

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
MARCH 11, 2020
50 Skyline Drive

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

Commission Members Absent: Anthony Vigliotti, Commissioner

Staff Present:

Lt. James Johnson Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Keith Garlick, Worcester Police Department
Deborah Steele, Planning & Regulatory Services

Call to Order – 8:30 a.m.

Hearings

Maywood Associates dba Blarney Stone, 75-77 Maywood Street

Violations of Rules #9, #13, #14, #28 – Licensed Premises subject to inspection by Police, No alcoholic beverages shall be sold or delivered to an intoxicated person, managers responsible for premises, managers and all persons involved in service of alcohol must be server trained.

Thomas McCabe appeared to answer to the violation and waived his right to counsel.

Lt. James Johnson presented the following;

On November 27, 2019 at approximately 8:50 p.m. Officer Patrick Harrington of the Worcester Alcohol Enforcement Unit and Officer D. Diaz of the Worcester Police Department Accident Reconstruction Unit went to the Blarney Stone to follow up on a motor vehicle homicide accident that had occurred in the early morning hours.

The Officers went to the Blarney Stone after receiving information that the suspect in the homicide had consumed alcohol at the premises prior to the accident.

Officer Edward Saucier of the Worcester Police Department Alcohol Enforcement Unit had contacted the Blarney stone earlier in the day to let the establishment know that investigators were coming to the premises to ascertain the identity of the bartender employed prior to the accident and to retrieve video surveillance from that evening.

Officer Harrington upon arrival met with a Ryan Rushford who told Officer Harrington that the owner, Thomas McCabe, had left approximately 15-20 minutes earlier.

Officer Harrington asked if Mr. Rushford could reach Mr. McCabe by phone. Mr. Rushford was able to reach Mr. McCabe by phone.

Officer Harrington spoke with Mr. McCabe and apologized for being late due to unforeseen circumstances and Mr. McCabe immediately became upset and agitated towards Officer Harrington and when Officer Harrington asked if Mr. McCabe could come back to the premises to assist with obtaining the video surveillance, Mr. McCabe responded, "I'm not coming back every time someone gets hurt. The first thing you do is blame the bar."

Officer Harrington asked if someone else could provide the surveillance footage of the night in question and Mr. McCabe responded, "There are no tapes. No evidence. I didn't record anything that night."

When Officer Harrington explained that he needed to visually inspect the system to put in his report that it was not functioning, Mr. McCabe stated, "No you don't. There's nothing to see."

Officer Harrington explained that the Worcester Police, under the License Commission, rules that a Licensed Premises must cooperate with the police. Mr. McCabe's response was, "Do what you need to do. I'm not coming back"

Officer Harrington requested basic information for the police report and the response from Mr. McCabe was, "None of your business."

After this conversation, Officer Harrington informed his supervisor of the situation and requested he contact the District Attorney's Office to begin the process for a subpoena to produce any possible evidence.

While waiting on the scene, the manager of record, Shana Martin, arrived and was very cooperative with the police. She showed Officer Harrington where the video surveillance system was stored.

Ms. Martin stated that Mr. McCabe deals with the video and she only touches it when he is on vacation. When asked where the prior night videos were, Ms. Martin went to a cabinet but could not locate any prior video recordings. She indicated to Officer Harrington that was very unusual.

Officer Harrington requested Ms. Martin provide information on who was working the night before at the Licensed Premises.

It was confirmed that on November 26 into November 27, 2019 the bartender at the Blarney Stone was Alfred Torres and door staff was Rob Orell.

Ms. Martin was unable to provide Server Training Certificates for the staff.

On November 28, 2019, Officer Harrington drafted a demand letter requesting the information they he had requested and requested Thomas McCabe's presence at the Worcester Police Headquarters on December 5, 2019 at 1:00 p.m.

On November 28, 2019, at the beginning of Officer Harrington's shift, he found several VHS tapes in the Alcohol Enforcement Unit's Police Headquarters mailbox that were left by Mr. McCabe.

On December 5, 2019 Worcester Police Investigators reviewed the videos and observed that the suspect involved in the motor vehicle homicide was consuming alcohol within the Blarney Stone prior to the accident. The following was observed:

Suspect arrived on November 26, 2019 at 9:17 p.m. and left at November 27, 2019 at 12:13 a.m. During that time the suspect drank six (6) mixed drinks, three (3) beers, two (2) jello shots, one (1) twisted tea.

On December 5, 2019, Officer Harrington and Sgt. Thomas Needham met with Mr. McCabe. Mr. McCabe turned over eight (8) server training certificates. It was noted that Alfred Torres who has been employed at the Blarney Stone for two years and was the bartender the night in question did not have a Server Training Certificate.

When questioned as to why he did not cooperate the night Officer Harrington spoke with him on the phone, Mr. McCabe stated that he heard about the fatality and he panicked and left the bar with the video tapes as he had previously been sued and needed time to clear his head but was ashamed of his actions and immediately went to Police Headquarters on November 28 to turn over the video surveillance.

Thomas McCabe appeared to answer to the violation and waived his right to counsel.

Mr. McCabe stated that he was really sad that the situation had occurred and that he was not disputing anything the Worcester Police Department presented.

Mr. McCabe stated that he was not required to turn over the surveillance tapes and was nervous because of what happened and wanted to discuss with an attorney first but he did turn the tapes over to the Worcester Police before he had even watched them.

Mr. McCabe stated that he was not denying what happened and it was inexcusable and he does not wish to be in this type of business anymore and plans for someone else to come in and run a new business at the location.

Commissioner Haller reviewed the time-line of previous violations since the establishment opened in 1986 and the record showed that there were several violations between the local board and the Alcoholic Beverage Control Commission since 1986.

Upon a motion the Commission voted 2-0 to revoke the licenses effective immediately.

Adjournment

Upon a motion the Commission voted 2-0 to adjourn the meeting at 9:27 a.m.