

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
**MAY 25, 2017**  
ESTHER HOWLAND CHAMBER

**Commission Members Present:**

Anthony Salvidio, Chair  
Walter Shea, Commissioner  
Barbara Haller, Commissioner

**Commission Members Absent:**

**Staff Present:**

Stephen Rolle, Planning & Regulatory Services  
Deborah Steele, Planning & Regulatory Services  
James Foley, Inspectional Services  
Lt. James Johnson, Worcester Police Department  
Officer Edward Saucier, Worcester Police Department  
Officer Glenn Stout, Worcester Police Department  
Lt. Kevin Verscera, Worcester Fire Department

**Minutes**

April 27, 2017 & May 11, 2017

Upon a motion the Commission voted 3-0 to approve the minutes of April 27, 2017 and May 11, 2017.

Call to Order – 10:00 a.m

**OLD BUSINESS**

**I-1:** Petitioner: International Lounge, 27 Pleasant Street

Request to amend legal structure and change of license type to restaurant all alcohol license-

**I-2:** Petitioner: Dubai Restaurant and Lounge, 27 Pleasant Street

Request for entertainment license for tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, light show, floor show, karaoke-

Items #I-1 and I-2 were taken contemporaneously.

Upon a motion the Commission voted 3-0 to postpone the items to the June 8, 2017 License Commission meeting.

**I-3:** Scott Bove, 117 Shrewsbury Street-Outside

Request for one day entertainment license for jukebox, tv, radio, live music, recorded music

- May 27, 2017-Noon-10:00 p.m.-Saturday
- June 30, 2017-4:00 p.m.-10:00 p.m.-Friday
- July 13, 2017-4:00 p.m.-10:00 p.m.-Thursday
- July 20, 2017-4:00 p.m.-10:00 p.m.-Thursday
- July 27, 2017-4:00 p.m.-10:00 p.m.-Thursday
- September 2, 2017-Noon-10:00 p.m.-Saturday
- October 8, 2017-Noon-8:00 p.m.-Sunday

Joan Seely appeared upon behalf of the items.

Chair Salvadio reminded the applicant to be sensitive to the neighbors and control the noise for the event.

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

Exhibit A: One day entertainment application filed May 1, 2017 and dated May 1, 2017.

**I-4:** Albion, LLC, 765 Main Street

Request to increase total number of rooms to 72

Attorney Jonathan Finkelstein along with Michael O'Rourke appeared on behalf of the request.

Attorney Finkelstein stated that they are looking to increase the number of rooms from 68 to 72 and to increase number of residents allowed from 88 to 100. He stated that they would do this by creating four more rooms to the already existing building.

Attorney Finkelstein stated that the number of police calls have dropped since Mr. O'Rourke took over the building and Mr. O'Rourke has invested over \$300,000 in making improvements to the building since he bought it

The Commissioners all noted that Mr. O'Rourke has made significant progress with the building but Commissioner Haller expressed concerns that is too soon to request an increase and would prefer to wait until end of summer to see how it progresses as this is a large building which requires extra management and would have trouble at this time approving expanding the number of rooms. Commissioner Haller stated that she would be more willing to consider the request once a year has gone by with Mr. O'Rourke managing the location.

Councilor Sarai Rivera expressed concerns about increasing the rooms at this time and stated that she also would prefer to see the summer to go by to see how things work out under Mr. O'Rourke.

Frank Zitomersky and Casey Star spoke in opposition to the expansion due to the fact that the Main South area already has a significant amount of lodging houses and do not see the reason to create more rooms at this location.

Upon a motion the Commission voted 2-1 (Commissioner Haller voting against) to approve the request with condition that the increase is limited to Mr. O'Rourke owning the building and being the owner of the lodging house license.

Exhibit A: Request to amend lodging house license dated April 26, 2017 and received April 26, 2017.

## **NEW BUSINESS**

### **II Special One Day Liquor & Entertainment Requests**

#### **II-1: City of Worcester, City Hall Plaza**

Request for one day liquor license

- May 25, 2017-5:30 p.m.-7:30 p.m.

Kim Driscoll from the Cultural Department appeared on behalf of the application. She stated that the date has been postponed to June 1, 2017 due to rain.

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

Exhibit A: Application for one day liquor license dated May 9, 2017 and received May 9, 2017.

#### **II-2: Saint Spyridon Greek Orthodox Cathedral, 102 Russell Street**

Request for one day liquor license

- June 10, 2017-6:00 p.m.-Midnight

Michael Dionis appeared on behalf of the application. He stated that this is for a wedding reception and TIPS bartenders will staff event and a police detail has been hired.

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

Exhibit A: Application for one day liquor license dated May 9, 2017 and received May 9, 2017.

#### **II-3: Kristen Dyer, College Holy Cross, 1 College Street**

Request for one day liquor license

- June 2, 2017-7:00 p.m.-Midnight-Fenwick Tent
- June 3, 2017-6:00 p.m.-1:00 a.m.-Kimball Main
- June 3, 2017-6:00 p.m.-1:00 a.m.-Lower Kimball

- June 3, 2017-6:30 p.m.-11:00 p.m.-Fenwick Tent
- June 9, 2017-6:00 p.m.-1:00 a.m.-Kimball Main
- June 10, 2017-6:30 p.m.-1:00 a.m.-Kimball Quad

Kristen Dyer appeared on behalf of the applications. She stated that the events are for their reunion weekend.

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

Exhibit A: Application for one day liquor license received May 8, 2017 and dated May 8, 2017.

**II-4:** Salem Covenant Church, 215 East Mountain Street

Request for one day liquor license

- June 11, 2017- TBD

Harry Nelson appeared on behalf of the application. He stated that this is for a memorial services for his father.

Chair Salvidio asked what the hours for the event would be. Mr. Nelson stated 5:00 p.m.-10:00 p.m.

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

Exhibit A: Application for one day liquor license received May 8, 2017 and dated May 8, 2017.

**II-5:** 90 Harding Street, LLC dba Compass Tavern, 90 Harding Street

Request for one day entertainment license outside

- July 14, 2017-Friday-Hours TBD

No one appeared for the item.

Upon a motion the Commission voted 3-0 to postpone the item to the June 8, 2017 License Commission meeting.

Exhibit A: Application for one day entertainment license received May 4, 2017 and dated May 4, 2017.

**II-6:** St. Mary's Assumption Albanian Church, 535 Salisbury Street

Request for one day entertainment license for dancing by patrons, recorded music, amplification system

- June 2, 2017-5:00 p.m.-11:00 p.m.-Friday
- June 3, 2017-Noon-11:00 p.m.-Saturday
- June 4, 2017-Noon-7:00 p.m.-Sunday

Mark Baker appeared on behalf of the application. He stated that this is for entertainment at the Albanian Festival.

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

Exhibit A: Application for one day entertainment license received May 9, 2017 and dated May 9, 2017.

**II-7:** Chartwells, 100 Institute Road

Request for one day liquor license

- June 1, 2017-6:00 p.m.-8:00 p.m.-Rec Center
- June 2, 2017-7:00 p.m.-9:00 p.m-Quad
- June 3, 2017-6:00 p.m.-11:00 p.m.-Morgan Hall
- June 3, 2017-6:00 p.m.-11:00 p.m.-Rec Center
- June 3, 2017-6:00 p.m.-9:30 p.m-Alden Hall
- June 3, 2017-8:00 p.m.-11:00 p.m.-Bartlett
- June 3, 2017-6:30 p.m.-8:30 p.m-Quad

No one appeared for the item.

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

Exhibit A: Application for one day liquor license received May 16, 2017 and dated May 16, 2017.

**II-8:** Worcester Hibernian Cultural Foundation, 19 Temple Street-Outside

Request for one day liquor license

- July 15, 2017-Noon-10:00 p.m.

**II-8a:** Worcester Hibernian Cultural Foundation, 19 Temple Street-Outside

Request for one day entertainment license for recorded music, live music

- July 15, 2017-Noon-10:00 p.m.

Items #8 and 8a were taken contemporaneously.

Ruth Langley appeared on behalf of the applications. She stated that they expect about 500 people for the event. Lt. Johnson recommended that two police details be hired for the event.

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

Exhibit A: Application for one day liquor license received May 16, 2017 and dated May 16, 2017.

Exhibit B: Application for one day entertainment license received May 16, 2017 and dated May 16, 2017.

**II-9:** Cars of Summer at Green Hill Park

Request for one day entertainment license for recorded music, live music, amplification system, car show

- July 1, 2, 3, 2017-9:00 a.m.-9:00 p.m.

Gary Cooper appeared on behalf of the application. He stated that this is for the annual car show at Green Hill Park.

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

Exhibit A: Application for one day entertainment license received May 10, 2017 and dated May 10, 2017.

**II-10:** LaRaza, 387 Cambridge Street

Request for one day entertainment license for live music, amplification system, car show

- June 3, 2017-Noon-7:00 p.m.

Javier Sanchez along with translator Eric Batista appeared on behalf of the application.

Mr. Sanchez stated that this is for a car show and that he will notify his neighbors of the event.

Commission members and police reminded the applicant to keep the noise level down and that event must shut down by 7:00 p.m.

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

Exhibit A: Application for one day entertainment license received May 17, 2017 and dated May 17, 2017.

**II-11:** Struck Catering, 55 Lake Avenue

Request for one day liquor license

- June 1, 2017-5:00 p.m.-9:30 p.m.

Derek Grillo appeared on behalf of the application. He stated that this is for an event at UMASS and about 200 people are expected.

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

Exhibit A: Application for one day liquor license received May 18, 2017 and dated May 18, 2017.

### **III Common Victualer Requests**

**III-1:** Mrs. Rebeca Restaurant, 264 Grafton Street

- Request for common victualer license

Rebeca Santimaw appeared on behalf of the item.

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

Exhibit A: Common victualer application received May 5, 2017 and dated May 5, 2017.

**III-2:** Blue Shades, Wave 81 Café, Inc., 256 Park Avenue

- Request for common victualer license

Samuel Cheng appeared on behalf of the item.

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

Exhibit A: Common victualer application received May 11, 2017 and dated May 11, 2017.

### **IV Alcohol & Entertainment Requests**

Commissioner Salvidio recused himself from the item.

**IV-1:** Niche Sports Concepts, Inc. dba Rainers Sports Tavern, 90 Commercial Street

Request for restaurant all alcohol license

Michael Covino appeared on behalf of the item. The Commissioners stated that they had viewed the site prior to the meeting.

Lt. Johnson stated that the background check is still pending.

Upon a motion the Commission voted 3-0 to approve the restaurant all alcohol license with condition that police sign off on the background check.

Exhibit A: Restaurant all alcohol license received May 10, 2017 and dated May 10, 2017.

Commissioner Salvidio returned to the meeting room.

### **V Other Business**

**V-1:** Danana, 387 Cambridge Street – Corporate status

Javier Sanchez along with translator Eric Batista appeared on behalf of the item.

Staff informed the Commission that the articles of organization for the corporation have expired and Mr. Sanchez had appeared previously before the Commission who had asked him to resolve matter. Mr. Sanchez stated that his attorney is working on it.

The Commission stated that it would need to be taken care of prior to the car show event.

**V-2:** Takara, 10-14 Millbury Street-Corporate status

Staff informed the Commission that the license holder had appeared before the Commission in the Fall and it was noted at that time the articles of organization had expired and as of today's date it has not been resolved.

Lt. Johnson informed the Commission that the licensee will be appearing before the Commission soon for a police violation.

The Commission asked staff to send another letter to license holder regarding the matter.

**V-3:** Elite Club Enterprise Inc. dba Riveria Club, 241 Southbridge Street  
Request to amend condition on license

Sergey Yugay appeared on behalf of the item. He stated that he would like to amend the condition on his license regarding police details. Currently he is required to have a police detail Thursday, Friday and Saturday from 10:00 p.m. to 3:00 a.m. He stated that he'd like to remove the Thursday night detail and stated that he is having trouble getting details for the hours required by the Commission.

Lt. Johnson stated that he would not recommend the detail be taken off Thursday night but stated that they could work on amending the hours as they have been having problems getting someone to fill the time slot.

Chair Salvidio stated that if the Commission places a condition on the license regarding police details then it is up to the police to make sure that the condition can be fulfilled as it's not fair to the license holder if they try to comply with condition but are unable to.

.Lt. Johnson stated that police understand that and they have been working on a solution and would suggest that the hours for the detail be 11:00 p.m. to 3:00 a.m. as the new shift comes on at that time and would be available.

Upon a motion the Commission voted 3-0 to amend the condition on the license that one detail officer be required Thursday, Friday and Saturday from 11:00 p.m. to 3:00 a.m.

## **VI Violations**

**V1-1:** M&S Entertainment, Inc. 336 Main Street-Cessation of Business hearing

Staff informed the Commission that a transfer of license to a new location has been filed.



The item was filed.

**V1-2:** Albino's Grocery and Deli, Inc., 90-94 Belmont Street-  
Violation of Rules #6, #21-Sale to minor

No one appeared for the item. The Commission advised staff to send a letter to the license holder for revocation of the license for failing to appear two times before Commission to answer to the violation.

Exhibit A: Police report dated March 18, 2017.

Commissioner Salvidio recused himself from the item.

**V1-3:** Fusion Entertainment, dba Lava Lounge, 2 Washington Square  
Violation of Rules #14, #27-Manager responsible for premises,  
Occupancy. Two counts- April 28, 2017 and May 6, 2017

Zolifikar Ezzeddine appeared on behalf of the item and waived his right to counsel.

Lt. Johnson presented the following.

On April 28, 2017 Officer Glen Stout and Officer Shane Marcotte were assigned to the Alcohol Enforcement Unit when they received a call to assist the detail officer and operations personnel with a large crowd of patrons exiting the Licensed Premises.

Upon arrival Officer Stout observed numerous police officers clearing a very large crowd from the front of Union Station. Officer Stout spoke with Sergeant Peters who stated that there had to be over 300 patrons inside the Licensed Premises at closing time. Thirty one uniformed police officers, four sergeants and one lieutenant responded to the scene to assist with the large crowd exiting the bar and the fight that was taking place inside the Licensed Premises.

Officer Stout spoke with the manager, Zolfikar Ezzeddine, and asked what the occupancy was for the Licensed Premises and how does he keep track of the number of patrons. Mr. Ezzeddine responded that the occupancy was 165 and he can tell by sight how many people are in the Licensed Premises. Mr. Ezzeddine stated that he has a counter but another employee had taken it home.

Officers Stout & Marcotte obtained video footage from the surveillance cameras at Union Station and the Real Crime Center. The video footage showed 140 patrons exiting the rear door and 80 exiting the front door. It was difficult to determine the exact number of patrons due to the fact that groups of people were shown to leave and immediately go back into the Licensed Premises but the officers counted over 200 patrons.

### **May 6, 2017**

On May 6, 2017 Officer Glen Stout and Officer Patrick Harrington were assigned to the Alcohol Enforcement Unit and were conducting compliance checks. They observed a large amount of vehicles parking and people entering the Licensed Premises. As the Officers entered the Licensed Premises they noticed the entrance was not monitored for crowd control.

The Officers spoke with an employee and asked what their current occupancy was and the employee directed the Officers to speak to the manager who was tending bar.

The Officers spoke with the manager, Zolfikar Ezzeddine, and asked what the current occupancy was. Mr. Ezzeddine went into the office to check and returned with a cell phone with the number "164" and stated that was the number of people that came in before he went to tend bar.

The occupancy at the Licensed Premises is 166. The Officers on scene estimated approximately 250 patrons inside the Licensed Premises.

The Officers asked who was monitoring the occupancy and Mr. Ezzeddine apologized to the Officers and stated that things got of hand and patrons started getting mad at the bartenders for taking too long to serve drinks so he went to help them.

Mr. Ezzeddine made the decision to shut down the Licensed Premises for the night and instructed his staff to assist with patrons exiting.

The Officers monitored the crowd exiting and observed tables inside the Licensed Premises were covered in empty bottles and cups and noticed several lit hookahs on tables with bottles and plastic cups piled next to them making it a potential fire hazard. It appeared the manager had lost control of the crowd and the patrons.

Mr. Ezzeddine waived his right to counsel and stated that he is really sorry for what happened and admitted to the violation. He stated that he tried having entertainment on Thursday and he did have a police details but did not work out He stated that both incidents he closed earlier and he sent everyone out.

Mr. Ezzeddine stated that it was a mistake and wants to work with police and the Commission so it does not happen again.

Commissioner Shea stated the whole Worcester Police Department was responding to these incidents which left rest of the city unprotected and this shows a lack of management skills.

Commissioner Shea noted that the licensee has a suspended suspension from September still pending.

Commissioner Shea asked why Mr. Ezzeddine was not attending to his manager duties and acting as a bartender. Mr. Ezzadine stated that he did have two bouncers and a police detail but bartenders got busy so he went to help them and bouncers did not do their jobs and were fired.

Commissioner Haller asked how long Mr. Ezzeddine been manager. Mr. Ezzeddine stated six months.

Commissioner Haller stated that she shares Commissioner Shea's opinion about of lack of management skills and asked what Mr. Ezzadine's thinks the off duty detail officer responsibility is. Lt. Johnson stated that the off duty officer is to keep the peace and maintain the peace Mr. Ezzadine stated that he thought if he had a police detail he was completely protected.

Commissioner Haller asked if the licensee had taken advantage of the class the Worcester Police offer regarding review of liquor laws. Lt. Johnson stated no that they have not.

Commissioner Haller stated that due to the number of incidents she believes there needs to be strong discipline.

Commissioner Shea stated that the before Mr. Ezzaddine leaves today he needs to speak with the Worcester Police Department and set up a meeting so they can come and review the liquor laws with him and his staff.

Upon a motion the Commission voted 2-0 that the violations did occur on April 28, 2017 and May 6, 2017.

Upon a motion the Commission voted 2-0 that the three day suspension from the previous violation of Fall of 2016 be imposed and that an additional seven days be imposed for a total of ten days.

Exhibit A: Police report dated May 10, 2017.

Chair Salvidio returned to the meeting room.

**V1-4:** Kirsch Liquors, 646 Main Street, Violation of Rules #6, #21-Sale to minor

Attorney James O'Brien, Bob Kirsch and Ryan Sens appeared to answer to the violation.

Lt. Johnson presented the following:

On March 18, 2017, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 1:13 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light. The male was able to purchase the alcohol without being asked for identification.

Attorney O'Brien stated that they are not contesting the violation and stated that Mr. Kirsch checked his video and did not see the transaction but did find record that a six pack of Bud Light was sold.

Attorney O'Brien stated that Mr. Kirsch is going to be retiring and Mr. Sens will be applying to be manager.

Attorney O'Brien stated that even the best of stores can get caught in a sting and is aware that in record that there was a previous violation last year and the licensee served one day but a one day suspension for a smaller store or any suspension can very hurtful and request the Commission take that into consideration.

Commissioner Haller noted that there was an incident last year and some older incidents on record but since the last incident was six months ago there are some management issues that need to be addressed.

Upon a motion the Commission voted 3-0 that the violation had occurred.

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

Exhibit A: Police report dated March 18, 2017.

**V1-5:** Ha Nguyen dba Nay Site Super Store, 26 Greenwood Street, Violation of Rules #6, #21-Sale to minor

Ha Nguyen appeared to answer to the violation and waived her right to counsel.

Lt. Johnson presented the following,

On March 18, 2017, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 12:12 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light. The male was able to purchase the alcohol without being asked for identification.

Ms. Nguyen stated that she embarrassed to be before the Commission and works every day from morning to night and this is her first violation in 20 years. She stated that she remembers the incident and it was a big kid with a beard and baseball cap so she thought he was old enough.

Commissioner Haller asked if she checks for ID's. Ms. Nguyen stated that she always checks for ID and doesn't know what happened that day.

Upon a motion the Commission voted 3-0 that the violation had occurred.

Upon a motion the Commission voted 3-0 to issue a warning.

Exhibit A: Police report dated March 18, 2017.

**V1-6:** Kwik Pik, Inc. dba Kwik Pik Convenience, 557 Southwest Cutoff,  
Violation of Rules #6, #21 – Sale to minor –**Request to postpone to June 8, 2017.**

Exhibit A: Police report dated March 18, 2017.

### **Communications**

- a. Funky Murphy-Offer in Compromise in Lieu of suspension-No comment.
- b. OM Harsh Corporation dba A&B Liquors, 110 McKeon Road-Request to change suspension date-Upon a motion the Commission voted 3-0 to deny the request.

### **ADJOURNMENT**

Upon a motion the Commission voted 3-0 to adjourn the meeting at 12:02 p.m.