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MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 4, 2018

LEVI LINCOLN CHAMBERS

Commission Members Present: Anthony Salvidio, Chairman
Barbara Haller, Commissioner
Walter Shea, Commissioner

Commission Members Absent:

Staff Present: Alexandra Kalkounis, Law Department
Lt. James Johnson, Worcester Police Department
Sergeant Thomas Needham, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Detective Jay Magarian
Deborah Steele, Planning & Regulatory Services

Minutes

September 20, 2018

Upon a motion the Commission voted 3-0 to approve the minutes of September 2018.

NEW BUSINESS

Common Victualer Requests

I-1: Ming House, 217A Chandler Street

Request for a common victualer license

Andrea Kor appeared upon behalf of the applicant.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license dated September 18, 2018 and received September 18, 2018.

Special One Day Liquor & Entertainment Requests

II-1: Emily Rose, 222 Harrington Way

Request for one day liquor license

- October 12, 2018 - 6:00 p.m. – 9:00 p.m.
- October 13, 2018 - 6:00 p.m. – 9:00 p.m.
- October 14, 2018 - 6:00 p.m. – 9:00 p.m.
- October 19, 2018 - 6:00 p.m. – 9:00 p.m.
- October 20, 2018 - 6:00 p.m. – 9:00 p.m.
- October 21, 2018 - 6:00 p.m. – 9:00 p.m.
- October 26, 2018 - 6:00 p.m. – 9:00 p.m.
- October 27, 2018 - 6:00 p.m. – 9:00 p.m.
- October 28, 2018 - 6:00 p.m. – 9:00 p.m.

Emily Rose appeared upon behalf of the applications. She stated that this is for the annual pumpkin festival.

Upon a motion the Commission voted 3-0 to approve the one day liquor licenses.

Exhibit A: Application for one day liquor license dated September 18, 2018 and received September 18, 2018.

II-2: Edward O. Bourgault, 4 Anna Street

Request for one day liquor license

- November 3, 2018- 6:00 p.m. – 11:00 p.m.

Edward Bourgault appeared upon behalf of the application. He stated that he made mistake on address and it 30 Anna Street.

Upon a motion the Commission voted 3-0 to approve the one day liquor license with amendment to the address.

Exhibit A: Application for one day liquor license dated September 13, 2018 and received September 13, 2018.

II-3: Hank VonHellion, 20 Franklin Street

Request for one day liquor license

- October 4, 2018 - 4:00 p.m. – 10:00 p.m.

Hank VonHellion appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license dated September 23, 2018 and received September 23, 2018.

II-4: Michelle May, 38 Harlow Street

- a. Request for one day liquor license
 - October 13, 2018 - 2:00 p.m. – 12:00 a.m.
- b. Request for one day entertainment license for dancing by patrons, recorded music, live music, amplification system, moving picture show
 - October 13, 2018 - 2:00 p.m. – 12:00 a.m.

Michelle May appeared upon behalf of the applications. She stated that this will be their fourth event at the Sprinkler Factory.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license.

Exhibit A: Application for one day liquor license dated September 17, 2018 and received September 17, 2018.

Exhibit B: Application for entertainment license dated September 17, 2018 and received September 17, 2018.

II-5: Jeremy O’Neil, 100 Barber Avenue

- a. Request for one day liquor license
 - October 27, 2018 - 7:00 p.m. – 11:00 p.m.
 - December 8, 2018 - 7:00 p.m. – 10:00 p.m.
- b. Request for one day entertainment license dancing by patrons, recorded music
 - October 27, 2018 - 7:00 p.m. – 11:00 p.m.
 - December 8, 2018 - 7:00 p.m. – 10:00 p.m.

Jeremy O’Neil appeared upon behalf of the applications. He stated that this will be same type of event that they had last year.

Upon a motion the Commission voted 3-0 to approve the one day liquor licenses.

Upon a motion the Commission voted 3-0 to approve the one day entertainment licenses.

Exhibit A: Application for one day liquor license dated September 13, 2018 and received September 13, 2018.

Exhibit B: Application for entertainment license dated September 13, 2018 and received September 13, 2018.

Alcohol & Entertainment Requests

III-1: Marlboro Food, Inc., 1326 Main Street

Request for transfer of package store malt & wine license

Item was postponed to October 18, 2018.

Exhibit A: Application for transfer of package store malt & wine license dated August 21, 2018 and received August 21, 2018.

III-2: Jason Eastty, 177 Grafton Street

Request for general on premises all alcohol license

Item was postponed to October 18, 2018.

Exhibit A: Application for general on premises license dated July 5, 2018 and received July 5, 2018.

III-3: Wormtown Brewery, LLC, 72 Shrewsbury Street #4

Request for alteration of premises

Item was postponed to October 18, 2018.

Exhibit A: Application for alteration of premises dated August 12, 2018 and received August 12, 2018.

III-4: La Terraza Corporation, 591 Park Avenue

Request for change of manager

Alberto (did not state last name) appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager dated September 17, 2018 and received September 17, 2018.

III-5: Kobe Enterprises, Inc. dba 7 Nana Japanese Steakhouse, 60 Shrewsbury Street

Request for change of manager

Application was withdrawn.

Exhibit A: Application for change of manager dated September 21, 2018 and received September 21, 2018.

III-6: Craft Table and Bar LLC, 50 Franklin Street, Suite C

Request for change of manager, change of officers/directors, change of ownership interest

Jim Hodgins appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager, change of officers/directors and change of ownership interest.

Exhibit A: Application for change of manager, change of officer/directors, change of ownership interest dated October 18, 2018 and received October 18, 2018.

III-7: Revolution Pie and Pint Worcester, LLC, 50 Franklin Street, Suite B

Request for change of manager, change of officers/directors, change of ownership interest

Upon a motion the Commission voted 3-0 to approve the change of manager, change of officers/directors and change of ownership interest.

Exhibit A: Application for change of manager, change of officer/directors, change of ownership interest dated October 18, 2018 and received October 18, 2018.

III-8: Nachos Dining, Inc., 225 Shrewsbury Street

- a. Request for transfer of restaurant all alcohol license
- b. Request for entertainment license for dancing by patrons, recorded music, live music, amplification system

Attorney Nicolas Felici along with representatives of Nachos Dining appeared upon behalf of the applications. Mr. Felici stated that they are a restaurant chain and it is a family type Mexican restaurant but on the weekend they would like to do some karaoke or a DJ once a month but again this is a family style restaurant and there is no intention to open to 2:00 a.m. and this is not going to be a nightclub.

Upon a motion the Commission voted 3-0 to approve the transfer of all alcohol license.

Upon a motion the Commission voted 3-0 to approve the entertainment license with addition of tv and radio to the application.

Exhibit A: Application for transfer of restaurant all alcohol license dated September 17, 2018 and received September 17, 2018.

Exhibit B: Application for entertainment license dated October 18, 2018 and received October 18, 2018.

Hearings:

IV-1: Carter Realty Group, Inc. dba Brooks Pub, 251-253 Lincoln Street

Rule #1 – Hours violation

Barbara Carter appeared to answer to the violation and waived her right to counsel.

Lt. Johnson presented the following,

On August 17, 2018 Sergeant Thomas Needham and Officer Edward Saucier of the Alcohol Enforcement Unit observed three males exit Brooks Pub at 2:00 a.m. At 2:15 a.m. they observed that the music was still playing inside the premises and observed two males inside sitting inside the premises drinking with what appeared to be liquor in a glass cup.

Sergeant Needham and Officer Saucier attempted to enter the premises but the door was locked and after knocking several times a male at the bar looked up and proceeded to drink his drink and then a bartender opened the door.

The Police inquired why people were still inside the premises and the bartender stated that he had trouble getting customers to leave at the end of the night. The two males the police had observed stated to the police that that they did not work there but were waiting to give the bartender a ride home. After further questioning they admitted they were not giving the bartender a ride home and had no reason to be inside the premises after hours.

Ms. Carter apologized for the incident and said kid covering didn't understand consequences and didn't have an excuse for what happened and their video showed incident did happen and since that time they have changed their closing time to 1:00 a.m.

Ms. Carter stated that the patron that caused the incident had been previously scratched from the bar but this was new bartender and didn't know that.

Commissioner Haller noted that there was one previous violation for the premises.

Upon a motion the Commission voted 3-0 to impose a one day suspension to be served November 2, 2018.

Exhibit A: Police report dated August 20, 2018.

IV-2: Elite Club Enterprises, Inc. dba Riviera Show Club, 241 Southbridge Street

Rules #14, #29 – Manager violation, disturbance of the peace

Item was postponed to October 18, 2018.

Exhibit A: Police report dated August 8, 2018.

Board took a five minute recess

IV-3: Peregrine Endeavors, Inc. dba District, 107 Water Street

Rules #7, #14 – Sale to under 21, manager violation

Attorney Wayne Leblanc along with Christopher Belisle. Michael Larkin and Zachary Burnett appeared on behalf of the item.

Lt. Johnson presented the following,

On April 12, 2018, two individuals were involved in an altercation in the Licensed Premises and one male suffered two fractures to the jaw. Due to the injuries and fact that the suspect had fled the scene a report was forwarded to the Detective Bureau and Detective Magarian was assigned to the case and subsequently identified the suspect. The suspect came to the station and was interviewed by Detective Magarian and during the interview he admitted that he was 19 years of age and was served alcohol inside the Licensed Premises.

Attorney Leblanc asked if anyone from the Worcester Police observed the 19 year old inside the premises. Lt. Johnson stated he was not sure. Attorney Leblanc asked if anyone from the Worcester Police Department had contact with the suspect that morning. Detective Magarian stated that he had no contact with the suspect that evening.

Chairman Salvidio asked if District allows under 21 in the bar. Mr. Belisle stated yes and their carding procedures is to only accept Mass ID's and passports and a bouncer checks the

ID and then a senior staff member checks it again and then puts a wrist band on patrons over 21.

Detective Magarian stated that he had interviewed the suspect who had admitted that he was in the bar and was underage and was served alcohol.

Chairman Salvidio asked if the premises had video from that evening. Attorney Leblanc stated that a police officer came to the bar two weeks after incident but the video had recycled at that time as only tapes for two weeks and then restarts.

Detective Magarian stated that he had gone the premises and when he asked for the video he was told it was gone and believes that the video is only saved for five to six days.

Attorney Leblanc asked Detective Magarian did security from the premises inform him that the suspect had been escorted out. Detective Magarian stated that he believed security did tell him that.

Attorney Leblanc asked Mr. Belisle to describe the amount of staff that was working the evening in question. Mr. Belisle stated that there was three bartenders, six bouncers and two managers and the capacity of the bar is 264 and on Thursday nights they limit the capacity to 220 for better control and they have someone at the door with clicker and as groups of five leave they allow more in. There are two bouncers at the doors and ID's check and then another person checks it again and then person receives a wrist band.

Chairman Salvidio asked if they were at capacity that night. Mr. Belisle stated that they were at 220.

Mr. Belisle stated that he was aware that there was an incident but did not know all the details.

Michael Larkin stated that he was working as a security guard that evening at the premises at around Midnight he observed a male (the victim) and female at the bar and then saw another gentleman being disruptive and having argument with the suspect and when he asked what was going on the suspect said that the victim had stolen his gold chain. At that time Mr. Larkin stated that he escorted the suspect out of the premises as he didn't want a fight to occur. Mr. Larkin stated that he did not observe any alcohol in the suspect's hand and didn't smell any alcohol on his breath.

Zachary Burnett stated that he was working as an assistant manager at the premises and was there the evening of the incident and observed Mr. Larkin escort the suspect out and brought the suspect out to him and told him that the suspect was done for the night. Mr. Burnett stated that the suspect came over to him and started to complain about his gold chain being stolen and stated that the man who had been identified as the victim had stolen it.

Mr. Burnett stated that he attempted to calm the suspect down and he went in and asked Mr. Larkin what happened and he told him and Mr. Burnett went and spoke with the victim who

said he didn't know what the suspect was talking about. Mr. Burnett stated that he went back and spoke with the suspect and said no one had his chain but to leave his name and number and if chain was found they give him a call and then the suspect went on his way.

Commissioner Haller stated that there was obviously was an incident that evening and there was someone under 21 but no one can say whether person had alcohol.

Chairman Salvidio noted that there was a previous violation on file for this location.

Attorney Leblanc stated that since that incident the establishment has increased the security protocols to prevent incidents.

Commissioner Haller asked if there was any information on how much alcohol and how long the suspect in the premises the night of the incident. Detective Magarian stated no.

Attorney Leblanc stated that it appears that this just appears to be a disgruntled suspect who was upset at the premises about being escorted out.

Chairman Salvidio stated there no dispute that incident did occur but he can go both ways on whether the suspect was drinking in the bar that evening. Chairman Salvidio stated that he would recommend that the premises keep the video tapes for a longer period of time.

Chairman Salvidio stated that when the victim kept accusing the suspect of stealing the chain they should have called the police and stated that if the premises comes before the Commission again there will be no more under 21 nights.

Upon a motion the Commission voted 3-0 that the Rule #7 violation did not exist.

Upon a motion the Commission voted 3-0 that the Rule #14 violation did exist.

Upon a motion the Commission voted 3-0 to impose a two day suspended suspension.

Exhibit A: Police report dated May 23, 2018.

IV-4: Kobe Enterprises, Inc. dba 7 Nana Japanese Steakhouse, 60 Shrewsbury Street

Violation of 204 CMR 2.05 and M.G.L. c. 138 § 26 –liquor license violation and the associated common victualer license and entertainment license – No approved manager on the premises

Item was postponed to October 18, 2018.

Exhibit A: Police report dated September 12, 2018.

Other Business

V-1: Paradise Bar, 397 Cambridge Street – Request to amend conditions on license

Javier Sanchez appeared upon behalf of the request.

Mr. Sanchez was requesting to amend the hours the police detail conditions on his license.

The Commission and the police and Mr. Sanchez had discussion on the conditions.

Upon a motion the Commission voted 3-0 to impose the following amended conditions,

- Days open closing time will be 11:00 p.m. to 3:00 a.m.
- Entertainment to end at 1:30 a.m. on Thursday, Friday, Saturday, Sunday, -1:00 a.m.
- Doors and windows to be closed at all times
- Parking lot to be cleaned every night
- Pictures of sound equipment to be given to License Commission
- Decibel rating in accordance with Department of Health & Inspectional Services
- Number of patrons inside must conform to occupancy permit
- Number of patrons parked in parking lot must conform with parking lot permit

Exhibit A: Letter dated September 4, 2018 and received September 5, 2018.

V-2: Updated rules and regulations

Item was postponed to October 18, 2018.

Communications

Adjournment