



**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER**

Thursday, May 4, 2023

Commissioners Present: Anthony Vigliotti, Chair
Charran Fisher, Commissioner
Maritza Cruz, Commissioner

Commissioners Absent:

Staff Present:

Sergeant Thomas Needham Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Alexandra Kalkounis, Worcester Law Department
Deborah Steele, Division of Planning & Regulatory Services

Call to Order – 10:00 A.M.

Minutes: April 20, 2023

Upon a roll call vote the Commission voted 3-0 to approve the minutes of April 20, 2023.

Postponements

1. Leila Jachimczyk, 118 Green Street

Request for one day liquor license

- **Saturday – August 26, 2023 – Noon-8:00 p.m.**

1A. Leila Jachimczyk, 118 Green Street

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

- **Saturday - August 26, 2023 – Noon-8:00 p.m.**

Upon a roll call vote the Commission voted 3-0 to postpone the applications to the May 18, 2023 License Commission meeting.

2. Arts Worcester, 44 Portland Street
Request for one day liquor license

- **Thursday – May 25, 2023 – 6:00 p.m.-9:00 p.m.**
- **Wednesday – July 26, 2023 – 5:30 p.m.-8:30 p.m.**
- **Wednesday – September 20, 2023 - 5:30 p.m.-8:30 p.m.**
- **Friday - November 17, 2023 - 6:00 p.m.-9:00 p.m.**
- **Sunday - December 17, 2023 - 6:00 p.m.-9:00 p.m.**

Sue Von Maszewski appeared upon behalf of the application. Ms. Maszewski stated that these events are for art exhibits and they have had similar events in the past. They expect between 100-300 people to come through during the exhibit times.

Chair Vigliotti asked if there were would TIPS certified bartenders at the event. Ms. Maszewski stated yes.

Sergeant Needham stated that a police detail would not be required for event.

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 license received and dated April 20, 2023.

3. Artifakt, LLC, 1132 Pleasant Street
Request for one day liquor license

- **Saturday – May 20, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday - June 17, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – July 15, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – August 19, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – September 16, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – October 21, 2023 – 3:00 p.m.-11:00 p.m.**

Audrey Tessrot appeared upon behalf of the applications. She stated that this request is to host monthly gallery openings and they will serve beer and wine and expect about 25 people at time throughout the night and the servers are server trained.

Sergeant Needham reminded Ms. Tessrot that they are near residential area so be cognizant of the noise.

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 license received and dated April 20, 2023.

3A. Artifakt, LLC, 1132 Pleasant Street

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

- **Saturday – May 20, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday - June 17, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – July 15, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – August 19, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – September 16, 2023 – 3:00 p.m.-11:00 p.m.**
- **Saturday – October 21, 2023 – 3:00 p.m.-11:00 p.m.**

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

List of Exhibits: Application for one day entertainment licenses received and dated April 20, 2023.

4. John Ethier, 55 Millbrook Street

Request for one day liquor license

- **Saturday - May 13, 2023 – Noon-8:00 p.m.**
- **Sunday - June 18, 2023 - Noon-7:00 p.m.**
- **Saturday - September 23, 2023 – Noon-6:00 p.m.**
- **Saturday - October 14, 2023 – Noon-8:00 p.m.**

John Ethier participated remotely for the application. He reviewed the area the alcohol would be served and security of the event.

Sergeant Needham reminded Mr. Ethier to make sure patrons stay in the designated area for alcohol.

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 license received and dated April 20, 2023.

Common Victualer Requests

5. Toro Loco, 50 Foster Street

Request for common victualer license

- **Sunday – Thursday - 11:00 a.m.-9:00 p.m.**
- **Friday – Saturday - 11:00 a.m.-10:00 p.m.**

Edgar Luna along with the application appeared upon behalf of the application.

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 April 19, 2023.

- 6. Skaff Variety Inc. dba Grafton Hill Market, 353 Grafton Street**
- **Sunday – Saturday – 6:00 a.m.-11:00 p.m.**

The applicant did not appear for the item. Staff reviewed the application with the Commission.

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 April 19, 2023.

- 7. The Protein Studio, 123A Highland Street**
- **Monday - Friday-7:00 a.m.-5:00 p.m.**
 - **Saturday - 9:30 a.m.-2:00 p.m.**
 - **Sunday - Closed**

The applicant did not appear for the item. Staff reviewed the application with the Commission.

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 April 19, 2023.

- 8. Che Empanada, 536 Lincoln Street**
- **Sunday-Saturday-11:00 a.m. – 9:00 p.m.**

The applicant could not log on remotely, so staff reviewed the application with the Commission.

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 April 19, 2023.

- 9. Ziggy Bombs One, LLC dba Ziggy Bombs 72 Franklin Street**
- **Request for alteration of premises for parklet**

Carl Cervini appeared upon behalf of the application and reviewed the proposal. He stated that they are looking to install a parklet for about 20 people outside. Staff stated that they were waiting for additional information on the proposal.

Upon a roll call vote the Commission voted 3-0 to continue the application to the May 18, 2023 License Commission meeting.

Alcohol/Entertainment Requests

- 10. Quinsigamond Post #318 American Legion Post, 180 Greenwood Street**
- **Request for change of manager**

The applicant did not appear for the meeting. Sergeant Needham stated that the applicant had passed the background check.

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

List of Exhibits: Application for change of manager received and dated April 26, 2023.

11. Black Sheep Bah-Bah Q & Kitchen LLC, 397 Chandler Street

- **Request to amend entertainment license to add 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**

Jennifer Wright appeared upon behalf of the application and reviewed proposal.

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

List of Exhibits: Application for entertainment license received and dated April 26, 2023.

12. Worcester Center for Performing Arts, Inc. dba Hanover Theatre, 2 Southbridge Street

- **Request for alteration of premises**

Troy Siebels appeared upon behalf of the application.

Chair Vigliotti stated that the Commissioner members had viewed the site prior to the meeting.

Upon a roll call vote the Commission voted 3-0 to approve the alteration of premises.

List of Exhibits: Application for alteration of premises received and dated April 21, 2023.

13. Lou Roc's Diner, Inc., 1074 West Boylston Street

- **Request for alteration of premises**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the May 18, 2023 meeting.

14. 99 Restaurant & Pub, 50 Southwest Cutoff, 1160 West Boylston Street

- **Change of officer/director statewide**

This item was reverse approval where the state has already approved and just needed local vote.

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

List of Exhibits: Application for change of officer/director received dated April 13, 2023.

Status Hearing

15. SC Worcester, LLC dba Shaking Crab, 554 Main Street

Simon Hunter, participating remotely, stated that the construction has stalled as they have been working with the landlord on where to install a ventilation pipe, but it has not been resolved yet.

Upon a roll call vote the Commission voted 3-0 to continue the item to the June 1, 2023 License Commission meeting.

Violation Hearings

16. Hoxha Corp dba Smokey Joe's Cigar Bar, 371-373 Park Avenue

Violations of Rules #14, #29-Manager violation, disturbance of peace violation

On January 21, 2023 Officer Patrick Harrington assigned to the Worcester Police Department Alcohol Enforcement Unit was notified by Detective Sergeant Riley that a follow up investigation was being conducted by the Detective Bureau from an incident that they believed to have occurred at the Smokey Joe's Cigar Bar on January 15, 2023.

On January 21, 2023 Officer Harrington received a call from the owner of Smokey Joe's, Ermand Hoxha.

Mr. Hoxha informed Officer Harrington earlier that morning the Detective Bureau requested video surveillance from the premises from the past weekend.

Mr. Hoxha told Officer Harrington that he knew the duties of the Alcohol Enforcement Unit and one of the duties is to monitor the Licensed Premises and he wanted Officer Harrington to hear firsthand that a fight occurred at the premises and he "messed up".

Mr. Hoxha told Officer Harrington that a patron that he has known for several years was extremely drunk and tried to fight inside the premises.

Mr. Hoxha explained that he tried to calm him down and things got worse and security and himself escorted the person outside where a physical fight occurred between all parties.

The male eventually left across the street.

Officer Harrington inquired why Mr. Hoxha did not contact the Police and he stated, "that the guy left so figured it was over."

Mr. Hoxha told Officer Harrington that he was notified at some point after the incident that the individual that was yelling was stabbed but he already left the area.

Officer Harrington advised Mr. Hoxha that he is required to contact the police if a breach of the peace occurs on the premises.

After a complete investigation it was determined that staff and security from the premises were involved with an altercation with a patron that started inside the premises and spilled outside onto the public sidewalk.

This incident resulted in a victim being stabbed and required medical attention.

Eriona Kodra Hoxha appeared to answer to the violation and waived her right to counsel.

Ms. Hoxha testified that she was not disputing the facts as presented.

Ms. Hoxha testified that she was embarrassed to be before the Commission and it was her fault for not calling the police right away. Ms. Hoxha testified that when police came in, they cooperated, and they have met with their staff so this will not happen again.

Upon a motion made and duly seconded the Commission voted 3-0 that the violations of Rules #14 and #29 did occur on January 15, 2023.

Upon a roll call vote the Commission voted 3-0 to issue a two-day suspended suspension which means if any violations occur within a year from the hearing date the two days will automatically be served along with any other suspension the Commission imposes.

List of Exhibits: Police report dated March 21, 2023

17. Gunatit Ne Sang Corp, dba Austin Liquors, 117 Gold Star Boulevard

Violations of Rules #6, #21-Sale to minor, manager responsible for premises

On March 16, 2023 Officer Pat Harrington assigned to the Alcohol Enforcement Unit was in the area of the Austin Liquors and his attention was drawn to a four door vehicle parked in the Austin Liquors parking lot occupied by three (3) youthful individuals. Minutes later, Officer Harrington observed a youthful male & female exit the package store in possession of two (2) thirty (30) packs of Busch Light Beer, a box of Franzia wine and a brown bag of what appeared to be alcohol. The alcohol was observed being placed in the rear truck of the car and the vehicle exited onto Gold Star Boulevard.

Officer Harrington followed the vehicle and conducted a vehicle stop. Officer Harrington spoke with the driver and the passengers and informed them he was conducting a compliance check. None of the five (5) individuals in the vehicle were 21 years of age. Officer Harrington informed the individuals their actions were criminal and could result in court action. The alcohol in the vehicle was confiscated along with two (2) fraudulent I.D.'s.

Officer Harrington returned to the premises after clearing the vehicle stop and spoke with staff. Officer Harrington inquired if the two (2) fraudulent out of state I.D.'s were scanned on the Licensed Premises I.D. scanner and the clerk appeared to be unsure of herself.

Officer Harrington spoke with the manager of Austin Liquors via cell phone and advised her of the violation. The manager was requested to obtain the video surveillance, updated liquor license and a copy of the TIPS certificate for the clerk who sold the alcohol.

A follow up review of the store's video surveillance showed the clerk looking at the out of state identifications but did not utilize the scanner. \

Attorney Matthew Porter, Jignesh Pachani and Maria Dinsdale appeared upon behalf of the violation.

Attorney Porter stated that they are not disputing the facts of the incident. Further, all the employees are server trained and this was a lapse in judgement where Ms. Dinsdale did not check the ID. Since the time of the incident the owner has spoken with staff and reiterated that ID's must be scanned.

Chair Vigliotti asked what the store policy was on checking out of state identifications and Attorney Porter stated the policy is to scan all ID's.

Officer Harrington testified that out of state ID's are not afforded protection under the law so stores should be using the scanners to check for fraudulent ID's.

Upon a motion made and duly seconded the Commission voted 3-0 to find violations of Rules #6 and #21 occurred on March 16, 2023.

The Commission noted that there have been three (3) similar violations in the past few years at this Licensed Premises.

Upon a roll call vote the Commission voted 3-0 to issue a four-day suspension with two days to be served and two days to be held in abeyance for one (1) year.

List of Exhibits: Police report dated April 11, 2023.

Adjournment

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 11:00 a.m.