged from 14 to 17, with most minors being 15 or 16.

Section 13 (a), Act No. 58 of 1997 directs the Department to carry out "compliance tests of tobacco licensees as frequently and as comprehensively as necessary to assure consistent statewide compliance with the prohibition on sales to minors of at least 90 percent for 17-year old buyers."

Section 13 (a) took effect on July 1, 1997, after the 1997 cigarette compliance test had been completed. This test was carried out to comply with the Federal Government's Synar mandate. The Federal Government recommends that 15 and 16-year olds be used in the Synar tests, and most, but not all, of the minors in this test were 15 and 16.

The majority of minors used in the Department's first chewing tobacco sting, November 1997, consisted of 15 and 16-year olds. This was done so the chewing tobacco results could be compared with the cigarette tests without the distortion in comparative results that might occur if only 17-year olds were used. The Department currently uses 17-year old minors exclusively.

4. <u>TEST RESULTS FOR CALENDAR 2014</u>: The Department is using monies from the FDA under a renewable contract every three years. Some monies appropriated from the National Master Tobacco Settlement to comply with Act 58 are also used mainly for training and some compliance. These monies continue to fund our tobacco compliance program and ongoing education efforts for tobacco and alcohol.

The tobacco compliance tests were conducted from January 2014 through December 2014. The number of licensees sampled was 727. Those who sold to 17-year-old minors were 83 or 11%. Those not selling to 17 year old minors were 644 or 89%. The results were further drilled down revealing how many sellers asked purchasers for an ID and how many did not. (See Attachments for details). Of the 83 licensees who failed the compliance test by selling to a minor, 62 asked for ID and 21 did not.

The Department also conducted 299 advertising and labeling tests with a 100% compliance or no failures.

Tobacco Compliance Tests (Januar	ry 2014- December 20	14)-Calendar
# Licensees Sampled	727 10	00%
# Licensees who sold tobacco	83 1	1%
# Licensees not selling	644 8	39 %

The Department of Liquor Control, as mentioned above, has a dedicated Education Unit that travels all over the state conducting seminars on tobacco and alcohol laws. Tobacco Law is also a part of our overall Alcohol Servers Program. The Department issues signage for stores stating the law regulating the sale of tobacco products (VSA Title 7 Chapter 40). Colored stickers are issued as well, to help clerks calculate the date for tobacco and alcohol sales after reviewing birth dates on driver's licenses. DLC recommends that these stickers be prominently placed on or near the licensee's cash register to support and assist compliance efforts. Books are available showing all 50 states driver's licenses, as well as tear off sheets with dates for age calculation and various wall and counter posters on sales

of tobacco to minors, to aid clerks in carrying out the laws regulating the sale of tobacco and alcohol.

5. <u>LEGISLATIVE CHANGES</u>

<u>MANDATORY TOBACCO EDUCATION</u>

The 2001-2002 legislature enacted mandatory tobacco education: Sec. 2. 7 V.S.A. § 1002a is added to read:

§ 1002a. LICENSEE EDUCATION

(a) An applicant for a tobacco license that does not hold a liquor license issued under this title shall be granted a tobacco license pursuant to section 1002 of this title only after the applicant has met with a liquor control investigator for the purpose of being informed about the Vermont tobacco laws pertaining to the purchase, storage and sale of tobacco products. A corporation, partnership or association shall designate a director, partner or manager to comply with the requirements of this subsection.

(b) The holder of a tobacco license that does not also hold a liquor license issued pursuant to this title for the same premises shall:

(1) Complete the department's enforcement seminar at least once every three years. A corporation, partnership or association shall designate a director, partner or manager to comply with this subdivision.

(2) Ensure that every employee involved in the sale of tobacco products completes a training program approved by the department of liquor control before the employee begins selling or providing tobacco products, and at least once every 24 months thereafter. A licensee may comply with this subdivision by conducting its own training program on its premises using information and materials furnished by the department of liquor control. A licensee who fails to comply with the requirements of this subsection shall be subject to suspension of the tobacco license for no less than one day. Approved: June 21, 2002

COMPLIANCE TEST WARNING TO TOBACCO LICENSEES FOR 1ST OFFENSE

Sec. 1. 7 V.S.A. § 236(b) is amended to read:

(b) As an alternative to and in lieu of the authority to suspend or revoke any permit or license, the liquor control board shall also have the power to impose an administrative penalty of up to \$2,500.00 per violation against a holder of a wholesale dealer's license or a holder of a first, second or third class license for a violation of the conditions under which the license was issued or of this title or of any rule or regulation adopted by the board. The administrative penalty may be imposed after a hearing before the board or after the licensee has been convicted by a court of competent jurisdiction of violating the provisions of this title. The board may also impose an administrative penalty under this subsection against a holder of a tobacco license for up to \$100.00 for a first violation and up to \$1,000.00 for subsequent violations. <u>For the first violation during a tobacco or alcohol compliance check during any three-year period, a licensee shall receive a warning and be required to attend a department server training class.</u>

Newly adopted regulations: Effective September 1, 2005

20

Regulation 15: No person under sixteen years of age shall be permitted to sell

alcoholic liquor or tobacco on a paid or voluntary basis within or in connection with

the establishment of any licensee holding a second-class license.

As of July 1, 2008, the Department of Liquor Control is issuing tobacco licenses after the Legislature passed (H149). This will allow the department to have a more accurate database of information for licensing and compliance testing.

The department has started on-line training effective December 2010.

6. <u>COMPLIANCE TEST PLANS FOR CALENDAR YEAR 2015</u> The Department of Liquor Control will test licensees as frequently as necessary to assure statewide compliance with the prohibition on sales to minors of at least 90% for 17-year old buyers. DLC will also continue its mandated education program to licensees and their employees. The effectiveness of this program can be seen in recent statistics that show a 92% success rate for those licensee's employees who attend DLC seminars.

The Department is currently under contract with the FDA to do compliance testing. The compliance tests started in September 2014. The data from these tests will be used to meet the requirements of Act 58 and the Federal Synar requirement.

The advertising and labeling tests started in June 2014 and were completed with a 100% compliance rate for the calendar year. Those tests will continue in 2015 as part of the contract requirements from the FDA.

Respectfully submitted,

Michael Mogan

MICHAEL J. HOGAN Commissioner of Liquor Control January 15, 2015

ATTACHMENTS:

- Tobacco Compliance Survey Results- January-December 2014
- Monthly Results- January- December 2014
- Effectiveness of DLC Educational Training
- Procedures for Tobacco Purchase Compliance Survey
- Penalty Schedule For Tobacco Compliance Tests

Month	Licensees Sampled	Licensees That Sold		License Did No	
January 2014	113	11	10%	102	90%
February 2014	109	8	7%	101	93%
March 2014	115	9	8%	106	92%
April 2014	115	18	16%	97	84%
May 2014	109	16	15%	93	85%
September 2014	25	1	4%	24	96%
October 2014	55	6	11%	49	89%
November 2013	29	6	21%	23	79%
December 2013	57	8	14%	49	86%
TOTAL	727	83	11%	644	89%

Tobacco Compliance Survey Results by Month January 2014 thru December 2014

County	Licensees Sampled	Licensees T	hat Sold	Licensee Did Not S	
Bennington	9	0	0%	9	100%
Caledonia	10	1	10%	9	90%
Chittenden	37	6	16%	31	84%
Orange	11	2	18%	9	82%
Rutland	20	0	0%	20	100%
Washington	10	1	10%	9	90%
Windham	8	1	13%	7	88%
Windsor	8	0	0%	8	100%
TOTAL	113	11	10%	102	90%

Tobacco Compliance Survey Results by County January 2014

Of the 11 tobacco licensees who sold tobacco products to a minor (17 years old), 8 requested valid photographic identification from the minor and made the sale. 3 did not ask for identification.

County	Licensees Sampled	Licensees T	hat Sold	Licensees Did Not S	
Addison	19	2	11%	17	89%
Bennington	6	1	17%	5	83%
Chittenden	19	1	5%	18	95%
Franklin	9	1	11%	8	89%
Lamoille	10	1	10%	9	90%
Orange	10	0	0%	10	100%
Orleans	10	0	0%	10	100%
Rutland	10	0	0%	10	100%
Windham	6	1	17%	5	83%
Windsor	10	1	10%	9	90%
TOTAL	109	8	7%	101	93%

Tobacco Compliance Survey Results by County February 2014

Of the 8 tobacco licensees who sold tobacco products to a minor (17 years old), 7 requested valid photographic identification from the minor and made the sale. 1 did not ask for identification.

County	nty Sampled		Licensees That Sold		Licensees That Did Not Sell		
Addison	13	1	8%	12	92%		
Bennington	9	1	11%	8	89%		
Caledonia	9	0	0%	9	100%		
Chittenden	21	1	5%	20	95%		
Franklin	5	1	20%	4	80%		
Lamoille	8	2	25%	6	75%		
Rutland	15	1	7%	14	93%		
Washington	16	0	0%	16	100%		
Windham	10	1	10%	9	90%		
Windsor	9	1	11%	8	89%		
TOTAL	115	9	8%	106	92%		

Tobacco Compliance Survey Results by County

March 2014

Of the 9 tobacco licensees who sold tobacco products to a minor (17 years old), 6 requested valid photographic identification from the minor and made the sale. 3 did not ask for identification.

Licensees **Licensees That** County **Licensees That Sold Did Not Sell** Sampled Addison 2 0 0% 100% 2 Bennington 6 1 17% 5 83% 3 0 3 Caledonia 0% 100% 8 Chittenden 30 27% 22 73% Franklin 89% 9 1 11% 8 10 2 8 Lamoille 20% 80% 2 Orange 1 50% 1 50% Orleans 8 0 0% 8 100% Rutland 15 1 7% 14 93% Windham 1 9 90% 10 10% 3 Windsor 20 17 15% 85% 97 TOTAL 115 18 84% 16%

Tobacco Compliance Survey Results by County April 2014

Of the 18 tobacco licensees who sold tobacco products to a minor (17 years old), 15 requested valid photographic identification from the minor and made the sale. 3 did not ask for identification.

Tobacco Compliance Survey Results by County May 2014

Licensees **Licensees That** County **Licensees That Sold Did Not Sell** Sampled Addison 0% 100% 5 0 5 9 2 7 Bennington 22% 78% 28 Chittenden 4 14% 24 86% 9 2 7 Grand Isle 22% 78% 9 Lamoille 7 2 22% 78% 8 7 Orleans 1 13% 88% Rutland 13 3 23% 10 77% Washington 11 1 9% 10 91% 8 Windham 1 13% 7 88% 9 9 Windsor 0 100% 0% 109 16 93 TOTAL 15% 85%

Of the 16 tobacco licensees who sold tobacco products to a minor (17 years old), 11 requested valid photographic identification from the minor and made the sale. 5 did

not ask for identification.

County	Licensees Sampled	Licensees That Sold		Licensees That Did Not Sell	
Chittenden	14	1	7%	13	93%
Franklin	2	0	0%	2	100%
Orange	1	0	0%	1	100%
Washington	3	0	0%	3	100%
Windham	1	0	0%	1	100%
Windsor	4	0	0%	4	100%
TOTAL	25	1	4%	24	96%

Tobacco Compliance Survey Results by County September 2014

Of the 1 tobacco licensees who sold tobacco products to a minor (17 years old), 1 requested valid photographic identification from the minor and made the sale. 0 did not ask for identification.

County	Licensees Sampled	Licensees That Sold		Licensees That Did Not Sell	
Addison	3	0	0%	3	100%
Caledonia	7	0	0%	7	100%
Chittenden	10	0	0%	10	100%
Lamoille	1	0	0%	1	100%
Orange	1	0	0%	1	100%
Orleans	4	0	0%	4	100%
Rutland	6	1	17%	5	83%
Washington	18	4	22%	14	78%
Windsor	5	1	20%	4	80%
TOTAL	55	6	11%	49	89%

Tobacco Compliance Survey Results by County October 2014

Of the 6 tobacco licensees who sold tobacco products to a minor (17 years old), 3 requested valid photographic identification from the minor and made the sale. 3 did not ask for identification.

County	Licensees Sampled Licensees That Sold		Licensees That Did Not Sell		
Addison	1	0	0%	1	100%
Bennington	6	2	33%	4	67%
Orange	2	0	0%	2	100%
Rutland	6	2	33%	4	67%
Washington	3	0	0%	3	100%
Windham	5	2	40%	3	60%
Windsor	6	0	0%	6	100%
TOTAL	29	6	21%	23	79%

Tobacco Compliance Survey Results by County November 2014

Of the 6 tobacco licensees who sold tobacco products to a minor (17 years old), 3 requested valid photographic identification from the minor and made the sale. 3 did not ask for identification.

County	Licensees Sampled	Licensees That Sold		Licensees That Did Not Sell		
Addison	2	1	50%	1	50%	
Caledonia	6	0	0%	6	100%	
Chittenden	18	0	0%	18	100%	
Essex	1	0	0%	1	100%	
Orange	5	0	0%	5	100%	
Orleans	2	0	0%	2	100%	
Rutland	16	6	38%	10	63%	
Washington	6	1	17%	5	83%	
Windsor	1	0	0%	1	100%	
TOTAL	57	8	14%	49	86%	

Tobacco Compliance Survey Results by County December 2014

Of the 8 tobacco licensees who sold tobacco products to a minor (17 years old), 8 requested valid photographic identification from the minor and made the sale. 0 did not ask for identification.

Monday, January 12, 2015	Vermont Department of Liquor Control Education, Licensing and Enforcement				
January 2014 thru December 2014	Employee Training Counts				
	Number of Employees	Sold	Did Not Sell		
First Class					
Attended seminars	52	1	51		
Online seminars	25	3	22		
Trained in-house	37	4	33		
Were not trained	14	1	13		
Second Class					
Attended seminars	158	14	144		
Online seminars	56	8	48		
Trained in-house	308	32	276		
Were not trained	6	1	5		
Тоbacco					
Attended seminars	206	16	190		
Online seminars	95	6	89		
Trained in-house	405	55	350		
Were not trained	21	6	15		
Total					
Attended seminars	416	31	385		
Online seminars	176	17	159		
Trained in-house	750	91	659		
Were not trained	41	8	33		

Page 1

VERMONT DEPARTMENT OF LIQUOR CONTROL Education, Licensing & Enforcement Division

PROCEDURES FOR TOBACCO PURCHASE COMPLIANCE SURVEY

- 1. Written parental permission must be obtained.
- 2. A copy of the minor's birth certificate, health insurance card, photo ID and photograph must be obtained for the file.
- 3. Participating minor will be supervised <u>at all times</u> by a Liquor Control Investigator. Liquor Control Investigator will remain outside the establishment and in close proximity, or may enter shortly after minor enters.
- 4. Participating minor will be given the money for the attempted purchase. Investigator to note amount of money given to the minor prior to entering the establishment.
- 5. Participating minor will be instructed to not misrepresent their age or pressure clerk to sell tobacco products.
- 6. Participating minor will present valid photographic identification if asked when attempting to purchase tobacco products.
- 7. If asked about his/her age, the minor will admit to his/her correct age.
- 8. Upon entering the tobacco selling establishment the minor will attempt to observe the clerk selling the tobacco products to obtain a good description.
- 9. After the purchase attempt, the minor will exit with or without the tobacco products.
- 10. If tobacco products are purchased, an identifying sticker will be placed on the product to identify it with the Tobacco compliance report, which will be completed immediately.
- 11. After conducting tobacco stings (immediately afterward or at least within three days), the Liquor Control Investigator will inform licensees who sold tobacco products to youths.
- 12. Payment will be delivered to participating minor at a later date.
- 13. The minor information sheet for each participating minor will need to be submitted to the Montpelier office in order for payment to be remitted.

I,_____, acknowledge that I have read and have had these procedures

explained to me by Investigator______and that I understand them.

Signature

Date

Enf. Div. 12/14

TOBACCO COMPLIANCE VIOLATION PENALTY SCHEDULE

Compliance penalty schedule for tobacco licensees, for failing a State conducted "compliance check" operation.

1 st Offense:	Warning
2 nd Offense:	\$ 100 fine
3 rd Offense:	\$ 250 fine
4 th Offense:	\$ 500 fine
5 th Offense:	\$ 750 fine
6 th Offense:	Mandatory Hearing

Any violation by a tobacco licensee (7 V.S.A. 1003a) after a first sale violation or during a compliance test conducted within six months of a previous violation shall be considered a multiple violation and shall result in the minimum license suspension in addition to any other penalties available under this title. Minimum license suspensions for multiple violations shall be assessed as follows: (1) Two violations- One weekday, (2) Three violations- Two weekdays, (3) Four violations- Three weekdays, (4) Five violations- Three weekend days, Friday through Sunday.

Or the Licensee may appeal to the Board at any time for a hearing on the merits, at which time, if the Board determines that a violation has occurred, it will impose such penalty as in its discretion it deems appropriate. The Board will also take into account any mitigating circumstances such as the licensee's history of compliance.

Note1: Mandatory training for the licensee and its employees <u>including the person who</u> <u>sold</u> is required under the first and second offense for fine, suspension, or warning. The Department of Liquor Control will require that a list of all employees attending the mandatory training be sent to its offices in Montpelier. Note2: If no compliance test violation occurs during a 3-year period, the oldest compliance test violation will be removed from the licensee's history record of compliance. VSA 236(b)

DLC July 1, 2002

Advertising & Labeling Inspections of Tobacco Product Retailers 01/01/14 - 12/31/14

Total # of checks: 299 with 0 Violations

Retailer Name 7-ELEVEN STORE #32510K 802 BW/S A & B BEVERAGE INCORPORATED ADAMS QUICK STOP AJ'S SUNOCO LLC ALPINE MART ALPINE VALLEY RV PARK AND CAMP AMERICAN LEGION CLUB OF N'FIELD #63 AMERICAN LEGION MIDD POST #27 AUM INC AVENUE GROCERY INC. AZUR'S MINI MART & LITTLE G'S DELI **B&B CASH MARKET B-A-R-T ENERGY LLC** BACKYARD TAVERN THE **BAYSIDE TRIPLE M DELI** BEAUDRY'S INC. BENNINGTON BEV OUTLET B.B.O. BERLIN STREET MOBIL **BESSERY'S QUALITY MARKET** BEVERAGE DEN AND SMOKE SHOP **BEVERAGE MART** BLACK RIVER KWIK STOP **BOB'S QUICK STOP BOB'S SERVICE CENTER BRATTLEBORO MOBIL** BRATTLEBORO NEIGHBORS BROOKSIDE COUNTRY STORE INC. BURLINGTON BEVERAGE CENTER **BUXTON'S STORE** CASTLETON VILLAGE STORE INC. CENTRAL BEVERAGE CENTRAL MARKET INC. CHAMPLAIN FARMS CHAMPLAIN FARMS CHAMPLAIN FARMS CHAMPLAIN FARMS CHAMPLAIN FARMS CHAMPLAIN FARMS

Street Address **1020 WESTERN AVE** 1127 N AVENUE SUITE 5 193 U.S. ROUTE 2 2712 MAIN ST SUITE 101 320 WASHINGTON ST 968 MOUNTAIN ROAD **1111 MAIN STREET 48 DEPOT SQUARE BOARDMAN STREET 510 SOUTH STREET 82 WESTERN AVENUE** 33 RAILROAD SQUARE ROUTE 113 VT ROUTE 103 395 MOUNTAIN ROAD **49 HEINEBRG DRIVE** MAIN STREET **125 NORTHSIDE DRIVE 3 BERLIN STREET 1398 NORTH AVENUE** 340 NORTH STREET 203-217 LAKE STREET **360 RIVER STREET** 6196 ROUTE 14 **4 BALLARDVALE DRIVE 1114 PUTNEY ROAD 469 CANAL STREET** 339 E MONTPELIER RD 208-212 N WINOOSKI AVE **499 MAIN STREET** MAIN STREET **4 CENTRAL STREET 50 SUMMER STREET 490 RAILROAD STREET 25 COURT STREET 1 NORTH MAIN STREET** 3570 ROOSEVELT HWY 328 NORTH AVE **3 WEST STREET**

City BRATTLEBORO BURLINGTON GRAND ISLE FAIRFAX BARRE STOWE CONCORD NORTHFIELD MIDDLEBURY BENNINGTON BRATTLEBORO NEWPORT WEST FAIRLEE ROCKINGHAM STOWE COLCHESTER HUNTINGTON BENNINGTON MONTPELIER BURLINGTON BENNINGTON ST. ALBANS SPRINGFIELD IRASBURG WRJ BRATTLEBORO BRATTLEBORO BARRE BURLINGTON ORWELL CASTLETON ESSEX JUNCTION BARRE ST. JOHNSBURY MIDDLEBURY WATERBURY COLCHESTER BURLINGTON BRISTOL

Decision Type Decision Date No Violations Observed 12/9/2014 No Violations Observed 12/8/2014 No Violations Observed 6/23/2014 No Violations Observed 9/3/2014 No Violations Observed 9/11/2014 No Violations Observed 7/28/2014 No Violations Observed 10/18/2014 No Violations Observed 12/15/2014 No Violations Observed 12/27/2014 No Violations Observed 8/5/2014 No Violations Observed 9/5/2014 No Violations Observed 12/26/2014 No Violations Observed 10/14/2014 No Violations Observed 8/4/2014 No Violations Observed 7/29/2014 No Violations Observed 7/31/2014 No Violations Observed 6/16/2014 No Violations Observed 10/15/2014 No Violations Observed 10/17/2013 No Violations Observed 10/8/2014 No Violations Observed 9/30/2014 No Violations Observed 11/13/2014 No Violations Observed 6/13/2014 No Violations Observed 12/26/2014 No Violations Observed 11/14/2014 No Violations Observed 9/12/2014 No Violations Observed 8/4/2014 No Violations Observed 10/14/2014 No Violations Observed 8/5/2014 No Violations Observed 10/27/2014 No Violations Observed 9/3/2014 No Violations Observed 11/13/2014 No Violations Observed 10/14/2014 No Violations Observed 5/9/2014 No Violations Observed 7/16/2014 No Violations Observed 9/2/2014 No Violations Observed 9/29/2014 No Violations Observed 12/5/2014 No Violations Observed 9/3/2014 CHAMPLAIN FARMS CHAMPLAIN FARMS CHAMPLAIN FARMS CHAMPLAIN FARMS (14) CHAMPLAIN FARMS (BURLINGTON) CHAMPLAIN FARMS (ESSEX) CHAMPLAIN FARMS EXXON CHAMPLAIN FARMS SHELL CHELSEA'S PIZZA HOUSE & DELI INC. CHEM-CLEAN CENTER CHESTER SUNOCO **CIRCLE K #7409** CIRCLE K VERMONT INC. #7400 CIRCLE K VERMONT INC. #7401 **CIRCLE K VERMONT INC. #7401** CIRCLE K VERMONT INC. #7404 COCO MART INC. COCO MART INC. COLONIAL DELI MART COLONIAL DELI MART (6) CROSSROADS DISCOUNT BEVERAGE

CUMBERLAND FARMS #8000 CUMBERLAND FARMS #8001 CUMBERLAND FARMS #8004 **CUMBERLAND FARMS #8005** CUMBERLAND FARMS #8005 CUMBERLAND FARMS #8008 **CUMBERLAND FARMS #8009** CUMBERLAND FARMS #8012 **CUMBERLAND FARMS #8015** CUMBERLAND FARMS #8018 CUMBERLAND FARMS #8019 CUMBERLAND FARMS #8025 CUMBERLAND FARMS #8027 **CUMBERLAND FARMS #8028** CUMBERLAND FARMS #8030 CVS PHARMACY #01052 **D & R GENERAL STORE** DELI ON THE MOUNTAIN INC. DERBY CORNER MINI MART DERBY VILLAGE STORE DICK MAZZA'S GENERAL STORE INC. DI'S CORNER STORE & DELL DORSET UNION STORE DOT'S MARKET DOWN HOME DELI MARKET

1 GROVE STREET 280 EAST ALLEN STREET **127 MAIN STREET 15 SOUTH MAIN STREET 219 MAIN STREET** 25 JERICHO ROAD 3923 US ROUTE 5 **156 ROOSEVELT HIGHWAY** 325 VT ROUTE 110 4095 VT RTE 7A 60 VERMONT ROUTE 103 S **564 CANAL STREET 109 MAIN STREET 450 MAIN STREET 450 MAIN STREET** 14 MISSING LINK ROAD CORNER ROUTES 5 & 25 **169 RAILROAD STREET JUNCTION RTS 131 & 106** 500 ESSEX ROAD **52 NORTH MAIN STREET ROCKINGHAM & ATKINSON** ST 535 FAST MAIN STREET **212 SOUTH MAIN STREET 183 MAIN STREET 183 MAIN STREET** U.S. ROUTE 4 MAIN & MAPLE STREETS PORTLAND ST/CONCORD AVE 143 MAIN STREET 661 PINE STREET **454 RIVERSIDE AVENUE 524 NORTH MAIN STREET 132 SOUTH MAIN STREET 781 COLLEGE PARKWAY** 317 MARLBORO ROAD 7 ESSEX WAY 997 SAXTON RIVER ROAD 2251 MOUNTAIN ROAD 3131 U.S. ROUTE 5 MAIN STREET 777 W LAKE SHORE DR STE 1 201 LOWER MAIN STREET **31 CHURCH STREET** 22 ARCHIBALD STREET **51 OSSIE ROAD**

BRANDON WINOOSKI ENOSBURG BARRE BURLINGTON ESSEX DERBY COLCHESTER CHELSEA ARLINGTON CHESTER BRATTLEBORO DERBY LYNDONVILLE LYNDONVILLE SPRINGFIELD BRADFORD ST. JOHNSBURY WEATHERSFIELD WILLISTON WATERBURY ROCKINGHAM NFWPORT RUTLAND WINDSOR WINDSOR WOODSTOCK WALLINGFORD ST. JOHNSBURY LUDLOW BURLINGTON BURLINGTON BARRE BARRE COLCHESTER BRATTLEBORO ESSEX ROCKINGHAM STOWE DERBY DFRBY COLCHESTER JOHNSON DORSET BURLINGTON

MIDDLEBURY

No Violations Observed 7/10/2014 No Violations Observed 12/29/2014 No Violations Observed 10/20/2014 No Violations Observed 10/14/2014 No Violations Observed 10/29/2014 No Violations Observed 6/16/2014 No Violations Observed 10/17/2014 No Violations Observed 9/29/2014 No Violations Observed 6/19/2014 No Violations Observed 7/2/2014 No Violations Observed 11/3/2014 No Violations Observed 8/18/2014 No Violations Observed 10/17/2014 No Violations Observed 10/25/2013 No Violations Observed 12/26/2014 No Violations Observed 8/26/2014 No Violations Observed 12/15/2014 No Violations Observed 10/21/2014 No Violations Observed 6/13/2014 No Violations Observed 12/29/2014 No Violations Observed 9/3/2014 No Violations Observed 8/13/2014 No Violations Observed 12/26/2014 No Violations Observed 7/28/2014 No Violations Observed 11/3/2014 No Violations Observed 6/13/2014 No Violations Observed 6/13/2014 No Violations Observed 12/5/2014 No Violations Observed 10/25/2013 No Violations Observed 12/6/2014 No Violations Observed 8/5/2014 No Violations Observed 8/5/2014 No Violations Observed 6/19/2014 No Violations Observed 9/11/2014 No Violations Observed 7/31/2014 No Violations Observed 10/3/2014 No Violations Observed 6/27/2014 No Violations Observed 8/18/2014 No Violations Observed 8/5/2014 No Violations Observed 10/17/2014 No Violations Observed 10/17/2014 No Violations Observed 7/31/2014 No Violations Observed 9/29/2014 No Violations Observed 8/2/2014 No Violations Observed 10/21/2014 No Violations Observed 8/22/2014 DOWNTOWN OUICK STOP EAGLES FRAT ORDER OF AERIE #1861 EAST MAIN GENERAL STORE EDEN GENERAL STORE INC ELISE & MATTHEW LTD ELKS BARRE LODGE #1535 ENOSBURG MOBIL ENOSBURG SHORT STOP ESSEX COLONIAL MART ESSEX DISCOUNT BEVERAGE FAMILY DOLLAR FAMILY DOLLAR STORE #10137 FAMILY DOLLAR STORE #1613 FASTOP FINELLI LLC FLANDERS MARKET LTD. FORDHAM'S MOBILMART FULL TANK G & L GENERAL STORE INC. G & T BLISS CORP. GLEN CHESTER INC. GOODFELLAS PETROLEUM INC. **GRACEY'S STORE GREAT ENERGY STORE (CKA)** H.N. WILLIAMS STORE INC. HALL'S MARKET HANNAFORD FOOD & DRUG HANNAFORD FOOD & DRUG HANNAFORD FOOD & DRUG HANNAFORD FOOD & DRUG HANNAFORD SUPERMARKET HANNAFORD SUPERMARKET #8409 HASGAS GENERAL STORE HINESBURG GENERAL STORE HOMETOWN SUNOCO HORIZON'S DELI & CONVENIENCE INC. ISLE LAMOTTE COUNTRY STORE J & L SNACK SHOP ENTERPRISES J & M GROCERY J.D. QUICK STOP I.W. SANDRI OF VERMONT, INC. JAKE'S MARKET & DELI JAKE'S MARKET & DELI JIFFY MART JIFFY MART JIFFY MART

93 SOUTH WINOOSKI AVE **144 NORTH STREET 477 EAST MAIN STREET** 2918 VT RTE 100 962 ETHAN ALLEN HWY **10 JEFFERSON STREET 518 PEARL STREET 182 MAIN STREET 50 SUSIE WILSON ROAD 76 CENTER ROAD** 716 RAILROAD STREET 4503 US ROUTE 5 2 CHESTER ROAD SUITE #17 **377 NORTH MAIN STREET** 3436 ROOSEVELT HIGHWAY 357 VT ROUTE 110 78 BROAD STREET **150-A CHURCH STREET** 2813 ROUTE 22A 4397 US ROUTE 5 164 PORTER POINT RD STE 2 224 MAIN STREET 1333 WILLISTON ROAD **509 SOUTH BARRE ROAD** 2732 ROUTE 30 13 MILL STREET **78 MARSHALL AVENUE** 21A ESSEX WAY 260 COURT STREET UNIT 6 260 COURT STREET UNIT 6 209 US RTE 7 S MILTON PLAZA **71 SUPERMARKET DRIVE** 1791 ROUTE 30 14312 ROUTE 116 **166 FIRST STREET** 652 RAILROAD STREET **68 SCHOOL STREET 171 SOUTH MAIN STREET 68 ARCHIBALD STREET** 523 ROUTE 100 809 ROCKINGHAM ROAD 1477 MAPLE STREET 521 N HARTLAND RD RTF 5 **36 GROVE STREET 107 MILL STREET** 111 ROUTE 30 NORTH

BURLINGTON BENNINGTON NEWPORT EDEN GEORGIA BARRE ENOSBURG ENOSBURG ESSEX ESSEX ST. JOHNSBURY DERBY SPRINGFIELD BARRE COLCHESTER CHELSEA LYNDONVILLE BURLINGTON BENSON DERBY **COLCHESTER** LUDLOW SOUTH BURLINGTON BARRE DORSET HARDWICK WILLISTON ESSEX MIDDLEBURY MIDDLEBURY MILTON BRANDON DORSET HINESBURG **SWANTON** ST. JOHNSBURY ISLE LA MOTTE ST. ALBANS BURLINGTON HANCOCK ROCKINGHAM HARTFORD WHITE RIVER JUNCTION BRANDON HARDWICK CASTLETON

No Violations Observed 10/28/2014 No Violations Observed 12/5/2014 No Violations Observed 12/26/2014 No Violations Observed 8/18/2014 No Violations Observed 9/15/2014 No Violations Observed 9/11/2014 No Violations Observed 10/20/2014 No Violations Observed 10/20/2014 No Violations Observed 7/25/2014 No Violations Observed 7/25/2014 No Violations Observed 10/18/2014 No Violations Observed 11/13/2014 No Violations Observed 8/26/2014 No Violations Observed 10/14/2014 No Violations Observed 7/31/2014 No Violations Observed 6/19/2014 No Violations Observed 12/26/2014 No Violations Observed 10/28/2014 No Violations Observed 10/27/2014 No Violations Observed 10/17/2014 No Violations Observed 10/30/2014 No Violations Observed 12/6/2014 No Violations Observed 12/29/2014 No Violations Observed 12/15/2014 No Violations Observed 8/19/2014 No Violations Observed 10/20/2014 No Violations Observed 12/29/2014 No Violations Observed 6/16/2014 No Violations Observed 7/16/2014 No Violations Observed 12/27/2014 No Violations Observed 6/23/2014 No Violations Observed 12/5/2014 No Violations Observed No Violations Observed 6/16/2014 No Violations Observed 6/20/2014 No Violations Observed 10/18/2014 No Violations Observed 6/20/2014 No Violations Observed 11/13/2014 No Violations Observed 10/28/2014 No Violations Observed 12/27/2014 No Violations Observed No Violations Observed 11/14/2014 No Violations Observed 11/14/2014 No Violations Observed 7/10/2014 No Violations Observed 10/18/2014 No Violations Observed 9/15/2014

39

8/8/2014

8/4/2014

IIFFY MART JIFFY MART JIFFY MART JIFFY MART #43 JIMMY KWIK STORE IOE'S DISCOUNT BEVERAGE **JOHNSON JOLLEY #305** JOLLEY RICHFORD #325 JR'S CORNER STORE LLC K MART #9536 **K-B VENTURES INC.** KAMPUS KITCHEN KANTA CHANDER KERRIGANS CONVENIENCE LLC KERRYS KWIK STOP **KEVIN'S KWIK STOP & DELI KINNEY DRUGS INC #103** KS ENTERPRISES LLC LAKE DUNMORE KAMPERSVILLE INC. LANTMAN'S BEST YET MARKET LEONARD F. BELCHER INC. LUNENBURG VARIETY LYNDONVILLE REDEMPTION CENTER **M & M BEVERAGE CENTERS** MAC'S CONVENIENCE STORE #102 MAC'S CONVENIENCE STORE #104 MAC'S CONVENIENCE STORE #105 MAC'S CONVENIENCE STORE #108 MAC'S CONVENIENCE STORE #110 MAC'S MARKET #109 MAC'S STOWE MARKET MAGIC MUSHROOM THE MALLETS BAY CAMPGROUND MAPLEFIELDS MAPLEFIELDS MAPLEFIELDS MAPLEFIELDS MAPLEFIELDS MAPLEFIELDS AT COLCHESTER MAPLEWOOD CONVN STORES, INC. MARTIN'S MINI MART & BEVERAGE DIS MAYHEW'S CORNER STORE MCKEE'S PUB MIDDLEBURY BEEF MIDWAY OIL CORPORATION **MIDWAY OIL STORE # 850**

360 NORTH MAIN STREET **ROUTE 4 QUECHEE VILLAGE** SHELBURNE FALLS ROAD **133 BLAKELY ROAD 153 COVENTRY STREET** 335 RIVER STREET **36 VERMONT ROUTE 15 308 MAIN STREET 144 NORTH STREET 19 KOCHER DRIVE 197 CLINTON STREET 273 COLCHESTER AVENUE 69 ELLIOT STREET** 4015 VT RTE 5 249 ST. PAUL STREET **506 PORTERS POINT ROAD** 10212 RTE 116 1301 MAIN STREET **ROUTE 53** 10681 RT 116 414 CANAL STREET 23 WEST MAIN ST RTE 2 406 BROAD STREET **10 BROAD STREET** 145 NORTH MAIN STREET 239 SOUTH MAIN STREET **ROUTES 11 & 30** 3279 MCCONNELL ROAD ROUTE 103 387 EAST MAIN STREET **88 SOUTH MAIN STREET** 35A CHESTER ROAD **88 MALLETS BAY CAMP 42 WEST STREET** 77 U.S. ROUTE 7 **14 SOUTH MAIN STREET 60 NORTH PLEASANT ST** 811 WILLISTON ROAD 414 ROOSEVELT HWY STE 200 370 S BARRE RD MAIN ST 301 MAIN STREET P.O. BOX 379 **1 RIVER STREET 19 EAST ALLEN STREET** 3201 ROUTE 7 SOUTH **16 COURT STREET 172 MAIN STREET**

BARRE HARTFORD HINESBURG COLCHESTER NEWPORT SPRINGEIELD JOHNSON RICHFORD BURLINGTON BENNINGTON SPRINGFIELD BURLINGTON BRATTLEBORO WEST BURKE BURLINGTON COLCHESTER HINESBURG FAIRFAX SALISBURY HINESBURG BRATTI FBORO LUNENBURG LYNDONVILLE LYNDONVILLE RUTLAND **RUTI AND** MANCHESTER CTR BRANDON E. WALLINGFORD E. MIDDLEBURY STOWE SPRINGFIELD COLCHESTER BRISTOL COLCHESTER STOWE MIDDLEBURY S. BURLINGTON COLCHESTER BARRE BENNINGTON RICHFORD WINOOSKI MIDDLEBURY MIDDI FBURY WALLINGFORD

No Violations Observed No Violations Observed 12/17/2014 No Violations Observed No Violations Observed No Violations Observed 12/26/2014 No Violations Observed No Violations Observed No Violations Observed 10/20/2014 No Violations Observed 12/26/2014 No Violations Observed 10/18/2014 No Violations Observed 12/26/2014 No Violations Observed 12/26/2014 No Violations Observed No Violations Observed No Violations Observed 10/30/2014 No Violations Observed 12/29/2014 No Violations Observed No Violations Observed 12/27/2014 No Violations Observed 12/27/2014 No Violations Observed No Violations Observed No Violations Observed 12/15/2014 No Violations Observed No Violations Observed 10/20/2014 No Violations Observed 12/29/2014 No Violations Observed 10/27/2014 No Violations Observed No Violations Observed

6/19/2014

6/27/2014

7/31/2014

6/13/2014

9/29/2014

12/5/2014

12/5/2014

8/26/2014

12/5/2014

10/3/2014

12/5/2014

7/31/2014

6/27/2014

9/3/2014

7/21/2014

6/16/2014

12/8/2014

8/21/2014

8/21/2014

9/15/2014

7/30/2014

8/26/2014

10/8/2014

9/3/2014

9/29/2014

7/30/2014

12/5/2014

7/31/2014

7/11/2014

7/14/2014

12/8/2014

40

MIDWAY OIL STORE #650 **MIDWAY OIL STORE #750** MIKE'S GAS & REDEMPTION **MILTON BEV WAREHOUSE & REDEM** MINA MART MINOR'S COUNTRY STORE INC. MORGAN COUNTRY STORE NEXT DOOR BEER & WINE INC. NORTH SPRINGFIELD MOBIL NORTH WOLCOTT COUNTRY STORE NORWICH UNIV BOOKSTORE #573 NOTCHBROOK GENERAL STORE **O'BRIEN'S STORE OF WILLISTON INC.** OLSON'S GENERAL STORE LLC PAULIN INC. PAULIN INC. PEARL STREET BEVERAGE INC. PENGUIN MARKET LLC PETROSTORES INC. (1) PHAT ITALIAN MARKET AND DELI THE POULTNEY SNACK SHOP PRATT'S STORE INC. PRICE CHOPPER # 228 PRICE CHOPPER #131 PRICE CHOPPER #136 PRICE CHOPPER #177 PRICE CHOPPER #230 QUALITY MARKET **R. DENTE MARKET** R. L. VALLEE INC. RADHE SHYAM LLC RAY'S MEAT & GROCERY MARKET INC. READSBORO GENERAL STORE **RIPTON COUNTRY STORE** RITE AID # 10333 **RITE AID #10336 RITE AID PHARMACY #297 RITE AID PHARMACY #4272 RITE AID PHARMACY #4827 RITE AID STORE #10310** RITE AID STORE #10313 RITE AID STORE #10317 RITE AID STORE #10321 RITE AID STORE #10324 RITE AID STORE #10334 **RITE AIDE PHARMACY #4159**

10 FAST MAIN STREFT ROUTES 4A & 30 3799 U.S. ROUTE 5 484 ROUTE 7 SOUTH 209 RIVER STREET ROUTE 104 8411 VT ROUTE 111 ROUTE 7 MAIN ROAD **VERMONT ROUTE 106** 3737 NORTH WOLCOTT RD 158 HARMAN DR 4968 MOUNTAIN ROAD 5085 WILLISTON ROAD 5680 US RTF 4 3713 ROUTE 7A **2 BANK STREET** 240 PEARL STREET **50 CLINTON STREET** 258 SOUTH MAIN STREET 2384 KILLINGTON ROAD 267 MAIN STREET JCT ROUTES 22A & 125 **41 HINESBURG ROAD 38 RUTLAND SHOP PIZ 499 CANAL STREET** 2725 U.S. ROUTE 5 NORTH 1184 PRIM RD **155 WASHINGTON STREET 406 NORTH MAIN STREET 165 FIRST STREET** 105 ROUTE 7 94 PARK AVENUE MAIN STREET ROUTE 125 **1 UNION STREET** 82 RTE 15 896 PUTNEY ROAD SUITE 6 **1024 NORTH AVENUE** 9 SUSIE WILSON ROAD **52 MAIN STREET** 2 CHESTER RD SUITE 25 **158 CHERRY STREET** 1184 PRIM ROAD SUITE 2 US ROUTE 7 P.O. BOX 31 263 COURT STREET U.S. ROUTE 5

POULTNEY CASTLETON WEST BURKE MILTON SPRINGFIELD FAIRFAX MORGAN POWNAL SPRINGFIELD WOLCOTT NORTHFIELD STOWE WILLISTON BRIDGEWATER CNRS ARLINGTON BENNINGTON BURLINGTON SPRINGFIELD RUTLAND KILLINGTON POULTNEY BRIDPORT S. BURLINGTON RUTLAND BRATTLEBORO WINDSOR COLCHESTER BARRE BARRE **SWANTON** MILTON IRASBURG READSBORO RIPTON BRANDON HARDWICK BRATTLEBORO BURLINGTON ESSEX WINDSOR SPRINGEIELD BURLINGTON COLCHESTER MILTON MIDDLEBURY

DFRBY

No Violations Observed No Violations Observed

12/8/2014 9/15/2014 12/26/2014 6/23/2014 6/13/2014 9/3/2014 10/17/2014 10/15/2014 11/3/2014 8/18/2014 10/31/2014 7/29/2014 8/5/2014 11/14/2014 7/2/2014 8/8/2014 10/21/2014 8/26/2014 9/15/2014 8/21/2014 12/5/2014 12/27/2014 9/19/2014 9/11/2014 8/18/2014 6/13/2014 7/31/2014 10/14/2014 6/19/2014 6/23/2014 6/23/2014 12/26/2014 10/15/2014 8/22/2014 7/10/2014 10/18/2014 9/12/2014 10/8/2014 7/25/2014 6/13/2014 8/26/2014 12/5/2014 10/29/2014 9/5/2014 12/27/2014 10/17/2014 RIVER ROAD BEVERAGE AND REDEMP **RIVER VALLEY STORE ROBERT'S COUNTRY STORE INC.** RON BUSHEY AUTO INC. SAINI & SAEED ENTERPRISES LLC SEARLES VILLAGE STORE INC. SFA LLC SHAN PETROLEUM INC. SHAW'S BEER & WINE SHAW'S BEER & WINE SHAW'S BEER & WINE SHAW'S BEER & WINE #7516 SHELBURNE ROAD VARIETY SHOPPING BAG INC. SHOREHAM SERVICE CENTER SHORT STOP #111 SHORT STOP #117 SHORT STOP #122 SHORT STOP #124 SHORT STOP #128 SHORT STOP #134 SHORT STOP #134 SHORT STOP #143 SHORT STOP #145 SHREWSBURY COOP AT PIERCE'S STORE SIMON'S CHIMNEY CORNER STORE SIMON'S ESSEX CENTER STORE & DELI SIMON'S FOUR CORNERS STORE SIMON'S MILTON STORE SIMON'S PLAZA STORE & DELI SIMON'S ST. GEORGE STORE INC. SIMON'S STORE BATTERY PARK SIMON'S WHITE RIVER STORE, INC. SIMON'S WINOOSKI STORE & DELI SIMONS COLLEGE PARKWAY INC. SINGLETON'S STORE SINGLETON'S STORE SONNY'S SOUTH MAIN QUICK STOP SPENCER'S DISCOUNT TOBACCO (AKA) STEARNS CONVENIENCE STORE STEEPLE MARKET STEWART'S SHOP #191 STEWART'S SHOP #193 STEWART'S SHOP #194 STEWART'S SHOP #195

45 RIVER ROAD 4495 RTE 100C 2980 MAIN STREET **16 MAPLE STREET** 264 MALLETTS BAY AVE 3109 MAIN ST PO BOX 147 3776 VT ROUTE 11 16 ROUTE 4A 2 CHESTER ROAD STE 4 **55 DEPOT STREET** WASHINGTON ST PAINE TURNPIKE & RTE 62 1855 SHELBURNE RD. **166 NORTH STREFT** 2949 ROUTE 22A 97 FIRST STREET **300 MAIN STREET RTE 7 REDWOOD PLAZA** 2200 ESSEX RD TAFT CNRS **ROUTE 7 MIDTOWN PLAZA** 220 COURT STREET 220 COURT STREET **RTE 116 & COMMERCE ST 110 NORTHSIDE DRIVE** 2658 NORTHAM ROAD 6387 ROOSEVELT HWY 134 JERICHO ROAD **16 HEINEBERG DRIVE 6 RIVER STREET 10 SIMON'S PLAZA** 2 BARBER ROAD **42 PARK STREET** 352 N. HARTLAND RD 262 MAIN STREET 883 COLLEGE PKWY 356 MAIN STREET 356 MAIN STREET 228 CANAL STREET 301 SOUTH MAIN ST 125 NORTH MAIN ST 143 LOWER MAIN ST **1098 MAIN STREET CRNR MAPLE & MAIN STS** 3784 VT ROUTE 7A **81 STATE STREET** 713 MAIN STREET

ESSEX JOHNSON WASHINGTON ESSEX JCT WINOOSKI CABOT PERU CASTLETON SPRINGFIELD POULTNEY MIDDLEBURY **BERLIN CORNERS** S. BURLINGTON BURLINGTON SHOREHAM **SWANTON** BENNINGTON MILTON WILLISTON MILTON MIDDI FBURY MIDDLEBURY HINESBURG BENNINGTON SHREWSBURY COLCHESTER ESSEX COLCHESTER MILTON WILLISTON ST. GEORGE BURLINGTON WHITE RIVER JCTN WINOOSKI COLCHESTER CAVENDISH CAVENDISH BRATTLEBORO RICHFORD BARRE JOHNSON FAIRFAX POULTNEY ARLINGTON RUTLAND BENNINGTON

No Violations Observed 7/25/2014 No Violations Observed 9/26/2014 No Violations Observed 6/19/2014 No Violations Observed 7/25/2014 No Violations Observed No Violations Observed 10/18/2014 No Violations Observed No Violations Observed 11/17/2014 No Violations Observed 8/26/2014 No Violations Observed 12/5/2014 No Violations Observed 12/27/2014 No Violations Observed 6/19/2014 No Violations Observed 12/5/2014 No Violations Observed 10/29/2014 No Violations Observed No Violations Observed 6/23/2014 No Violations Observed No Violations Observed No Violations Observed 12/8/2014 No Violations Observed No Violations Observed 10/28/2014 No Violations Observed 7/14/2014 No Violations Observed 6/27/2014 No Violations Observed 10/15/2014 No Violations Observed 9/15/2014 No Violations Observed 7/31/2014 No Violations Observed 6/27/2014 No Violations Observed No Violations Observed No Violations Observed 12/5/2014 No Violations Observed 10/9/2014 No Violations Observed 12/29/2014 No Violations Observed 12/17/2014 No Violations Observed 7/31/2014 No Violations Observed 7/31/2014 No Violations Observed 12/6/2014 No Violations Observed 9/11/2014 No Violations Observed 8/13/2014 No Violations Observed 10/20/2014 No Violations Observed 6/19/2014 No Violations Observed 9/29/2014 No Violations Observed No Violations Observed 12/5/2014 No Violations Observed No Violations Observed 7/28/2014 No Violations Observed

8/5/2014

7/8/2014

9/3/2014

7/8/2014

9/5/2014

9/5/2014

8/5/2014

9/5/2014

9/3/2014

7/2/2014

7/2/2014

STEWART'S SHOP #197 STEWART'S SHOP #199 STOWE GO-GO MART #156 SUNNY HOLLOW QUICK STOP SUNRISE GENERAL STORE SWANTON BEVERAGE T & P GAS HOLDING INC. TEAGO GENERAL STORE THE STICKS COUNTRY STORE & DELI THOMPSONS' REDEMP & CONVEN TIM MARTIN'S AUTO TROW HILL GROCERY TUNBRIDGE STORE THE TWIN STATE FOOD MARTS INC. **UNION STREET GROCERY & REDEMP** CTR VILLAGE MARKET OF WATERBURY WAL-MART STORES #2224 WALGREEN #11526 WALGREEN STORE # 07270 WALLINGFORD COUNTRY STORE & DELI WATERHOUSES CAMP & MARINA WAYSIDE COUNTRY STORE WEST STREET CORNER STORE WHITING COUNTRY STORE LLC WILLARD STREET MARKET WILLIAM'S COUNTRY STORE WILLS' STORE WILLY'S VARIETY WOLCOTT STORE WOODEN BARREL COUNTRY STORE

4455 MAIN STREET **ROUTE 7** 911 SOUTH MAIN ST 973 ROOSEVELT HWY 44 U.S. ROUTE 4 75 FIRST STREET **590 MAIN STREET** STAGE ROAD 1711 NORTH MAIN ST 3731 U.S. ROUTE 5 ROUTE 12 A HILL ST & COBBLE HILL RD 304 VT ROUTE 110 **305 SOUTH STREET 30 UNION STREET** 80 SOUTH MAIN ST 863 HARVEST LANE **514 FARRELL STREET 476 CANAL STREET** 137C MAIN STREET 937 WEST SHORE ROAD 3307 VT ROUTE 313 WEST **379 WEST STREET 39 MAIN STREET** 141 NORTH WILLARD ST

27 WHITESVILLE ROAD

293 VT ROUTE 110

300 GAGE STREET

4076 VT ROUTE 15

231 CHITTENDEN ROAD

MANCHESTER CTR POWNAL STOWE COLCHESTER W. BRIDGEWATER SWANTON LYNDONVILLE SOUTH POMFRET MONTGOMERY DERBY ROXBURY BARRE TUNBRIDGE BENNINGTON BRANDON WATERBURY WILLISTON S. BURLINGTON BRATTLEBORO WALLINGFORD SALISBURY ARLINGTON RUTLAND WHITING BURLINGTON CAVENDISH CHELSEA BENNINGTON WOLCOTT

CHITTENDEN

No Violations Observed 12/8/2014 No Violations Observed 12/5/2014 No Violations Observed 8/5/2014 No Violations Observed 7/31/2014 No Violations Observed 12/6/2014 No Violations Observed 6/20/2014 No Violations Observed 12/26/2014 No Violations Observed 12/17/2014 No Violations Observed 10/20/2014 No Violations Observed 10/17/2014 No Violations Observed 12/15/2014 No Violations Observed 9/11/2014 No Violations Observed 10/31/2014 No Violations Observed 9/15/2014 No Violations Observed 7/10/2014 No Violations Observed 9/3/2014 No Violations Observed 12/23/2014 No Violations Observed 12/5/2014 No Violations Observed 12/8/2014 No Violations Observed 12/5/2014 No Violations Observed 8/22/2014 No Violations Observed 7/2/2014 No Violations Observed 9/15/2014 No Violations Observed 9/12/2014 No Violations Observed 10/28/2014 No Violations Observed 12/6/2014 No Violations Observed 6/19/2014 No Violations Observed 9/11/2014 No Violations Observed 8/18/2014 No Violations Observed 7/28/2014