

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
APRIL 3, 2014

ESTHER HOWLAND CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent:

Staff Present: Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Mark Jolin, Worcester Police Department
Alexandra Haralambous, Law Department
James Foley, Inspectional Services

Approval of the Minutes

3-26-2014- Upon a motion the Commission voted 3-0 to approve the minutes of March 26, 2014

New Business

One Day Liquor & Entertainment Requests:

1. Petition: Request for one day liquor licenses – April 4, 2014, 6:00 p.m.- 10:30 p.m., April 9, 2014 – 6:00 p.m. – 9:45 p.m.

Petitioner: Chartwells, 10 Lincoln Square

Kristi DiCerso appeared on behalf of the applications.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the two, one-day licenses.

Exhibit A: Application for one day licenses received on March 10, 2014 and dated March 10, 2014.

2. Petition: Request for one day liquor license – May 3, 2014

Petitioner: Masterman's, 65 Tainter Street

Richard Taylor appeared on behalf of the application and he stated this will be a company event where malt & wine will be served.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day license received on March 19, 2014 and dated March 19, 2014.

3. Petition: Request for one day liquor license – May 17, 2014-8:00 p.m.-2:00 a.m.

Petitioner: Jessica Kaminski, 1040 Southbridge Street

Jessica Kaminski appeared on behalf of the application and stated this will be event for African American artists.

Commissioner Mullan pointed out that the application submitted showed that she was planning to obtain the alcohol from package store which is not allowed. He informed Ms. Kaminski that alcohol needs to be obtained from a wholesaler.

Commissioner Salvidio asked if she was planning on have off-duty police and she stated she planned on having one detail officer.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the one day license with condition that alcohol be obtained from a licensed wholesaler and that one off-duty police officer be hired for event.

Exhibit A: Application for one day license received on March 19, 2014 and dated March 19, 2014.

4. Petition: Request for one day liquor license – August 16, 2014, 2014 – 1:00 p.m.-9:00 p.m.

Petitioner: Centros Las Americas, Worcester Common

Dolly Vazquez appeared on behalf of the item. She stated this is for the annual Latin Festival and the area where alcohol is sold will be fenced off and two paid details will be hired. She stated they will be going before Parks Commission in next few weeks for approval to use the location.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received on March 17, 2014 and dated March 17, 2014.

5. Petition: Request for farm-winery special license

Petitioner: Frank Zoll, Zoll Cellars, Canal District Farmers Market,
Saturdays, 11:00 p.m. to 2:00 p.m. – April 12, 2014 to
October 11, 2014

Frank Zoll appeared on behalf of the item. He stated this will be for a farm winery special license and will be conducted at the Canal District Farmers Market.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the farm-winery special license.

Exhibit A: Application for farm-winery special license received on March 20, 2014 and dated March 20, 2014.

6. Petition: Request for nine foot pool table

Petitioner: Hoang Gia Place, 179 Millbury Street

Brendan Van Ly appeared on behalf of the application.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the new license.

Exhibit A: Application for pool table license received on March 18, 2014 and dated March 18, 2014.

7. Petition: Request for Entertainment license on July 4, 5, 6, 2014

Petitioner: Cars of Summer at Green Hill Park

Gary Cooper appeared on behalf of the application. He stated this will be for the Cars of Summer at Green Hill and will be second year it being held.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license.

Exhibit A: Application for entertainment license received on March 5, 2014 and dated March 5, 2014.

Common Victualer – Food Only:

8. Petition: Request for common victualer license

Petitioner: Dos Tacos Café, 296 Pleasant Street

Billy Rodriguez appeared on behalf of the item. He stated this will be for a restaurant serving Mexican cuisine.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received March 18, 2014 and dated March 18, 2014.

9. Petition: Request for common victualer license

Petitioner: Jubba Hallal Market, 90 Madison Street

Abass Idhow appeared on behalf of the application. He stated this will allow him to prepare and sell food in the market.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received on March 18, 2014 and dated March 18, 2014.

Alcohol & Entertainment Permit Applications:

10. Petition: Request for change of manager to Gerard Kenneth Exhilhomme

Petitioner: Elite Club Enterprises dba Rivera, 241 Southbridge Street

Lt. Johnson stated this item was going to be postponed until next meeting.

Exhibit A: Application for change of manager received on March 21, 2014 and dated March 21, 2014.

11. Petition: Request for change of manager to Fubin Lu

Petitioner: 7 Nana Steakhouse, 60 Shrewsbury Street

Attorney Chung Lee appeared on behalf of the application. He stated they have resolved the citizenship issue and have provided required information to the Worcester Police.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received on December 7, 2013 and dated December 5, 2013.

12. Petition: Request for new officers & directors

Petitioner: Brooks Street Realty, LLC dba Showcase Cinema North, 135 Brooks Street

Sean O'Connor appeared on behalf item. He stated this was for a change of officers and directors.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the change of officers and directors.

Exhibit A: Application for change of officers & directors received on February 12, 2014 and dated December 11, 2013.

13. Petition: Request for for change of manager to Derek Butler

Petitioner: Ruby Tuesday, 537 Lincoln Street

Derek Butler appeared on behalf of the application. Lt. Johnson stated he had passed the background check.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received on March 3, 2014 and dated February 12, 2014.

14. Petition: Request for restaurant malt & wine license

Petitioner: Brendan Van Ly, dba Hoang Gia Place, 179 Millbury Street

Brendan Van Ly appeared on behalf of the application. Chair Shea stated the Commission and Lt. Johnson had viewed the premises prior to the meeting.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the new license.

Exhibit A: Application for restaurant malt & wine license received on March 18, 2014 and dated March 18, 2014.

Violation Hearings:

15. Elite Club Enterprises dba Rivera, 241 Southbridge Street – Violation of Rules #1, #14

Sergey Yugay appeared on behalf of violation and waived his right to counsel.

Lt. Johnson presented the following report:

March 2, 2014:

Officer Mark Jolin at approximately 2:10 a.m. heard Officer Mike Spalatro call out for a patrol wagon for the Riviera Show Club where Officer Spalatro was working a paid detail. Officer Jolin proceeded to 241 Southbridge Street and arrived within a minute and observed that Officer Spalatro had a male in custody.

Officer Jolin noticed that many vehicles were still in the parking lot and checked the time on his phone and noted it was 2:15 a.m. Officer Jolin then proceeded to enter the Riviera Show Club and observed at least ten people standing around. Many were holding beers and drinks. The bar had 5 dirty shot glasses on it, 4 beer bottles and 3 mixed drink glasses. Several people were cleaning up and when Officer Jolin asked who was working several people put their drinks down and rushed out the exit door.

Officer Jolin spoke to a female staff member who said they were trying to get everyone out but it was tough. Officer Jolin informed her that all patrons and drinks must be removed by 2:00 a.m.

Officer Jolin asked to speak to the manager, and the owner, Sergey Yugay, came to speak with Officer Jolin. Mr. Yugay told Officer Jolin that they had many people in that evening and it was difficult to get people out in time.

Mr. Yugay was informed that the Licensee would be brought before the Worcester License Commission.

Mr. Yugay apologized and stated that incident had occurred but it had been a very busy night and the off-duty police officer and staff had to deal with an unruly customer who wasn't allowed on premises and they lost track of time.

Mr. Yugay stated the current manager has resigned due to health problems and they are proposing a new manager and they have changed last call to 1:30, 1:35 a.m. and all patrons need to be off the premises by 1:55 a.m.

Commissioner Mullan warned Mr. Yugay that this establishment is being closely watched and he, as the owner, had to make sure the rules are being followed.

Commissioner Salvidio reminded Mr. Yugay that rules require all patrons off the premises by 2:00 a.m.

Upon a roll call the Commission voted 3-0 the violation had occurred.

Upon a roll call the Commission voted 3-0 to issue a two day suspended suspension.

Exhibit A: Police report dated March 2, 2014.

16. Rhino Bites, Inc. dba Flying Rhino, 278 Shrewsbury Street - Violation of Rules #1, #14 on two dates, August 30, 2013 and September 14, 2013

Paul Barber appeared on behalf of the violation and waived his right to counsel.

Lt. Johnson presented the following report:

August 30, 2013

On August 30, 2013 at 2:15 a.m. Officer Edward Saucier was advised by Officer Mike Perry that he believed people were still in the Flying Rhino, located at 278 Shrewsbury Street, consuming alcoholic beverages. Officer Perry informed Officer Saucier that he has warned the employees of Flying Rhino on multiple occasions that people could not stay in the establishment after 2:00 a.m. consuming alcohol.

Officer Saucier went to the Flying Rhino and observed several cars in the parking lot and in front of the establishment. Officer Saucier attempted knocking on the doors but no one answered. He went around to the front and observed a female exit the front door and prop the door open so as to be able to re-enter. The female sat down on a bench and Officer Saucier asked if she worked there and she stated she did not. Officer Saucier then proceeded to enter the bar where he found six people standing and sitting at the bar. Some were drinking from beer bottles and beer glasses while others had mixed drinks. The only employee was identified was Bernard Young who stated that they were just having a couple beers and mixed drinks. All of the patrons were ordered to leave.

September 14, 2013

On September 14, 2013 at 2:20 a.m. Officer Edward Saucier was on Shrewsbury Street in the area of the Flying Rhino. Officer Saucier observed about 6-10 people in the deck outside of the Flying Rhino and multiple cars still in the parking lot and in front of the business.

Officer Saucier parked his unmarked police vehicle on Shrewsbury Street where he could see inside the restaurant and bar area. Officer Saucier observed about 10 people in the bar area and several of them drinking various alcoholic beverages. Officer Saucier was in plain clothes with his police badge displayed on a chain around his neck when he proceeded to the deck area where several people attempted to hide various bottles of beer and Twisted Tea when they saw him. Officer Saucier advised them they had to leave as it was well past closing time and several responded that they were waiting for people inside.

Officer Saucier proceeded inside the Flying Rhino and heard someone yell “Who wants another shot?” He observed several people inside the bar drinking draft beers as well as bottled beers. Officer Saucier advised everyone that it was time to leave. A male behind the bar told Officer Saucier he was in charge. Officer Saucier informed the male that he had been there two weeks ago for the same problem and the male responded that he knew nothing about it. Officer Saucier also advised him that there were people outside drinking on the deck and at that time a female stated she was the outside bartender and she had closed the deck at midnight and no one should be out there.

Officer Saucier along with the male and female began to walk outside where people were still on the deck. Someone asked the female what was going on and she told them they had to leave because the cop was being an “ass-hole.”

Officer Saucier advised the male bartender of what he had observed when he initially walked into the bar area and he stated that no one ever yelled, “Who wants another shot?”

Officer Saucier informed the bartender that the manager of the Flying Rhino would be summoned to appear before the License Commission.

Mr. Barber admitted that violations had occurred and stated that he has spoken with staff and informed them that this was not acceptable and that he is in the process of installing cameras so he can see what is going on in the establishment when he is not there.

He stated that the employee, Bernard Young, was given a written warning and suspended and was told if there was one more violation that he would be terminated from the Flying Rhino. He also stated that Todd, another long term employee, was let go after these instances.

Upon a roll call the Commission voted 3-0 that violations had occurred on both dates.

Upon a roll call the Commission voted 3-0 that a two day suspended suspension be issued.

Exhibit A: Police report dated August 20, 2013.

Exhibit B: Police report dated September 14, 2013.

17. Lodging House – 765 Main Street

Ms. Steele stated this item was being postponed until April 24, 2014 so that legal counsel for license holder could be present.

Other Business

Discussion about instruction sheets for new liquor license, transfer of liquor license and change of manager applications

Communications

None

Adjournment

Upon a motion the Commission voted to adjourn the meeting at 11:35 a.m.