



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

Thursday, April 20, 2023

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

Commissioners Absent:

Staff Present:

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

Call to Order – 10:00 A.M.

Minutes: April 3, 2023

Upon a roll call vote the Commission voted 2-0 to approve the minutes of April 3, 2023.

Requests for Continuances, Extensions, Postponements, & Withdrawals

One Day Liquor & Entertainment Requests

- 1. Kim McElroy, 950 Main Street**
Request for one day liquor license
 - **Thursday-May 18, 2023 –8:00 p.m.-Midnight**

Kim McElroy the catering manager for the event stated that she would like to amend the date to Saturday May 20, 2023. She stated that she has been running the events for 22 years and there will be campus police and she just had 22 staff update their TIPS certification and that people at the event will receive wristbands to identify they are over 21.

Upon a motion made and duly seconded the Commission voted 3-0 to approve the one day liquor license with amended date of May 20, 2023.

List of Exhibits: Application for one day liquor license received and dated April 3, 2023.

**2. Tapped Beer Truck, 500 Salisbury Street
Request for one day liquor license**

- **Saturday- April 22, 2023 – 3:00 p.m. – 5:00 p.m.**
- **Friday-May 5, 2023 – 8:30 p.m.-10:30 p.m.**

Erik from the ChubbyChickPea Catering service participated remotely, stated that this will be the second year they have had the event at Assumption College and they will have TIPS certified bartender. They will be checking ID's and there will be security for the event and 150 to 200 people are expected for the event.

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 license receive and dated April 10, 2023.

**3. Michael Rubino, 500 Salisbury Street
Request for one day liquor license**

- **Friday-April 21, 2023-9:00 p.m.-11:30 p.m.**

Michael Rubino appeared upon behalf of the application. He stated that the event will be at the college and that they will have security and certified bartenders.

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 license receive and dated April 3, 2023

**4. SSJ, LLC, Mercantile Plaza
Request for one day liquor license**

- **Friday – May 5, 2023 – Noon-Midnight**
- **Saturday-May 6, 2023-Noon-Midnight**
- **Sunday-May 7, 2023-Noon-Midnight**
- **Thursday-May 11, 2023-Noon-Midnight**
- **Friday-May 12, 2023-Noon-Midnight**
- **Saturday-May 13, 2023-Noon-Midnight**
- **Sunday-May 14, 2023-Noon-Midnight**
- **Thursday-May 18, 2023-Noon-Midnight**
- **Friday-May 19, 2023-Noon-Midnight**
- **Saturday-May 20,2023-Noon-Midnight**
- **Sunday-May 21, 2023-Noon-Midnight**

- **Thursday-May 25, 2023-Noon-Midnight**
- **Friday-May 26, 2023-Noon-Midnight**
- **Saturday-May 27, 2023-Noon-Midnight**
- **Sunday-May 28, 2023-Noon-Midnight**
- **Thursday-June 1, 2023-Noon-Midnight**
- **Friday-June 2, 2023-Noon-Midnight**
- **Saturday-June 3, 2023-Noon-Midnight**
- **Sunday-June 4, 2023-Noon-Midnight**
- **Thursday-June 8, 2023-Noon-Midnight**
- **Friday-June 9, 2023-Noon-Midnight**
- **Saturday-June 10, 2023-Noon-Midnight**
- **Sunday-June 11, 2023-Noon-Midnight**
- **Thursday-June 15, 2023-Noon-Midnight**
- **Friday-June 16, 2023-Noon-Midnight**
- **Saturday-June 17, 2023-Noon-Midnight**
- **Sunday-June 18, 2023-Noon-Midnight**
- **Thursday-June 22, 2023-Noon-Midnight**
- **Friday-June 23, 2023-Noon-Midnight**
- **Saturday-June 24, 2023-Noon-Midnight**

Shawn Briggs appeared upon behalf of the applications. He stated that the set up for the event will be the same as last year with same security. He stated that most events will close by 11:30 p.m. and that there were no problems last year.

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 licenses receive and dated April 3, 2023

**4a. Harpoon Beer Garden, Mercantile Plaza
Request for one day entertainment license radio, recorded music, live music, amplification system (outside)**

- **Friday-May 5, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-May 6, 2023-5:00 p.m.-11:30 p.m.**
- **Sunday-May 7, 2023-5:00 p.m.-11:30 p.m.**
- **Thursday-May 11, 2023-5:00 p.m.-11:30p.m.**
- **Friday-May 12, 2023-5:00 p.m. -11:30 p.m.**
- **Saturday-May 13, 2023-5:00 p.m.-11:30 p.m.**
- **Sunday-May 14, 2023-5:00 p.m.-11:30 p.m.**
- **Thursday-May 18, 2023-5:00 p.m.-11:30 p.m.**
- **Friday-May 19, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-May 20, 2023-5:00 p.m. -11:30 p.m.**
- **Sunday-May 21, 2023-5:00 p.m. – 11:30 p.m.**

- **Thursday-May 15, 2023-5:00 p.m.-11:30 p.m.**
- **Friday-May 26, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-May 27, 2023-5:00 p.m.-11:30 p.m.**
- **Sunday-May 28, 2023-5:00 p.m.-11:30 p.m.**
- **Thursday-June 1, 2023-5:00 p.m.-11:30 p.m.**
- **Friday-June 2, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-June 3, 2023-5:00 p.m.-11:30 p.m.**
- **Sunday-June 4, 2023-5:00 p.m.-11:30 p.m.**
- **Thursday-June 8, 2023-5:00 p.m.-11:30 p.m.**
- **Friday-June 9, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-June 10, 2023-5:00 p.m.-11:30 p.m.**
- **Sunday-June 11, 2023-5:00 p.m.-11:30 p.m.**
- **Thursday-June 15, 2023-5:00 p.m.-11:30 p.m.**
- **Friday-June 16, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-June 17, 2023-5:00 p.m.-11:30 p.m.**
- **Sunday-June 18, 2023-5:00 p.m.-11:30 p.m.**
- **Thursday-June 22, 2023-5:00 p.m.-11:30 p.m.**
- **Friday-June 23, 2023-5:00 p.m.-11:30 p.m.**
- **Saturday-June 24, 2023-5:00 p.m. – 11:30 p.m.**

Shawn Briggs appeared upon behalf of the applications and reviewed the proposed entertainment.

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 receive and dated April 10, 2023

**5. Holy Family Parish/St. Joseph Church, 10 Dupont Street
Request for one day liquor license**

- **Saturday- June 17, 2023 – 4:00 p.m. – 11:00 p.m.**

Edward Bourgault appeared upon behalf of the application. He stated that this is for their June Festival which they have done in the past. They expect 600-700 people and will have security as well as two police officers.

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 license receive and dated March 30, 2023

5a. Request for one day entertainment license for recorded music

- **Saturday-June 17, 2023 – 4:00 p.m. -11:00 p.m.**

Edward Bourgault appeared upon behalf of the application. He stated that this is for their June Festival which they have done in the past. They expect 600-700 people and will have security as well as two police officers.

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

List of Exhibits: Application for one day entertainment license receive and dated March 30, 2023

**6. Leila Jachimczyk, 118 Green Street
Request for one day liquor license**

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

6a. Request for one day entertainment license for dancing by patrons, dancing by entertainers, recorded music, live music, amplification system

- **Saturday- August 26, 2023 – Noon-9:00 p.m.**

Upon a roll call vote the Commission voted 3-0 to postpone items 6, 6a to the May 4, 2023 License Commission meeting.

**7. Marc Guinette, 236 Franklin Street
Request for one day liquor license**

- **Saturday-June 24, 2023-3:00 p.m.-1:00 a.m.**
- **Friday-September 9, 2023-3:00 p.m.-1:00 a.m.**

Marc Guinette appeared upon behalf of the applications. He stated that these are similar to the events they have done in the past and reviewed the set up and security.

Sgt. Needham stated that the Worcester Police have never received any complaints about these 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 entertainment license receive and dated March 30, 2023

7a. Request for one day entertainment license for dancing by patrons, amplification system, light show, dj

- **Saturday-June 24, 2023-3:00 p.m.-1:00 a.m.**
- **Friday-September 9, 2023-3:00 p.m.-1:00 a.m.**

Marc Guinette appeared upon behalf of the applications.

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 license receive and dated March 30, 2023

**8. Gina Migliozi, 30 Exchange Street
Request for one day liquor license**

- Saturday-May 27, 2023-2:00 p.m.-10:30 p.m.
- Sunday-May 28, 2023-2:00 p.m.-10:30 p.m.
- Saturday-July 1, 2023-Noon-10:30 p.m.
- Thursday-July 27, 2023-6:00 p.m.-10:30 p.m.
- Friday-July 30, 2023-12:30 p.m.-10:30 p.m.
- Saturday-August 5, 2023-12:30 p.m.-10:30 p.m.
- Friday-August 11, 2023-6:00 p.m.-10:30 p.m.
- Sunday-August 13, 2023-12:30 p.m.-10:30 p.m.
- Sunday-August 26, 2023-1:30 p.m.-10:30 p.m.
- Friday-September 8, 2023-6:00 p.m.-10:30 p.m.
- Saturday-September 9, 2023-1:00 p.m.-10:30 p.m.
- Saturday-September 16, 2023-Noon-10:30 p.m.
- Sunday-September 17, 2023-Noon-10:30 p.m.

Christopher Besaw appeared upon behalf of the applications. He stated that they have been doing these events for past several years and they have security, certified bartenders and bring in porta potties as well as hiring off duty police.

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 receive and dated March 17, 2023

**8a. Gina Migliozi, 30 Exchange Street, 30 Exchange Street
Request for one day entertainment license for dancing by patrons, dancing by entertainers,
recorded music, live music, amplification system, light show**

- Saturday-May 27, 2023-2:00 p.m.-11:00 p.m.
- Sunday-May 28, 2023-2:00 p.m.-11:00 p.m.
- Saturday-July 1, 2023-Noon-11:00 p.m.
- Thursday-July 27, 2023-6:00 p.m.-11:00 p.m.
- Friday-July 30, 2023-12:30 p.m.-11:00 p.m.
- Saturday-August 5, 2023-12:30 p.m.-11:00 p.m.
- Friday-August 11, 2023-6:00 p.m.-11:00 p.m.
- Sunday-August 13, 2023-12:30 p.m.-11:00 p.m.
- Sunday-August 26, 2023-1:30 p.m.-11:00 p.m.
- Friday-September 8, 2023-6:00 p.m.-11:00 p.m.
- Saturday-September 9, 2023-1:00 p.m.-11:00 p.m.
- Saturday-September 16, 2023-Noon-11:00 p.m.

- **Sunday-September 17, 2023-Noon-11:00 p.m.**

Christopher Besaw appeared upon behalf of the application

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 license receive and dated March 17, 2023

9. Worcester Latin American Festival 2023, The Worcester Common

- **Request for one day entertainment license for live music, dancing by entertainers, amplification system**
- **Saturday-August 19, 2023-11:00 a.m. – 9:00 p.m.**

Valeria Ramos appeared upon behalf of the application.

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

List of Exhibits: Application for one day entertainment license receive and dated March 17, 2023

10. Water Lantern Festival Worcester, 138 Russell Street

- **Request for one day entertainment license for recorded music, live music, amplification system**
- **Saturday-June 3, 2023 – 5:30 p.m.-9:00 p.m.**

Logan Buchanan, participated remotely, on behalf the item. Chair Vigliotti asked where the location was, and Mr. Buchanan stated that this event is at Elm Park and patrons purchase a lantern that they can build, and then the lantern is lit and put into the water and after the event the lantern is retrieved, and all trash is picked up.

Chair Vigliotti asked if Mr. Buchanan had reviewed this with the Fire Department. Mr. Buchanan stated that they don't use flames to light the lanterns just LED lights.

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

List of Exhibits: Application for one day entertainment license receive and dated March 17, 2023.

Common Victualer Requests

11. Pizza Deli and Grill, 80 West Street

- **Sunday-Saturday-11:00 a.m. -11:00 p.m.**

Applicant did not appear for meeting. Staff reviewed the item with the Commission members.

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 12, 2023.

12. Village Store, 16 Laurel Street

- **Sunday-Saturday-8:30 a.m. – 6:00 p.m.**

Daira Saavera 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 12, 2023

13. Doho Café, LLC, 17 Mechanic Street

- **Sunday-Saturday-6:00 a.m.- 11:00 p.m.**

Hayleigh Noel Baker appeared upon behalf of the application. She stated that this will be in the Midtown Mall, and they will be selling donuts as well as having patrons create their own donuts.

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 12, 2023

14. La Central Bakery & Café, Inc., 422 Main Street

- **Monday-Friday-6:00 a.m. -8:00 p.m.**
- **Saturday-7:00 a.m. – 8:00 p.m.**
- **Sunday-8:00 a.m.-3:00 p.m.**

Edgar Luna appeared on behalf of applicant. Mr. Luna stated he was assisting with the translation for the applicant. Mr. Luna stated that the applicant is taking over the existing business.

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 12, 2023

Alcohol/Entertainment Requests

15. Quinsigamond Post #318 American Legion Post, 180 Greenwood Street

- **Request for change of manager**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the May 4, 2023 License Commission meeting.

16. 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**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the May 4, 2023 License Commission meeting.

17. Roastmeisters Coffee, LLC, 3 Brussels Street

- **Request for entertainment license for radio, live music, theatrical exhibition**

David Fullerton appeared upon behalf of the application. He stated that the entertainment will be from Noon-3:30 p.m.

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

List of Exhibits: Application for entertainment license received and dated March 27, 2023.

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

- **Request for alteration of premises**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the May 4, 2023 License Commission meeting.

19. 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 4, 2023 License Commission meeting.

20. Dream 6 Estate, LLC, 369 Burncoat Street

- **Request for package store malt & wine license**

Samuel Boiquaye appeared upon behalf of the application.

Chair Vigliotti stated that the Commission members had viewed the premises prior to the meeting.

Mr. Boiquaye stated that he planned to re-establish the package store license that was previously there, and he has submitted a petition to staff from residents in support of the license.

Public Comment

Jim Vasiadis, owner of O’Hara’s Liquors, spoke in opposition to the application and stated that the area is already well served by the existing stores.

Upon a motion made and duly seconded the Commission voted 2-1 (Chair Vigliotti voted against) to approve the package store malt & wine license.

List of Exhibits:

- A. *Application for package store malt wine license received and dated April 12, 2023.*
- B. *Petition submitted by applicant dated April 12, 2023.*

21. Westborough Beverage Corp dba Walmart #4387, 25 Tobias Boland Way

- **Request for package store malt & wine license**

Attorney Mark Bornstein along with Pedro Figueroa, the manager the Worcester Walmart, appeared upon behalf of the application.

Mr. Bornstein stated that the Commission members had viewed the premises prior to the meeting and that he would like to review the Ballarin factors for the proposed application.

Mr. Bornstein stated that Worcester’s population has increased 14% in the past ten years and the state has allowed additional licenses for the City due to that population increase. Mr. Bornstein stated with that increase and additional package store license would serve the public need. He stated that the location is not within 500 feet of a church, school, or hospital. He stated there are two package stores within two miles of this proposed license, but those two stores are full package stores that primarily serve the Quinsigamond Village neighborhood while this particular location serves the WRTA bus population, and it is also a destination store. It draws throughout the city and surrounding communities. There is a new residential development proposed in the area. There is plenty of parking , the store is large so there is ample space for the storage of the beer and wine and plans propose to install a locked storage area. There is no noise. There is a police detail as well as security of the store. One of the racks would be enclosed to ensure that people who purchase beer and wine would be through a designated cashier. There is a compliance team who review security procedures. The proposed manager of record has over 20 years of retail experience, so he knows the community.

Mr. Bornstein stated that he knows some package stores will speak in opposition to the proposal, but the issuance of these package store licenses is to serve the public need, not “we don’t think Walmart should have a package store license”.

Pedro Figueroa stated that he has been manager of the store for two years and stated that this store in past two years has changed. It is clean, organized and has more security than any other retailer in the area. He stated that the store wants to ease the distance of customers’ shopping trips and offer them less expensive options at this time of high inflation.

Public Comment

Robert Largess, owner of Harrahy's Package Store, spoke in opposition the application. He stated that the vast majority of what he sells is beer and wine and the need for alcohol is already being served in the area near Walmart.

Chair Vigliotti asked Mr. Largess if he had a way to identify which customers come to his store versus going to Walmart. Mr. Largess stated that he is a small store and would not have the capacity to hire someone to do that type of study.

Jim Vasiladis stated that he owns two package stores in the City and theft is big issue with alcohol as it has value in the street and it mostly young adults shoplifting, and Walmart has a large population of young adults going to its store. Also, Walmart has extended hours so there is a risk as who would keep tabs on alcohol during hours when can't they can't sell.

Mr. Vasiladis also stated there is concern how this would effect small business. He stated that the existing stores already serve the public need.

William Kirsty, owner of Olympic Wine and Liquors, stated that 11 years ago this Walmart location was denied a beer and wine license and he knows there has been a population growth in the City but the existing stores already serve the need to the residents.

Bill Talcott, package store owner, stated that there is already enough stores in the vicinity to serve the public need.

Attorney Bornstein stated that with regard to the theft comment that he spoke with the Walmart Corporate office and this store does not have a high theft level due to their security measures and stated that being large corporation is not a Ballarin factor for consideration of issuance of the package store license.

Commissioner Fisher stated that she is torn on this one as being a small business owner herself she knows impact larger stores have on a smaller business so she would be a no vote.

Commissioner Cruz had no comments on application.

Commissioner Vigliotti stated that he had viewed the area and based on the existing stores in the area he feels area is already adequately served.

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

List of Exhibits: Application of package store malt & wine license received and dated March 8, 2023.

Status Hearing

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

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

23. Kraftea Kombucha Company, 3 Brussels Street

Matt Gliden and Doug Vogel appeared upon behalf of the item. Mr. Vogel stated that Inspectional Services is scheduled to do final inspection next week and hope to open after that.

Upon a roll call vote the Commission voted 3-0 to continue the item to the May 4, 2023 License Commission meeting.

24. Nuve Lounge, 751 Main Street

Upon a roll call vote the Commission voted 3-0 to continue the item to the May 4, 2023 License Commission meeting.

25. Café Neo, 97 Millbury Street

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

Violation Hearings

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

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

Upon a roll call vote the Commission voted 3-0 to postpone the application to the May 4, 2023 License Commission meeting.

27. McElwee Inc. dba The Raven Pub, 256-258 Pleasant Street

Violations of Rules #1, #14-Hours violation, manager violation

Christopher Bettencourt appeared to answer to the violation and waived his right to counsel.

Sgt Needham read the following into the record.

On February 25, 2023, Sergeant Thomas Needham was assigned to the Alcohol Enforcement Unit and went to the Raven Pub after receiving an email complaint that the premises was operating past closing time.

Sergeant Needham observed a number of vehicles parked across from the driveway of the business and a large, illuminated advertisement light glowing in the front window of the premises.

At 2:15 a.m. Sergeant Needham approached the door of the premises and could hear voices inside. He knocked on the door and informed the person inside that it was the Worcester Police. An individual unlocked the door and allowed Sergeant Needham entry.

Sergeant Needham spoke with Christopher Bettencourt, the owner and manager of The Raven, who stated that it was family and friends on the premises.

Sergeant Needham observed five (5) individuals seated and standing at the bar and Sergeant Needham observed two (2) Bud bottles, one (1) Michelob Ultra, one (1) Bud Light and one (1) draft beer on the bar.

Sergeant Needham asked Mr. Bettencourt if anyone was an employee and Mr. Bettencourt responded no.

Sergeant Needham advised Mr. Bettencourt that he needed to clear the bar of the alcohol and to advise the patrons to leave. The patrons attempted to finish their drinks and Sergeant Needham announced that they needed to put the drinks down and leave the establishment which they did.

Mr. Bettencourt was advised that a notice of hearing for the violation would be sent.

Mr. Bettencourt stated that when Sgt. Needham first knocked at the door he stated establishment was closed but then Sgt. Needham stated it was police and he opened the door. Mr. Bettencourt stated that it was relatives on the premises and there was one non-staff member who was a ride for a family member.

Chair Vigliotti asked if what was read in the accurate description of what happened. Mr. Bettencourt stated yes.

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

The Commission noted that there were no previous violations at the premises.

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

List of Exhibits: Police report dated March 6, 2023.

28. Rhino Bar, Inc. dba Flying Rhino, 278 Shrewsbury Street

Violation of Rules #1, #14, #28-Manager violation, server training violation

Paul Barber appeared to answer to the violations and waived his right to counsel.

Sgt. Needham read the following in the record

January 21, 2023 – Incident

On January 21, 2023, Officer Patrick Harrington, assigned to the Alcohol Enforcement Unit of the Worcester Police Department, was conducting compliance checks of liquor establishments.

At 2:13 a.m. Officer Harrington entered the Flying Rhino and observed three (3) patrons standing in the dining area who informed Officer Harrington that they were waiting for an Uber. Officer Harrington also observed at the rear bar location five (5) people either standing or sitting at the bar and in front of the patrons were a 12 oz White Claw seltzer, a glass of wine and glasses of beer. Also, located in the area were three (3) people seated at the high-top dining table. Officer Harrington asked if any of the people he observed were employees. They stated no and proceeded to leave the licensed premises.

Officer Harrington asked the bartender why patrons were still on the licensed premises after hours and bartender stated that he thought if they were not drinking they could stay.

Officer Harrington asked the three (3) bartenders on duty to produce their TIPS certification. Only two (2) of the bartenders were able to produce the documentation. The third bartender, identified as Emma Brennan, stated that hers was expired. Officer Harrington advised Ms. Brennan that she could not serve alcohol until she completes the course.

The owner of the Flying Rhino, Paul Barber, was contacted and advised of the violation.

January 27, 2023 – Incident

On January 27, 2023, Officer Patrick Harrington, assigned to the Alcohol Enforcement Unit of the Worcester Police Department, conducted a follow up investigation from a violation that occurred at the licensed premises on January 21, 2023.

On January 21, 2023, Officer Harrington had informed Emma Brennan, a bartender at the Flying Rhino, that she could not serve alcohol until she had completed her TIPS certification course.

On January 27, 2023 at 8:30 p.m. Officer Harrington went to the Flying Rhino and observed Ms. Brennan in the process of serving mixed drinks to patrons. Officer Harrington asked Ms. Brennan if she had completed her TIPS course and she stated that she did not and was making an appointment to complete the course. Officer Harrington advised Ms. Brennan to cease all service pertaining to alcohol.

Officer Harrington spoke with Paul Barber and asked why Ms. Brennan was still serving alcohol when he was told it was a violation on January 21, 2023. Mr. Barber stated that he was short staffed and did not think it was a major issue because she had an expired TIPS certification. Mr. Barber was advised that that this was a violation and would receive a violation notice.

Mr. Barber stated that only thing that he disagreed with was that he didn't think it was a major incident as it was and his reaction was due to the predicament he was put in due to a lack of staff caused by illness that was going on and the person who was supposed to be behind the bar was throwing up and it was under his instruction he told the other bartender she could jump in but get off as soon as possible.

Chair Vigliotti stated that Mr. Barber is admitting to the violation and there have been three other violations in the past.

Upon a roll call vote the Commission voted 3-0 that the January 21, 2023 violation had occurred.

Upon a roll call vote the Commission voted 3-0 that the January 27, 2023 violation had occurred.

Upon a roll call vote the Commission voted 3-0 to issue a two-day suspension with two days suspended and two days to be served May 3, 2023 and May 10, 2023.

List of Exhibits:

A. *Police report dated February 2, 2023*

B. *Police report dated January 27, 2023*

Communications

ABCC communication-Notice of Accepted offer of Compromise-ANSH Inc. dba KJ Baaron's Fine Wine & Spirits. No comment.

ABCC Advisory regarding second further expansion of patio service and takeaway/delivery of alcohol by on premises licensees. No comment.

Adjournment

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 11:45 a.m.