

MARCH 17, 2011

**Copy to: City Manager
City Clerk**

**Time: 10:00 a.m.
Room: Esther Howland Chamber**

View: 9:30 a.m. – Smokestack, 65 Temple Street

Approval of minutes of License Commission meeting of March 3, 2011

**Special All Alcoholic license
requested by:**

**Worcester Historical Museum
30 Elm Street
March 24, 2011
6:00 p.m. – 8:00 p.m.
William Wallace on behalf of Historical Museum
stated event was re-opening of Historical Museum
for about 100 people.
Commission voted unanimously to approve
APPROVED**

**Special Malt & Wine
license requested by:**

**Quinsigamond Community College
670 West Boylston Street
April 15, 2011
4:00 p.m. – 6:00 p.m.
Faith Simmons on behalf of Quinsigamond
Community College stated it be an alumni
event for nurses.
Peter Lukes recused himself from this item.
Karon Shea motioned to approve. Paul Mullen
seconded.
APPROVED**

**Bill Battelle
Chartwells
100 Institute Road
April 14, 2011
5:00 p.m. – 9:00 p.m.
Bill Battelle on behalf of Chartwells event will
be held at Mass College of Pharmacy.
Commission voted unanimously to approve.
APPROVED**

**Tara Pub
62 Green Street**

**Request for change of manager to
Mary Cosenza
Mary Cosenza on behalf of Tara Pub and stated
she will be taking over the management duties.
Lt. James Johnson of Worcester Police stated she
would be approved by police
Commission voted unanimously to approve.
APPROVED**

**Smokestack Inc
65 Temple Street**

**Request for alteration of premises
Richard Romaine on behalf of Romaine's requesting**

an outdoor patio in front of restaurant that would seat about 38 people. Be fenced off.
Commission voted unanimously to approve.
APPROVED

HEARINGS

Premier Club Enterprises Inc
dba Platinum Premier Club
241 Southbridge Street

Violations of liquor license Rules
#1, #14, #29
Violation of Chapter 140, Section 9
of common victualer license
Violation of Rule #13 of entertainment
license
Violation of Massachusetts General
Laws Chapter 138, Section 16
TRANSCRIPT ATTACHED

ABCC communications

Main Street Restaurant Associates, Irish Times
Cicero's
Carter Realty Group, Inc. dba Brooks' Pub
Allstar Liquor

Update of hearings to be held before state. Commission will be notified of outcomes when received from state.

PLATINUM PREMIER CLUB

MARCH 17, 2011

PETER LUKES: We will now move into the hearing portion of the meeting. One hearing on. Premier Club Enterprises, Inc. dba Platinum Premier Club, 241 Southbridge Street. Violations of liquor license rules #1, #14, #29. Violation of chapter 140, section 9 of common victualer license. Violation of Rule #13 of the entertainment license and violation of Massachusetts General Laws Chapter 138 Section 16.

ROBERT HENNIGAN: Good Morning Mr. Chairman.

PETER LUKES: Good Morning.

ROBERT HENNIGAN: Robert Hennigan, I am going to be representing Mr. Stephans in this matter this morning. We have we have a few people with us here this morning. I don't know how you want

PETER LUKES: Why don't you all come up and sit down. Everyone who is going to testify please come up to the table. We asked that everyone who is going to testify identify themselves for the record.

CHRIS STEPHANS: Chris Stephans.

ALBERTO RODRIGUEZ: Alberto Rodriguez.

PETER LUKES: The police investigators who are going to testify please?

TIM HOOTON: Tim Hooton.

PETER LUKES: From?

TIM HOOTON: State Alcoholic Beverages. ABCC.

ROBERT BELSITO: Officer Robert Belsito, Worcester Police.

MARK JOLIN: Officer Mark Jolin, Worcester Police.

JAMES JOHNSON: Lt. James Johnson, Worcester Police.

PETER LUKES: Everyone who is going to testify please raise your right hand. You swear to tell the truth so help you god? Alright. Lt. Johnson get us started please. Police reports.

JAMES JOHNSON: Which one would you like me to start with?

PETER LUKES: Whatever your choice.

JAMES JOHNSON: What I'm going to do is read the report and then I will read the cites at the end as far as the rule violations, law violations and any city ordinances violations. I will read the report first.

PETER LUKES: What I like to do for everyone's edification is we will have each hearing go forward one at a time. We will determine whether violation occurred and then will go on to next hearing. At the end of all hearings if there all violations that are found we will take the punitive phase in the totality of the violations based on what we find or what we don't find.

ROBERT HENNIGAN: Mr. Chairman just a point of information if I may is Officer Jolin here if necessary for report to be read if he testifies to the people?

PETER LUKES: I rather we get the report.

ROBERT HENNIGAN: Thank you.

JAMES JOHNSON: The first report is going to be from incident from June 10, 2010 is going to be Officer Robert Belsito's report. I will read it and then I will cite after. The undersigned License Commission investigator request that the License Commission notify Platinum Premier Gentleman's Club located at 241 Southbridge Street, Christopher Stephans manager to appear before a hearing of the License Commission to answer to a police complaint that on June 10, 2010 the licensee violated a condition of its all alcohol common victualer license and a condition of

its entertainment license by operating the business between the hours of 2:00 a.m. and 8:00 a.m. and rule #1 of the City of Worcester License Commission Rules and Regulations relative to liquor licenses. On July 8, 2010 At 1600 hours, Detective Thomas Looney interviewed a party whom will be referred to as John Doe, in the detective bureau of the WPD in regard to possible fraudulent credit card activity on his account. Present during the interview was Detective Sgt. Quitadamo, Lt. James Johnson, of the Alcohol Enforcement Unit, Rosemary Bailey and Dennis Keefe of the Massachusetts Alcoholic Beverages Control Commission. John Doe explained to the above individuals that he entered Platinum Premier Gentleman's Club located at 241 Southbridge Street on June 9, 2010 at approximately 1800 hours. John Doe spent the next fifteen hours at the club. After 0200 hours there were five transactions made for entertainment. The first transaction made by John Doe was for \$7300 at 0234 hours for one hour of entertainment. The second transaction made by John Doe was \$4575 at 0337 hours for entertainment. The third transaction made by John Doe was \$3650 for entertainment. The fourth transaction made by John Doe was \$3650 for entertainment. The final transaction was \$3650. Total spent on entertainment after 0200 hours was \$22,825. All the receipts from the above transactions are in evidence. Christopher Stephans owner of Platinum Premier Gentleman's Club was questioned by license investigators and detective bureau personnel in regard to these violations. Mr. Stephans stated that he was not present during the evening in question.

Mr. Stephans was notified of the violation and hearing. I will read one cite. Pursuant to the rules and regulations of the City of Worcester License Commission relative to entertainment and liquor licenses, a license may be subject to revocation or suspension for breach of its conditions or any law of Commonwealth. On November 7, 2002, The License Commission voted to approve the licensee's request, Mr. Stephans, for an all alcohol common victualer license and an entertainment license at 241 Southbridge Street. As part of the License Commission approval, the hours of operation for both licenses were to be from 8:00 a.m. to 2:00 a.m. Rule one which is a violation. Hours of restaurants, clubs, hotels and general on premises are Sunday, 11:00 a.m. to 2:00 a.m. the following morning (sales to cease at 1:45 a.m.). Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, 8:00 a.m. to 2:00 a.m. the following morning (sales to cease at 1:45 a.m.). All patrons off the premises by closing hour: Hours for taverns, Monday, Tuesday, Wednesday, Thursday and Friday, 8:00 a.m. to 1:00 a.m. (sales to cease at 12:45 a.m) Saturday, 8:00 a.m. to 12:00 midnight. (sales to cease at 11:45 a.m.). Closed on Sunday. All patrons of the premises by closing hour as stated above. Clearance hours Unconsumed beverages must be cleared at closing hour as stated above. Licensees and employees may remain upon such premises at any time for the purpose of cleaning,

making emergency repairs to, or providing security for such premises or preparing food for the next day's business or opening and closing the business in an orderly manner. Main door cannot be locked until all the patrons have left the premises. Those are the violations.

PETER LUKES: Violating for liquor violations as well?

JAMES JOHNSON: Rules violations and yes. No not for liquor violations. Entertainment violations and based on rules on when he applied for his liquor license on the hours.

PETER LUKES: Gentleman?

ROBERT HENNIGAN: Mr. Chairman if I could ask Lt Johnson a few questions if I could. Lt. Johnson I know you were involved in the investigation of this matter, correct?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: And at some point in time you went and spoke with Mr. Stephans about this matter, correct?

JAMES JOHNSON: Yes, I did.

ROBERT HENNIGAN: And do you remember when that was?

JAMES JOHNSON: I believe it was shortly after we did that interview.

ROBERT HENNIGAN: Was that with Officer Looney, Detective Looney?

JAMES JOHNSON: No, I went down with Officers Jolin and Belsito I believe.

ROBERT HENNIGAN: And when you went there you had a conversation with Mr. Stephans and he had explained to you what had happened that particular evening, correct?

JAMES JOHNSON: Basically within regards to the food?

ROBERT HENNIGAN: Yes and he explained that no liquor was being served at that point and time?

JAMES JOHNSON: Absolutely.

ROBERT HENNIGAN: And he explained that there was no entertainment provided to the gentleman involved, correct?

JAMES JOHNSON: He explained that but through receipts we had found different.

ROBERT HENNIGAN: I understand. I didn't say the gentleman wasn't being charged something for staying there but what the receipts say and what happen that particular evening are two different things. Would you agree? Would you agree?

JAMES JOHNSON: I guess I will agree to that.

ROBERT HENNIGAN: And so after you had a conversation with Mr. Stephans did you have a conversation with anyone from the ABCC while you were with Mr. Stephans?

JAMES JOHNSON: I don't believe, I don't recall.

ROBERT HENNIGAN: Did you make a phone call to them inquiring whether a club could be open after hours for serving food to patrons or anything?

JAMES JOHNSON: I may have inquired after that. Yes.

ROBERT HENNIGAN: As you were unsure yourself?

JAMES JOHNSON: Absolutely, I was unsure about the common victualer.

ROBERT HENNIGAN: You were unsure in fact whether he could be doing what he could be doing, correct?

JAMES JOHNSON: As far as serving food I was a little unsure as Mr. Stephans had brought to light the fact that he had a common victualer and I believe and I'm not quoting that based on him having food he could open all night. I disagreed with him and wanted to check it out which I had done.

ROBERT HENNIGAN: And did he tell you that he had an intention of opening the business after his entertainment hours for the purposes of serving food?

JAMES JOHNSON: Yes he did say that he wanted to do that.

ROBERT HENNIGAN: And did he make a statement that be no difference that than of the Boulevard?

JAMES JOHNSON: I believe he referred to a place in Boston not the Boulevard.

ROBERT HENNIGAN: And did you recall him going on the internet with you to show you that other facility that served food after hours?

JAMES JOHNSON: He may have. I don't recall. He may have.

ROBERT HENNIGAN: Does that refresh your memory as to whether or not that the time you called the ABCC?

JAMES JOHNSON: I don't think I called the ABCC until later than that.

ROBERT HENNIGAN: Were you told by Mr. Stephans that he had received a permit for serving food in that particular area of his club?

JAMES JOHNSON: Can you repeat that question?

ROBERT HENNIGAN: Were you told by Mr. Stephans that he had received a permit from the City of Worcester for serving food in that particular area?

JAMES JOHNSON: I think he may have informed, told me that.

ROBERT HENNIGAN: Did you look for the permit?

JAMES JOHNSON: Yes, I think we did check the CV.

ROBERT HENNIGAN: Okay, in the report there is nothing mentioned about the city of Worcester having issued from the license to the effect is there?

JAMES JOHNSON: I don't believe there is.

ROBERT HENNIGAN: Now this investigation that you were involved in this event took place on June 9th of 2010, correct?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: And you instigated it on July 8 of 2010, correct?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: Do you know what the findings of Detective Looney was?

JAMES JOHNSON: I didn't find out until about a month ago probably a little less than that. I don't believe any criminal charges were brought forward.

ROBERT HENNIGAN: So your investigation with regards to a fraudulent credit card activity nothing was brought forward?

JAMES JOHNSON: No, I don't believe so.

ROBERT HENNIGAN: And that is not mentioned in your report is it?

JAMES JOHNSON: No, I didn't bring up any criminal matters as far as that.

ROBERT HENNIGAN: And the, if the incident happened of July of 2010 is there any particular reason why you waited until March 8th of 2011 for this matter to be brought forward to the Commission?

JAMES JOHNSON: There was still a lot of confusion under the cv and I had spoken to city legal and I had spoken to ABCC and there was still some confusion for when cv's expired. It wasn't until just recently that I found it was going to coincide with the entertainment and alcohol license under the 08:00 to 2:00 a.m. hours that he agreed to. That is the only reason why it was brought forward at a later time.

ROBERT HENNIGAN: One final question Mr. Chairman. When you investigated this matter was Mr. Stephans cooperative with you?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: Do you believe he answered all your questions truthfully?

JAMES JOHNSON: I believe he did, yup, I believe he did as far as the cv, the common victualer that is what he thought and I wasn't sure.

ROBERT HENNIGAN: Did he hinder you investigation in this matter?

JAMES JOHNSON: No.

ROBERT HENNIGAN: Showed you all the documents?

JAMES JOHNSON: Showed us all the documents requested.

ROBERT HENNIGAN: Thank you Mr. Chairman.

PETER LUKES: My question is your implying that the \$23,000 almost \$23,00 was spent on food?

ROBERT HENNIGAN: I'm not implying that it was all spent on food but I am implying that it is not entertainment.

PETER LUKES: It is not entertainment?

ROBERT HENNIGAN: Correct.

PETER LUKES: Can you explain why it is billed as entertainment?

ROBERT HENNIGAN: I think if you want I would ask Mr. Stephans to testify as to what happened on that particular evening if there are no other witnesses from the City.

PETER LUKES: We don't have anyone else?

JIM JOHNSON: I'm sorry?

PETER LUKES: The City have anyone else? I mean testimony wise?

JIM JOHNSON: No.

PETER LUKES: Okay, go ahead.

ROBERT HENNIGAN: Okay, just identify yourself.

CHRIS STEPHANS: Chris Stephans, I am the owner of Platinum Premier. On the night in question the gentleman in question, John Doe was there. He was there. He was in town for business. He didn't want to go to his hotel room. He wanted to stay at the club. Pretty much, like I told him this is what we are going to charge you. It is no different than us sitting here at a table. He went upstairs in a room which is on permit we have there. The room absolutely no alcohol. It is an alcohol free room and we told him that is going to be. My staff was there. Girls who work with me were there. Dressed. Not naked and that was it. There was no dancing.

No private dancing. No stage dancing. No lap dancing or anything like that. Food was served. We have a full service kitchen. Water was served. Soda was served, soda was served and juice. He just wanted to hang out and we told him if he wanted to hang that is it. Simple as that. There was no money exchanged for, like, in our business the girls dance on stage, you get lap dance money is exchanged. None of that did go on.

PETER LUKES: \$23,000 to hang out in a room quietly?

CHRIS STEPHANS: Yeah.

ROBERT HENNIGAN: Can you explain to them how that happened?

CHRIS STEPHANS: What it is if he wants to hang out in a room, if he wants entertainment, a dancer, we will charge him for per hour. This is what we charge. If you want to do it. If you don't, don't do it. We don't force you. He agreed to it. He handed over his credit cards and that was it. We don't force anyone. It is billed on hourly basis. We don't run tabs and give you a big bill. You want to keep going yeah great and that is actually what we did.

KARON SHEA: So how much is that an hour? How much would you be charging an hour?

CHRIS STEPHANS: Without tips \$6300 for three girls and the gentleman who was with my staff that night and whatever he wanted to eat or drink and when I say drink all non alcohol, water, soda, juice, things like that. If he wanted steak, eggs whatever he wanted they cook it to.

PETER LUKES: In the report we have \$3,650 at 4:30 and then we have two other transactions that don't have the time in the report that I have.

CHRIS STEPHANS: If I had the slips in front of me I could tell you exactly what it was for.

JIM JOHNSON: I want to submit these to you. The slips for the entertainment that night. Time is on the back.

CHRIS STEPHANS: Time should be on the front.

PETER LUKES: So at least it is itemized by the girl's names.

PAUL MULLAN: Were these given to him that night?

CHRIS STEPHANS: Yes, every slip, every transaction if we have done at the club is a swiped transaction per item. They sign and they go. For example what I mean if a gentleman orders a bottle champagne if you serve, you swipe the card. If he wants another one right after it would be another transaction.

PAUL MULLAN: So a running tab?

CHRIS STEPHANS: No, we don't have running tab. The only time we have running tab is if you're at the bar and order a couple of beers. Something small but it is always done that way. Two reasons why. One, if you don't have the money we aren't going to serve you and you run up a big bill some of the times your card will be declined and we don't want to get stuck with it.

PETER LUKES: The thing is whether they were dancing in my opinion or not there was entertainment. The girls are there billing for their time so it is entertainment in some form or another. It might not be doing the usual.

CHRIS STEPHANS: They were there.

PETER LUKES: It is something. If they were telling jokes or if they are a comedian.

CHRIS STEPHANS: Yes the did.

KARON SHEA: I guess the question is it is \$300 per girl so that must be doing something. Are they singing, dancing?

CHRIS STEPHANS: No hanging out. People just want to talk to the girls and whatever. I don't, in my business I don't judge people. They may have horrible home life. They may want attention. I don't know. I don't ask. We put out are fee out and we don't force anyone. If you want to do that charge you can do it. If you don't, that's fine.

ROBERT HENNIGAN: Mr. Chairman, can I ask a few more questions?

PETER LUKES: Sure.

ROBERT HENNIGAN: Just this permit. Can you explain what the permit allows you to do?

CHRIS STEPHANS: This permit here that I received has a , I talked to Paul Dibendetto he is a building inspector with the City of Worcester In one of my rooms on my web-site, silver room it is alcohol free. There is no liquor at all and separate entrances. One that will exit off Hermon Street and back parking lot of Jackson Street and we have separate bathrooms and what we wanted to do was serve food there and be open. When, that is what I got this for and I was going to go through the proper procedures and after speaking with Lt. Johnson on it which we indicated we have every reason to do I decided not to go forward with it because it would create a lot of paperwork and work for people.

ROBERT HENNIGAN: I would like to just submit this to Mr. Chairman.

PAUL MULLAN: Is the Flame Grill a separate corporation or separate dba?

CHRIS STEPHANS: No it is part of the same. All of the revenue is one

set account.

PAUL MULLAN: Is the cv license in name of Flame Grill?

CHRIS STEPHANS: Premier Club Enterprises.

ROBERT HENNIGAN: The conversation you had with Lt. Johnson with respect to this matter as part of this conversation, investigation do you recall that. Do you recall that conversation?

CHRIS STEPHANS: Yes I do.

ROBERT HENNIGAN: Can you tell the Commission about that?

CHRIS STEPHANS: Lt. Johnson, Officer Belsito and Jolin came to my club and I told them what I do wanted to do and they did ask about the charges and I know as Lt. Johnson and I can't answer for him but I'm always, I am sort of pro-active that I always call him first and we always have a good dialogue. He asked me a question and I will ask him a question and it always straight by the book. We both get answers from each other. He came that did with his two officers and we sat in my manager's office and I get them mixed, which one is which. Officer Belsito we sat in the office. I have a computer there and Officer Belsito was on the computer and I was saying what I wanted to do and he said you can't do it. You can't serve liquor when you are serving food. I put up two web sites for him. He punched it. He looked. Lt. Johnson was there. He did grab his phone and call the ABCC and said I don't think you can do this and I did look at him and say Jim, I know I can do it but if this is going to create a s-storm for it I'm not going to do it. I did have application in there. I pulled it out. I did speak to my details about doing it. We walked through it. We walked through the plans. Site I showed them was South Street Diner and News which are Boston based clubs. They did inform me that if I did do this you're going to have a lot of problems with guys coming in after hours. This that and the other and I agreed with them and said I'm not going to go forward. I pulled it out.

PETER LUKES: I understand but the way we operate and always have is when you submit your application. Whatever your submitting it for dancing, karaoke, for whatever you got your times of operation and that you tells us and that is basically our contract when we issue the license. Whether it is 8:00 to 2:00 a.m. it is 5:00 a.m. or it is Midnight whatever it is that what we expect and the reason that we hold you people to that as things change suddenly and we have lot of these establishments going something be, a small family restaurant to a late night nightclub so we need to know that. It impacts the neighborhood and everything else. Therefore, with the hours of operation you submitted that is what we have to hold you to.

CHRIS STEPHANS: Okay.

PETER LUKES: With regard to the entertainment license and whether they were violating the entertainment license I see the same women who were charging hour after hour and regardless like I said they could be doing stand up they could be singing they don't have to be taking their clothes off. It is entertainment.

CHRIS STEPHANS: Right.

PETER LUKES: They could be telling funny stories. It is still entertainment by our definition therefore it is a violation.

CHRIS STEPHANS: Okay.

PETER LUKES: Other Commissioners?

KARON SHEA: Yeah, I have a question when you see. I'm not going to mention names here but you see the girls and then two receipts at the same time and it says one is for after something?

CHRIS STEPHANS: After hours.

KARON SHEA: After hours, after hours and after hours but these were at the same time so is this a duplicate with two different receipts?

CHRIS STEPHANS: If I can see it I can tell you.

KARON SHEA: I don't understand the time frame here and how much they are being charged and what does that mean because you have them charged over here at \$300 an hour.

CHRIS STEPHANS: But I need, no they are not the same times. If you look down at the bottom is the time the transaction went through.

KARON SHEA: Okay.

CHRIS STEPHANS: Bottom there and this is a different time.

KARON SHEA: It doesn't say what it is for.

CHRIS STEPHANS: No problem. What we do is so I can, we can track how we pay people. They write their name on a slip and that is how it is and in my confusion that we served food now that I know I'm not going to do it.

KARON SHEA: Because it doesn't say that.

PETER LUKES: Mr. Mullan?

PAUL MULLAN: Nothing.

PETER LUKES: Anything more from the city? Okay then I move that we take a vote on the violations and then we will vote on the punitive measures at the end.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: No.

DEBORAH STEELE: Peter Lukes.

PETER LUKES: Yes. Okay, violation found for violation of entertainment.

JAMES JOHNSON: That its

PETER LUKES: That was all. Next Police what are we doing?

JAMES JOHNSON: This is incident that occurred on 2/24 I am going to save the last report for the incident that occurred in the bar. I'm going to read that now.

KARON SHEA: For 2/24?

JAMES JOHNSON: 2/24.

KARON SHEA: I just want to find it

JAMES JOHNSON: This is report of Officer Mark Jolin On 02-24-11 I Officer Mark E Jolin was working in current assignment as a member of the Worcester Police Alcohol Enforcement Unit. Officer Robert Belsito was working with me. Investigators Jan Kujawski and Tim Hooton of the Alcoholic Beverage Control Commission (ABCC) arrived at our office at 911 Lincoln Square. The ABCC Investigators, Officer Belsito and I were going to the Platinum Premiere Gentleman's Club located at 241 Southbridge Street. The reason for our visit to the club was that on previous visits to that location I and other investigators had seen open liquor bottles and numerous empty liquor bottles as well as mixing bowls in the Club's storage area. These items were on the shelves near the new liquor bottles. The ABCC Investigators had in their possession a test kit to detect watered down alcohol. The reason that this issue was not addressed immediately on the previous visits was because we did not have a test kit at that time. Armed with the test kit we checked the club and found that it was closed at 1400 hours. The club advertises its hours as 0800-0200. Investigator Kujawski called the owner of the club Christopher Stephans to advise him to meet us the club to conduct an inspection. Mr Stephans said that he could not get to the club before 1600 or 1630 hours because he was out of town. When asked if anyone else had keys to the business Mr. Stephans told Investigator

Kujawski that he was the only person that had keys to the business. Stephans was advised to get to the club as soon as possible and we would meet him at that location.

Officer Belsito and I headed to the Platinum Premiere within 15 minutes of the telephone call to Mr. Stephans. Upon arrival to 241 Southbridge Street I observed that the gate to the parking lot was closed. A six foot chain link fence with barbed wire surrounds the property.

The gate is opened by an electric motor. Officer

Belsito and I drove to Jackson Street which runs

perpendicular to the front of the business. An elevated parking lot, not visible from the front is behind the business. There is also a rear entrance that is connected to this lot. A gray Pontiac SUV was parked next to the rear entrance. Officer Belsito was able to get the license plate number of the vehicle with the use of binoculars which we always have in the Police Vehicle. The plate came back to a party out of Webster Mass. According to the owner of Platinum Premiere, no one else had access to the business. The owner also said that there were thousands of threats to the business and its employees since the video of Easton Byfield aired on You tube. I was able to jump over the fence surrounding the property and approached the vehicle. With the layout of the parking lot I had no other choice but to walk up to the front of the vehicle while it was facing me. There was a glare on the windshield and it looked like there was no one in the driver's seat. I was unsure if there was someone in the passenger seat until I saw movement. When I reached the passenger side of the vehicle I recognized the person as Easton Byfield. I had Byfield open the door and asked him what he was doing there. Byfield said that he and Berto were picking up his car and Berto had to use the bathroom. I instructed Byfield to open the front gate to the lot. Byfield opened the front gate from his seat with the remote control that he had on the dashboard of the Pontiac. I asked if Berto was Alberto Rodriguez, another employee of the Club. Byfield confirmed that it was Alberto Rodriguez. Officer Belsito arrived and we tried to get into the rear door of the business but found that the door was locked. I told Byfield to unlock the door but he said that Berto had the key with him. I asked who had the key to the business to begin with. Byfield said that the key to the business was his and he gave it to Berto to unlock the door. The ABCC Investigators arrived. Officer Belsito and I began to bang on the door. We advised Byfield to open the door of the business. Byfield said

that he did not have a key. I told Byfield to call Berto on his cell phone. Byfield replied that the Police had his cell phone so he could not call Berto. I heard a phone ringing in Byfield's pocket. Byfield said that this was a different phone. I told Byfield to call Berto now. Byfield said that he did not have Berto's phone number. I made clear to Byfield that he was being untruthful to us. Officer Belsito called Lt James Johnson and advised him of the situation. Lt Johnson said that he was heading to our location. Investigator Kujawski called the owner Chris Stephans. Stephans was asked what these two employees were doing at his business when Chris Stephans had just told Investigator Kujawski that no one other than him had a key to the business. Stephans asked to be put on speaker phone and yelled at Byfield so that we could hear. We advised Stephans to call Berto to open the door. At this point it was appearing that the investigation was being hindered. Stephans said that he would call Berto. This continued for 40 minutes. Lt Johnson arrived at the rear of the club at this point. Alberto Rodriguez finally walked out of the back door at approximately 1520 hours. He walked out of the door at the exact moment that owner Christopher Stephans drove up to our location. Rodriguez had his sleeves rolled up on his long sleeved shirt. I asked Rodriguez what he had been doing for 40 minutes while we were trying to get in and banging on the door. Rodriguez said that he was going to the bathroom. He said that he did not feel well. I also asked Rodriguez if he had Byfield phone number. Rodriguez showed me his cell phone. The phone showed that he Rodriguez had calls out to Byfield as well as calls from Byfield within the last 45 minutes. There was also a call from Chris Stephans that appeared to be a missed call. Stephans yelled at the two employees. I asked Stephans why these males were here. Stephans said that they were not supposed to be here. I asked if they were trespassing or possibly breaking into the business and Stephans said that they were OK. I then asked Stephans why he told us on the phone that no one else had a key to the club. I also asked how Stephans was able to get to the club in just over an hour after he told Investigator Kujawski that it would be over two hours before he could get to the business. He said that he could not be at the business until 4 or 430 PM. Stephans replied that he did not think that Byfield should be around the business. I agreed with Stephans that Byfield

should not be around the business but pointed out to him that Byfield seems to be there every time that I go there. I also had trouble with being told that no one else had a key and when Officer Belsito and I arrived at the club employees were there with a key and not allowing us in. The Pontiac was checked to make sure that no alcohol was being removed. The two employees were sent on their way. The owner accompanied Officer Belsito, The ABCC Investigators and I into the business. Stephans was advised that we were going to perform a check of his alcohol. We proceeded into the basement storage area where other investigators and I had seen empty bottles, open bottles and plastic mixing bowls on racks with the new liquor bottles. When we reached the storage area the open bottles were all removed. I had seen the open bottles on two occasions. The second time was 48 hours before this incident. Numerous empty bottles were still present and moved off to one side of the rack. The plastic mixing bowls were on the rack near the empty bottles. Since there were no more open bottles downstairs we moved to the smaller bar on the first floor. Several bottles were checked with the test kit and all were fine for alcohol content. There was a recycle bin container on the floor in the bar area. This container was full of empty liquor bottles. This container took up a large portion of the small area behind the bar. When asked why all of the empty bottles were behind the bar Stephans replied that is how he renewed his inventory. He would go by the empty bottles. One bottle of whiskey had fruit flies in it and with consent of the owner this was dumped out. We then moved to the main bar on the first floor. This bar also had numerous empty liquor bottles. Several bottles were checked and a bottle of Captain Morgan's Rum showed to have been watered down according to the test kit. The bottle was taken by the ABCC Investigators. A sample was left with Stephans.

bottle will be brought to the Boston Health

Department for a second test to verified or dispel our findings. On the night prior to this incident the owner of the club Christopher Stephans showed up to the Worcester Police Alcohol Enforcement Office on his own. Stephans wanted to talk with us about the all of the turmoil since the video of Byfield was put on the Internet. Stephans assured all three members of the Alcohol Enforcement Unit that Byfield would have nothing to do with his business at least until the criminal portion was settled. Stephans also said that Byfield no

The

longer had a key to the business. When we found Byfield and Rodriguez at the business on the 24th, Byfield not only had a key but he had a remote control that worked the gate to the parking lot. The Platinum Premier and its owner will be brought before the City of Worcester Licensing Authority for hindering an investigation. This was documented previously and described how the owner said that he could not meet investigators for two or more hours, no one had a key to business, not allowing investigators into business that was scheduled to be open for 40 minutes, employees lying about cell phones and not knowing numbers, bottles in question were empty when investigators were allowed in after being denied access. Based on the above, the licensee has hindered a police investigation and will be brought before the City of Worcester Licensing Authority for watering down its alcohol. This is a violation of M.G.L. c.138, §16, which concerns the adulteration of alcoholic beverages. Further, the licensee has violated Rule #14 of the Rules and Regulations of the City of Worcester License Commission for liquor licenses and Rule #13 of the Rules and Regulations of the City of Worcester for entertainment licenses. The licensee has also operated his business in violation of M.G.L. c.140, §9, which provides for the revocation and suspension of common victualer licenses. I have also from Investigator Tim Hooton from the ABCC, I would like to read that now, with regarding to the adulteration of the of alcohol. I would like to read that now.

PETER LUKES: Please.

JAMES JOHNSON: This Investigator Timothy Hooton who I have present here from the Mass ABCC. On February 21, 2011 Chief Investigator Frederick Mahoney, Lt. James Johnson of the Worcester Police Department investigated the business operating as Premier Club Enterprises, Incorporated. They conducted an inspection of the stockroom and observed several bottles of Captain Morgan's Rum and other bottles of alcohol at various levels of fills and different discolorations. Also there observed was a bottle of Burnett's vodka with a retail package sticker affixed. This is the bottle right here. Has a retail package store label affixed to the bottle.

PETER LUKES: You seized that on the day?

JAMES JOHNSON: We seized that on the day. On February 24, 2011 Investigator Kujawski and Hooton along with Officer Jolin and Belsito and Lt. James Johnson of the Worcester Police Department did a follow up investigation at Premier Club Enterprises. We entered the stockroom and observed that the bottles previously observed on February 21, 2011 had been removed. We then went out to one of the bar areas and observed a bottle of Captain Morgan's Rum and based on training and experience appeared to have a lighter coloration than Captain Morgan's. For standard procedure I tested the bottle by pouring 200 milliliters into a test tube and then place a hydrometer into the test tube to determine the correct proof. After two minutes I read the readings. The hydrometer read 60 proof with liquor temperature of 55 indicating that proof of rum was 62 which is below the correct label proof of 70. A sample was left with the owner and a bottle was sealed and secured with the investigators. This is report of Officer Timothy Hooton.

PETER LUKES: Investigator Hooton, Officer Hooton is there anything you would like to add?

TIM HOOTON: Bottle in question was bottle that was seized by Chief Investigator Mahoney was bought from a package store?

JIM JOHNSON: No this was on the first day.

PETER LUKES: No but this was seized at the establishment?

JIM JOHNSON: This was seized at the establishment. Okay I would like to read the rules violations now. Do you want me to read that it is rule 13, 14,

PETER LUKES: Legal Department, anything?

JIM JOHNSON: Just the rule violations

PETER LUKES: Okay.

JIM JOHNSON: Okay, rule #14, I shall read.
Rule 14, I shall read M.G.L. c. 138§ 16 provides, in part, any person holding a license under section twelve, thirteen, fourteen or fifteen who directly or through any agent, employee or other person, dilutes or in any manner tampers with any alcoholic beverages authorized to be sold under such license so as to change its composition or alcoholic content shall be punished by a fine of not less than two

hundred nor more than five hundred dollars, and if any holder of such license is convicted of a violation of the foregoing, his license shall forthwith be suspended, for a period of not less than six months, by local licensing authorities which issued the same I will read Chapter 140 Section 9. If in the opinion of the Licensing Authorities, a licensee as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by this chapter, they shall immediately revoke his license. If a licensee at any time conducts his licensed business in an improper manner, the licensing authorities, after notice to the licensee and reasonable opportunity for a hearing, may upon satisfactory proof thereof suspend or revoke his license. An innholder who violates section seven shall forfeit his license. A licensee who is convicted a second time of the violation of any provisions six to eighteen, inclusive shall forfeit his license. Rule violations, Rule #14 of the alcohol commission. Managers of all licensed liquor establishment shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on licensed premises whether present or not. Rule #13 of entertainment managers of all licensed establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on licensed premises whether present or not. That's my report.

PETER LUKES:

Thank you. Counselor, any questions?

ROBERT HENNIGAN:

don't

Yes, Mr. Chairman. First could I get a copy of of see the report from the ABCC investigator? I have a copy of that. Lt. Johnson let me first address. There are two complaints here as I understand it. One is the hindering of an investigation and second is dilution of alcohol. Let me first address with you this hindering complaint. You indicated I believe in your testimony or at least it was indicated with the report Investigator Hooton that you were at the site of the club on February 21 of 2011, correct?

JAMES JOHNSON:

Right.

ROBERT HENNIGAN:

And you were there to conduct an investigation?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: And your investigation at that time was to determine whether if there was any improper activity going on at the club? There was not specific reason?

JAMES JOHNSON: Nothing specific.

ROBERT HENNIGAN: In fact you had a conversation early that day had you not with Mr. Stephans who had called you?

JAMES JOHNSON: Probably, I don't recall.

ROBERT HENNIGAN: He had called you early that day and said I think you're probably going to talk to me. Do you recall him saying that?

JAMES JOHNSON: I don't recall that but probably.

ROBERT HENNIGAN: And he was calling because he knew you wanted to talk to him about the Byfield incident. Does that refresh your memory?

JAMES JOHNSON: Like I said, I don't recall.

ROBERT HENNIGAN: And there was conversation where you said we have to meet with you and you agreed to meet a 5:45 that evening ,correct?

JAMES JOHNSON: At his location.

ROBERT HENNIGAN: At his location and you had called, the conversation you had with was early in the day maybe around 3:00 o'clock do you recall that?

JAMES JOHNSON: No I don't.

ROBERT HENNIGAN: Did you have any problem with setting the time to meet at 5:45 that evening?

JAMES JOHNSON: No, I don't think it was a problem.

ROBERT HENNIGAN: Now when you arrived there it was my understanding that you went up into his office?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: And Inspector and Chief Investigator Mr. Mahoney asked him a series of questions and conducted an investigation of his records and his books?

JAMES JOHNSON: We went through all his receipts and his books and things like that.

ROBERT HENNIGAN: Did you find anything wrong in anything in anything with relation to that?

JAMES JOHNSON: No everything was pretty much cleaned up.

ROBERT HENNIGAN: It was cleaned up or?

JAMES JOHNSON: Everything looked very perfect.

ROBERT HENNIGAN: And the investigator at that point and time said I would like to take a tour of your building, correct?

JAMES JOHNSON; Yes, I think Chris volunteered that, Mr. Stephans volunteered to give us a tour of the building.

ROBERT HENNIGAN: And you went through the building and the various bar areas and Mr. Mahoney asked if you could see a storage area for beer and liquor do you recall that?

JAMES JOHNSON; I do recall that.

ROBERT HENNIGAN: And so an inspection was done of the beer on the first floor and do you recall any conversation with Mr. Stephans about pourers?

JAMES JOHNSON: No.

ROBERT HENNIGAN: Do you recall inspector Mahoney instructing Mr. Stephans to remove pourers from the top of the liquor bottles?

JAMES JOHNSON: I do.

ROBERT HENNIGAN: What do you recall about that?

JAMES JOHNSON: I believe that was when we were downstairs in the storage area. There were pourers on alcohol on the shelf, the bottom shelf as I recall. He had the pourers on the top of the alcohol and he said those have to be removed mainly basically because of fruit flies.

ROBERT HENNIGAN: And there was questions as to why there were empty bottles there at the time also?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: And there was conversation about that is how he controlled is inventory.

JAMES JOHNSON: Exactly.

ROBERT HENNIGAN: And where there any tests done at that point and time of the liquor for dilution?

JAMES JOHNSON: No. I explained in my report before we didn't have a test kit at that time so we didn't test any alcohol then.

ROBERT HENNIGAN: Did Mr. Stephans hinder in any way that investigation?

JAMES JOHNSON: No, not at all.

ROBERT HENNIGAN: Was he cooperative?

JAMES JOHNSON: Yes he was very cooperative.

ROBERT HENNIGAN: And on the 24th my understanding from your report that Officer Kujaski who is not here, Officer Kujawski called Mr. Stephans about needing to meet with him, correct?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: And did you know what Officer Kujawski said to Mr. Stephans at that point?

JAMES JOHNSON: No I do not.

ROBERT HENNIGAN: And you then say that Mr. Stephans couldn't arrive at the scene until 1600 or 1630 hours, right? You say he couldn't get to club. Was he asked to get to the club before that? When Officer Kujawski first called, did Officer Kujawski asked him to get there?

JAMES JOHNSON: I think he did. I believe he did.

ROBERT HENNIGAN: At the first call?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: On his first conversation?

JAMES JOHNSON: Absolutely.

ROBERT HENNIGAN: And Mr. Stephans and did he explain why. Do you recall Mr. Stephans explaining to Officer Kujawski why he couldn't get there?

MARK JOLIN: He said he was out of town.

ROBERT HENNIGAN: You know where he was?

MARK JOLIN: No I do not.

ROBERT HENNIGAN: Did anyone asked him where he was?

MARK JOLIN: Officer Kujawski, I mean Investigator Kujawski was one

ROBERT HENNIGAN: That is exactly my point.

MARK JOLIN: I believe it was Wilmington.

ROBERT HENNIGAN: So you knew he was in Wilmington Massachusetts at that point fair to say?

JAMES JOHNSON; Fair to say.

ROBERT HENNIGAN: Now you were going to then to the club. You all left the police department. He is called from the Police Department I presume or some location not at site and everybody was going to go over to the site?

JAMES JOHNSON: I was not there.

ROBERT HENNIGAN: Now your report says that the club advertises its hours as 0800 hour to 0200 is that correct?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: What is that based on?

JAMES JOHNSON: Based on what they applied for and that is what they have advertised on the internet. It is clearly stated on the internet what their hours are too.

ROBERT HENNIGAN: It is clearly advertised on the internet and I'm going to offer you Mr. Chairman copies of what the internet publication and it says and hours clearly are 6:00 p.m. to 2:00 a.m. everyday. I also offer you a picture of the hours Mr. Stephans can certainly authtanticate that picture as being outside his facilities. The hours are really 6:00 to 2:00. Now I'm a little trouble because you are going there to detect alcohol that is your real purpose why your going there because you have your test kit, correct?

JAMES JOHNSON: Yes.

ROBERT HENNIGAN: And Officer Jolin and Belsito arrive probably sometime around 2:15 or 2:30 and the place is locked, correct?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: And they go up to Jackson Street and they see the gate at Jackson Street is locked, correct?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: And so no one can get in and nobody one can get out, correct without at least the Police seeing them? You agree with me?

JAMES JOHNSON: Yeah.

ROBERT HENNIGAN: Police officer standing on Jackson Street can see the back entrance as well as he can see the front entrance?

JAMES JOHNSON: Right.

ROBERT HENNIGAN: And certainly can see the two gates, correct?

JAMES JOHNSON: Yeah.

ROBERT HENNIGAN: So can you tell me why it was necessary for someone to climb an eight foot chain link fence and jump over and a three, four foot barb wire container to get into a facility because of the fact you were going to test liquor? Is that, do you recognized that as policy of your department?

JAMES JOHNSON: It is not policy but I recognized that as a need we wanted to get in there and wanted to see what was going on.

PETER LUKES: Can we ask Officer Jolin as to his own state of mind?

JAMES JOHNSON: Yeah.

MARK JOLIN: As I said in the report that when I arrived at the location there was not supposed to be anyone at the location according to the owner. When we go there, there was a vehicle in the back of the building which was not visible from the main road or the lower part where you enter. Now He also told us that he had numerous threats to the business because of all this Byfield video so we could not in a clear mind let that vehicle stay back there. We don't know what is going on there. It could be someone destroying the business, it could be setting motolav cocktails. We had no idea we had to investigate.

ROBETT HENNIGAN: That's my point, you no idea. You had no information and you had no particular call about a crime being committed at that location at that point in time did you?

MARK JOLIN: Of course not.

ROBERT HENNIGAN: And you had, the area was clearly chained in and you can see the site from where you were. You could see the site, you could see the front Southbridge Street where you were couldn't you?

MARK JOLIN: Where we stood, yes.

ROBERT HENNIGAN: So there was no reason for extenuating circumstances. You put in your binoculars you saw you couldn't tell if there was someone in the car or not, correct?

MARK JOLIN: The extenuating circumstances that we had to investigate. We didn't know what was happening.

ROBERT HENNIGAN: There was no extenuating circumstances to investigate you were there for purposes

MARK JOLIN: So if they destroyed this man's business that would have been fine?

ROBERT HENNIGAN: Mr. Chairman, can I finish my question?

PETER LUKES: Go ahead.

ROBERT HENNIGAN: You were there to investigate someone for who you suspected was diluting liquor, correct?

MARK JOLIN: More often than not I go to a call and it evolves into something else.

ROBERT HENNIGAN: Officer I don't want to make a big issue out of it but you are trying to tell me and your trying to paint a picture to this Commission that the situation was so egregious, so extraordinary. Had such an emergency nature, a situation in which you were there to see if someone was diluting liquor that you determined that you had to without a warrant, without justification climb up an eight foot fence, which you said six foot, it is eight foot, jump over a barb wire angle top to get to a building which you had a clear area of view to determine whether something was going on.

MARK JOLIN: I will tell you right now I go to calls for one thing and another thing happens. I would be remiss in my duties if I did not investigate what that vehicle was doing behind that building.

JAMES JOHNSON: In light of everything that was going on and the vehicle being over there we had no idea what was going on over. We didn't know if there was a major felony going on. We had no idea if

someone was breaking into his business. He went over there to check it out and that is what the reason he went over there.

ROBERT HENNIGAN: Are you suggesting he had probable cause to believe there was a major crime was going on?

JAMES JOHNSON: I didn't say there was probable cause.

ROBERT HENNIGAN: I agree with you.

PAUL MULLAN: Mr. Henning would your client deny that he had reported to the police that he had received threats since the video had been on?

ROBERT HENNIGAN: Threats to him?

PAUL MULLAN: No, to the business?

CHRIS STEPHANS: Yes, I had received threats to the business, nothing to me personally or the staff. We had threats through the phone to Easton Byfield and to the club.

PAUL MULLAN: And you reported that to the police officers?

CHRIS STEPHANS: I had talked to Lt. Johnson. When he was in the office I did tell him that yes sir.

JAMES JOHNSON: So these guys don't jump over the fence, don't check it out and someone puts a bomb in back of building.

PETER LUKES: Bottom line is not to debate about it. We will ask questions back and forth. I think bottom line is factually you were told no one will be at the premises; factually you knew that there were threats going on and guess that was your rationale.

JAMES JOHNSON: Right.

ROBERT HENNIGAN: Now officer are you aware of the second call from officer, Inspector Kujawski to Mr. Stephans shortly after the first conversation he had. Were you aware of a second call?

MARK JOLIN: Yes.

ROBERT HENNIGAN: And are you aware that that second calls was Chris you need to get here sooner than 4:00, 4:30?

MARK JOLIN: I think he was told to hurry up, yeah.

PETER LUKES: From who?

ROBERT HENNIGAN: From Officer Kujawski.

PETER LUKES: At the site of the, they were calling from the site?

ROBERT HENNIGAN: I don't know where Officer, I don't know

MARK JOLIN: Just to clarify that is where we found Mr. Byfield and Mr. Rodriguez behind the building.

ROBERT HENNIGAN: Officer Kujawski then made the call?

MARK JOLIN: Investigator Kujawski called, yes.

ROBERT HENNIGAN: And it was about five or six minutes later than the first call was it not?

MARK JOLIN: It was more than that.

ROBERT HENNIGAN: Well we will see and did you know what Mr. Stephans said to Officer, to Investigator Kujawski?

MARK JOLIN: Not every word, no.

ROBERT HENNIGAN: Certainly none of that is indicating in the report about the conversation, correct?

MARK JOLIN: No.

ROBERT HENNIGAN: How long did it take Mr. Stephans to come from Wilmington, Massachusetts to the site of his club that afternoon?

MARK JOLIN: I think he could better answer that than I can.

ROBERT HENNIGAN: I am asking you if you know?

MARK JOLIN: I have no idea.

ROBERT HENNIGAN: You have no idea what time he arrived?

MARK JOLIN: I know what time he arrived.

ROBERT HENNIGAN: What time did he arrive?

MARK JOLIN: He arrived at about fifteen twenty which is 320.

ROBERT HENNIGAN: And you don't know what time he left Wilmington?

MARK JOLIN: No.

ROBERT HENNIGAN: Do you have any reason to believe he wasn't in Wilmington?

MARK JOLIN: No, I don't.

ROBERT HENNIGAN: On his travels to, from Wilmington to his club was a third conversation made between Investigator Kujawski and Mr. Stephans?

MARK JOLIN: I,

ROBERT HENNIGAN: Were you present when a conversation took place with Mr. Stephans on his speaker phone?

MARK JOLIN: Yes.

ROBERT HENNIGAN: Do you recall what that conversation was?

MARK JOLIN: He said he wanted to be put on speakerphone so he could get a hold of Byfield.

ROBERT HENNIGAN: Did you, did he at any point in time, did you hear him say at any point in time that you need to get into the building break down the door?

MARK JOLIN: Yes he did say that.

ROBERT HENNIGAN: Was that in your report?

MARK JOLIN: No.

ROBERT HENNIGAN: You forgot it?

MARK JOLIN: No I did not forget it but I think it is really irrelevant because that door we could not break through without equipment.

ROBERT HENNIGAN: Well it is irrelevant because you couldn't break it down but someone who is trying to hinder an investigation doesn't tell a police officer that if you need to break down the door and go in, correct?

MARK JOLIN: If he knows that we can't get in.

ROBERT HENNIGAN: But you didn't put in your report?

MARK JOLIN: No I did not.

ROBERT HENNIGAN: When he arrived at the site some at maximum hour and twenty minutes later the investigation relative to the liquor dilution took place, correct?

MARK JOLIN: Yes.

ROBERT HENNIGAN: From the time he arrived on the site did he do anything to hinder the investigation?

MARK JOLIN: Not at that point. No.

ROBERT HENNIGAN: So the evidence your suggestion that hinders his investigation, your investigation is that you talked to him, someone talked to him. He said he was in a meeting and he would get to the site between 4:00 and 4:30. He then gets a second call that you are aware of and he is told to come here sooner and he says I'm on my way. A third call is made which you hear and you hear him say if you need to get in break down the door and he arrives and hour and twenty minutes later from which I would admit, the evidence is going to be that he came from Wilmington and based on that you are suggesting that Mr. Stephans hindered your investigation?

MARK JOLIN: He was asked to be there as quickly as possible and we say he had to get there right away. He said he wouldn't be there for two, two and half hours. We went to the location, and oh at that time we asked if anyone else had a key in town and he said no one else has a key except myself. We get to the location and there is vehicle behind the building. No one is supposed to be there. As you said I went over the fence to check out the vehicle and it happen to be Mr. Byfield. Easton Byfield was not supposed to have a key to the business the Lieutenant. was told that the night before. Easton Byfield says his key was used to get into the building to let Berto in there and I asked if he could open up the gate so Officer Belsito could get in. He had a remote control for the electronic door opener for the gate. We called, we tried to get him to the business for forty minutes, beating on the door asking Byfield if he had a key to the business, I mean had a phone for Berto and he said that he did not have a phone because police had the phone and I heard a phone ringing in Mr. Byfield's pocket we then had Investigator Kujawski call, I didn't know if there was a break in the phone, and I thought it was one conversation but two of the calls broke off because I was trying to get in the door. Mr. Stephans asked to get on speaker phone and he yelled at Byfield and said he was mad, he was angry. I asked if they were trespassing or they wanted them arrested as they were breaking into the business and he said no that they were fine. So that is why

ROBERT HENNIGAN: With respect to Officer Johnson, Lt. Johnson, with respect to your allegations of dilution. How many bottles were tested?

JAMES JOHNSON: You have to ask Investigator Hooton?

TIM HOOTON: I think we tested three.

ROBERT HENNIGAN: Three. Could it be six?

TIM HOOTON: Might have.

ROBERT HENNIGAN: Might have been. So you are not sure how many you tested?

TIM HOOTON: More than one.

ROBERT HENNIGAN: More than one and if I suggested to you it was six and five passed would I be making that up?

TIM HOOTON: I'm not sure. I have to check.

ROBERT HENNIGAN: Do you have a record of tests that passed? Do you keep a record of the tests that pass? The test that you use is it temperature sensitive?

TIM HOOTON: I would say that

ROBERT HENNIGAN: In the room, room, is it room temperature sensitive at all? Are you sure of that? What was room temperature of the tests that passed?

TIM HOOTON: Room temperature?

ROBERT HENNIGAN: I don't know, I'm asking you what was the room temperature.

TIM HOOTON: I didn't test it.

ROBERT HENNIGAN: You didn't test it.

TIM HOOTON: Of the room?

ROBERT HENNIGAN: Of the room. Did you test the temperature of the room where the bottle was where it failed?

TIM HOOTON: You're talking about room temperature?

ROBERT HENNIGAN: I'm talking about room temperature. They have thermometers.

TIM HOOTON: Yeah, I know I didn't

ROBERT HENNIGAN: The results from the Department of Public Health?

TIM HOOTON: They have not come back.

ROBERT HENNIGAN: So other than your review of the information there is no evidence to suggest there is a violation?

TIM HOOTON: inaudible

ROBERT HENNIGAN: Other than that. There is no certification, you have no certification from Department of Public Health as of today as we sit here today? I have no further questions thank you.

PETER LUKES: I have a question for the Investigator. The process of testing. Walk me through the process of testing the bottles?

TIM HOOTON: We have a kit, we drop the hydrometer in, the hydrometer tests so if the bottle if the temperature is 55 so the correction factor is you take 60 which is the proof and 55 and you add two to that and it would be 60 plus two it would fall below standards. This brand is 70 proof.

PETER LUKES: This testing you used, this standard testing you uses everywhere, ABCC uses?

TIM HOOTON: That is correct, standard alcohol test.

PETER LUKES: What training have you received as an investigator to do this?

TIM HOOTON: I have been doing it for 17 years. We have in service training every year on it and I am the teacher of it.

PETER LUKES: So this is the standardized test that the ABCC accepts for whether the bottle is watered down or not?

TIM HOOTON: Correct.

PETER LUKES: What is the step, board of health?

TIM HOOTON: At the Department of Public Health, we dropped the sample with the owner and we have no results as of yet because there is a back log.

PETER LUKES: And is that the standard process after you do your testing you send it to them and they give you verification?

TIM HOOTON: That is correct.

PETER LUKES: Does that test itself that you did is that generally accepted as evidence before the ABCC?

TIM HOOTON: Yes.

PETER LUKES: Without the verification?

TIM HOOTON: Yes without the verification.

ROBERT HENNIGAN: Mr. Chairman may I follow up with one other question on the testing procedure and your question reminded of it. May I ask the investigator if he wiped the cylinders after each test?

TIM HOOTON: I did.

ROBERT HENNIGAN: Mr. Chairman to your point the statute 138, 63 talks about the sample being presented to the state department of public health for analysis and duplicate samples shall be left with. So the statute requires that there be some analysis from.

PETER LUKES: One last thing that also investigator are you only person trained and certified to do this kind of testing?

TIM HOOTON: No, all investigators are.

PETER LUKES: Questions Karon?

KARON SHEA: No.

TIM HOOTON: Are you aware of what I just explained?

PETER LUKES: Yes.

PAUL MULLAN: I just have a procedural question?

PETER LUKES: Sure.

PAUL MULLAN: Is there a violation being sought, is there a violation being sought for bringing in alcohol?

JAMES JOHNSON: Yes we are going to be doing something with that and I believe at the ABCC level too.

PETER LUKES: Okay.

ROBERT HENNIGAN: Mr. Chairman can I have Mr. Stephans give testimony on this?

PETER LUKES: One other question before we, part of this violation is hindrance of a police investigation or no because as it reads and as the violation which were brought which whatever rules and chapters is it entirely based on water down or partly based on hindrance

JAMES JOHNSON: With regard to both of them together?

PETER LUKES: This whole hearing when we vote are we voting on water down or are we voting on hindering or both?

JAMES JOHNSON: Both.

PAUL MULLAN: Separately.

JAMES JOHNSON: Separately.

PETER LUKES: And the hindering would be on 140 Section 9?

JAMES JOHNSON: Right.

PETER LUKES: Alright.

ROBERT HENNIGAN: Mr. Stephans again could you begin your explanation by talking about the conversation you had on February 21 with Lt. Johnson?

CHRIS STEPHANS: On February 21 when I got home I called Lt. Johnson put a phone call into him and explained that I think you're going to want to talk and he said yes and asked when I could be at the club. We set up a time and I went there Lt. Johnson showed up and Officer Jolin and Chief Mahoney from the ABCC and Lt. Johnson informed me that this is an investigation we want to go over everything is there anything you have a problem with and I said nope as you attest through Lt. Johnson sorry whatever they want I always opened my books to them. We sat in my office. We spoke about things. He asked me a lot of questions. Procedurals ways we run the business. He looked through receipts. Some more standard questions. When we finished that up I took him on a tour of the club. Mr. Mahoney had never been in the club before so I showed him my bar areas. I showed him where the beer is stored on the first floor and I showed him where the liquor is stored in a locked room in the basement. We went down there, we went with myself, patrolman Jolin, Lt. Johnson and Inspector Mahoney we went in the room as we went down there I unlocked the door for them as there are two locks on it we open the door and started looking around and asking me a question as why there was pourers on the bottles. You can't have that and I explained to him why because I said a lot of time when guys bring bottles up they cap it and put pourer on it and put it at the bar and I don't like having two bottles at my bar and I tell the guys to bring it back downstairs. He said you can't have that. I was unaware. I never knew that. I have four, excuse me, one, it faces perpendicular and I have three

horizontal shelves so four shelves total. The first one I keep the empties there for inventory he informed me the same thing why do you have the bottles here I said well when I use a bottle and he said you can't do that either. I said I was unaware of that and he said okay. He looked at some bottles and he picked up the Captain Morgan's and starting twisting it around, looking, looking, looking. Put in there. He went in another room. Where that room ends we have another room where we keep our well products for the club we have upstairs. He bent down. He looked. Pulled out a box which is well products which I don't mixed with my premium products. There were three bottles in there, silver tequila because upstairs the price point is very different than the club. He pulled them out and he looked at me and said his exact words, help me out I might be stupid but you want to tell me why these three bottles are here. I said well if I am correct I can't pour in to bottles so when my guys bring them up instead of having three or four bottles there I put them back downstairs. He pushed them back in. He went up to the second shelf where that bottle of Burnett was there. It was in a black bag. He opened it, looked at it and said what's this? I said I have no idea and I don't. I never bought Burnett's in my life. I have never sold it. It is not in my computer. It is nothing. He said you can't have this in here. I said I agree I don't know where it came from. We went through it. Went through everything again. They went upstairs as I went out this is Alberto Rodriguez he works for me. He informed me. I asked him where this bottle came from. We don't buy this. He took it from a girl and put it downstairs. One of the dancers brought it in. After that on Wednesday I was in Lt. Johnson's office, I first went the to the wrong door and then I went to the right door in the police station. Sat with them and two patrolman and we just talked as we are talking as people. You know. I did explained to them yes we are getting thousands of death threats but not threats, not to me and they are all going towards to Byfield and it was just small talk and there was really not much more to that. In the meantime on Tuesday after hearing what Inspector Mahoney said to me I went to the club on Tuesday everything he told me was a violation, you can't have cap solvent. I dumped everything out. I put it all to the side. There was a ton of bottles there and I was going to come back and do inventory, order my product and refill my shelves. Anything that had a cap on it. Anything that was not sealed was gone. Even the bottles that were in the back that were upstairs so there wasn't any confusion that were capped I threw those out to. On Thursday, and Officer Jolin was there and I got a

call on 2:00 o'clock from Inspector, Kujawski. He called me up and said hey Chris what time you going to be at the club tonight. I said I'm opening up. I will be able to be there between 4:00 and 4:30. He said is there anyway you can be here quicker. I said I'm in a meeting give me a few minutes can I call you back and he said no I will call you back. I waited there said forget it, took my lunch, went down to my truck which is about a five minute walk from my office to the parking lot. Came back in because I forgot my briefcase. Got in my truck. He called me up and said hey Chris we need you here quicker. I said what's up and he said we just need to talk to you. We need you here. I said fine. I got in my truck, screwed. To go there from there from where I am from 93 North to 495 South and then I pick up 290. Probably left there about ten past, quarter past. As I was driving he called me up again about quarter of three, ten of three and said we need to get into the building who has keys to the building and I said no one. I do. That's it. He informed me that Byfield was here and he informed me that Berto was with him and I said they shouldn't be. I did ask him let me to talk to Byfield and he goes no and he put me on speakerphone and I wasn't happy what are you guys doing here. You shouldn't be here. What is going on. One of the detectives whether it was Belsito or Jolin said we want you to call Berto call him now and tell him to open the door and I said to him if you need to get in my building you have my strict permission to rip that door off the hinges. To cut through that door is not a big deal if you really wanted to. It is a secure building yes but I also have ten other doors around the place and if you want to break through my front door which is glass you can just wedge it and that front door will open if you really want to get in that bad. When I showed up there, when, excuse me I tried Berto and I left message with Berto and my message to him was open, swear word, door, Worcester Police and ABCC want to get in and I don't know what the heck is going on there open the door now and I placed six or seven more calls to Berto. When I got to the parking lot I pulled in they were in the building, Belsito was in the back on the car with Byfield, there was a car perpendicular in the parking lot. I pulled up, I thought know one has a key and I said no one does have a key but me. Then how did they get in the building. Every time we show up here Byfield is always here. I said I have no idea. I have no clue because I didn't know. Maybe about five minutes later Lt. Johnson pulled up. He wasn't a happy person. Which I don't blame him for that and that was

it. That is exactly what went on. Now when it comes to Byfield, Byfield.

ROBERT HENNIGAN: Hold on one second. We are going to talk about how you reacted to him but we will take that because I know that is the third one.

CHRIS STEPHANS: Okay.

ROBERT HENNIGAN: So in your best estimate you had printed up a Google for me that the total mileage from Wilmington to your location was how?

CHRIS STEPHANS: With no right lights or anything it was 59 minutes.

ROBERT HENNIGAN: 54.6 miles in 59 minutes so you arrived there in your best estimate at what time?

CHRIS STEPHANS: Ten past, twenty past right around there.

PAUL MULLAN: On that day to Mr. Rodriguez work for you?

CHRIS STEPHANS: Yes he did.

PAUL MULLAN: Does he work for you today?

CHRIS STEPHANS: Yes.

PAUL MULLAN: Did you call him six or seven times and tell him to open the door?

CHRIS STEPHANS: I left one message for him to open the door and I kept calling him and calling him, calling him. Voicemail, hung up, called again. Voicemail. Hung up.

PAUL MULLAN: But in fifty six minutes that never happened.

CHRIS STEPHANS: I called him when Inspector Kujawski told me that they were there. That's when I started calling him as I had no idea he was even in there.

PAUL MULLAN: But they told you they wanted to get in.

CHRIS STEPHANS: Right.

PAUL MULLAN: And they told you to call Berto and tell him we want to get it?

CHRIS STEPHANS: Right.

PAUL MULLAN: And you told him to knock the door down?

CHRIS STEPHANS: Yes that was about ten of three.

PAUL MULLAN: You didn't tell them I will do what I can to get Berto to open the door?

CHRIS STEPHANS: No they said call Berto and I said sure no problem.

PAUL MULLAN: And you did it?

CHRIS STEPHANS: Right now.

PAUL MULLAN: And he didn't open the door?

CHRIS STEPHANS: He did not open the door. Did not answer my call.

PAUL MULLAN: And he was employed by you at that time?

CHRIS STEPHANS: Yup.

ROBERT HENNIGAN: Now with respect to the diluting claim in the investigation that took place once you were inside the building and once you understand that Investigator Hooton and the police department want to conduct a further investigation what did you do?

CHRIS STEPHANS: We went in the building, Inspector Hooton identified himself. Showed me his badge. Said the same thing and said we are here to do an investigation of testing your alcohol. First I heard about it. Okay, let's go. We went to the upstairs bar Inspector Hooton went behind bar said stop let's go downstairs first. I said you want to do this one first. He said no let's go downstairs. We went to the first bar which is bar 54 in my club, I put the lights on for him, left the bar came back around and sat to the right of where Inspector Kujawski he was back there with patrolman Jolin and they took a few bottles and put them on the bar, Captain Morgan's, Jack Daniels and either Grand Mariner or Hennessey and the bottle that had the fruit flies in it which was not whisky it was a stock sweet vermouth. He put it to me and I looked and I asked if he dumped it out and he dumped it right out of the bottle. They did the tests on the three bottles everything past. He asked me why are these bottles here and I told him I told him inventory. Inspector Kujawski said what you should do is number, don't keep them here, write with a magic marker 26. Keep your line. I said how do you do that and he explained to me. He said why do you have these bottles here because I said we have meter quarters and free quarters and after the other night I don't want any confusion with anything I took it upon

myself to get rid of it and make everything so if guys want walk in there is no question.

PETER LUKES: What is a meter pourer and free pourer?

CHRIS STEPHANS: A free pourer has a screen on it where if you pour it will just keep going going. A meter pourer has two balls in it and if you pour in it it will stop. I don't want why do you have this, why do you have that. We went into the basement as we went downstairs I think Inspector Hooton hit his head on a pipe because I have low ceiling. Someone did. We went through the door and when went through the door and if you walk in the room if you are walking straight like this the liquor is on this side and on the right side there is a bunch of empty bottles and I put there after all those other pourers on, dumped them out and put them there to do inventory. He walked and said where is the Captain Morgan's and I said there at the bar. So he walked, he looked at all the liquor, he looked around and on the bottom there was mixing bowl, a three gallon mixing bowl what we use that for is back in the day if your familiar with what stooley doolies are? We used to do it and if you look at a lot of my pictures we used to have all those jars at the bar.

PETER LUKES: Okay one second why did you ask where the Captain Morgan's was, any reason?

TIM HOOTON: From people who had been there (inaudible)

PETER LUKES: Okay.

CHRIS STEPHAN: So he said what this why do you have a mixing bowl here and I explained to him and he said you have all the answers don't you and I said only the truth that is what we use them for and the reason is when you make stooley doolies or pineapple fusion we cut the pineapples and once they lose the flavor you can't reach and pull it out the vodka would be no good. You dump it into a container. Put the pineapple back in and dump the liquor back in but also to the right there was a stoolie jar that no one happen to see. So we did that. We left there went back upstairs to the bar the main bar which is in the club which is always open and he asked where is the Captain Morgan's and I looked at and I said oh over there and Inspector Hooton took the bottle, did his test and that took care of that part and two other bottles were put on the shelves. Nothing was tested. We went upstairs to Bar 54 which is the first one we came to. We went behind there and he did test on two or three bottles I'm not exactly sure those passed and once we were done he explained to me what was going on. His procedures. When he did test the Captain Morgan's he did give me a sample and said this is for you. He sealed up his bottle and put tip foil over it

and said I'm taking this with me and like I said upstairs he explained the whole procedure and that was it.

PETER LUKES: And the Captain Morgan's was found in the downstairs bar?

CHRIS STEPHANS: At the main bar.

PETER LUKES: The first place they went in?

CHRIS STEPHANS: Second place. Second bar. The other Captain Morgan bottle the first bottle past and the one upstairs.

PETER LUKES: What , do you remember what types of alcohol you were testing, obviously Captain Morgan's was there anything else, vodka, was there whiskey?

TIM HOOTON: We tested vodka and Captain Morgan's (inaudible)

PETER LUKES: Okay. I have a few questions.

ROBERT HENNIGAN: You can ask questions of Mr. Stephans at any time. Did you dilute any liquor at your facility?

CHRIS STEPHANS: No. Never have. Never will.

PETER LUKES: I have a few questions and I'm sure the Commissioners, what is Berto's position?

CHRIS STEPHANS: He is a floor host?

PETER LUKES: What does that mean?

PETER LUKES: What is that?

CHRIS STEPHANS: He just, he have certain things, someone checking id's, someone roaming the floor. Instead of being a bouncer it's a floor host.

PETER LUKES: Gotcha yeah. Whose car was it in the lot do you know?

JAMES JOHNSON: With the Webster plates?

ALBERTO RODRIGUEZ: It is my car.

PETER LUKES: Okay so your car is equipped with a device that opens the fence?

ALBERTO RODRIGUEZ: Yes you have to close the fence to secure the building at all times.

PETER LUKES: So the device was in the car to open and close the gate?

CHRIS STEPHANS: Everyone who works for me has a clicker because the reason because even the people on the floor have a clicker because we cleared the parking lot at the end of the night. Once we get the people out, we shut the gate, we sweep the parking lot. Make

sure no one inside. The girls leave and then we open the gate. So everyone does have a clicker. Everyone.

PETER LUKES: But not a key.

CHRIS STEPHANS: No, not a key.

ALBERTO RODRIGUEZ: No.

PETER LUKES: So you have a clicker but not a key. So it was, how did you gain entry to the building?

ALBERTO RODRIGUEZ: It was, I got Easton's spare keys because he hadn't turned them in.

ROBERT HENNIGAN: Mr. Byfield.

ALBERTO RODRIGUEZ: He turned in his set the other night and then I went to go hang out with him, get him his car. He needed help to get the car. He had spare keys. He said these are my back up keys and said can you take them back for me. Can you take this and bring them back so I took them and when I came over he asked whenever you have a free moment would you please after work please bring me the rest of my stuff that is there because I have my daughter's car seat, some of her clothes because he use to wash his clothes there because we have a washer/dryer there. So said may as well do it right now no one is at the club we can get it done and over with. I went, we went, Easton in the car because it was my understanding he is not allowed in the building. I didn't know about the property part. I was just doing his family a favor getting the car seat and all that stuff and I just went in and started looking for his stuff. I went to the basement as he had his clothes in the dryer stuff down there looked for his car seat and I also took a few minutes to turn on the fryolater for a moment to make something to eat because I was little hungry.

PETER LUKES: You're picking up his stuff and you're going to cook while your friend waits in the car?

ALBERTO RODRIGUEZ: He had nothing else to do for the day.

KARON SHEA: I thought you were going to the bathroom?

ALBERTO RODRIGUEZ: I did go to the bathroom because I was sick and when I explained to them that I was sick and had been going to the bathroom a lot as I had been really sick but I tried to explain myself to them but

KARON SHEA: But you're going to eat?

ALBERTO RODRIGUEZ: So trying to explain everything else that just seem to aggravate them.

PETER LUKES: But you did not hear the banging on the door?

ALBERTO RODRIGUEZ: No, when I was downstairs no I did not.

KARON SHEA: But you got the phone calls.

ALBERTO RODRIGUEZ: My phone is actually on silence. I did not get the phone, I did show the gentleman my phone and there were missed calls on there and they were from Chris.

PETER LUKES: Why did you come out eventually at all?

ALBERTO RODRIGUEZ: Because when I was all done I was done packing everything and going to put in the car. Set the alarm and go to leave and at that time they run up to me and say get back inside in there, open the door, what you doing. I said the alarm is on they said few words they used I'm not going to say go back inside turn off the alarm. Went back inside and questioned me and when I tried to explain myself it was like at first yes I was in the bathroom. I did tell them that and I started to tell them the rest but they were just so aggravated and angry because they were waiting I guess and they were getting mad so I just started keeping my mouth shut because I said you know they aren't going to listen to me and then and I did tried to say if they didn't believe anything I was saying there is cameras right there that shows the whole building. Every part of the place is covered by cameras. So if they didn't believe anything those cameras they could have seen anything. So at that time then a few minutes after that Chris shows up upset because I'm not suppose be in the building I was just doing Easton a family a favor. I wanted to give him his daughter's car seat and all that stuff but I wound up getting in trouble myself with Chris because pretty much putting him in the hot seat with the gentleman over there and I didn't want to get anyone upset or angry but I ended up getting in trouble for it. For helping out someone get their stuff. That is pretty much my whole reason for being down there but I sorry about but I did by getting him in trouble with it and I didn't know I was getting him in trouble. After that they all told me pretty much to leave. To get out of there. When I came back that evening I ended up getting suspended for until Monday, that following Monday I came back in and pretty much wrote an apologize. Took some time to think about why I was just helping someone out and I gave him the letter to show him the letter gentleman and ladies to show you it was just stupid of me to help someone to get their stuff without asking Chris's permission to be there.

PETER LUKES: Did you ever get him the car seat and everything else?

ALBERTO RODRIGUEZ: Yes.

PETER LUKES: That day?

ALBERTO RODRIGUEZ: No the following day when I was back from suspension.

PETER LUKES: So there was no car seat or property brought out up to that point. With all due respect this story is bizarre to say the least.

ALBERTO RODRIGUEZ: They were telling me to hurry up and leave. So at that moment so let's get out of here and leave because I didn't want to get in any trouble.

PETER LUKES: Did you turn off the fryolater off?

ALBERTO RODRIGUEZ: Yes.

PAUL MULLAN: Was there another car in the parking lot?

ALBERTO RODRIGUEZ: No just mine.

PAUL MULLAN: No other car in the parking lot. The report says they were going to get his car.

ALBERTO RODRIGUEZ: No we didn't go to get the car yet.

KARON SHEA: They were in the car?

ALBERTO RODRIGUEZ: Huh?

KARON SHEA: But you didn't have the keys but you took the keys to go in to help Mr. Byfield.

ALBERTO RODRIGUEZ: Yes to get his stuff.

KARON SHEA: And it took you that long and it took you that long.

ALBERTO RODRIGUEZ: No I didn't.

KARON SHEA: But then you did hear it?

ALBERTO RODRIGUEZ: When I was upstairs ready to leave to bring everything out and these gentleman

KARON SHEA: So no one else was suppose to be in the building at that point but someone had the keys.

ALBERTO RODRIGUEZ: These gentleman didn't see, there was a pile of stuff right in the office as I was bringing it up.

KARON SHEA: So whose keys are those?

ALBERTO RODRIGUEZ: Those are Easton's backup keys.

KARON SHEA: And you didn't know he had them?

CHRIS STEPHANS: I didn't know he had backup set. The original set that they he had when I terminated him on Tuesday he left them on my desk. I didn't know he had backup set. When I was there on Wednesday everything was taken, the clicker and everything. It was his clicker. I received a clicker from him.

PETER LUKES: Byfield?

CHRIS STEPHANS: Mr. Byfield. I had all his stuff that belong to me. I had to wait because I wanted my passwords and stuff. What I had received all that, actually once I knew the police had his original phone that they never let go of which was great news for me Tuesday it was have a nice day see you later. Turn the keys in, grabbed is clothes and get out.

KARON SHEA: And you never thought of calling and asking permission to enter that building?

ALBERTO RODRIGUEZ: I didn't think that was going to be a big just to get Easton all his stuff. I just, just thinking of his kids. The car seat and all.

KARON SHEA: But you didn't ask anyone?

ALBERTO RODRIGUEZ: No I didn't.

PETER LUKES: You said you spoke to him and told him to open the door.

CHRIS STEPHANS: I left him a voicemail

PETER LUKES: Voicemail. Then you call

CHRIS STEPHANS: Yes I called throughout. When I was instructed by Kujawski or Jolin it was one of the two I think it was Kujawskii and they said get a hold of Berto and have him open the door and I called, called, called, called. Left a voicemail. No answer. Kept calling. No answer. Kept calling. No answer.

PETER LUKES: In the report there was an I think you saw Berto's outgoing call to Byfield.

KARON SHEA: Yeah.

PETER LUKES: Do you remember approximately what time that was in relation to when he came out finally.

MARK JOLIN: There was some calls right about when we arrived there but there was missed calls and did Mr. Stephans and Berto explained was Stephans number. So I don't know about the time frame.

PETER LUKES: What about the outgoing call to Byfield?

MARK JOLIN: I can't recall.

PETER LUKES: But there was an outgoing call made.

MARK JOLIN: That day with Stephans.

ROBERT HENNIGAN: But not at the time.

MARK JOLIN: I don't know what time.

ALBERTO RODRIGUEZ: I would like to ask you when the calls I pointed out to him from Easton was when I went to go pick him up.

ROBERT HENNIGAN: Before two o'clock?

ALBERTO RODRIGUEZ: Yes.

PETER LUKES: And you turn your ringer off when you went back inside.

ALBERTO RODRIGUEZ: Yes, I always have my ringer off. I don't really need to have it on.

PETER LUKES: I think you might after this.

PAUL MULLAN: Mr. Chairman?

PETER LUKES: Yes.

PAUL MULLAN: May I make a motion that we move on the violations?

PETER LUKES: I just want to make one more point. Why wasn't a trespass brought against Byfield being on your property?

CHRIS STEPHANS: Why didn't I do it? I'm not going to have him arrested. I don't want to lock anyone up. They did ask me is he supposed to be here and I said no. I did state in front of the officers. I think it was around 3:10 or 3:15 we were there I said if he is on this property within 30 minutes lock him up. I also did say when I was on speakerphone tell him to go wait on the street. Get him off my property. Wait on the street like anyone else. He doesn't need to be there. When they asked me was he trespassing I'm not going to lock someone up. I'm not going to do that. He has enough of his own problems.

PETER LUKES: His problems are coming back to you.

CHRIS STEPHANS: I understand.

PETER LUKES: If he is not a trespasser he is an invitee at that point.

CHRIS STEPHANS: I didn't invite him on the property.

PETER LUKES: But he is not trespassing either. You said he is okay.

CHRIS STEPHANS: If he was in the building it would be a different story and he didn't get out of the car. When I was there he was sitting in the car. If he was about doing something it maybe a different story. If he was in the building yes but when I came he was sitting in the car straight ahead and officer was right there on the car. I did inform him and he said I have a route car coming is he trespassing I said no. I'm not going to lock him up. If he is here in ten minutes or whatever the timeframe is by all means escort him away and I did inform him at that time you are not ever allowed on my property again.

PETER LUKES: Understand something we are voting on hindrance and we can get further clarification from legal on this. We don't have to necessarily find this but Mr. Stephans was told that he was hindering an investigation not necessarily against Mr. Stephans because we have an employee who we also feel have hinder investigation will that and then will be similar .

ROBERT HENNIGAN: Mr. Chairman may ask if that distinction is going to be made that distinction also be made by both. In other words we know what Mr. Rodriguez's situation and it is what it is. Old saying we don't make the facts and the facts are there. What I'm trying to suggest to the Commission is Mr. Stephans runs a business where he is more than cooperative with the police every time. Every occasion. You will hear when you get into the next report that he was on the 23rd with the search warrant. He has always been cooperative at any time and to take that activity to take conduct to take that relationship he believes he has with Lt. Johnson and the police department and on this one isolated

incident to think that he would then prohibit or preclude or hinder in anyway the investigation is just not fair to Mr. Stephans. Mr. Rodriguez you can believe his story or not. You can all cut wholes into what he was doing and cooking and all that but there also has to be an idea if your going to say that Mr. Rodriguez was hindering an investigation then he would have to know the investigation was taking. He would have to know that he was, t hat he was acting the way he was and I don't think there was any evidence and anything in this report other than an exchange of phone conversations or phone calls which were unsuccessful between Mr. Stephans and Mr. Rodriguez to suggest that he even understood that there was an investigation going on so just to suggest that he is trying to hide something. That Mr. Rodriguez is trying to hide something from hindering point of view is a little bit of stretch and to suggest and thank you for the few minutes to make a comment here. To suggest Mr. Stephans was allowed Mr. Byfield to be on the property because he failed to take any appropriate complaint of trespass I would respectfully disagree.

- PETER LUKES: Anything else from the police department. Why don't we vote on the first violation MGL chapter 138, section 16 based on water down alcohol, correct? Motion is violation for MGL Chapter 138, Section 16?
- DEBORAH STEELE: Karon Shea?
- KARON SHEA: Yes.
- DEBORAH STEELE: Paul Mullan?
- PAUL MULLAN: Yes.
- DEBORAH STEELE: Peter Lukes?
- PETER LUKES: Yes. Second Rule 14 manager, responsibility we are going through the water down liquor first. Manager responsibility for watered down alcohol.
- DEBORAH STEELE: Karon Shea?
- KARON SHEA: Yes.
- DEBORAH STEELE: Paul Mullan?
- PAUL MULLAN: Yes.
- DEBORAH STEELE: Peter Lukes?
- PETER LUKES: Yes. Next we will rule #13 manager responsibilities for based on the entertainment license.
- DEBORAH STEELE: Karon Shea?
- KARON SHEA: Yes.
- DEBORAH STEELE: Paul Mullan?

PETER LUKES: That is violation of the entertainment license, manager responsible just for clarification.

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes, Last, actually we start again from the top MGL, Chapter 16 regarding hindering whether hindering took place by employees of the establishment or by ownership of the owner will be responsible for hindering such an investigation under the chapter.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan

PAUL MULLAN: Mr. Chairman is this the employee or this

PETER LUKES: I'm not making the distinction because that is the way the chapter reads.

PAUL MULLAN: That's fine. Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes. Rule #14 again against the local liquor our rules of Worcester liquor establishment and manager will be responsible for violations based on hindering a police investigation.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes. Rule #13. Managers of all licensed establishment will be held for responsible for violations and infractions of the law this is against the entertainment license.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes. Chapter 140 section 9 again innholder of a common victual license ceases to engage in the business or fails to maintain

upon his premises the implements and facilities required by this chapter or if they conduct their business in an improper manner.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: No.

DEBORAH STEELE: Peter Lukes.

PETER LUKES: Yes. Moving on this will be the final complaint brought by the Police Department, correct?

JAMES JOHNSON: Okay with this complaint we have a video attached we are going to show right after I read the violation, okay?

PETER LUKES: Correct.

JAMES JOHNSON: The undersigned License Commission investigator request that the License Commission notify Platinum Premier Gentleman's Club located at 241 Southbridge Street, Christopher Stephans, manager to appear before a hearing of the License Commission to answer to police complaints relative to violations of its all alcohol common victualler license and entertainment license. On Tuesday, May 25, 2010 Easton Byfield an employee of Platinum Premier Club did escort an identified customer victim into a rear bathroom in the bar during business hours. Once in the bathroom Mr. Byfield did forcibly confine the victim against hi will inside the bathroom by locking the door preventing his escape. While he was confined the victim in he bathroom he showed force and violence by punching the victim four times in the head or face with a closed fist. He then robbed the victim of \$300 cash. Additionally Mr. Byfield did intentionally falsify a report of the incident to the Worcester Police that he was the victim of an assault. We have obtained a video of the incident that occurred at the Platinum Premier Gentleman's Club on the above date. Based on the above violations of law and disruption of public safety the licensee is in violation of Rule #14 of the rules and regulations of the City of Worcester License Commission for liquor licenses, Rule #29 of the Rules and Regulations of the City of Worcester License Commission for liquor licenses and Rule #13 of the rules and regulations of the City of Worcester for entertainment licenses. I will read rule #14. Managers of all licensed liquor establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on licensed premises whether present or not. Rule #29 states in the event that a disturbance or breach of the peace occurs on the licensed premises resulting in a physical injury to any person (s) the licensee or responsible person shall promptly notify the police and shall take all reasonable steps to assist such injured persons and shall cooperate with police in there investigation. Rule #13 states managers of all licensed liquor establishments

shall be responsible for all violations or infractions of the law occurring on the premise whether present or not. The licensee s responsible for any disorder, disturbance or illegality of any kind taking place on licensed premises whether present or not. We will now put the video when the people are ready.

VIDEO PLAYS

PETER LUKES: Okay, anything else from the police?

JAMES JOHNSON: That is it.

ROBERT HENNIGAN: Thank your Mr. Chairman. Mr. Stephans would you tell the Commission when you first learned of the trouble with Mr. Byfield?

CHRIS STEPHANS: The incident.

ROBERT HENNIGAN: When did you first learn about Mr. Byfield being involved in terms of criminal complaint against him?

CHRIS STEPHANS: Friday he told me`

ROBERT HENNIGAN: Friday would be the 18th?

CHRIS STEPHANS: February.

ROBERT HENNIGAN: February.

CHRIS STEPHANS: He informed me that he was being arrested and I asked him for what and he said kidnapping and armed robbery and I thought it was joking and I thought it had to do with an issue he had with a girl. That's all he told me. Next thing you know police brought him in. They had questioned him. They held him. They locked him out. When he called me that night to tell me what happened I said what is going on here because I don't know and what girl did you do with this? What is this? What is this? Who is it? What girl and he said it is nothing I'm going to clean it up and so on Saturday morning I spoke to him and said what is going on here? Who is the girl? He said it is nothing. We will talk later and clear it up. That was on Saturday morning. On Sunday when I was home my brother called me and said have you seen the You Tube video because I already scheduled Easton because I was going to talk to him about 6:00 o'clock at night and I was going to put him on suspension. The reason I didn't do it on Saturday was because I have an infant child and he had some complications so Saturday I was dealing with that so I didn't go to the club Saturday at all. So I did tell Easton on Sunday I'm going to come down there and we are going to speak. I didn't tell him my intentions. My intention was to put him suspension once I got all his documentation back, etc he was gone. My brother called me in the afternoon and said have you seen the video and I had no idea what he was talking about. I saw video. I was sick to my stomach. I called Easton right away and said where are you? He

said I'm at the club. I went down there and I said what the hell is this and said you are suspended. Put him on suspension right there. I had to wait, I wanted to wait for lawyers to come back because it was President's day. I did try them on Sunday and nothing. I did try them on Monday and nothing. Tuesday morning I did talk and explained the situation. Easton was not working for me. He was on suspension. He was not going to get paid. He was going to be terminated. I just wanted to make sure runs with girls and a lot of girls at clubs. I needed to get all the numbers. Promoters numbers. Some of the promoters I did get on Sunday night which I have documentation from them. On that date I did have his email address removed. Certain precautions were taken. I didn't want to him, on Tuesday when I talked to my lawyer out of Braintree. He said once he gets his stuff he is gone immediately. No revocation or nothing. I have an employee agreement with my guys which we do sign. Once I found the form was not coming back it was quick and he was going to stay terminated until I got the phone back and I took the numbers. He said the police didn't give me the phone back I said you're fired on the spot. Clear your stuff out. Get out. The last day he was there he was cleaning his stuff out on a Tuesday when the police came in and they had a search warrant for pictures of bathroom. He was there for that. He was cleaning his stuff. He did leave his keys on my desk and that was it. He feels that maybe he shouldn't have been fired. He did nothing wrong and I said no what too bad you did. Your out.

ROBERT HENNIGAN:

He was suspended for that Sunday?

CHRIS STEPHANS:

He was suspended when I went in that day. The 20th, 21st because we had the contract. I wanted to speak to my lawyers first to get my email codes since he was working on the Pulse and Extreme magazine. I wanted to get the promoters who put the bands upstairs and things like

that and I wanted to get all the girls numbers because they change so rapidly. They got phone one day and next day it is a new number. I want to get all of them for him and when I knew that phone wasn't come back from the police suspension was lifted and termination boom. Have a nice day.

PETER LUKES:

What was his position prior to that?

CHRIS STEPHANS:

He was floor host but he was approved by this Commission to the GM in October. He was going to be GM to the best of my memory.

PETER LUKES:

But hadn't been approved by the ABCC yet

CHRIS STEPHANS:

The 28th was approved. ABCC didn't get to and even if he did get it and

PETER LUKES:

20TH of what.

ROBERT HENNIGAN: 28TH.

CHRIS STEPHANS:

28TH of October.

ROBERT HENNIGAN: Mr. Chairman. Just to. Not sure if any great significant but just two letters verifying that you know Mr. Stephans said that he did try to immediately remove Mr. Byfield from working with any vendors or promoters so forth as soon as he saw it. I think Mr. Stephans understands his roll as being responsible for actions in the club and we understand and just the Commission to recognize the decisiveness once it was brought to his attention. It was brought to no one attention until Mr. Byfield was arrested and the big You Tube video hit the airways and Mr. Stephans saw it.

PAUL MULLAN: He is suspended and I don't care if he has to call Paul Giorgio and the promoters and get the girls phone numbers. He didn't fire him.

ROBERT HENNIGAN: He fired him on Sunday.

PAUL MULLAN: This is revolting. To see again. This is probably the tenth time I have seen this thing and makes me sick more and more every time I see it. How do you not fire that guy?

PETER LUKES: It was Tuesday he was fired. Sunday he was suspended.

CHRIS STEPHANS: Yes, I suspended him on Sunday.

ROBERT HENNIGAN: Right he was suspended on Sunday and he was fired on Tuesday.

KARON SHEA: Is this a procedure that you have that you allow your management or whomever to go into a men's room and literally do what they have done?

CHRIS STEPHANS: Not at all.

KARON SHEA: This has never has happened before?

CHRIS STEPHANS: No,

KARON SHEA: This is the first time?

CHRIS STEPHANS: Yeah and if I saw it back when it happened it would have been dealt with. This happened May. It is February now

KARON SHEA: Who videotaped it?

PETER LUKES: Do we have a prior violation on same thing? Assault on customers. When was the prior violation?

CHRIS STEPHANS: There was assault in 2003.

JAMES JOHNSON: 2003 wasn't it?

CHRIS STEPHANS: 2004.

PETER LUKES: 2004 for assault on a patron.

JAMES JOHNSON: I think it was a robbery.

DEBORAH STEELE: Police report it there.

CHRIS STEPHAN: They had a fight in the parking lot on that.

PETER LUKES: Anything else from anyone testimony wise? We will go to the Commissioners. Obviously I have seen the video as well and it is

disgusting to say the least. It is disturbing. It is egregious and it can't be tolerated on any level. Absolutely intolerable. It is indefensible. We have two roles here as Commission and one is to foster the business. Make it easier for licensees to operate in the City and we try to do that. We are pro business Commission. The other is to basically to enforce the rules and protect the general public from dangers that may occur in any licensed establishment. Anyone coming to the City of Worcester and anyone patronizing any club, bar or restaurant in city of Worcester deserves to know that they are safe not only from code or health violations but certainly from assault, robberies and humiliation by the staff of the very place they are patronizing. We absolute I think as a city as a Commission will not tolerate violence and lawlessness in this time. A similar thing has happened before at this club and this is probably the most egregious, we, it is not uncommon for licensee to come in and say and say hey we served underage. Look we had a twenty year old kid working the door and that is who we can get for \$10 an hour and we get people who are going unprofessional and things are going to happen and we give them a break all the time as a Commission we do say things do happen. You're right. I understand you had young people working and that is all you can hire and so on. This is a 35 year old adult man who basically acting in a managerial capacity that is much a bigger problem than having a young guy at the door. It worries me as to as to maybe even to the culture at the club as I said I think it is absently indefensible.

- KARON SHEA: Well I concur. We all know it is appalling. I just wish when you enter a club of anytime you feel comfortable. You feel same in men's room, ladies room and to see this happening I don't understand that you are not aware this is happening but I don't believe that is the first time when you see something like that. I just don't.
- PETER LUKES: One more, I mean again especially Commissioner Mulan said and I will speak to him in minute if I saw that and that was my place and that was my employee
- KARON SHEA: He be fired.
- PETER LUKES: Never mind fired. Yeah, and if he was ever on my property again you bet he be arrested. I don't care if I want to be a nice guy. I appreciate you're a nice guy or loyal friend or whatever but even to send another message that he is trespassing. Commissioner Mulan?.
- PAUL MULLAN: I don't have anything else.
- ROBERT HENNIGAN: Mr. Chairman I understand and Chris would agree with everything you just said that it cannot be tolerated. It should not be tolerated. Never been tolerated. From what we know it is an isolated incident. Why we may think it may continue here is absolutely no evidence before this Commission that is going forward into the to hold Mr. Stephans to a standards to of course it is going on we just haven't caught him yet I think is unfair. This is an isolated incident. I understand the Commission distinction between suspension and termination and I understand termination sounds a lot stronger point of the matter is that as soon as Mr. Stephan knew about it. Saw the video Mr. Byfield never worked at the club again. Whether that you want to classify that as suspension or termination the end result is the same. He never worked again at that facility and I think that needs to be put into the context here. He is responsible we are not arguing. This is, it is disgusting video. There is no

question about it. We are not trying to defend it all. I'm just trying to suggest to the Commission that the immediate action that you would have wanted to see taken was taken. We could have told you he was terminated right from the beginning. That is not what happened. He was suspended. He did not work again. It is the same thing as being terminated for the purpose of his showing up in that facility. Mr. Chairman that is my only comment on this. I know your going to vote on this and I know then you're going to talk about disposition and I probably like to be heard for a minute prior to discussion of disposition.

PETER LUKES: Absolutely. We have violations of rule 14 of the liquor license violations. Managers will be held responsible. Violation of rule 13 managers shall be responsible for all violations of entertainment license. Rule 29 failure to report the incident and didn't cooperate with the police in their investigation.

ROBERT HENNIGAN: May I make one comment

PETER LUKES: Yes.

ROBERT HENNIGAN: Again just to refresh the Commission testimony, I don't think Lt Johnson testimony. Mr. Stephans called Lt. Johnson on that Monday.

PETER LUKES: February 21ST?

ROBERT HENNIGAN: He called Lt. Johnson and said that what is he meant by I think you're going to want to talk to me and that is when he arrange to meet that Friday, that Monday at 5:45 was made. Chris was calling regarding this incident because he knew he had to talk to him.

PETER LUKES: So what is the rule

JAMES JOHNSON: Violation on that. Would have been that on the night in question the responsible party never notified the police of the law violation which was

ROBERT HENNIGAN: May 25th.

JAMES JOHNSON: The robbery, kidnapping.

PETER LUKES: So the manager is responsible for, the bouncer, manager at the time. Okay.

CHRIS STEPHANS: Manager wasn't acting as manager he was floor host but I understand what you mean.

PETER LUKES: He was an employee.

CHRIS STEPHANS: He was employee.

KARON SHEA: But you weren't there.

JAMES JOHNSON: Responsible employee

CHRIS STEPHANS: Yes, yes

PETER LUKES: We are, in there was failure to cooperate on that so rule 14 take a roll

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes. Rule 13.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

PETER LUKES: Yes. Rule 29?

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes.

PETER LUKES: Yes. My vote I believe every violation was found, correct.

DEBORAH STEELE: Correct.

PETER LUKES: Ms. Clerk could you read the totality of the counts.

DEBORAH STEELE: Two violations of rule #1, 14 , 29, chapter 140 section 9, violation of rule 13 and violations of chapter 138, 16 on June 10, 2010. February 24th 2011 and May 24th 2010.

PETER LUKES: So if I'm not mistaken we have two violations of rule 14?

DEBORAH STEELE: Correct.

PETER LUKES: Two violations of rule 13?

DEBORAH STEELE: Correct.

PETER LUKES: Chapter 140, section 9 and rule #1 of operations.

DEBORAH STEELE: Correct.

KARON SHEA: And 29.

PETER LUKES: Okay.

JENNIFER BEATON: Mr. Chairman there is also that other violation of the condition of the hours of operation of the license for the hours of operation it is not a

specific separate rule but a actually a condition on the license. I believe there was rule one but there was also a separate.

PETER LUKES: Pursuant to the rules and regulations of the City of Worcester License Commission relative to liquor licenses. Okay. Hours of operation for each. Counselor you want to finish this?

ROBERT HENNIGAN: Yes Mr. Chairman there is no question that these are serious violations that have been alleged and this Commission has made certain findings that you believe he is violation of these things and it paints a pretty bad picture of Mr. Stephans. I would to give two minutes to see if I can paint for your consideration of disposition a little better picture of how he operates his business. He has been in this business since 2003. This is a tough business. He is a manager on site as often as possible. He knows how to manager this. He does not allow illegal activity on that site. He has tried to be a good neighbor to that area. I have for you just a documentation from the City Manager's back in 2006. From Worcester f firefighters. He has tried to work with the city on many many occasions to do positive to do some very positive things for the city and in this particular incident he paid for the removal of a bridge on Herman Street saving the city considerably, considerable money. I offer simply to suggest to you that Mr. Stephans has done some nice work for the City as a good business person in the city an I understand that the Commission has to review the incident that is before it and it has to review and it has to make findings and it has to make actions against him based on your making of the findings. I would suggest that when you look at these things in there totality that they create a pretty bad picture but when you look at these things broken down and you look at the violation for the after hours there is some confusion as to that activity and I think that should be considered in terms of disposition. I think when we I look at the hindering I understand the Commissions' decision on Mr. Rodriguez. Mr. Stephans role in that I have a hard time believing there is a hindering violation but if the Commission so finds that I asked the Commission to take into consideration his conduct in trying to prevent any type of kind of hindering in that instance. In terms of the liquor violations. In terms of diluting I would asked the Commission to await the result of the Department of Public Health before any final determination is made on that particular disposition with respect to that. With respect to Mr. Byfield. I state my case before. We believe he took as decisiveness as he possibly could have without shirking in any way in his recognition as his responsibility as owner to the egregious actions that took place that day. I would Commission to consider not these items in there totality but to consider them in some type of broken down limited basis as I think it paints a different picture of Mr. Stephans. Thank you.

PETER LUKES: And I appreciate

CHRIS STEPHANS: Can I say one more thing.

PETER LUKES: Go ahead.

CHRIS STEPHANS: In 2004 the incident I wasn't the general manager at the time and the person that was the general manger was removed immediately. Any incident that we had through police, any calls or anything, fights, whatever goes on it is dealt with immediately. Commission about that no it has not. There have been instances that have been dealt with. They have been addressed. The reason it took a few days because I was

waiting for my lawyer because we know this thing went viral. It is disgusting. Is Mr. Byfield a piece of crap. Yeah. I am the owner. I am GM. I understand it. I also I have lawyers and seeing what they say I go by what happened and I still have to operate at business and there is certain information that I need. If hadn't been around. I don't want him inside my building, outside my building after the conversation we had on the 24th and that is it but every other incident we had it has been dealt with immediately. I don't condone it. I don't want violence. I don't want people to not to come to the club. If they don't come to the club we don't make money. It is that simple. People scared they are not going to come. I don't want to lose people I want to bring them in.

PETER LUKES: Thank you and I agree counselor that this is a very tough business to be in. Part of the reason is owners are responsible for everything their employees do. Straight away. Mr. Stephans may or may not a victim of just what his employee has done but it is several employees have done some very bad things over a good stretch time and as a city we cannot tolerate violence and lawlessness of that kind and continuing to take place within a licensed establishment. So I'm going to recommend first we go with the violations of the entertainment license and my recommendation is revocation.

KARON SHEA: Second the motion.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes with regard to the liquor license again I will make motion for revocation.

KARON SHEA: Second motion.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes and I guess that is it.

JENNIFER BEATON: Mr. Chairman there is a practice as you know in the city to issue the all alcoholic common victualer license together so you would need to take a separate vote on the CV license as well.

KARON SHEA: Okay.

PETER LUKES: Motion then, is there a motion about the common vic, suspension, revocation?

PAUL MULLAN: I make a motion that, that the motion be that the cv license be revoked.

KARON SHEA: Second the motion.

DEBORAH STEELE: Karon Shea?

KARON SHEA: Yes.

DEBORAH STEELE: Paul Mullan?

PAUL MULLAN: Yes.

DEBORAH STEELE: Peter Lukes?

PETER LUKES: Yes, this closes our hearing.