

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
AUGUST 12, 2021

**Commission Members Participating:** Walter Shea, Chairman  
Barbara Haller, Commissioner  
Anthony Vigliotti, Commissioner

**Commission Members Absent:**

**Staff Participating:**

Stephen Rolle, Planning & Regulatory Services  
Sergeant Thomas Needham, Worcester Police  
Department  
Alexandra Kalkounis, Law Department  
Deborah Steele, Planning & Regulatory Services

The Worcester License Commission meeting was held in person on August 16, 2021.

Meeting attendees additionally had options to participate remotely by joining online or by phone using the following links;

- Use the following link to join the meeting via computer  
<https://cow.webex.com/meet/licensecommissionwebex> or
- Call 415-655-0001 (Access Code: 160 660 9360) for the License Commission.

**Call to Order** –

**Minutes** – July 15, 2021, July 27, 2021-

Upon a roll call vote the Commission voted 3-0 to approve the minutes of July 15, 2021 and July 27, 2021.

**Other Business**

**Common Victualer Requests**

**1. Marvin’s Corner Lunch Diner, 131 Lamartine Street**

- Sunday – 7:00 a.m. – 2:00 p.m., Monday – 6:00 a.m. – 2:00 p.m., Tuesday-Closed, Wednesday – 5:00 a.m. – 2:00 p.m., Thursday, Friday, Saturday – 6:00 a.m. – 2:00 p.m.  
Wednesday 6:00 a.m. – 2:00 a.m.- approved

Joshua Plahm appeared in person for the meeting.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

*List of Exhibits: Application for common victualer license received and dated July 16, 2021.*

**2. Pollo Centro, 610 Park Avenue**

- Sunday – Saturday – 8:00 a.m. – 1:00 a.m.

Kilvis Moreno participated remotely for the item. Mr. Moreno stated that this will be for a new restaurant that will serve chicken.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

*List of Exhibits: Application for common victualer license received and dated July 16, 2021*

**3. Hawk’s Nest, 61 Sever Street**

- Monday – Thursday – 7:30 a.m. – 8:00 p.m., Friday – 7:30 a.m. – 2:00 p.m.

Michael Nemark appeared in person for the item. Mr. Newmark stated that they will be taking over the food service portion at the location.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license

*List of Exhibits: Application for common victualer license received and dated July 16, 2021*

**4. Two Chefs Italian Restaurant, 317 West Boylston Street**

- Sunday through Saturday – 11:00 a.m. – 2:00 a.m.

Andrew Cooney participated remotely for the item.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

*List of Exhibits: Application for common victualer license received and dated July 16, 2021*

**5. Namaste Woo, 160 Green Street**

- Wednesday-Sunday – 11:00 a.m. – 8:00 p.m.

Pooja Vishal Suchde participated remotely for the item. The application is for Indian fast food at Worcester Public Market.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

*List of Exhibits: Application for common victualer license received and dated July 16, 2021*

**6. Level Up Nutrition, 649 West Boylston Street**

- Monday – Friday – 7:00 a.m.-4:00 p.m., Saturday, 9:00 a.m.-2:00 p.m.

No one was present at the meeting or participated remotely for the item.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer application.

*List of Exhibits: Application for common victualer license received and dated July 16, 2021*

**7. Fresh Way Pizza, 1406 Main Street**

- Sunday – Saturday – 11:00 a.m. – 2:30 a.m.

Uttam Adikari appeared in person for the item. He stated that he is taking over ownership of the pizza restaurant and it will have the same menu and the same hours.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer application.

*List of Exhibits: Application for common victualer license received and dated August 6, 2021*

**One Day Liquor & Entertainment Requests**

**8. Allison Hale, 100 Barber Avenue**

- Request for one day liquor license – September 11, 2021, 6:00 p.m. –10:00 p.m.
- Request for one day entertainment license for DJ, comedians, drag queens for photo ops – Saturday - September 11, 2021, 6:00 p.m. – 10:00 p.m.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the September 2, 2021 License Commission meeting.

**9. Lupus Foundation of New England, Worcester Common**

- Request for one day liquor license – Saturday - August 28, 2021 – 11:00 a.m. – 5:00 p.m.

Anthony Pepe participated remotely for the item. He stated that this will be the 9<sup>th</sup> year for the food truck festival on the Worcester Common. Mr. Pepe stated that there will be security for event as well as off duty police.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor license.

*List of Exhibits: Application for common victualer license received and dated July 7, 2021.*

**10. Worcester Caribbean American Carnival Association/Main Street**

- Request for one day entertainment license for dancing by patrons, dancing by entertainers, recorded music, live music, amplification system. Sunday, August 29, 2021 – Noon – 7:00 p.m.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the August 16, 2021 License Commission meeting.

**11. Marc Guinette, 236 Franklin Street parking lot**

- Request for one day liquor license – Saturday – September 11, 2021 – 3:00 p.m.-1:00 a.m.
- Request for one day entertainment license for recorded music, dancing by patrons, amplification system, light show – Saturday- September 11, 2021 – 3:00 p.m. – 1:00 a.m.

Keith Bellerose appears in person for the item. He stated that that this is for their annual block party.

Sgt. Needham stated that there had been no previous problems at event.

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

*List of Exhibits: Application for one day liquor and one day entertainment license dated and received and dated July 22, 2021.*

**12. Joseph Stake, 154 Shrewsbury Street parking lot**

- Request for one day liquor license – Tuesday, August 24, 2021 – 2:00 p.m. – 11:00 p.m.
- Request for one day entertainment license for dancing by patrons, recorded music, live music, and amplification system – Tuesday, August 24, 2021 – 5:00 p.m. – 11:00 p.m.

Joseph Stake appeared in person for the item. He stated that he like to obtain the permits for the Taste Shrewsbury Street event. He stated that there will be two security guards and a police detail.

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

*List of Exhibits: Application for one day liquor and one day entertainment license dated and received and dated July 22, 2021.*

**13. Worcester Hibernian Cultural Foundation, 19 Temple Street**

- Request for one day liquor license – Saturday, September 11, 2021 – 10:00 a.m. – 5:00 p.m.

Brendan Morano participated remotely for the item. He stated that this is the beer tent for the 5k run and that there will be TIPS certified staff as well as a Worcester Police detail.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor license.

*List of Exhibits: Application for one day liquor dated and received June 28, 2021.*

#### **14. Arts Worcester, 44 Portland Street**

- Request for one day liquor license – Friday, December 3, 2021, Friday, January 21, 2022, Friday, February 25, 2022, Friday, March 18, 2022, Friday, May 13, 2022 – 6:00 p.m. – 9:00 p.m.

Sue Von-Maslewski appeared in person for the item. She stated that these events are for art openings and they have done these types of events in the past.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor licenses.

*List of Exhibits: Application for one day liquor dated and received June 30, 2021.*

#### **15. Gina Migliozi, 30 Exchange Street-Additional Dates**

- Request for one day liquor license (dates and times below)
- Request for one day entertainment license for dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, light show (dates and times below)
- Sunday – September 12, 2021 – 3:00 p.m. – 11:00 p.m. **(canceled)**
- Friday, October 9, 2021 – 4:00 p.m. – 11:00 p.m.
- Saturday, October 10, 2021 – 3:00 p.m. – 11:00 p.m.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the August 16, 2021 License Commission meeting.

#### **16. The Bartending Service of New England, LLC, Fitton Field**

Request for one day liquor licenses

- Saturday – September 11, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Sunday – September 12, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Saturday – October 2, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Sunday – October 3, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Saturday – October 16, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Sunday – October 17, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Saturday – November 6, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)
- Sunday – November 7, 2021 (90 minutes before kickoff until end of the 3<sup>rd</sup> quarter)

Upon a roll vote the Commission voted 3-0 to postpone the application the August 16, 2021 License Commission meeting.

#### **17. Jeremy O’Neil dba Oneail FX Studios, LLC, 100 Barber Avenue**

Request for one day liquor license

- September 18, 2021 – 7:00 p.m. – 11:00 p.m.

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

- September 18, 2021 – 7:00 p.m. – 11:00 p.m.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the September 2, 2021 License Commission meeting.

**18. Redemption Rock Brewing Company, 333 Shrewsbury Street**

- Request for one day liquor license – Saturday – August 14, 2021 – 1:00 p.m. – 9:00 p.m.
- Request for one day entertainment license for dancing by entertainers, recorded music, live music, and amplification system – Saturday – August 14, 2021 – 1:00 p.m. – 9:00 p.m.

Jennifer Carlson participated remotely for the item. She stated that this is for the Rock the Block which is a music fest. She stated that the event will run from 2:00 p.m.-9:00 p.m. but they will begin set up at 1:00 p.m. She stated that they will ID patrons and use wristband as well as having two police details present for the event.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor license and entertainment license.

*List of Exhibits: Application for one day liquor dated and received July 28, 2021.*

**Liquor & Entertainment Application Requests**

**19. Dubai Restaurant & Lounge dba Mexi Town Bar & Grill, 27 Pleasant Street**

- Request to transfer restaurant all alcohol license to 105 Water Street

Upon a roll call vote the Commission voted 3-0 to allow for Leave to Withdraw for the application.

**20. Ajo y Cilantro Restaurant, Inc. dba Ajo y Cilantro Restaurant, 795 Main Street**

- Request for restaurant malt & wine license

Upon a roll call vote the Commission voted 3-0 to allow for Leave to Withdraw for the application.

**21. Tenglong Corporation 1121 Grafton Street**

- Request for change of stock interest

No one was present or participated remotely for the item.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the September 2, 2021 License Commission meeting.

**22. 99 West, LLC, 50 Southwest Cutoff**

- Request for change of manager

Laurie Komon appeared in person for the item.

Upon a roll call vote the Commission voted 3-0 to approve the change of manager.

*List of Exhibits: Application for change of manager dated and received July 12, 2021.*

**23. Worcester Marine Corps League, 181 Lake Avenue**

- Request to amend entertainment license to add outside entertainment for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, floor show, light show, theatrical exhibition, karaoke, any other audio or visual show whether live or recorded specifically – Sunday thru Saturday – Noon – 2:00 a.m.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the August 16, 2021 License Commission meeting.

**24. The Clock Wine and Beer, LLC dba The Clock, 10-30 Front Street**

- Request for package store malt & wine license

Anderson Wick appeared in person for the application. He stated that this will be for a 1,500 square foot facility that will sell upscale wines.

Anderson Wick in person, 1,500 sf. Upscale wines, French, Italian.

No one from the public spoke for or against the application.

Upon a roll call vote the Commission voted 3-0 to approve the package store malt & wine license.

*List of Exhibits: Application for package store malt & wine license received and dated June 25, 2021.*

**25. Saigon Restaurant, 976 Main Street, Unit B – OD-2021-010, SW-2021-018 (food only)**

- Request for temporary outdoor dining 3 tables with 9 chairs

Doanh Louong participated remotely for the item.

The application is for 3 tables with 9 chairs.

Upon a roll call vote the Commission voted 3-0 to approve the temporary outdoor dining application.

*List of Exhibits: Application for temporary outdoor dining received and dated July 7, 2021.*

**26. Brycol, Inc. dba Ralph's Tavern, 117 Shrewsbury Street - OD-2021-019 (alcohol & food)**

- Request for temporary outdoor dining 12 tables, 75 seats

Joan Ceeley, participating remotely, stated that they are looking to expand the seating in parking lot.

Mr. Rolle asked that the applicant provide update sketch of the layout as wanted to make sure people could maneuver cars around the outdoor area. Ms. Ceeley stated that the parking is not in that area

and people park in different area and then have to walk through the licensed premises to get to outside area.

Upon a roll call vote the Commission voted 3-0 to approve the temporary outdoor dining application.

*List of Exhibits: Application for temporary outdoor dining application received and dated July 18, 2021.*

**27. Wormtown Brewery, LLC, 72 Shrewsbury Street, OD-2021-020, SW-2021-011 (alcohol & food)**

- Request for temporary outdoor dining 7 tables with 21 seats

Jamie Chapman participating remotely stated that she like to put a few bistro tables out in front.

Mr. Rolle reminded the license holder to make sure the 5 foot distance is maintain between the tree pit and the fire hydrant.

Upon a roll call vote the Commission voted 3-0 to approve the temporary outdoor dining application.

*List of Exhibits: Application for temporary outdoor dining application received and dated July 18, 2021.*

**28. Ciejka, Inc. dba Livia's Dish, 1394 Main Street**

- Request to transfer restaurant all alcohol license from Aldemi Inc.dba Livia's Dish
- Request for common victualer license
- Request for entertainment license for tv, radio, recorded music, live music

Christina Czejka attend the meeting in person and her Attorney Matthew Porter participated remotely.

Attorney Porter stated that this is a transfer of the licenses and that there will be no change in the concept of the operations.

Upon a roll call vote the Commission voted 3-0 to approve;

- Request to transfer restaurant all alcohol license from Aldemi Inc.dba Livia's Dish
- Request for common victualer license
- Request for entertainment license for tv, radio, recorded music, live music

*List of Exhibits: Application for transfer of restaurant all alcohol license, common victaler license and entertainment license received and dated July 26, 2021.*

**29. Trustees of the College of the Holy Cross, 1 College Street**

- Alteration of Premises
- Change of corporate name/DBA
- Management agreement



- Hart Center and Luth Athletic Complex – request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, floor show, light show, theatrical exhibition, karaoke, any other audio or visual show whether live or recorded specifically
- Fitton Field – request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, floor show, light show, theatrical exhibition, karaoke, any other audio or visual show whether live or recorded specifically
- Hogan Campus Center- request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, floor show, light show, theatrical exhibition, karaoke, any other audio or visual show whether live or recorded specifically

Upon a roll call vote the Commission voted 3-0 to postpone the applications to the August 16, 2021 License Commission meeting.

### **Lodging House**

#### **30. C&S Cedar Street Housing, LLC, 65 Cedar Street**

- Request for lodging house license

Attorney Brian Faulk along with other representatives for C&S Cedar Street Housing LLC appeared in person for the meeting.

Mr. Faulk stated that this will be a lodging house for the Worcester Railers from September through April and during the off season the building will be unoccupied. He stated that there will be 21 beds for the house and they have increased the parking by 14 spaces.

Upon a roll call vote the Commission voted 3-0 to approve the lodging house license.

*List of Exhibits: Application lodging house license received and dated July 23, 2021.*

#### **31. 14 Oread Street**

- Status report

Attorney Jonathan Finkelstein, Michael O'Rourke and Chris Valeri appeared in person for the meeting.

Mr. Rourke gave brief update on status of the property which included putting in hand railings, cutting all the trees in the parking lot, arranging for contracts of pest control. fire alarms, and repairs and stated that a video system will be hooked up that has a feed to the police station as well as they are looking at putting in some additional lights in the parking lot.

The Commission commended the applicants for the work that has been done but stated that they like to keep the item on until the next meeting.

Upon a roll call vote the Commission voted 3-0 to continue the item to the September 2, 2021 License Commission meeting.

### **Violation Hearings**

*Chairman Shea recused himself from Item #*

#### **32. Allstar Liquor, Inc., 261 Lincoln Street**

Violation of Rules #6, #21

Lakeveer Heer appeared in person to answer to the violation and waived his right to counsel.

Sgt. Needham presented the following;

On May 1, 2021, 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 11:59 a.m. the underage male entered Allstar Liquor, Inc. and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Heer stated that he has owned the store for 16 years and apologized for what happened. He stated that this was a new employee and all his employees go through TIPS training and that in the past they have done the alcohol training course that the Worcester Police offer.

The Commission noted that there was one previous violation on file.

Upon a roll call vote the Commission voted 3-0 that the violation had occurred.

Upon a roll call vote the Commission voted 3-0 to issue a Warning.

*List of Exhibits: Police report dated May 11, 2021*

#### **33. AMZ Convenience dba Colony Farms, 1127 Main Street**

Violation of #6, #21

Attorney Arthur Pearlman and Abebaw Amsula Tessema participated remotely for the violation hearing.

Sergeant Needham presented the following;

On April 3, 2021, 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 12:13 p.m. the underage male entered Colony Farms and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Pearlman stated that they were not contesting the facts as presented. Mr. Pearlman stated that they have reviewed the store operations and Friday and Saturdays, the day when this incident occurred, is when the store is the busiest so the owner of the store will operate the store on those two days.

The Commission noted that this was the first violation for the establishment.

Upon a roll call vote the Commission voted 3-0 that the violation had occurred.

Upon a roll call vote the Commission voted 3-0 to issue a Warning.

*List of Exhibits: Police Report dated April 6, 2021.*

#### **34. Jian Hui Group Inc. dba Foodworks, 50 Southwest Cutoff**

Violation of Rules #13, #14

Attorney Wei Jia along with Kevin Zhan and Meihua Chen participated remotely for the violation hearing.

A mandarin interpreter was present in the meeting room and provided translation services for people in the meeting and those participating remotely.

Sgt. Needham through the Mandarin interpreter presented the following report;

On February 5, 2021 a female entered Foodworks at 50 Southwest Cutoff at 8:30 p.m. and was delivered her first alcoholic drink, For the time span of 2 hours and 32 minutes the female consumed 4 ½ alcoholic drinks.

At 11:30 p.m. the female is seen on video attempting to stand up and almost knocking over all the drinks that were on the table she was seated at. As she proceeds toward the door she attempts to zip her jacket and she has difficulty zipping it and the male that was with her had to zip it for her and she is clearly swaying from side to side and has to be assisted out by her male friend.

On video it is observed that an employee of Foodworks cleaning a table in between where the female had been seated and the exit and watched her exit. The same employee is observed on video making a swaying motion to the female's friends as to be imitating her intoxication.

At approximately 11:33 p.m. the Worcester Police dispatch received a 911 call in regards to a single motor vehicle accident at 64 Southwest Cutoff. Investigation revealed that the operator was the same female who had just left Foodworks. She struck a bridge abutment at 64 Southwest Cutoff. She was the lone occupant in the vehicle and sustained serious bodily injury. During the course of the investigation it was determined that the operator's blood alcohol content was more than 2 times over the limit of .08. The blood alcohol was determined to be .17.

Mr. Jia thanked the Commission for having the translator available for the meeting thanked the Worcester Police Department for providing the video footage of the incident.

The Commission played the video provided by the Worcester Police Department.

Attorney Jia stated that they have to admit that what had happened was an unfortunate event but what is before the Commission is whether there is a violation of Rules #13 and #14 of the rules and regulations of the License Commission.

Attorney Jia stated that he had reviewed the video footage minute by minute and what the officer had reported is generally correct but there are some inaccuracies. Some are minor but some are critical. They admit that the female did have 5/12 drinks during the time frame. Two drinks were ordered by the female's friends and a 20:30 hours the police stated that the female is seen attempting to get up and spilling drinks but after watching the video footage several times that never happened. Also, the officer stated that there is no food ordered by this female patron but the footage shows female patron with her two friends and food was ordered by her friend.

Attorney Jia stated that according to the police report, at 22:47 hours it was the first time the woman shows the female being intoxicating as this is time when she got up to go to the bathroom. The report stated that she appeared somewhat unstable.

Attorney Jia stated that the female had been regular patron at restaurant for 3 years. She works at the 99 restaurant and comes to restaurant three to four times a week and she stays for 2-3 hours until closing hour and each of her visits she orders 3-4 mai tai's and she had never shown any problem with the 3-4 mai tai's on those previous visits.

Attorney Jia stated that the video presented was without audio but if had audio the Commission would have heard that the bartender was telling the female's friend to take care of her as she appeared intoxicated as she wasn't sure the male friend would take care of her.

Commissioner Vigliotti asked if the license holder had a bill that showed what was purchased. Mr. Zhang stated that he did. Commissioner Vigliotti asked if receipt showing any food purchased. Mr. Zhang stated no.

Attorney Jia stated that staff was assured by the female's male friend that they take care of her.

Upon a roll call vote the Commission voted 3-0 that the violation had occurred.

Upon a roll call vote the Commission voted 3-0 to issue a 60 day suspension. 40 of which will be served and 20 days suspended for one year.

*List of Exhibits: Police report dated March 21, 2021.*

**35. Rhino Bites Inc. dba Flying Rhino, 278 Shrewsbury Street**

Violation of Rules #1, #14

No one appeared or participated remotely for the meeting.

Upon a roll call vote the Commission voted 3-0 to postpone the item to the September 2, 2021 License Commission meeting.

**36. 4<sup>th</sup> and 1 LLC, 7 Muskeego Street**

Violation of Rules #9, #14

Sgt. Needham presented the following;

**April 25 2021**

On April 25, 2021 Officer Patrick Harrington assigned to the Alcohol Enforcement Unit went to the 4<sup>th</sup> and 1 LLC to conduct a compliance check after receiving neighborhood complaints.

**April 27, 2021**

On April 27, 2021 Officer Patrick Harrington and members of the Alcohol Enforcement Unit met with the owners, Robert Ginisi & Mark Kelly at the 4<sup>th</sup> and 1 LLC. At this time Mr. Ginisi was issued an official demand letter requesting documents & video pertaining to the operation of the premises. The letter requested that the information be provided to the Worcester Police by May 6, 2021 at 4:00 p.m.

**May 6, 2021**

On May 6, 2021 just after 4:00 p.m. Mr. Kelly went to the Worcester Police Department Headquarters and provided to Sergeant Thomas Needham and Office Harrington the following;

- Names and address of all employees working from October 1, 2020 to present.
- Copies of all employees TIPS certifications from October 1, 2021 to present.

Officer Harrington asked Mr. Kelly about the remaining employment information and Mr. Kelly stated that all staff at the 4<sup>th</sup> and 1 are volunteer members of the club.

Officer Harrington had also asked for copy of the video surveillance from the 4<sup>th</sup> and 1 LLC and Mr. Kelly stated that he was working on trying to get someone to download the requested video. Mr. Kelly could not provide any documentation that he has requested that from anyone.

As of July 14, 2021 the Worcester Police Alcohol Unit has not received the remaining documents or video.

Attorney Hector Pinero and Mark Kelly appeared in person to answer to the violation.

Attorney Pinero asked if the License Commission has a rule that requires that a licensee have video surveillance. Sergeant Needham responded no.

Attorney Pinero asked Mr. Kelly if he had made attempts to provide the video information requested by the police. Mr. Kelly stated that he and Mr. Ginissee had tried but the current system at that time could only record for two days and they have been unable to retrieve the video information but they would be happy to connect with Sergeant Needham to see if there is a way that it could be retrieved.

Chairman Shea asked Mr. Kelly if when they were unable to retrieve the video did he contact the Worcester Police Department to tell them that. Mr. Kelly stated no but stated that since that time they have changed the video surveillance system. Mr. Kelly admitted that at beginning of their operation they didn't do a great job but now he and his partner are there on Friday and Saturday and there is doorman Friday/Saturday to ensure no one leaves the premises with drinks.

Attorney Pinero stated that he had called to Alcohol Beverage Control Commission and asked Kyle Gill about whether rule requiring license holders provide video. Mr. Gill stated that each municipality free to adopt to rule to video but Worcester does not currently have one should the license holder should not be sanctioned for that.

Chairman Shea stated that the police are the enforcement for the License Commission and has the right to ask for items that pertinent to their investigation.

Attorney Pinero stated that with regard to violation that the license holder not providing info on members W-2's that the staff are volunteers who work for TIPS so there are no W-9's.

Upon a roll call vote the Commission voted 3-0 that the violation occurred.

Upon a roll call vote the Commission voted 3-0 to issue a one day suspended suspension.

*List of Exhibits: Police Report dated July 15, 2021.*

### **Other Business**

#### **37. Mac's Diner, 185 Shrewsbury Street, rescinding of liquor license approval**

Upon a roll call vote the Commission voted 3-0 to rescind the approval of the liquor license.

### **Communications**

- ABCC Notice of Rescheduling of Appeal Hearing – Stillman Quality Meats, LLC-filed

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 12:47 p.m.