

;

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

SEPTEMBER 7, 2018

50 SKYLINE DRIVE, ROOM A

Commission Members Present: Anthony Salvidio, Chairman
Walter Shea, Commissioner
Barbara Haller, Commissioner

Commission Members Absent:

Staff Present: Alexandra Kalkounis, Law Department
Lt. James Johnson, Worcester Police Department
Sergeant Thomas Needham, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Glenn Stout, Worcester Police Department
Jim Racicot, Inspectional Services
Deborah Steele, Planning & Regulatory Services

Call to Order – 11:30 a.m.

Violations

Attorney David Cataldo along with Maximo Nunez and Juan Pena appeared to answer to the violation hearings.

Chairman Salvidio stated that reviewing the time-line record for Mambo Drinks there are four violations on record plus the Commission had accommodated the license holder several times by amending conditions on the license as a result of those violations hearings. Chairman Salvidio stated that Mambo Drinks is now appearing before the Commission today for an additional four violations.

I-1: Mambo Drinks, Inc. 105 Water Street

Lt. Johnson presented the following:

May 13, 2018 – Violation of Rules #14, #37- Manager responsible for premises, bottle service violation

On May 13, 2018 Sergeant Thomas Needham and Officer Glenn Stout went to Mambo Drinks to conduct a compliance check.

As the officers were talking with the club management of Mambo Drinks a fight broke out at the bar and the officers went over to assist and broke up an altercation. At the bar Sergeant Needham observed a male patron drinking from a 750ML bottle of Hennessy and attempted to take the bottle away from the patron. The patron stated, “I bought the bottle I’m going to drink it”. The officers explained to the patron that the bottle has to stay behind the bar in possession of the bartender.

Attorney Cataldo questioned whether Sergeant Needham had observed the patron coming into possession of the bottle in question. Sergeant Needham stated that he did not but stated that while he and Officer Stout were inside the establishment a fight broke out and the police assisted management in breaking up the altercation. After order had been restored Sergeant Needham stated that he observed the male with the bottle in possession in his right hand and Sergeant Needham went to speak with the male about the bottle. The male stated that he purchased the bottle and can do whatever he wants with it. Sergeant Needham stated that he explained the regulation regarding bottle service to the male.

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

Upon a roll call the Commission voted 3-0 to impose a five day suspension.

Exhibit A: Police report dated June 7, 2018.

Lt. Johnson presented the following:

July 18, 2018 – Violation of Rule #14, 204 C.M.R. – Selling drinks at price less than regularly charged during calendar week

On July 18, 2018 Mambo Drinks posted on their Facebook page a post that stated “The Last Saturday of our four year anniversary! Free entrance and Moet at half price until sundown!”

On August 2, 2018 Sergeant Thomas Needham and Officer Glenn Stout went to Mambo Drinks and spoke with the manager, Jonathan Pena, who told the officers that on Saturday, July 28, 2018 it was free admission and ½ off bottles of Moet Champagne. He told the officers he was selling the bottles of Moet for \$100 from 5:00 p.m. to 9:00 p.m. and after that the price reverted back to normal everyday price of \$200.00.

The officers informed Mr. Pena that the advertisement was a violation of the Happy Hour Regulations.

Attorney Cataldo asked if Sergeant Needham had met with the manager, Jonathan Pena, and was he cooperative. Sergeant Needham stated that he and Officer Stout had met with him. Attorney Cataldo asked if Sergeant Needham had been made aware that Mr. Jonathan Pena had been terminated as manager of the premises. Sergeant Needham stated no and stated that when he spoke with him Saturday night, he was still identifying himself as manager. Attorney Cataldo stated that Mr. Jonathan Pena had been terminated from the position last night.

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

Upon a roll call the Commission voted 3-0 to impose a five day suspension.

Exhibit A: Police report dated August 1, 2018.

Lt. Johnson presented the following,

July 29, 2018 – Violation of 204 CMR 2.05 & M.G.L. c. 138§34C – Permitting an illegality on the licensed premises, Possession of alcoholic beverage by a person under 21 years of age, Violation of conditions of license

On July 29, 2018 at around 1:40 a.m. Worcester police officers assigned to the Bar Impact patrol were in the area of Mambo Drinks trying to maintain peace and order when the bars let out.

Officer Michael Sullivan's report from July 19, 2018 stated that the patrons of Mambo Drinks did not exit in an orderly fashion and spilled out into the street causing a loud disturbance which resulted in multiple fights breaking out all across Water Street, Harrison Street and Harding Street. Officer Sullivan estimated that there were well over 100 parties in the street either actively fighting or videotaping the fights. Officer Sullivan's report stated that after approximately 20 minutes of chaos, which resulted in multiple arrests and multiple calls for emergency ambulance due to injuries, the officers were able to gain control of the street and disperse all parties.

The Worcester Police investigated further and determined that at least five of the patrons from Mambo Drinks involved in the disturbance were under the age of 21. One of the females who was 18 years old admitted to the police that she had two cups of Malibu rum while inside .

Attorney Cataldo stated that he no questions regarding the violations.

Upon a motion the Commission voted 3-0 that the violation had occurred.

Upon a motion the Commission voted 3-0 to impose a 30 day suspension.

Exhibit A: Police report dated August 10, 2018.

Lt. Johnson presented the following,

June 30, 2018 – Violation of Rule #1, #14, 204 CMR 2.05 – Hours, Manager responsible for premises, sale or delivery of alcoholic beverage to a person under the age of twenty-one (21) years age

On July 2, 2018 members of the Alcohol Enforcement Unit received information with regards to underage drinking at Mambo Drinks. Several video clips of young people drinking alcohol and appearing to be intoxicated were provided to the Unit. The Unit reviewed the video clips and confirmed that the location was the rear storage and preparation area of Mambo Drinks.

They were able to identify from one of the video clips an 18 year old female drinking from a large Hennessy bottle, and requested that she come to the police station. The female along with Jonathan Pena voluntarily spoke with the Worcester Police and she confirmed that she was an employee of the Mambo Drinks and she and her friends were drinking there after hours.

Worcester Police showed a video clip from the night of the incident which showed underage people and employees in the establishment after 2:30 a.m.

Attorney Cataldo stipulated for the record that Jonathan Pena was shown in the video.

Mr. Nunez stated that the video did show employees and other people in the Mambo establishment after hours.

Chairman Salvidio stated that he has been on the License Commission a number of years and had never seen this type of conduct that keeps continuing. He stated that the Commission believes in progressive discipline but there is nothing left to impose and feels the license should be surrendered immediately.

Commissioner Shea stated that he would agree as he noted that there was three separate fights of over 100 people, demonstrating that the business is not being run well. Commissioner Haller noted that Mambo Drinks has had a history of violations for underage drinking and underage patrons and the fights that did occur were not separately violated.

The Commission stated that Mambo Drinks should not be allowed to continue to be in business as they are not even running at the lowest standard and the owner/manager was drinking with 18 year olds.

Upon a motion the Commission voted 3-0 that the violations had occurred.

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

Exhibit A: Police report dated July 3, 2018.

Exhibit B: Flash Drive of video clips.

Attorney Cataldo stated that he agreed to all the findings of facts presented by the Commission.

Adjournment

Upon a motion the Commission adjourn the meeting at 12:07 p.m.