

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JANUARY 7, 2016

ESTHER HOWLAND CHAMBER

Commission Members Present: Karon Shea, Chairperson
Walter Shea, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent: None

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

Approval of the Minutes – December 17, 2015

Upon a motion the Commission voted 3-0 to approve the minutes of December 17, 2015.

OLD BUSINESS

1. Petition: Request for transfer of restaurant all alcohol license

Petitioner: Kobe Enterprises, Inc., 60 Shrewsbury Street

Item postponed to the January 21, 2016 meeting.

List of Exhibits:

Exhibit A: Application for restaurant all alcohol license received November 2, 2015 and dated October 21, 2015.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

2. Petition: Request for one day liquor license

- January 13, 2016 – 5:45 p.m. – 8:00 p.m.

Petitioner: Struck Catering/Derek Grillo, 725 Southbridge Street

Derek Grillo appeared on behalf of the petition. He stated that this is an employee appreciation event for about 100 people.

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

Exhibit A: Application for one day liquor license received December 23, 2015 and dated December 23, 2015.

3. Petition: Request for one day liquor license
- February 7, 2016 – 7:00 p.m.-Midnight

Petitioner: Our Lady of Vilna Parish, 151 Sterling Street

Item was postponed until the January 21, 2016 License Commission meeting.

Exhibit A: Application for one day liquor license received December 13, 2015 and dated December 13, 2015.

Common Victualer

4. Petition: Request for common victualer license

Petitioner: JD Pizza, Inc., dba Domino's, 947 West Boylston Street

Henry Askew appeared on behalf of the application. He stated that this will be for a new Domino's Pizza location.

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

Exhibit A: Application for common victualer license received December 22, 2015 and dated December 22, 2015.

5. Petition: Request for common victualer license

Petitioner: Crown Fried Chicken, 344 Grafton Street

Application was withdrawn.

Exhibit A: Application for common victualer license received December 22, 2015 and dated December 22, 2015.

6. Petition: Request for common victualer license

Petitioner: Pomodoro's Pizza, Inc., 168 Lincoln Street

Ricardo Laranja appeared on behalf of the application. He stated that this will be for a pizza restaurant.

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

Exhibit A: Application for common victualer license received December 21, 2015 and dated December 21, 2015.

Alcohol & Entertainment Requests:

7. Petition: Request to amend entertainment license to add Live Acoustic Music

Petitioner: The Muse, 536 Main Street

John Rinaldo appeared on behalf of the application. He stated that he would like to add live acoustic music to his entertainment license.

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

Exhibit A: Request to amend entertainment license received December 28, 2015 and dated December 28, 2015.

8. Petition: Request for alteration of premises

Petitioner: Smokey Joe's Corporation, 373 Park Avenue

Niko Agora appeared on behalf of the application.

Chair Shea stated that the Commissioners and Lt. Johnson had viewed the premises prior to the meeting and the applicant is expanding into the old license space next door to 373 Park Avenue.

Upon a motion the Commission voted 3-0 to approve the alteration of premises.

Exhibit A: Application for alteration of premise received December 2, 2015 and dated December 2, 2015.

9. Petition: Request for transfer of general on premises all alcohol license & entertainment license

Petitioner: Seven Hills Ventures, Inc. dba The Banner and Grille, 112-114 Green Street

Matt Ormond and Tim Morrison appeared on behalf of the applications.

Mr. Ormond stated that he is taking over the current licensed premises but at this time there will be no changes.

Upon a motion the Commission voted 3-0 to approve the transfer of the liquor license.

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

Exhibit A: Application for transfer of general on premises license received December 20, 2015 and dated December 22, 2015.

Exhibit B: Application for entertainment license received December 28, 2015 and dated December 28, 2015.

10. Petition: Request for restaurant all alcohol license

Petitioner: Makao Restaurant, Inc., 181 Millbury Street

Claribel Ramos appeared on behalf of the application. Edgar Luna from City of Worcester Economic Development Officer provided translation.

Chair Shea stated that the Commissioners and Lt. Johnson had viewed the premises prior the meeting and it was a very clean and nice restaurant.

Commissioner Shea stated that they had spoken to Ms. Ramos at the restaurant and recommended that alcohol only go until 10:00 p.m. to ensure that establishment remained a restaurant and not turn into a nightclub.

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

Exhibit A: Application for restaurant all alcohol license received December 21, 2015 and dated December 18, 2015.

Exhibit B: Letter of opposition for Green Island Resident Group, Inc. dated January 4, 2016 and received January 4, 2016.

11. Petition: Request for restaurant all alcohol license

Petitioner: Mezcal Tequila Cantina, Inc. dba The Fix Burger Bar, 108 Grove Street

Michael Covino appeared on behalf of the item.

Chair Shea stated that the Commission members along with Lt. Johnson had viewed the premises prior to the meeting and were very impressed.

Mr. Covino stated that he has gutted the place and is doing renovations and the Fix Burger Bar will be located at this location.

Upon a motion the Commission voted 3-0 to approve the restaurant all alcohol license.

Exhibit A: Application for restaurant all alcohol license received December 17, 2015 and dated December 5, 2015.

11a. Petition: Request for entertainment license for tv, radio, live music, karaoke
Petitioner: Mezcal Tequila Cantina, Inc. dba The Fix Burger Bar, 108 Grove Street
Michael Covino appeared on behalf of the item.

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

Exhibit A: Application for entertainment license received December 28, 2015 and dated December 28, 2015.

12. Petition: Request for restaurant all alcohol license to open at 10:00 a.m. on Sundays

Petitioner: The Hangover Pub, LLC, 102-110 Green Street

Application was postponed to January 21, 2016 at the request of the applicant.

Exhibit A: Application for restaurant all alcohol license received December 22, 2015 and dated November 16, 2015.

12a. Petition: Request for entertainment license for tv, radio, recorded music, live music

Petitioner: The Hangover Pub, LLC, 102-110 Green Street

Application was postponed to January 21, 2016 at the request of the applicant.

Exhibit A: Application for entertainment license received December 22, 2015 and dated November 16, 2015.

13. Petition: Request for alteration of premises, change of dba, change of manager

Petitioner: Fusion Entertainment, LLC, 2 Washington Square

Application was postponed to January 21, 2016 at request of applicant.

Exhibit A: Application for alteration of premises, change of dba and change of manager dated December 22, 2015 and received December 22, 2015.

14. Petition: Request for change of manager

Petitioner: Basil N Spice, LLC, 299 Shrewsbury Street

Application was withdrawn.

Exhibit A: Application for change of manager received December 19, 2015 and dated December 19, 2015.

15. Petition: Request for change of manager

Petitioner: Mambo Drinks, 105 Water Street

Attorney Luis Perez along with the proposed manager Melvin Santana appeared on behalf of the petition.

Lt. Johnson stated that there had been incident at the location two weeks ago and asked Attorney Perez to elaborate on that and why the change of manager was necessary.

Attorney Perez stated that the current manager was arrested on a murder charges in Puerto Rico and when they found out they were surprised as he had been a good manager but on the night of December 23, 2015 Mambo Drinks had their license pulled and were closed.

Lt. Johnson stated that it was only a temporary pull as they couldn't determine who the owner was that night.

Attorney Perez stated that the information was public and that it was available on the Massachusetts Secretary of State's web-site. He was surprised they had been closed as there has to be a notice and right to hearing and the only ones who can close the establishment is the License Commission but they decided not to pursue it.

Lt. Johnson stated that he had contacted Commissioner Walter Shea and paperwork wasn't available that night.

Commissioner Shea stated that he was contacted by Lt. Johnson that evening and he took his advice to close it as he was more worried about the people and not knowing the person involved.

Attorney Perez stated he understands that it was an emergency situation and they did get the license back the following night.

Commissioner Salvidio asked if the previous manager had financial interest in the business.

Attorney Perez stated that he did and they have amended the corporation and his name has been removed.

Ms. Steele advised the Commission that if there has been a change in officers/directors that paperwork needs to be filed for the Commission's approval.

Attorney Perez stated he would take care of that.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received December 28, 2015 and dated December 28, 2105.

15a. Petition: Request to amend entertainment license to include dancing by patrons, dancing by entertainers, live music, amplification system, light show

Petitioner: Mambo Drinks, 105 Water Street

Attorney Luis Perez along with the proposed manager Melvin Santana appeared on behalf of the petition.

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

Exhibit A: Application for entertainment license received December 28, 2015 and dated December 28, 2015.

Violation Hearings

16. Albino's Grocery & Deli, Inc., 90-92 Belmont Street – Violation of Rules #6, #21 – Sale to minor

Hearing was postponed until January 21, 2016.

Exhibit A: Police report dated June 27, 2015.

17. Kwik Pik Inc. dba Kwik Pik Convenience, 557 Southwest Cutoff – Violation of Rules # 6 and #21 – Sale to minor

Anal Patel appeared on behalf of the item and waived his right to counsel.

Lt. Johnson presented the following report:

On June 27, 2015, 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 2:05 p.m., the underage male entered Kwik Pik Convenience and purchased a six pack of Bud Light bottles for \$7.50 and was not given a receipt. The male stated that a Hispanic male with a gray shirt sold him the beer without asking for identification.

Sgt. Thomas Needham notified the clerk of the violation.

Mr. Patel admitted that the violation occurred and testified that he regretted it happened. He testified that in the past two years he has been actively training his employees and it is unfortunate that on that particular evening his employee allowed a person to buy alcohol without asking for identification. Mr. Patel further testified that since the date of the violation he has beefed up the training and has made it mandatory that all employees go through server training course once a year.

Mr. Patel also testified that he has installed an ID scanner and has made it mandatory that all employees scan every person's identification. He testified that sometime next year he would

like to install a fully implemented POS so an employee will be reminded to check an ID every time they ring up alcohol and he hopes this will make a big difference. They do not have the system yet because it is very expensive.

Lt. Johnson suggested that if the Licensed Premises is going to have a POS system it should be a system that is always on-line.

Commissioner Salvidio stated it appears that the problem is not with the technology, rather it was a failure of an employee to even ask for an ID. Furthermore, this is the third time this license holder has been before the Commission in past three years and the Commission doesn't usually see a license holder that many times in three years. Commissioner Salvidio suggests that there may be a problem with the management.

Mr. Patel testified that he understands he needs to train his employees on a monthly basis instead of a yearly basis and that he should have started making these changes the first time he was before the Commission. He testified that he is keeping more of an eye on his employees, specifically the one who did not ask for identification, and he has noticed that he is asking for identification.

Commissioner Shea asked Mr. Patel how long he had been in business.

Mr. Patel testified four years.

Commissioner Shea stated that looking at the past history of the Licensed Premises the training should have been done at the start and the ID scanner should have been implemented at the beginning. This is an egregious violation and he understands a violation may occur but three violations within a year and half is a lot.

Mr. Patel testified that it is important for him to have a liquor license and understands that the City of Worcester must protect the rules and regulations and he is behind on training and he would like to put good practices in place.

The Commission determined that the record of the licensee is significant but since the licensee has implemented several policies since the violation to better gain control of the situation they are willing to give the licensee a chance and see how the store runs with the new policies in place.

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, 204 CMR 2.05 (2), and M.G.L. c.138, §34, on June 27, 2015 and voted to imposed a seven (7) day suspension to be served on February 21-27,2016.

Exhibit A: Police report dated June 27, 2015.

ADJOURNMENT