

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 26, 2017
LEVI LINCOLN CHAMBERS

Commission Members Present: Walter Shea, Commissioner
Barbara Haller, Commissioner

Commission Members Absent: Anthony Salvdio

Staff Present: Deborah Steele, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
Lt. James Johnson, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Glenn Stout, Worcester Police Department.
John Biancheria, Inspectional Services

Minutes

None

NEW BUSINESS

Common Victualer Requests

I-1: Loving Hut, 56 Hamilton Street

Request for common victualer license

Jimmy Hoang appeared upon behalf of the application and stated that he was looking to open a vegetarian restaurant.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license dated October 13, 2017 and received October 13, 2017.

I-2: El Dorado Mexican Grill, 138 Millbury Street

Request for common victualer license

Item postponed to November 16, 2017.

Exhibit A: Application for common victualer license dated October 18, 2017 and received October 18, 2017.

I-3: Daily Dose, 90 Madison Street, Suite 105

Request for common victualer license

San Tang appeared upon behalf the item and stated that he would like to open a coffee shop.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license dated October 18, 2017 and received October 18, 2017.

I-4: The Vegan Nest Café, 6 Waldo Street

Request for common victualer license

II-2 The Vegan Nest Café, 6 Waldo Street

Items I-4 and II-2 were taken contemporaneously.

Request for entertainment license for tv, radio, recorded music, live music, amplification system, play, any other audio or visual show, whether live or recorded specifically

Nicole Broushet appeared upon behalf the items and stated that she would like to open a vegetarian restaurant with entertainment.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Upon a motion the Commission voted 2-0 to approve the entertainment license.

Exhibit A: Application for common victualer license dated October 20, 2017 and received October 20, 2017.

Exhibit B: Application for entertainment license dated October 20, 2017 and received October 20, 2017.

Special One Day Liquor & Entertainment Requests

None

Alcohol & Entertainment Requests

II-1 Simjang, LLC, 72 Shrewsbury Street, Unit 1

Request for restaurant all alcohol license

Item postponed to November 16, 2017.

Exhibit A: Application for restaurant all alcohol license dated October 6, 2017 and received October 6, 2017.

II-3: Thanh Phan, 580 Park Avenue

Request for restaurant all alcohol license

Item postponed to November 16, 2017.

Exhibit A: Application for restaurant all alcohol license dated October 10, 2017 and received October 10, 2017.

Violations

III-1: Holden Brattle Market, Inc., 1 Brattle Street

Violation of Rules #6, #21 – Sale to underage person

Attorney George Kiritsi along with Fotini and Konstantions Angelis 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 female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 11:48 a.m. the underage female entered the Licensed Premises and purchased a six pack of Mike's hard black cherry lemonade. The female was able to purchase the alcohol without being asked for identification.

The Angelis's admitted that the violation had occurred and stated that this was a new employee that they left in the store alone for a few minutes when the incident occurred. The employee has since been terminated and the establishment now has a written policy they give employees regarding sales to underage people.

The Commission noted that there had been no previous violations in 21 years.

Upon a motion the Commission voted 2-0 that the violation had occurred.

Upon a motion the Commission voted 2-0 to issue a warning.

Exhibit A: Police report dated March 18, 2017.

III-2: Mambo Drinks, Inc., 105 Water Street

Violation of Rules #14-Manager responsible for premises

Jonathan Pena appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following.

On September 17, 2017 a large fight occurred outside the Licensed Premises and several officers responded to the scene and during the incident one of the females involved was determined to be 19 years old. The License Premises has a restriction that the establishment is 21+.

On September 19, 2017, Officer Patrick Harrington interviewed the 19 year old female who voluntarily informed Officer Harrington that she was inside the Licensed Premises on September 17, 2017 and entered by using her MASS I.D.

Mr. Pena stated that everything that evening was perfectly fine? inside the establishment and these incidents have been happening outside . They can't do anything about the things that happen in the street and the fight that evening was only between one or two females.

Lt. Johnson stated that a lot of problems outside are happening between 1:00 a.m. and 2:00 a.m. and happen as a result of people leaving the establishment.

Mr. Pena stated that they are open Wednesday thru Sunday and they have never had any problems during that time. There are other bars on the street and some patrons might be coming from other bars; problems are when all the bars on Water Street are open at the same time.

Commissioner Shea asked Mr. Pena what type of training he had as manager of a nightclub. Mr. Pena stated that he was a supervisor previously at a large supermarket.

Commissioner Haller asked what happened that evening. Mr. Pena stated that he did not know but tells all employees to check ID and if management finds that security personnel did allow someone in under 21 they are either terminated or given a weekend off without pay.

Commissioner Haller asked what happened with the security person the night of the incident. Mr. Pena stated that he did not know as he wasn't aware of the incident.

Officer Harrington stated that with regard to the police detail, a few days prior the license holder was notified that they could not fill the off duty request for Mambo Drinks. Lt. Johnson stated that they would not fault the establishment as they did make an attempt to fill the off duty requirement but could not due to shortage of police manpower.

Lt. Johnson stated that the establishment does submit their list of upcoming events to the police department but he would like the establishment to submit more details on the events and will work with the establishment on what the police would like to see in terms of security.

The Alcohol Enforcement team made several attempts to obtain video surveillance of the incident, but did not receive it from the staff of the Licensed Premises.

Mr. Pena stated that he is working on training on how to do the video surveillance equipment

Lt. Johnson stated that the establishment is working with police but due to issues the Worcester Police would recommend the establishment have a closing time of 1:00 a.m. It does not have to be a permanent condition on the license but could be for a trial period.

Commissioner Shea stated that they have done this in the past with other establishments and it seems to work as after few months the problem people no longer come to the establishment so it also helps the establishment out.

Mr. Pena stated that his concern was that if they have a 1:00 a.m. closing and then incidents still happen after 2:00 a.m. they do not want their establishment to get blamed.

Upon a motion the Commission voted 2-0 that the violation had occurred.

Upon a motion the Commission voted 2-0 to issue a two day suspension, December 2 & 3, 2017.

Upon a motion the Commission voted 2-0 that the establishment closes at 1:00 a.m. on Thursday, Friday, Saturday, and Sunday; Wednesday at 2:00 a.m.; and closed on Monday and Tuesday. This schedule would be for a six month period.

Communications

Law Department electronic communication re: Tampering with alcohol, dated October 18, 2017

Adjournment

Meeting adjourned at 10:35 a.m.