

June 30, 2011

Copy to: City Manager  
City Clerk

Time: 10:00 a.m.  
Room: Esther Howland Chamber

License Commissioners Present  
Peter Lukes, Chairman  
Karon Shea, Commissioner  
Paul Mullan, Commissioner

City of Worcester Staff Present  
Lt. James Johnson, Worcester Police Department  
Officer Jason Powers, Worcester Police Department  
Jennifer Beaton, Law Department  
Jim Foley, Health Department  
Deborah Steele, License Commission

Views: 9:15 a.m. – Rico's, 433 Park Avenue  
9:30 a.m. – 7 Nana Steak House, Inc., 60 Shrewsbury Street

Peter Lukes called the meeting to order at 10:00 a.m.

Approval of minutes of License Commission meeting of June 9, 2011  
Peter Lukes made motion to approve. Karon Shea seconded  
Commission voted 3-0 to approve the minutes

Special All Alcoholic  
license requested by:

Bill Battelle  
Chartwells  
July 8, 2011  
10 Lincoln Square  
6:00 p.m. – 11:30 p.m.

Bill Battelle appeared on behalf of application. Mr. Battelle stated event would be for a dinner & reception at Mass College of Pharmacy for 200 plus people. Security will be present.  
Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application.

John Piccolo  
157 Shrewsbury Street  
July 28, 2011, August 25, 2011  
September 22, 2011  
5:00 p.m. – 11:00 p.m.

John Piccolo appeared on behalf of application. Mr. Piccolo stated event is the annual walk and rock held on Shrewsbury Street. Mr. Piccolo stated event will be held in back parking lot of 157 Shrewsbury Street  
Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application.

Paul T. Barber  
278 Shrewsbury Street  
August 18, 2011  
5:00 p.m. – 11:00 p.m.  
August 19, 20, 21, 2011  
11:00 a.m. to 11:00 p.m.  
September 22, 2011  
5:00 p.m. – 11:00 p.m.  
October 9, 2011

Noon – 9:00 p.m.

Todd Faul, General Manager on behalf of applications. August 18, is chamber of commerce event, August 19, 20, 21 is beach party event, September 22, 2011 is walk and rock on Shrewsbury Street. October 9, 2011 is outside event.

Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the applications.

Kevin Zona  
183 Shrewsbury Street  
July 28, 2011  
6:00 p.m. – 11:00 p.m.

Kevin Zona appeared on behalf of application. Mr. Zona stated for annual for walk and rock on Shrewsbury Street. Live music and dinner.

Paul Giorgio spoke on behalf of event and stated it is on going musical festival. Mr. Giorgio stated event is for older demographics of 30-60 age group. Mr. Giorgio stated he has spoken to neighbors and they are in support of event.

Mr. Giorgio stated that some of the establishments have their event outside and some establishments already have outdoor cafes but some establishments do not have outdoor permits therefore require the one day license. Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application.

Special Malt & Wine  
license requested by:

Our Lady of Mr. Carmel St. Ann  
Parish  
28 Mulberry Street  
July 15, 2011  
6:00 p.m. – Midnight  
July 16, 2011  
7:00 p.m.– Midnight  
July 17, 2011  
Noon to 6:00 p.m.

Susan Cozzolino appeared on behalf of the application. Ms. Cozzolino stated event was for the Italian Festival to be held on the church property. Ms. Cozzolino stated event had not been held in few years but church was holding event this year. Ms. Cozzolino stated that Sgt. Anthony Petrone of the Worcester Police will be handling the requirements for off-duty police for event.

Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application.

David Ledoux  
Worcester Common  
June 30, 2011  
5:00 p.m. – 10:30 p.m.  
July 28, 2011  
6:00 p.m. – 10:30 p.m.  
August 25, 2011  
5:00 p.m. – 11:00 p.m.

Applicant had contacted License Commission Office to withdraw application for all dates.

Perfect Game  
64 Water Street

Request for change of manager  
to Mohammad Ali Fayyad

Mohammad Ali Fayyad appeared on behalf of application and stated that he has been hired as manager of the establishment. Lt. Johnson stated that Mr. Fayyad had passed background check.

Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application.

Rico's Inc  
433 Park Avenue

Request for alteration of premises for outdoor  
dining area in rear of existing parking lot for  
three tables with 12 seats

Niki Brouillette on behalf of application. Ms. Brouillette stated it will be a 40x12 area in back for outdoor dining. Peter Lukes stated his concern that the outdoor area is close to neighbors.

Owner of property of 431 Park Avenue expressed concern about people cutting through alleyway. He stated that people use alleyway as cut through and squeeze through fence in order to get into his parking lot.

Ms. Brouillette stated that area was fenced in but someone has pushed through in order to get through but she will fix the area so people cannot cut through.

Mr. Lukes asked what hours for outdoor café would be. Ms. Brouillette asked what would the Commission consider reasonable hours.

Mr. Lukes recommended that weekday, which will be considered Sunday through Monday, that outdoor area will close at 10:00 p.m. Friday and Saturday outdoor area will close at 11:00 p.m.

Karon Shea stated that outdoor area will be for three tables with twelve seats so area must be controlled.

Mr. Lukes expressed concerns that what the Commissioners viewed prior to meeting did not look like plans presented. Mr. Lukes stated that outdoor area must look like the plans presented to Commission.

Paul Mullan asked whether there were plans for outdoor entertainment. No outside entertainment will be allowed.

Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

7 Nana Steak House Inc  
Nana II Japanese Steakhouse  
60 Shrewsbury Street

Request for common victualer all alcoholic  
license and entertainment license to include  
radio, tv, cd player

Attorney Chung Lee appeared on behalf of 7 Nana Steak House Inc and requested to withdraw application in order to amend paperwork  
Application withdrawn

Hopduvel Enterprises, Inc  
dba Armsby Abbey  
144 Main Street

Request for change of officers/directors  
and change of stock

Attorney James Maloney appeared on behalf of Hopduvel Enterprises. Mr. Maloney stated stock will be transferred from Paul Durke to Thomas Sutter, S. Matthew Cairns and Alex Lopez who were all present for the meeting. Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

Zoe Enterprises, Inc.  
dba the Dive Bar  
34 Green Street

Request for change of officers/directors and  
change of stock

Attorney James Maloney appeared on behalf of Zoe Enterprises. Mr. Maloney stated stock will be transferred from Paul Durke to Alex Lopez. Mr. Lopez was present for the meeting. Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

Bar 2010, Inc.  
274 Shrewsbury Street

Request for tv, radio, dancing by patrons,  
recorded music, live music, amplification  
system, karaoke

Attorney Dan Cotton appeared on behalf of Bar 2010. Mr. Cotton stated that Bar 2010 is requesting to amended entertainment to include radio, tv, jukebox, single person live music.

Peter Lukes looked at previous entertainment at location which had radio, tv, piano and suggested same type of entertainment.

Peter Lukes asked if windows will be open at establishment and Attorney Cotton stated windows will be open.

Mr. Lukes expressed concern that entertainment could be a disturbance to neighborhood.

Karon Shea suggested that entertainment be radio, tv, jukebox.

Paul Mullan stated he did not want any live music at present time.

Mr. Lukes stated in future the applicant could come back and request live entertainment

Mr. Cotton stated they spoke with neighbors and they were not opposed to entertainment

Karon Shea made motion to approve radio, tv, jukebox with entertainment ending at Midnight.

Peter Lukes seconded. The Commission voted 3-0 to approve the application.

Jian Hui Food Group Inc  
FoodWorks  
50 Southwest Cutoff

Request for karaoke

Jian Chong appeared on behalf of Jian Hui Food Group. Mr. Chong stated he would like to add more business to establishment by adding karaoke.

Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

CityCyber Café

120 Stafford Street

Request for tv, radio

Attorney Robert Murphy appeared on behalf of Citycyber Café to request entertainment license for tv and radio. Peter Lukes stated he was hesitant to act on any applications that the business activity is an internet café due to the recent ruling by the Attorney Generals Office.

Attorney Murphy stated that board should not be looking at the Attorney General's regulations but should be focusing on the request for tv and radio as throughout the Commonwealth internet cafes are operating and the Attorney General has not closed them down.

Peter Lukes stated until Attorney General or judge tells him differently he is unwilling to act on application.

Peter Lukes made motion to deny. Karon Shea seconded. The Commission voted 3-0 to deny the application

Skynet Café

700 Southbridge Street

Request for tv, radio

Peter Lukes made motion to deny. Karon Shea seconded. The Commission voted 3-0 to deny the application

BMG Creations

560 Lincoln Street

Request for tv, radio

No action taken

Cadillac Internet Café

891 Main Street

Request for tv

Kalpesh Patel appeared on behalf of application and stated he is requesting entertainment license for just tv. Peter Lukes stated that as this establishment as internet café that as stated previously he would be unwilling to act due to Attorney General's recent ruling on internet cafes.

William Breault spoke on Main South Alliance and stated they should all be closed down and that either Worcester Police or State police need to take action to have these establishments closed down.

Mr. Lukes stated that License Commission does not have jurisdiction over internet usage.

Peter Lukes made motion to deny. Karon Shea seconded. The Commission voted 3-0 to deny the application

Hearings

Maccatacks

455 Pleasant Street

Hearing for cessation of business

Transcript attached

Main Street Restaurant Associates

Irish Times

244 Main Street

Hearing for cessation of business

Attorney Sean Murray appeared on behalf of Main Street Restaurant Associates. Steve Marshall who represents owner of building also was present.

Mr. Marshall stated that building had a flood a year ago and he has been working with insurance company to settle.

Mr. Marshall stated there was estimate of a half million in flood damage and insurance did not want to pay but settlement was reached few weeks ago.

Mr. Marshall stated contractor will begin roofing over the summer along with other renovations and that is why establishment had closed down.

Peter Lukes asked about management and Mr. Murray stated change of manager had been approved by the Commission few months previously but was got denied by stated due to overdue taxes and still needs to be address by the corporation.

Lt. James Johnson requested that once renovations are done he like information on management.

Mr. Murray stated that they could come back end of July to provide update to Commission.

Mr. Lukes stated he would be willing to wait until August for update.

Paul Mullan stated that due to scope of renovations he just wants to ensure they have enough time before they come back before Commission.

Mr. Marshall stated plan is to first try open first floor and then second floor and then reopen entire building.

An update on renovations will be provided at the August 2011 License Commission meeting

TR Limited

dba Club Blu

107 Water Street

Violation of Rules #1, #14 (2 counts)

Transcript attached

**Communications:**

**Resignation of manager from Perfect Game**

**ABCC notices for two violations hearings scheduled before them for Irish Times, 244 Main Street  
Commission filed items**

**Peter Lukes made motion to adjourn. Karon Shea seconded.  
10:55 a.m. adjourned.**

**LICENSE COMMISSION MEETING June 30, 2011**

**PETER LUKES**

**Now moving onto hearings, Mattacks, 455 Pleasant St., hearing for the cessation of business**

**DEBORAH STEELE**

**I believe the Lieutenant may have some information**

**PETER LUKES**

**Do we have anyone here for Mattacks? No one is here for Mattacks.**

**LIEUT. JAMES JOHNSON**

**No they have closed and they have not been operating since last meeting**

**PETER LUKES**

**And no one has appeared so we will make a motion to revoke the licenses for cessation of business.**

**DEBORAH STEELE**

**Karon Shea?**

**KARON SHEA  
Yes**

**DEBORAH STEELE**

**Paul Mullan?**

**PAUL MULLAN**

**Yes**

**DEBORAH STEELE**

**Peter Lukes?**

**PETER LUKES**

**Yes**

**TR LIMITED DBA CLUB BLU, 107 WATER STREET - JUNE 30, 2011**

**PETER LUKES**

Last one, TR Limited, Club Blu, 107 Water St. violations of rule one and fourteen.

Do you have an attorney with you? If not, please sign that.

Before we can start anyone that is going to testify please raise your right hand. You swear to tell the truth so help you God.

Lieut. Johnson please start us off with the police report

**LIEUT. JAMES JOHNSON**

The undersigned License Commission investigator requests that the License Commission notify Club Blu located at 105 Water Street, Timothy Desantis, manager, to appear before a hearing of the License Commission to answer to police complaints that a violation of Rule #1, Rule #14 of the Rules and Regulations of the License Commission which occurred on February 6, 2011.

Rule #1 – Hours of restaurants, clubs, hotels and general on premises premises are: Sunday, 11:00 a.m. to 2:00 a.m. the following morning (Sales to cease at 1:45 a.m.), Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, 8:00 a.m. to 2:00 a.m. the following morning (Sales to cease at 1:45 a.m.), All patrons off the premises by closing hour. Hours for taverns: Monday, Tuesday, Wednesday, Thursday and Friday, 8:00 a.m. to 1:00 a.m. (sales to cease at 11:45 a.m.) Closed on Sunday. All patrons off the premises by closing hour. Clearance hours: Unconsumed beverages must be cleared at closing hour as stated above. (Licensees and employees may remain upon such premises at any time for the purpose of cleaning, making emergency repairs to, or providing security for such premises or preparing food for the next day's business or opening or closing the business in an orderly manner). Main door cannot be locked until all patrons have left the premises.

Rule #14- Managers of all licensed liquor establishment shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on licensed premises whether present or not.

On February 26, 2011 at 0207 hours, Officer Jason Powers along with members of the Anti Crime Unit were fully uniformed working the Bar Impact Anti Crime Detail on Water Street. While Officer Powers was clearing patrons from the sidewalk in front of Club Blu at 105 Water Street, his attention was drawn to the inner foyer of the club. Officer Powers observed a Hispanic female drinking from a 12 oz Corona Beer bottle. Due to the time, Officer Powers knock on the door of the club. A male who stated he was a staff member asked if he could help us. Officer Powers entered the club and demanded to see the manager and advise him of what he observed. The staff member told Officer Powers the manager was in back and that he would get him. As Officer Powers entered, he observed another Hispanic female with a half full Corona bottle and she was taking a drink from it. Officer Powers asked her for identification. She handed Officer Powers her license and she was identified as Mercedes Burns .092689. She was advised that she shouldn't be in the bar and asked to leave. Burns was told she was being reported and investigation may ensue. The manager, Shawn Sprague appeared from the back of the business. Officer Powers told him of what he observed and that a report would be done for the violation. Officer Powers is here.

**TIMOTHY DESANTIS**

First of all I am absolutely horrified and embarrassed to be here considering that I've been in business for nine years and this is my first appearance here. With regards to this I had left just minutes earlier as it was last call and I left Shawn Sprague to finish the closing procedures. As stated in the officer's report Shawn went out to the back room and left his post so to speak. Apparently the bartender was talking to these girls, two women and Shawn have been out front as he should have been this would've never happened. We have taken countermeasures to make sure this type of thing doesn't happen again. We did let the bouncer go since the incident because he had been trained and this is not acceptable. We have changed our closing policy. We now require that until customers are out the door that no employees are out back. We or the manager and supervisor watching

**RONALD LOCONSOLO**

We also changed the last call to 125 and we only serve to 25 of and at that time all lights go off and music is off and people have 10 min. to finish their drinks and we have been doing this since February and at ten of two there is not a soul in that. It's embarrassing.

**LIET JAMES JOHNSON**

I should've read this one first

**PETER LUKES**

Will take that up separate

While I appreciate what you have done and I'm glad you made changes

**KARON SHEA**

Yes, and you made corrections so you moving in the right direction

**PAUL MULLAN**

Does Mr. Sprague still work for you?

**RONALD LOCONSOLO**

Yes he still does. He is a good kid

**PAUL MULLAN**

And he understands how important it is

**TIMOTHY DESANTIS**

Absolutely, we've had a staff meeting and we have gone over it

**PETER LUKES**

Suggestions

**KARON SHEA**

No, they're moving in the right direction so

**PAUL MULLAN**

I would suggest a one-day suspension that would be suspended

**PETER LUKES**

Roll call

**DEBORAH STEELE**

Karon Shea?

**KARON SHEA**

Yes

**DEBORAH STEELE**

Paul Mullan?

**PAUL MULLAN**

Yes

**DEBORAH STEELE**

Peter Lukes

**PETER LUKES**

Yes

Now the second count for Club Blu

**LIEUT. JAMES JOHNSON**

The undersigned License Commission investigator request that the License Commission notify Club Blu located at 105 Water Street, Timothy DeSantis, manager, to appear before a hearing of the License Commission to answer to police complaints that a violation of rule #14, rule #17 of the rules and regulations of the License Commission which occurred on February 12, 2011.

Rule #14- managers of all license liquor establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on licensed premises whether present or not.

Rule #17-Taverns, restaurants, general on premises, hotels and clubs are prohibited from purchasing alcoholic beverages, other than malt and wine, in bottles or original containers holding less than 1/5 of a gallon or .75 liters. Taverns, restaurants, general on premises, hotels and clubs are prohibited making sales by bottles or package to be taken away from the premises. No alcoholic beverage to be consumed except in areas specified on the license.

On February 12, 2011 at approximately 01:45 hours Officer D. Doherty and Officer Jon Kachadoorian were assigned to the bar impact detail in full uniform operating a marked patrol cruiser. This detail was implemented in order to curb violent incidents that occur at or near closing time. There have been numerous fights and armed assaults that have occurred at or outside of local clubs during this time. Officer Kachadoorian observed at or outside of local clubs during this time. Officer Kachadoorian observed a white female approximately 5'5" tall with blond hair numerous piercings in her facing, wearing a brown leather coat and jeans crossing Water Street at Harrison Street. This female was looking down at the ground as she walked and was unsteady on her feet. Officer Kachadoorian then observed a Hispanic male leaving Club Blu located at 105 Water Street. The Hispanic male was approximately 5'10 inches tall braided hair, wearing a red vest and jeans. The male came to be known as Radamez Torres, 03-17-1984. Radamez Torres was walking with his arms slung low at his sides like he was trying to conceal something. Radamez Torres walked across Water Street at Harrison Street with his arms low at his sides. Officer Kachadoorian observed him as he crossed the street with two sixteen ounce glasses, one clear glass and the other glass was green with a Rolling Rock beer insignia on it. Radamez Torres looked at Officer Kachadoorian and immediately tried to hide his drinks and continued to walk away from him. Officer Kachadoorian could smell the odor of alcoholic beverage as Radamez passed by him. Officer Kachadoorian then asked, "what are you doing?" Ramadez Torres took a sip out of one of the drinks and told Officer Kachadoorian, "I just bought these drinks you want me to dump them out?" Officer Kachadoorian proceeded toward him and still could smell the odor of alcoholic beverage from the glasses. The drinks were secured and Ramadez Torres was placed under arrest for possession of an open container of alcohol. Officer Kachadoorian then was able to assist with moving the people along who had gathered on the sidewalks and in the street. Officer Kachadoorian brought the two glasses back to Club Blu. Officer Kachadoorian knocked on the door and a person who appeared to be an employee, unlocked the door and a person who appeared to be an employee, unlocked the door. The male thanked Officer Kachadoorian for returning the glasses. Club Blu will be coming in front of the License Commission to answer to the above violations.

**PETER LUKES**

Okay, what happened?

**TIMOTHY DESANTIS**

With regards to the fights outside most of that is from the place next to me, I forget the name, Funky Murphy's, but with regards to this incident the countermeasures that we have taken for this obviously it was February people have their

coats and whatnot generally are closing policy has been to have security to do a sweep so they start the back with the bathrooms and then try to get everybody through the front door and then a couple of the security people help people get their coats on the coat check. After this incident happened we now instead of having the double doors open we just have one so people are forced through that door and we have someone outside checking

**PETER LUKES**

When things the former chairman used to say is that you not only responsible for the patrons on the premises but also when they leave and lucky and you're in a club and not a neighborhood but

**PAUL MULLAN**

At closing was there someone at the door?

**TIMOTHY DESANTIS**

There is now. There was someone at the door but they were tied up at the coat check. Now we actually put someone outside the door so you have to walk past that person as you exit

**PETER LUKES**

Anything further?

**KARON SHEA**

No

**PETER LUKES**

Okay, with a two violations I would recommend a two day suspension that will be suspended that means if you have another violation those two days along with any other penalty will be served.

**TIMOTHY DESANTIS**

Thank you so much we will not have another violation

**PAUL MULLAN**

Mr. Chairman I would just request that we amend our early vote so that this so that the suspension goes for the second because if we have a record in the future we don't want to look like we issued a warning

**PETER LUKES**

Okay, what we vote on this one and we suggest a warning on this one

**DEBORAH STEELE**

Karon Shea?

**DEBORAH STEELE**

Paul Mullan?

**PAUL MULLAN**

Yes

**DEBORAH STEELE**

Peter Lukes

**PETER LUKES**

Yes, now we will reopen hearing for the 26<sup>th</sup>. The February 26 violation we will reconsider that vote so moved?

**KARON SHEA**

Yes

**PETER LUKES**

Okay, I will asked for a roll call on a two-day suspended suspension with no days to serve

**DEBORAH STEELE**

Karon Shea?

**KARON SHEA**

Yes

**DEBORAH STEELE**

Paul Mullan?

**PAUL MULLAN**

Yes

**DEBORAH STEELE**

Peter Lukes?

**PETER LUKES**

Yes