

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
NOVEMBER 13, 2014

LEVI LINCOLN CHAMBERS

**Commission Members Present:** Karon Shea, Chairperson

**Commission Members Absent:** Anthony Salvidio, Commissioner  
Walter Shea, Commissioner

**Staff Present:** Deborah Steele, Planning & Regulatory Services  
Stephen Rolle, Planning & Regulatory  
Alexandra Haralambous, Law Department  
Lt. James Johnson, Worcester Police Department  
Officer Ed Saucier, Worcester Police Department  
Officer Mark Jolin, Worcester Police Department

**Commission Site Views** - 9:30 a.m. – 194B Park Avenue, LLC, 194B Park Avenue

**Call to Order** – 10:00 a.m.

**Approval of the Minutes – October 30, 2014**

Upon a motion the Commission voted 3-0 to approve the minutes of October 30, 2014.

**NEW BUSINESS**

**One Day Liquor & Entertainment Requests:**

1. Petition: Request for one day liquor license  
November 14, 2014 – 5:00 p.m. – 8:00 p.m.

Petitioner: Chartwells, 100 Institute Road-Alden Hall

Kristi DiCeroso appeared on behalf of the application. She stated that this will be an event for 100 people.

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

Exhibit A: Application for one day liquor license received October 29, 2014 and dated October 29, 2014.

2. Petition: Request for Farmer Winery License – October 24, 2014 to  
May 23, 2015

Petitioner: Zoll Cellars Winery, Canal District Farmers Market

Applicant did not appear for item but Commission stated that applicant had appeared before Commission prior and had his state approval so they feel comfortable approving it.

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

Exhibit A: Application for Farmers Market received October 29, 2014 and dated October 29, 2014.

3. Petition: Request for one day liquor license

November 23, 2014 – 3:00 p.m. -7:00 p.m.

December 9, 2014 – 6:00 p.m. – 10:00 p.m.

December 12, 2014 – 6:00 p.m. – 10:00 p.m.

February 2, 2015 – 6:00 p.m. – 10:00 p.m.

February 5, 2015 – 6:00 p.m. – 10:00 p.m.

Petitioner: College of Holy Cross, 1 College Street

A representative from the College of the Holy Cross appeared on behalf of the item. He stated that they had previously been before the Commission and received approval for licenses and are requesting additional dates.

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

Exhibit A: Application for one day licenses received November 6, 2014 and dated November 6, 2014.

#### **Common Victualer License Requests:**

4. Petition: Request for common victualer license

Petitioner: Mimo's Deli, 294 Hamilton Street

Gerald Piaruali appeared on behalf of the application. He stated that this will be for an Italian Deli.

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

Exhibit A: Application for a common victualer license received on October 29, 2014 and dated October 29, 2014.

5. Petition: Request for common victualer license

Petitioner: 263/265 Grafton Street, 265 Grafton Street

Briano Mariano appeared on behalf of the application. He stated that this will be for Dunkin Donuts.

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

Exhibit A: Application for common victualer license received November 5, 2014 and dated November 5, 2014.

6. Petition: Request for common victualer license

Petitioner: 7 Eleven, 1326 Main Street

Danielle Gluckner appeared on behalf of the application. She stated that this will be just a change of franchise owner.

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

Exhibit A: Application for common victualer license received November 5, 2014 and dated November 5, 2014.

7. Petition: Request for common victualer license

Petitioner: Colony Farms, 1127 Main Street

No one appeared for the hearing. Ms. Steele stated that the police had signed off on the background check.

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

Exhibit A: Application for common victualer license received November 5, 2014 and dated November 5, 2014.

**Alcohol & Entertainment Permit Applications:**

8. Petition: Request for entertainment license for tv, radio, dancing by patrons, recorded music, live music, amplification system, karaoke

Petitioner: Clear Blue LLC, 242 Mill Street

Michael Birbeck appeared on behalf of the application. He stated that this will be in addition to the liquor license he received approval a few weeks ago before.

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

Exhibit A: Application for entertainment license received November 4, 2014 and dated November 4, 2014.

9. Petition: Request to open at 10:00 a.m. on Sunday

Petitioner: Randell Package Store, 108 Canterbury Street

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

Exhibit A: Application for change of hours received November 3, 2014 and dated November 3, 2014.

10. Petition: Request for package store malt & wine license

Petitioner: 194B Park Avenue, LLC, dba Park Avenue Smokeshop, 194B Park Avenue

Exhibit A: Application for package store all malt & wine license received October 27, 2014 and dated October 27, 2014.

Attorney Todd Brodeur appeared on behalf of the application along with Paritosh Patel, the proposed manager for the Park Avenue Smokeshop. Attorney Brodeur stated that Mr. Patel has other package stores, one in Malden and one in Newburyport, and if this license is approved he will work at this location 40 hours a week and appoint other staff to manage the other locations. Attorney Broder stated 25% of the retail space in the store will be dedicated to beer and wine products and would be ancillary to the smoke shop.

Chair Shea opened the hearing up to public comment.

Earl Atchue stated he owns the property adjacent to the proposed package store and stated there is no public need as there are ten package stores within short distance from the proposed location.

Bob Evans of Oakley Properties representing 222, 224 & 228 Park Avenue stated he is opposed to the license as there is no a need for another package store in the area.

As of November 10, 2014, there were 2 section 15 off-premises licenses within a .5 mile radius of the proposed location; 8 within a 1 mile radius of the proposed location; and, 18 within a 1.5 mile radius of the proposed location.

Chairwoman Shea stated after observing the area that morning and the public hearing and discussion she did not see the need for another license as the area is already well served and there is no public need. Commissioner Shea stated he agreed with the Chairwoman's comments.

The License Commission finds as follows:

1. There are adequate liquor establishments in the area to serve the public need.

Upon a roll call the License Commission hereby denied the application by a 2-0 vote.

Commissioner Salvidio returned to the meeting room.

### **Violation Hearings**

11. McGovern's Package Store, 82 Millbury Street, - Rule #6, #21- Sale to underage

Lt. Johnson presented the following:

On June 27, 2014, Officer Edward Saucier, along with Lieutenant James Johnson conducted compliance checks at various package stores throughout the city of Worcester.

1. An underage male (identifying information held at the Worcester Police Station Alcohol Unit) accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol.
2. The underage male was advised to tell the clerk he did not have an ID if asked and to be polite and to leave without confrontation if denied the purchase of alcohol.
3. Prior to going out, the underage male was given a breathalyzer test in the cell room and again upon his return. He was not allowed to carry identification on his person.
4. At around 4:23 p.m., the underage male entered Savlana, Inc., dba McGovern's Package Store, located at 82 Millbury Street, and purchased a six pack of Yuengling for \$6.99.
5. According to the underage male the clerk was an Indian woman possibly in her 30's, asked him for identification but sold him the beer anyways when he told her he didn't have any.
6. At the conclusion of the sting, Lt. Johnson contacted the business to inform them of the violation and advised that the manager would have to appear before the License Commission

Ms. Prashad admitted that the violation occurred and apologized to the Commission for letting it happen.

Chairwoman Shea asked whether the store has a scanner and Ms. Prashad stated it does but she did not use it as the male did not have identification. Chairwoman Shea asked what she is doing to ensure this does not happen again and told Ms. Prashad that it is her responsibility to make sure this does not happen again.

Commissioner Anthony Salvidio noted that a review of the file showed that there were no previous violations.

Based on the evidence, the Commission finds the Licensee violated Rules #6 and #21 of the Worcester License Commission Rules and Regulations for liquor licenses and M.G.L. c. 138, §34 on June 27, 2014, and imposed a two (2) day suspended suspension for one year which means if any violations occur within one year from the hearing date the two day suspension will be served along with any other suspension that Commission may impose.

Exhibit A: Police Report dated June 27, 2014.

12. RSL Enterprises Inc., 107 Ward Street, - Rules #6, #21 – Sale to underage

Lt. Johnson presented the following:

1. On June 27, 2014, Officer Edward Saucier, along with Lieutenant James Johnson conducted compliance checks at various package stores throughout the city of Worcester.
2. An underage male (identifying information held at the Worcester Police Station Alcohol Unit) accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol.
3. The underage male was advised to tell the clerk he did not have an ID if asked and to be polite and to leave without confrontation if denied the purchase of alcohol.
4. Prior to going out, the underage male was given a breathalyzer test in the cell room and again upon his return. He was not allowed to carry identification on his person.
5. At around 4:30 p.m., the underage male entered Harrahy's and purchased a six pack of Yuengling for \$6.99.
6. According to the underage male the clerk was an elderly male with white hair and a mustache and sold him the beer without asking for any identification.
7. At the conclusion of the sting, Lt. Johnson contacted the business to inform them of the violation and advised that the manager would have to appear before the License Commission

Mr. Largess admitted that the violation occurred and testified there was no excuse for what happened. Commissioner Anthony Salvidio noted that a review of the file showed that there was a previous violation in 2011 for a similar type of violation and the Licensee received a warning at that time.

Commissioner Walter Shea asked whether the package store had an electronic scanner for checking identifications and Mr. Largess testified that it did not. Mr. Largess testified that he has signs posted regarding checking identification at the front door of the store and he has enrolled in the Responsible Retail Program and presented the board with a green card. The Responsible Retail Program is voluntary and it has people randomly go to package stores to check if the store is checking for identification. Lt. Johnson testified that this is a private program that does spot checks and is a good program. He further testified that the entity periodically emails him with their findings and the numbers in the city have been pretty good.

Chairwoman Shea stated that it is Mr. Largess's responsibility, as owner and manager, to ensure the laws are being followed.

Based on the evidence, the Commission finds the Licensee violated Rules #6 and #21 of the Worcester License Commission Rules and Regulations for liquor licenses and M.G.L. c. 138, §34 on June 27, 2014, and imposed a two (2) day suspension to be served on December 2<sup>nd</sup> and 9<sup>th</sup>, 2014.

Exhibit A: Police report dated June 27, 2014.

13. Kenichi, 270 Shrewsbury Street, Rule #14, #17- Outdoor dining violation

Exhibit A: Police report dated August 2, 2014.

Lt. Johnson presented the following:

1. On August 2, 2014, at 12:45 a.m. Officer Edward Saucier was in the vicinity of 270 Shrewsbury Street and observed a crowd of about eight people sitting at two tables in front of Kenichi.
2. Officer Saucier observed people eating food and several patrons at the tables outside were drinking mixed drinks.
3. Officer Saucier entered the Licensed Premises and spoke to a male who stated he was in charge and he knew the rules and that he was sorry that they allowed the people to eat and drink after the permitted time.
4. He asked the patrons to come inside with their drinks and they complied.

Mr. Hu admitted to the violation and apologized to the Commission and stated he had lost track of the time that evening.

Commissioner Salvidio noted there were no violations in the file and reminded Mr. Hu that he is on Shrewsbury Street and needs to make sure he understands the rules for outdoor dining and respect the community and neighbors.

Based on the evidence, the Commission finds the Licensee violated Rule #14 of the Worcester License Commission Rules and Regulations for liquor licenses, 204 CMR 2.05(2) and M.G.L. c. 138, §12 and imposes a warning.

14. Electric Haze, 26 Millbury Street, Rule #1, #14 – Manager responsible for premises, after hours violation

Exhibit A: Police report dated April 19, 2014.

Lt. Johnson reported the following:

1. On April 18, 2014 at around 2:05 a.m. Officer Edward Saucier was driving by Electric Haze and observed about ten people hanging around outside and at least 20 people inside the Licensed Premises.
2. The lights were still down as if it was open and music was still on.
3. Officer Saucier drove around the block and parked his unmarked vehicle so he could observe.

4. At 2:10 a.m. Officer Saucier went inside Electric Haze and as he entered a male, who identified himself as the co-owner, yelled out they were closed.
5. Officer Saucier observed there were probably 15-20 people still in the bar and the music was still on. There was a group who appeared to be breaking down musical equipment and a couple people who appeared to be cleaning.
6. There was another group of people sitting in the right side of the room drinking from bottles of beer as well as glasses of beer. These people were not working or clearing out any musical equipment.
7. A male, believed to be an employee, upon seeing Officer Saucier, walked over to the group who was drinking and began removing the drinks.
8. The male behind the bar stated that everyone worked in the place and that they were just cleaning up.
9. A female, who identified herself as co-owner, told Officer Saucier that everyone in the place worked there.
10. Officer Saucier told her that it seemed like an awful lot of employees and she stated that most were members of the band. She informed Officer Saucier that there were two bands that evening.
11. Officer Saucier informed her that they are not allowed to serve alcohol to anyone after 2:00 a.m.

Ms. Mariano admitted to the violation and apologized and testified there was no excuse for having that many band members in the establishment after 2:00 a.m. Since the incident they now make sure that the bands they hire do not have any drinks on the stage that they may be able to keep after 2:00 am.

Commissioner Shea asked what procedures are in place to stop the entertainment at a certain time to make sure everyone is off the Licensed Premises by 2:00 a.m. Ms. Mariano testified that they now stop the entertainment at 1:30 a.m. and start clearing out the establishment at that time.

Commissioner Salvidio noted the time on the police report was 2:05 a.m.

Based on the evidence, the Commission finds the Licensee violated Rules #1 and #14 of the Worcester License Commission Rules and Regulations for liquor licenses, 204 CMR 2.05(2) and M.G.L. c. 138, §12, on April 18, 2014 and imposes a warning.

15. JP Alliance, Inc., 60 Madison Street, Rule #5, #7, #14, #27 – Licenses shall be posted in protective container, Sale to persons under 21, manager responsible for premises, occupancy violation.



J.P. Alliance, Inc., dba Shangri-La (“Licensee”), holds a restaurant all alcohol liquor license issued pursuant to M.G.L. c.138, §12. The City of Worcester License Commission (the “Commission”) held a hearing on November 13, 2014, at 10:00 a.m. in the Esther Howland Chambers, 3<sup>rd</sup> floor, City Hall relative to violations of Rules #5, #7, #14 and #27 of the Worcester License Commission Rules and Regulations for liquor licenses and a violation of 204 CMR 2.05 (2) that occurred at Shangri-La, located at 60 Madison Street (“Licensed Premises”), on June 22, 2014.

Lt. Johnson reported the following:

1. On June 22, 2014, Officer Mark Jolin received a call via police radio from Officer Nick Diccico who was on call at the Licensed Premises, located at 60 Madison Street.
2. The call was for a large fight and Officer Diccico requested assistance.
3. Upon Officer Jolin’s arrival at the Licensed Premises there were at least ten (10) police officers on the scene.
4. Officer Jolin could see that the parking lot was littered with beer bottles and broken glass.
5. Officer Jolin went to speak with Mr. Jiang, the manager, and Mr. Jiang said there was a graduation party in the function room.
6. Officer Jolin reports it was difficult to move as there were 300 people in the function room and the temperature was well over 90 degrees.
7. There were beer bottles on the window sills.
8. The patrons all appeared to be young teenagers.
9. One patron informed Officer Jolin that it was a graduation party for Worcester Voke. Officer Jolin advised the patrons that the party was over and that they must leave.
10. The occupancy for the function room is listed as 130 on the occupancy permit.
11. Officer Jolin asked Mr. Jiang how many staff members were working and Mr. Jiang stated that he and one bartender were working.
12. In the restaurant area where the bartender was stationed was one group of approximately 5 patrons.
13. Mr. Jiang stated that the alcohol in the function room did not come from their bar and that no alcohol was served to that room that night.
14. Officer Jolin explained that the Licensed Premises was his responsibility and it is irrelevant where the alcohol came from; the teenage patrons were drinking in his business.
15. There was a large amount of drinking going on in the parking lot.

Officer Jolin asked to see the liquor license and the liquor license and the occupancy permit were found in a plastic grocery bag in a cabinet.

16. While at the Licensed Premises an ambulance call came in for a male down on Southbridge Street. The male was less than 200 yards from the Licensed Premises.
17. Officer Jolin walked over to Southbridge Street and observed that it was a teenage male, dressed in what appeared to be white graduation clothing, like the other patrons from the function room at the Licensed Premises.
18. The male was extremely intoxicated and unable to walk.
19. The male would only tell the police that his name was Dennis and he wanted to get back to the party because it was slamming.
20. The male was transported to the hospital by ambulance.
21. Officer Jolin advised Mr. Jiang that the business would be brought before the License Commission.

Mr. Jiang testified that his partner had booked the party and was unaware that they were high school students. Furthermore, only 100 people were expected and the party was booked from 10:00 p.m. to 12:30 a.m. Mr. Jiang testified that people started coming at 10:30 p.m. and he realized when they came in that they were high school students and advised his bartender not to serve any of them. He closed the entrance to the bar area so that the patrons from the function room couldn't get in.

Mr. Jiang testified that around 12:30 he realized the side door was open to the function room and that the patrons had brought alcohol in. that when he saw this he asked them to leave.

Commissioner Salvidio stated that Mr. Jiang should have been suspicious when the event was booked from 10:00 p.m. to 12:30 a.m. Commissioner Salvidio told Mr. Jiang that what happens in the establishment is Mr. Jiang's responsibility, as the license holder, and asked what he has done to prevent something like this from happening again.

Mr. Jiang testified that he has added more staff and has posted the liquor license.

Commissioner Salvidio expressed his concern that Mr. Jiang doesn't seem to understand how this incident got out of hand and that this type of incident will happen again. Even though he believes that the students most likely brought the alcohol in it shows a lack of security and control at the Licensed Premises, by the manager.

Commissioner Shea expressed his concerns that these were high school students and ten police officers had to respond to this incident. Not only are these young kids in danger but furthermore our police were in danger.

Chairwoman Shea and Commissioner Salvidio stated they had concerns about Mr. Jiang's management skills however, since the incident, he has moved the Licensed Premises to a different location and Mr. Jiang has testified that he will not have functions like this anymore.

Upon a roll call the Commission voted 3-0 to impose a and imposed a one (1) day suspension to be served on December 6, 2014

Exhibit A: Police report dated June 22, 2014.

16. Three G's Sports Bar, 152 Millbury Street, Rule #1, #14, after hours violation, manager violation
  1. On July 5, 2014, at 2:05 a.m. Officer Mark Jolin was patrolling the area of Millbury Street and passed Three G's Sports Bar and the front door was open and he could see people inside the Licensed Premises.
  2. Officer Jolin entered the Licensed Premises and counted nine people, other than the bartender, still inside.
  3. Seven of the people had beers.
  4. Officer Jolin observed for several minutes and no attempts were made by staff to remove the alcohol or get the patrons out of the Licensed Premises.
  5. Officer Jolin got the attention of the bartender, Laurie Flaherty, and she told Officer Jolin he could not get a beer because it was 2:00 a.m.
  6. Officer Jolin informed Ms. Flaherty that he was a police officer and that the time was 2:10 a.m.
  7. The bartender still made no effort to clear the bar.
  8. Officer Jolin advised all the patrons that he was a police officer and that they must leave immediately.
  9. Officer Jolin explained to Ms. Flaherty that all patrons must be out by 2:00 a.m. While speaking with Ms. Flaherty another female that Officer Jolin had advised to leave earlier came over and told Officer Jolin not to give Ms. Flaherty a hard time. The other female was identified as Heidi Rosario.
  10. Ms. Rosario appeared to be intoxicated. Her speech was slurred, her eyes were glassy and her motor skills appeared to be off.
  11. Ms. Rosario informed Officer Jolin that she was an employee of the bar. Officer Jolin tried to ignore Ms. Rosario and deal with Ms. Flaherty but Ms. Rosario would not relent. Ms. Rosario told Officer Jolin that it was hard to get patrons out of the bar in time and that when the patrons drink a lot they do not listen.

12. Officer Jolin advised Ms. Flaherty that the business will be brought before the License Commission for the violations.

Mr. Giangregorio apologized and admitted to the incident and testified there was no excuse.

Commissioner Salvidio asked if Ms. Rosario still worked for the bar. Mr. Giangregorio testified that she did and that he has spoken to her and told her she had no right to speak to the police officer that way that evening.

Commissioner Shea stated that he commends Mr. Giangregorio for the work he does in the Blackstone Canal area but his bartender dropped the ball that night.

Commissioner Salvidio noted that there were previous violations in the file and he was bothered by the employee's lack of respect to the police officer who was doing his duty.

Based on the evidence, the Commission finds the Licensee violated Rules #1 and #14 of the Worcester License Commission Rules and Regulations for liquor licenses, 204 CMR 2.05(2) and M.G.L. c. 138, §12 and imposes a two (2) day suspension to be served on November 18, 2014 and November 25, 2014.

17. 7 Nana Steakhouse, 60 Shrewsbury Street, Violation Rule #8, Rule #14

Lt. Johnson reported the following:

1. On October 18, 2014 at 12:20 a.m. Worcester Police responded to 7 Nana Steakhouse, 60 Shrewsbury Street, for a reported stabbing.
2. An altercation occurred in the bar area and a male, Kahpong Soon, who identified himself as an owner to the responding officers escorted one of the patrons outside and kept the other one inside.
3. Two of the males received slashing wounds during the altercation.
4. An individual named Jeffrey Crumble identified himself to the officers as the manager of 7 Nana Steakhouse.

Attorney Chung Le stated that Mr. Fubin Lu was on vacation that night and Mr. Crumble was just covering and that is why he identified himself as the manager to the police. Furthermore, he explained that because 7 Nana is a bigger establishment they have several assistant managers that run certain parts however Mr. Lu is the licensed manager. Mr. Crumble is what they call the "floor operations manager."

Attorney Le stated that the stabbing didn't actually happen inside the Licensed Premises. He stated that there were two individuals who got into an argument inside the Licensed Premises and the staff broke it up and escorted one man out and had the other remain inside the Licensed Premises. Employees of the Licensed Premises thought the man who was escorted outside had left but he had gone to the cigar bar next door and when the other individual left the Licensed Premises the man came out of the cigar bar and started fighting with him again and that is when the stabbing occurred.

Attorney Le stated that a suggestion had been made that police details be added and the Licensee agrees to those conditions. Furthermore, he stated that they are looking to curtail the hours of the establishment. He stated that 7 Nana understands the community and neighbor concerns and wants to be a good neighbor and is willing to work with the Shrewsbury Street neighborhood to ensure that.

Lt. Johnson stated the police details would only be for a trial period.

Residents from the Shrewsbury Street area spoke regarding their concerns about safety and expressed a desire to have police details present to ensure the safety of the neighborhood.

The Commissioners were in agreement that the Licensee did not violate any of the rules as they handled the altercation appropriately however; they agreed that a trial period for police details would be a good idea.

Based on the evidence, the Commission finds the Licensee did not violate Rules #8 and #14 of the Worcester License Commission Rules and Regulations for liquor licenses, 204 CMR 2.05(2) and M.G.L. c. 138, §12. The Commission imposed the following condition:

A police detail be hired Friday and Saturday from 11:00 p.m. to 3:00 a.m. for a period of ninety days.

Exhibit A: Police report dated October 21, 2014.

### **Executive Session**

At 11:45 a.m. the Commission voted 3-0 to go into Executive Session to discuss pending litigation and voted to adjourn the meeting immediately after Executive Session.

Upon a motion the Commission adjourned the meeting at Noon.