

June 9, 2011

Copy to: City Manager
City Clerk

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

License Commission Staff Present

Peter Lukes, Chairman
Karon Shea, Commissioner
Paul Mullan, Commissioner

Lt. James Johnson, Worcester Police Department
Sgt. Anthony Peterone, Worcester Police Department
Sgt. Timothy Watts, Worcester Police Department
Officer Robert Belsito, Worcester Police Department
Jennifer Beaton, Law Department
Jim Foley, Health Department
John Nordberg, Inspectional Services
Deborah Steele, License Commission

Views: 9:30 a.m. – Fat Tony's, 1051 Main Street

Peter Lukes called the meeting to order at 10:00 a.m.

Approval of minutes of License Commission meeting of May 26, 2011
Peter Lukes made motion to approve. Karon Shea seconded
Commission voted 3-0 to approve the minutes

Special All Alcoholic
license requested by:

Juanita Moscoffian
New England Summer Nationals
10 Lincoln Square
July 1, 2, 3, 2011

Robert Moscoffian appeared on behalf of item. 21st year of Summer Nationals. Mr. Moscoffian requested to amend to just have malt & wine.
Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

Elizabeth Champi
Conchagua & Inke's Restaurant
118 Cambridge Street
June 18, 25, July 28, 30, 2011

Elizabeth Champi appeared on behalf of applications. June 18 is for a Father's Day party, June 25 is for a soccer party, July 28 is independence of Peru celebration and 30 is another party of the independence.
Mr. Lukes expressed concern that Ms. Champi is requesting additional permits and requested that she look into applying for a regular liquor license
Peter Lukes made motion to approve. Karon Shea seconded.
The Commission voted 3-0 to approve the application

Paul Barber
278 Shrewsbury Street
June 21, 2011, July 1, 2011, July 21, 2011, August 25, 2011
5:00 p.m. – 11:00 p.m.

Paul Barber appeared on behalf of applications. June 21, is the taste of Shrewsbury Street, July 1 is the fireworks and 21 and 25th are walk and rock celebrations on Shrewsbury Street

Commissioner Mullan asked where alcohol would be served. Mr. Barber said it will be at end of driveway same as prior years. Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

Kristylen Dyer
College of Holy Cross
1 College Street
June 11, 2011
6:30 p.m. – Midnight

Kristylen Dyer
College of Holy Cross
1 College Street
June 12, 2011
5:30 p.m. – Midnight

Kristylen Dyer appeared on behalf of both applications. Both events are for alumni event dinners. June 11 about 275 to 300 and campus security present at both events. Peter Lukes made motion to approve. Karon Shea seconded. The Commission voted 3-0 to approve the application

Special Malt & Wine
license requested by:

Worcester Film Works
Worcester Common
June 30, 2011
6:00 p.m. – 10:30 p.m.

Jim McKeag, David Ledoux appeared on behalf of application. Parks Department has approved the selling of alcohol at event. Mr. McKeag stated that person who was planning to sell the alcohol has pulled out and he would like to pull this application and plans to resubmit using Mr. Ledoux for the June 30th date and two other summer dates.

Mr. McKeag stated that are expecting between 200 to 250 people at event and off-duty police will be hired for event and that event is free and idea is to help get people downtown in the evening and help support the businesses in the area.

Mr. Lukes and Mr. Mullan both expressed concern that these events are being promoted as family event but alcohol is to be sold and that setup of where alcohol is will be very close to the event.

Mr. Lukes stated this is new ground and that only one who currently obtains a liquor permit for common is Latin Festival and they set up tent in front corner of City Hall away from where entertainment will be

Mr. Lukes stated that a plan needs to be presented that shows how alcohol will be cordoned off, how will alcohol be kept away from people under 21.

Mr. McKeag requested that since License Commission will not be meeting again until June 30th that application pending be approved and then paperwork will be submitted for later events under different name.

Lt. Johnson of the Worcester Police suggested that the liquor be sold in front of City Hall away from the kids watching the movie.

Mr. Mullan stated he would be willing to consider if tent was move to front of City Hall. Mr. Lukes stated that it would just be an alcohol tent in front and not connected to the event

Karon Shea stated that the location of the beer tent should be reconsidered so that it would be further away from the families but still part of the event.

Peter Lukes made motion that Commission vote on June 30th event.

The Commission voted 2-1 to deny the application. Peter Lukes, Paul Mullan voting to deny. Karon Shea voting to approve.

Global Wine Importers LLC
172 Shrewsbury Street
June 22, 2011
5:00 p.m. – 9:00 p.m.

Domenic Mercurio appeared on behalf of application. Requesting a permit in order to offer a small wine-tasting in front of 172 Shrewsbury Street during the Taste of Shrewsbury Street.

Karon Shea asked how much the pour for the wine tasting.
Domenic stated it will be only one ounce and after sip the cup is thrown out by the employees working the wine-tasting.
Peter Lukes made motion to approve. Karon Shea seconded.
The Commission voted 3-0 to approve the application

Our Lady of Mt. Carmel
28 Mulberry Street
Sue Cozzolino appeared on behalf of application. The church is trying to raise funds for the church. Sue said Sgt. Petrone has said he will take care of the off-duty detail for event.
Permission to conduct one day Beano
Peter Lukes made motion to approve. Karon Shea seconded.
The Commission voted 3-0 to approve the application

Fat Tony's Pub, Inc
1102 Main Street
Request to transfer common victualer all alcoholic license to 1051 Main Street
Peter Lukes, Paul Mullan, Lt. Johnson view premises prior to meeting. Karon Shea was unable to make view.
Gene Carlo and Kevin Carlo appeared on behalf of application and is requesting to move location. Fat Tony's has been in the Webster Square area over 40 years and it caters to the 35 and older crowd. The current location for the past two years has had a flooding problem and Fat Tony's would like to move about 400 feet from current location to 1102 Main Street. The new location has sprinkler system and parking and they will work with code/fire to make sure new location meets all the requirements.
Patricia Davidson from Board of Directors of Jeremiah Inn asked to be heard in opposition to the change
of location as new location is right next door to Jeremiah's Inn and Jeremiah's Inn is program to help men battling with drug and alcohol problems and they also run a food pantry.
Walter Spencer, Executive Director of Jeremiah's Inn asked to be heard in opposition. Mr. Spencer stated that fact that Fat Tony's would be so close to Jeremiah's could cause a relapse in those they treat at Jeremiah's.
The pastor of Aldersgate Methodist Church appeared in opposition to application as new location would be in close proximity to the church and the church has a great deal of children and families as well as fact the church operates a day care center that is open five days a week
William Breault, Main South Alliance for Public Safety suggested that maybe that Fat Tony's could move to 3 Mill Street instead of location next to Jeremiah's Inn
Councilor Barbara Haller requested that location be transferred someone else and would be willing to help Fat Tony's find new location but does not think next to Jeremiah's would be a suitable location.
Peter Lukes said he appreciated that applicant reached out the neighborhood and wanted to point out that applicant is not actually going into neighborhood. Fat Tony's already existed in neighborhood and is currently located about 300 feet from new location and there are bars in the area but this is not a new bar and establishment has had no violations.
The Commission voted 2-1 to approve application. Peter Lukes and Paul Mullan voted to approve. Karon Shea voted to disapprove.

International Lounge LLC
27 Pleasant Street
Request for general on premises all alcoholic license and entertainment license to include tv, dancing by patrons, Amplification system, audio visual show, DJ
Attorney Todd Brodruer appeared on behalf of applications. The two issues continued from last meeting which included a new lease and second was removal of any seller financing has been removed.
Peter Lukes made motion to approve with condition that establishment will be 21 years and older.
Karon Shea seconded.

The Commission voted 3-0 to approve the application

Bluri Bar
320 Main Street

Request to run after hours club from three to six
a.m. Fridays, Saturdays, Sunday and Monday holidays
for entertainment only

Applicant had placed a call to Police and stated she is withdrawing application.

Area 508 Enterprises Inc
dba Area 508
3 Mill Street

Rescinding vote for approval taken at May 12, 2011
License Commission meeting for a general on premises
all alcoholic license

Peter Lukes made motion to rescind vote.

The Commission voted 3-0 to rescind the vote taken at the May 12, 2011 to issue a license to
Area 508 Enterprises.

Hearing

765 Main Street

Hearing relative to whether to renew lodging
house license at 765 Main Street location
Transcript attached

Carrington Hall
90 Harding Street
Request for Attorney Finkelstein to continue matter
Item to be continued

Violation of Rule #14

Loung Nguyen
dba Club Keiko
751 Main Street

Violations of Rules #1, #2, #5, #14 (2 counts),
M.G.L. c. 138 §12, §23, §15A
Transcript attached

The Commission voted 3-0 that violations occurred

The Commission voted 3-0 that a thirty day suspension be imposed. Also that establishment
meet with Police Department to review the business & security plan for establishment

Macattacks
dba Johnny Mac's
455 Pleasant Street

Violations of Rules #13, #14, #17, M.G.L.
138 §69, §12

No one appeared from Johnny Mac's to answer to the violations.

The Commission voted 3-0 that violations occurred.

The Commission voted 3-0 that a seven day suspension be imposed

Transcript attached

John Gyasi
Tropical Gardens
344 Chandler Street

Violations of Rules #1, #14, M.G.L. c. 138
§12

The Commission voted 3-0 that violations occurred

The Commission voted 3-0 that a three day suspended suspension be imposed

Transcript attached

Communications: ABCC Advisory regarding Cori

12:06 p.m.– Motion made by Peter Lukes, seconded by Karon Shea to adjourn regular License Commission meeting to go into
Executive Session to discuss pending litigation relative to Platinum Premier Club

Executive Session

Worcester License Commission, June 9, 2011 765 Main Street
Peter Lukes

We are starting with a hearing for 765 Main St. Hearing is whether to renew the lodging house license. We are going to have some people testifying so I just want to swear everyone in that is going to be speaking. So do you swear to tell the whole truth so help you God? Please raise your right hand. All set. Okay. We want to start with the police report.

Anthony Petrone

Mr. Chairman, again we come before this body to talk about the property at 765 Main St. It is a pretty lengthy report but I have believe everyone has received it this morning. So just cut to the points so we can move forward. Starting in reverse order some of you as you'll remember they have been before this body on several occasions last year. One being September 2, 14th, and the 28th with the new owners of this property. We brought the new owners in on September 7 for informational meeting at Meade Street so we could discuss lodging house enforcement. We were doing with all lodging house owners as a regulation. Amanda Wilson director housing was present, police and fire. Being the new owner we want to let them know what was going on.

Peter Lukes

We haven't transferred the license yet, right?

Anthony Petrone

At that time no. They presently do not have a license. We believe in the property review team that there has been ample time regarding the management of the building, screening of tenants and so forth by the rules regarding a lodging house especially of this magnitude. The reason we are here today Mr. Chairman as you know the owners are responsible for any and all infractions that occur on licensed premise and you can suspend or make an operative for such period of time to make proper the licensed area and deemed satisfactory well on January 1 the police department visited 765 Main Street on 168 incidences with 152 being distinct and I think we have discussed prior to this board what distinct is but I will tell you quickly again what it is. It is logged into the police and it is brought to the property. It is not something that is just a 911 hang-up. It is a call for service. So since January we have been there 152 times. That was at the end of May. So again for that amount of incidences we think that management isn't doing what the rules and regulations of the license board are prescribed to be.

Peter Lukes

This report reads that there is a score of 2769, what does that mean?

Anthony Petrone

That number is a combination from the property review team that is comprised of police, fire department, housing inspectors. It is a tally scored that each call gets rated on in a database and comes up with an actual number and that number over the last 24 months is 2769.

Peter Lukes

I assume that is not a good number?

Anthony Petrone

That is the highest number we have for all the properties in the city Worcester. Mr. Chairman as you may remember we had the 5 Sycamore problem a couple years back and that number was extremely high but this number is higher than that number. The incident that was probably the frosting on the cake if you will is the recent drug raids that took place at this property and we send a certified letter to any property owner whenever there is a drug raid and we are supposed to receive correspondence back that they have received this and they will move to evict the person and as you see in the report one individual, his apartment was raided on 3/31/2011 and subsequent to that a letter went out. On 5/12/2011 a second drug raid was conducted on the same apartment in the same individual was arrested again. Again, another letter was sent out. On 5/20/2011 the Worcester Police Department received information that there was some drug dealing

from a confidential informant. Again, details are in the report. Unfortunately, the individual on the premises in the front office and in this particular room where the raid ended up with the same individual again but on this time they were using two-way walkie-talkies and toward informing, trying to inform the person in the apartment that the police were here and that is the way it was supposed to be work and we know that as you will see in the report somebody did a little covert action and they indicated that they knew and notified that the police were on their way. As you know, the combination of all these, never mind housing inspector Nordberg can tell you on his end and I'm sure fire as well that this property is not being managed the way it should be. Quite frankly and I'm sure others would say we received numerous calls from neighborhood people, cross the street at school, people at the YMCA and the school department building next door about the things going on. Not just inside the walls but outside and that is why we are here before this body.

Peter Lukes

What action are you asking this board take?

Anthony Petrone

The recommendation from the property review and the city would be take no action on granting them a license for this property.

Peter Lukes

Is there an application pending? Wait is there anyone from a city department, city agency that would like to speak?

John Nordberg

Yes

Peter Lukes

Okay

John Nordberg

My name is John Nordberg, I'm a senior housing inspector I work with the property review team doing housing inspections which includes lodging houses. I will say from a housing perspective that over the course of the time that we have dealt with this new ownership I have actually had some improvement in terms of the reaction time to the complaints that come to me. That I address with management and their ability to make repairs will and the problem I have and I have discussed this several times is the building of this size, a building with this type of clientele has to be proactively managed. Anytime I walk into that building I can see obvious code violations. The reality is if the property was proactively managed then the manager would see the same violations in many cases they will be able to correct violations before the tenants will call the city had and you know it really is a drain on my effective use of time on the amount of time I spend in that building. Like I said I have talked to Mr. Magdis and Mr. Rienker and one of the managers on-site and they do address my concerns. The problem is it is not always in a workmanlike fashion. There will be a hole in the roof and then next thing something will temporarily be plugged up there and they have all the concerns with plumbing and repairs. The reality is I get a lot of complaints for this building but I do get them from relatively few occupants and I try to encourage those complainants to develop a dialogue with the management so that they can work together and bypass the city's involvement in these things. For whatever reason the occupants who make these calls to the city directly have no confidence in the management team in this place that is why they bypass and call the city. We have attempted in the past to deal with them directly as far as with reactions. I get a lot of complaints that basically do get resolved but again it is a drain on the city effective use of its resources to have me there as often as I am.

Peter Lukes

Thank you. Anyone else speaking on behalf of the city? Any city departments? Okay, I would like to hear from the owners. Anyone want to speak on behalf of the owners?

Richard Magdis

Richard Magdis we have been trying to be very proactive here we have the housing come through, we have the police come through, we have the fire department come through and what I do with the fire department was the sprinklers heads, they were actually they were non operative we found that because by inspection by fire, fire alarm system company. What they told us was that there was something wrong with the heads and that was five years ago and for five years and back then they would've repaired the person who put the sprinkler heads in would have repaired them for nothing and it went five years and then they caught it and we spent \$3500 to replace all them. We shut down the whole system. We're trying to be very very proactive but this but this should've been caught four or five years ago and which it never was so we are pouring money into this thing.

Peter Lukes

I understand that. I think I may problem here is the public safety with regards to violence.

Richard Magdis

Okay, the first I heard about this was I received a letter, that certified letter and had Anthony's number. I called his cell phone number and he just never got back to me. I called again early this week and Anthony I don't know if it's not working.

Anthony Petrone

I got your call once.

Richard Magdis

I called back like three weeks ago when I got that letter and it was your personal cell when I got the letter. I talk to people here and they had said that person had got evicted him we did what we had to do and that person was evicted.

Anthony Petrone

I don't know how they got evicted if they were arrested 3/31, 5/12 they were arrested and then 5/20 and they arrested the same person three times. How were they not

Richard Magdis

I don't think he was living there, I think he came in

Anthony Petrone

He was moved from one apartment to the next

Richard Magdis

302

Anthony Petrone

He got arrested twice in 302 that he got arrested again when he was moved upstairs to 502.

Richard Magdis

I wasn't aware of that

Peter Lukes

You probably should be on the property

Richard Magdis

No, when I was here last time we had talked with Anthony and I said Anthony lets meet once a week, once a month let's go all things that are happening and will categorize what is important and what isn't important, I don't want to say nothing is important but if it's a loitering in front of the house that we can't control a whole lot of that but if there is anything as paramount as this I would certainly want to get involved in it and this idea with the walkie-talkie with the front to the back I wouldn't stand for that. I don't know, I'd like to know who the individuals were will that were involved at the front desk that was doing this and I would like some names and they won't be working for us if that's the case. That shouldn't happen.

Paul Mullan

How many people are at the front desk? Over a 24-hour period?

Richard Magdis

We have four people that have

Paul Mullan

Rotating shift?

Richard Magdis

Yes.

Paul Mullan

Of those four how many live in the building?

Richard Magdis

Three I believe, maybe four

Paul Mullan

And are any of them designated as manager?

Richard Magdis

One of them, Brian Lillis, he does man the front desk and is the on-site manager

Paul Mullan

Does he have an office near the front desk?

Richard Magdis

He just has his room upstairs. We have the manager's office downstairs that is locked and that has all the personal stuff but we have a front desk area where one of our people that runs during the daytime has a room right next to the front desk which is always open

Paul Mullan

So that person should know if someone is talking a walkie-talkie?

Richard Magdis

He should definitely know, this is the first time I have seen this, if I had known this I would have

Anthony Petrone

I just want to bring up there is an incident that takes place once or twice a month where the Worcester Police Department sexual assault unit go out with probation to check on sex offenders and they check the address

where they live in about a month and a half ago about a month ago they called and said Anthony we went in to 765 Main Street around seven o'clock at night is there supposed to be a manager and I said yes and they said well this guy we were talking to did not know what we were talking about but we ask the list and that is one of the rules and regulations and they wanted to verify that John Doe was living there. John Doe has registered with us that he is at that address. They had no idea what we're talking about and they had no idea with list was and they have since from what I'm told they have corrected it there is a list that is regularly available somewhere in the building but the way it was given to me that it was chaos in that lobby, and that front office and that is true. All you have to do is drive by and you see the people drunk, to see the people in the stairs, you see the people in the lobby area which we were talking about. There is no control over and the person who is there at the time who was there had no idea who the manager was and we verified that by calling and asking is so and so here for the manager and I had some gentlemen who had no idea who I was and I didn't identify myself as a police officer and I got who are you? Why do you want to know, I'm not the manager, I'll get the manager he's in his room and this is 10 o'clock in the morning.

Peter Lukes

Now last time when you were here as I recall, we didn't act on this, refresh my memory, we were going to work in good faith to see if it could improve and now since that time have we seen an improvement or other calls the same

Anthony Petrone

They have increased dramatically. There are probably 100 times worse based on the violence and the drug dealing and prostitution and the known common night walkers that we have identified that they know that frequent this building and that has come right out of Mr. Reinker's mouth and he is not here he is a gentleman that they want to put on as manager on the license but we had said absolutely no way but he knows of the people in this building and has done nothing to rid or has done nothing to rid the tenants who are allowed to live in the building

Peter Lukes

Why, tell me why?
Richard Magdis

We have evicted probably 40 people and we have just gone through

Anthony Petrone

Problem is the people they have taken in are worse

Richard Magdis

But you don't know that when you

Anthony Petrone

But your screening should tell you that. That is the problem, there is no screening

Karon Shea

Who does screen? Who meets with them? Do you meet with them?

Richard Magdis

When they come in how do you know if a person is a prostitute or if they deal drugs? It could be either one of you could walk in off the street and we wouldn't know until they're there and that if we see there are illegal drug, drug type of people, we know people go off and buy their drugs and then come back in but if we frisk everybody before they come in but you know that's what Main South is like.

Barbara Haller

Excuse me

Richard Magdis

That whole area is

Peter Lukes

Now

Richard Magdis

There is just drugs going outside of our area all the time

Paul Mullan

We are not on a hearing for license today

Peter Lukes

Yes, the question is, is the license still pending

Deborah Steele

Mr. Chairman is a hearing relative to whether to renew the lodging house license at this location

Peter Lukes

No but they're not licensed at this location

Deborah Steele

Correct they put in an application but it's never been signed off on

Peter Lukes

Basically a holdover

Deborah Steele

Correct

Richard Magdis

So what I had asked Anthony to do is to get together once a week or once a month go over all these things are happening and that we will address it is. He has been very busy and it just hasn't happened yet but I'm willing to do that on a weekly or on a monthly basis and sit down and you can't solve a problem unless you know

Peter Lukes

A very active management at the front door is a big step forward

Richard Magdis

If the people that are living there are just up and down the stairs but these people do live someplace and we can evict everybody in the place had that's always the way this place has been. We have tried to move these people from the front but if it's a hot day and there are six or seven

Peter Lukes

A hot day is one thing but rampant drug use or prostitution

Richard Magdis

If that is happening and we have indication and Anthony knows about it tell me and I will take action. I want to be proactive. If they're getting calls and a husband and wife are fighting and once smacks the other one and they call the police I don't know how to stop that from happening

Karon Shea

Does your manager let you know when these things happen? Does he let you know what incident happened? Is there a log?

Richard Magdis

Yes they tell me and they will tell the police have been here and few weeks back there was a couple fighting and then the guy goes on the front and guy tries to stop it and he got cut with a knife and he called the police and they arrested the guy. I don't know how to stop things like a husband and wife from fighting

Peter Lukes

I would like to hear from neighborhood or any folks who have any comments. Councilor Haller

Barbara Haller

Barbara Haller, 34 Castle St. I am also the councilor that represents this area I believe what we are hearing is a continuation of a conversation we had several months ago which shows incompetence and I have trouble believing that we're looking at incompetence because I know Mr. Magdis and I know Mr. Blair are very competent people and have demonstrated the ability to be successful in life in a remarkable way. I believe this is, I believe they have walked away from their responsibilities on this building and didn't understand what they got themselves into and we try to educate them on it and when I hear that Mr. Magdis is trying to put the onus back on the city for managing this building when it is in fact his responsibility to manage this building I can tell you I have personally observed that the behavior that Officer Petrone has observed and it was interesting when the notice came out about this hearing the front of the Albion cleaned up remarkably indicating in fact that they can clear up the front of that building if so desired will is. I am also aware of another building that the owners are involved in that is across from 701 Main Street it is about 698, 700 Main Street is also a place of known active drug and prostitution activity and I have to tell you that I resent Mr. Magdis talking about this being Main South and when it is really his buildings it is 765 Main Street and 698 and 700 Main Street that are tearing this neighborhood down and he can go to buildings next to him, across from him and behind him and those problems do not exist. This is their problem. This is not Main South problem. This is not the city's problem. This is their building and if they can't manage it I would hope we could find someone who could manage it or that we would reduce the occupancy to such a level that they could manage it themselves or bring on additional managers but clearly it is not working now and what is happening is an insult and a disgrace to her neighborhood and I know you're frustrated and I'm sorry my voice is coming across this way but I am so insulted about the feign ignorance of the owners of this property. Mike Reinker was requested to be the manager but was rejected by the city but Mike is there every day and Mike Reinker is managing the building. Mike Reinker told me that this is a cash cow for him. The money comes in, he collects it, people move out, someone new moves in. you're being insulted, and you're being used and and I really look forward to some real progress here rather than lip service.

Peter Lukes

Thank you

Richard Magdis

That is not a cash cow, we are behind, we put more money into it that we have taken out of it. I'm sorry it came across as Main South but whenever I park there I see the people walking up and down the street that look suspicious.

Peter Lukes

Okay, what I want to allow other public

William Breault

My name is William Breault , Worcester resident, Hathaway Street, Main South Alliance for Public Safety. I would just like to pick up on a comment that Councilor Haller said a minute ago regarding 701 Main Street is

what has happened now is we have moved 701 Main Street to 765 Main Street I will tell you that. We know the previous and we know we be hard-pressed to put that type of report with the number of calls into this License Commission for the owner to say that he is unaware, all you have to do is park there early in the morning and some of us do observe and that building is a disgrace. The prostitutes, I think Saturday one of them was listed at that address, anyone could give that address I will say that but to actually see them. This last week, a week and a half ago three of them were observed coming out of the building and work the corner there. To say that he is unaware of that is unacceptable. Officer, Sgt. Petrone made a statement of then tipping off of some individual that was arrested at least once and say he is unaware that is unacceptable. Like, what I like to say that is what is been done in the past I think it is at the level that I hope you don't grant them a license not the way this place is now and see how he'd like it if we politically or actively show up in front of his house and show his neighbors what he is doing to our community. So I thank you for the opportunity to be heard by this commission. It is not acceptable. It is wrong. He is bringing down that area and is just wrong and I would pay a visit to his house because that is under consideration.

Peter Lukes

Okay is there anyone else neighbors etc. general, would like to testify?

Jo Hart

Jo Hart, I sent you a list privately but now I have a whole list including a letter that I wrote to the owner and I thought it was important enough to type up everything

Peter Lukes

Okay, thank you.

Jo Hart

I would appreciate everyone looking at this carefully. There is no manager there. I just don't want another business, I simply want to see teeth in code, fire, police. I want to do something. The way you do this you don't call the police 20 times for one incident repeatedly but handle the incident and you work with the owner and manager resolve the problem. It seems to be and or problem totally and I don't understand that. The only way to have progress is to straighten out the problem, recognize what it is, figured out and do something. It is not a question of a license or no license, of course they should be licensed as it is but on the other hand you should simply not give them a license but have them straighten it out. It's outrageous and of course I blame the city 100%. They were so anxious to close the PIP shelter all they did was move it to 765 Main Street. Everyone Worcester knows that. The city is culpable for all of this including Barbara Haller I'm sorry to say

Peter Lukes

Okay I want to deal with the issue in front of us

Jo Hart

Okay, these are not nitpicky things they are repetitive problems. I would appreciate you go into great detail on all of them. It is about seven pages.

Peter Lukes

Okay

Jo Hart

A small child can see what's wrong.

Peter Lukes

Thank you for your input

Jo Hart

So can we have a conference after this about what we're going to do?

Peter Lukes

No, we're going to take action today as a board
Jo Hart

Well I think we need a further conversation maybe a private

Peter Lukes

No we cannot do that due to open meeting laws. We have your testimony, we have what you presented

Jo Hart

Well it can be in public, I mean not necessarily with the License Commission but with some of these other people. The problem is that these people have been lying there heads off and he's saying there's a manager named Ryan but you can't have a manager if no one knows him. We don't who Ryan is. So you need to install a resident manager will. You need to remove Mike O'Brien out of the city, out of the county, out of the state. Thank you.

Peter Lukes

Thank you. No one else wants to speak?

Clealand Blair

My name is Clee Blair and I am one of the owners of the building, manager of the Corporation. I think I'm hearing suggestions that we discriminate about who we put the building

Peter Lukes

I don't think that, what I think I'm hearing is a criminal element in the building ongoing

Clealand Blair

I can't stop people from calling the police neither can Mike O'Brien or anyone else. I can tell you that we have moved 40 people out of that building that were people that were doing things incorrectly whatever it may be, police or code violations and we have a lot of people who call for code violations who owe back rent. There is a lot of things going on there. Mr. Nordberg can tell you that we have been extremely responsive to him. We work very hard to make that building

Peter Lukes

Why do you suggest it has the number it has compared to other lodging houses?

Clealand Blair

The people who live there, the people are people who tend to call the police more than people who live in other places is my real thought to that. There was a drug deal, they made an arrest and I was told that the guy had one pill. One pill to help his heroin addiction and they arrested him and called it a drug deal and maybe that's the case then I'm not the question them but at the end of the day we throw those people out and we manage the code violations. We are extremely responsible to the code department. To the best of my knowledge and when I talk to these people we have taken an extremely proactive and if there's fights it's not our fault. They called police and if someone is hitting someone I want them to call police. I don't want to get involved in that. Those of the types of things that happen and to suggest and to ask people when they come in am I supposed to say are you a prostitute? I can't say that

Peter Lukes

Okay

Richard Magdis

Okay just one more thing but a month ago when we got this I don't want to say we locked the place down but we haven't been allowing anybody to try to sneak in the back door anything. We used to have a bar against the back door and John asked us to put in to put in a regular lock so someone can sneak down there and they can sneak somebody in but since we have locked down unless you are related to the person from about eight o'clock on at night we just allow people in there. We are really trying to keep them out but like you said the PIP shelter closed and the people there moved in here and I don't want to say what I shouldn't but the PIP shelter closed for a reason and those people went someplace and I would not say they all went someplace that there is a certain percentage that move back and

Peter Lukes

I understand that but you are off the chart as far as police calls beyond everyone else and everyone else in the neighborhood is dealing with the same crowd whatever you want to call it

Richard Magdis

I don't think they were the same crowd honestly but I think we got a lot of the problems but that is why I be willing to sit down with Anthony once a week and go over calls and see what happened and let's be proactive on each of these items you

Peter Lukes

Shouldn't your manager know when the police come, shouldn't your manager be dealing with that and telling him and letting you know the police have come for this tenant who's been selling drugs or this one for prostitution. Should your manager be aware of that?

Richard Magdis

There has only been one, two or three, Anthony what type of drugs were found when they did those raids?

Anthony Petrone

I don't know, that will be part of the vice squad.

Richard Magdis

one of them was like a pill in the other one

Anthony Petrone

Let me just say something if the vice squad does a raid whether they get one pill or not there is an affidavit that has to be signed off on by a judge or court magistrate. Understand they didn't go there just for one pill whether the drugs were moved out prior to and maybe that walk you talkie was helpful in helping move the stuff but understand there was two drug raids. Okay, the third one again was with the confidential informant they gave us information on the same individual, the same person, he never left the building. Mr. Blair is a nice professional man and Dick this isn't personal this building is not being managed properly and you know it and we know it. You are not there regularly and Mike is there as others have said around-the-clock during the day

Richard Magdis

I am probably down there three or four times a week.

Anthony Petrone

I understand that

Peter Lukes

I don't want to cross debate here and I think probably part of the problem we are seeing here is a systemic problem when you have a walkie-talkie

Richard Magdis

If I had known about that they would've been gone

Anthony Petrone

Understand this was a raid and it was the same person

Peter Lukes

Okay

Richard Magdis

Okay, now has there been a lot of pressure, if you read the paper like a month ago he said that in certain parts of the city they were really going to crack down on people doing these things. I read an article in the Worcester telegram and Gazette could those raids have been stepped up? We didn't have any raids

Peter Lukes

No, the police aren't here to monitor your property 24 hours a day. That's your job. That's what I'm saying. You can't lay it on the police or the city. It is your lodging house, you have a certain responsibility. Okay I like to go the commissioners now

Paul Mullan

Under this ownership have things improved from the inspection office?

John Nordberg

I say they would have improved in the sense that the complaints are being reacted to. In terms of the number about the number of violations, no. I would just give you a case in point. We were just talking about managing a property. We have on our repeated basis someone is going in repeatedly and stealing showerheads from the showerheads

Richard Magdis

The copper

John Nordberg

The property manager showed me a case of showerheads and said hey look I have to replace these every day and I said to the manager you've got a monitoring system showerheads cost money if I managed the property or anyone with any level of intelligence is managing the property wouldn't you want to try and catch the culprit who is dealing with showerheads as opposed to feeding his addiction to stealing showerheads

Paul Mullan

You can't put cameras in showers

John Nordberg

No, no but you can and they do have cameras in the hallway and when someone goes in and somebody goes out you then have someone go in afterwards to monitor whether that showerhead is there or not. You could very easily do without going in when the person is not there you can make identification but they have chosen to periodically to replace showerheads but unless you managed the property almost hourly then you going to inconvenience any number of occupants who want to take a shower and find there is no showerhead.

Paul Mullan

When you go there to address one of the complaints is there a manager there that speaks with you?

John Nordberg

There is someone at the door that lets me in. There are times when there is someone in the managers office and there are times when there are not. Typically, all I need is access to the building so that I can conduct inspection.

Paul Mullan

Okay but there is got to be someone there 24/7.

John Nordberg

Yes and when things go smoothest is when I can identify violation and I can notify the manager not the person who buzzes me in because that person I talked to that is not his responsibility.

Paul Mullan

Right and that is my question and actual manager who takes responsibility for this place?

John Nordberg

No, hit or miss.

Richard Magdis

Now John has my cell phone number and any time John you know I call you right back.

John Nordberg

I said at the outset and I will say again my relationship with the owners in relation to them responding to my concerns is in improving one. The issue is whether you're going to manage a property proactively. In all honesty I don't log every single time I'm over there and I don't have enough time in the day to both go over there and then sit at my computer for 5 min. or 10 min. and log in the nature of every complaint. I will put him daily so if I need to go back I can refer to it but the reality is my ability to do my job is being adversely affected by the amount of time I spend at this facility

Richard Magdis

Excuse me, we have a few people there would just like to call the city as we have a heat issue where these guys want it 87 in their rooms. John knows if it gets down to about 70 he gets the call
John Nordberg

The issue here is you have an antiquated heating system and you have occupants floor corner unit which has two exterior walls that the north side of the building and so they have legitimate complaints but the same time you may have someone on the third floor who has too much heat

Karon Shea

But you still have 28 different violations and you're talking something like missing toilet seats covers and what do you expect your tenants to see improved when you're not giving them anything in improving. I actually find it disgraceful that you would not have toilet seat covers, and the bath tub taps not working and cracking ceilings and these are things that need to be corrected

Peter Lukes

Alright we started this off reminding ourselves where we were up last time it and that was about six months ago

Karon Shea

September

Peter Lukes

So over six months ago and the attempt then was to have these numbers declined rapidly as possible and that is why we wanted to revisit in about six months and now we are and we see that the Police Department and others in the city have the same issues. You have any further last comments?

Anthony Petrone

Again Mr. Chairman the meat of this and it's not personal of Mr. Blair at all this property is not being managed and the icing is a police officer could have go hurt on May 20th and that says it all despite the added things that are being said by Mr. Nordberg this is the two-month log housing and the two-year log housing complaints and this is the one from January for the police calls and it is 37 pages so the incident on May 20th with the two-way walkie-talkies and trying to alert someone could've hurt Worcester police officer or worse and Dick isn't there 24/7 and Mr. Blair isn't there 24/7 and the people that are there 24/7 don't know what they're doing and that in a nutshell is the way it is. It is gotten progressively worse.

John Nordberg

I would say one more thing. I went around with Mr. Magdis about three days ago we went and identified complaints that have been written up and tried to abate as much as we could and we get into rooms that because an occupant doesn't complain doesn't mean that the whole building isn't being adversely affected by the occupant. There is a level of squalor that exists with some of these tenants where they stagger into their rooms and it's really and the managers I think know in some cases who these people are but as long as there is no complaints about anything code related and as long as the checks are coming in these people are allowed to live with a certain level of squalor and it actually adversely affects the abutting occupants who are trying to maintain a neat and orderly unit and is not right and I understand I have inspected the property back through two previous owners and this building has had issues but I also have been inspected long enough to see lodging houses on Oread Street that are flawlessly managed in basically the same neighborhood where if we get one complaint a year that's heavy. So it is a management issue. It absolutely is a management issue. The fact that they can address my complaints is wonderful but the fact that they can't proactively manage it in the system in determining what tenants are there to begin with and then having those tenants have the confidence to have the management address their concerns with them first before calling the city in, the system is broken at this

Peter Lukes

Okay, thank you. Okay last comments now.

Richard Magdis

Can I evict people then if a guy doesn't keep his room cleaned, can I legally do that, in fact can I legally even go into their apartment don't I need their permission to go into the apartment?

Peter Lukes

I'm not your lawyer. You have to run and manage your property the way you see fit in by the guidelines and regulations of Massachusetts. Last words now regarding this whole thing

Unidentified

Mr. Chairman if we could get copies of the police calls

Peter Lukes

Okay I'm going to move for a vote at this point. The vote would be for, no ma'am we have closed the hearing. What would be to renew or not renew the license that has been pending for at least six months. If the licensing board is satisfied that the licensee is unfit to hold we can vote not to renew based on everything that we heard, based on testimony of all parties, based on all the reports that we have received.

I'll make a motion for the vote to not renew the license. So, therefore a yes vote would be not to renew the license

Deborah Steele

Karon Shea?

Karon Shea

Yes

Deborah Steele

Paul Mullan?

Paul Mullan

No

Deborah Steele

Peter Lukes?

Peter Lukes

Yes, we will not renew as it is now

Worcester License Commission, June 9, 2011, Club Keiko

PETER LUKES

Okay, Luong Nguyen DBA Club Keiko, 751 Main St. violations of rules #1, #2, #5, and two counts of violations of rule 14, MGL 138 section 12, 23 and 15A. Good morning, this is a waiver of counsel is saying you don't have an attorney. Would you sign that statement? Alright, raise your right hand, do you swear to tell the truth so help you God.

LIEUT. JAMES JOHNSON

This is a report of Officer Mark Jolin. It is kind of a long report. The undersigned License Commission investigator requests that the License Commission notify Club Keiko located at 751 Main St., Luong Nguyen manager to appear before hearing of the License Commission to answer the police complaints of violations of rules 2, 5, 14 of the rules and regulations of the License Commission which occurred on May 5, 2011. 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 even legality of any kind taken place on licensed premises whether present or not. Rule to the license can be transferred or surrendered without authority of the commission. Stock in a corporation shall not be transferred well permission from the commission. All licenses Selby posted a protective container on the premises specified in the public area so the same may be easily observed. On May 3, 2011 at 1700 hours Officer Robert Belsito and Officer Mark Jolin went to 751 Main St. the Club Keiko to meet Phong Huynh 10-26-75. Mr. Huynh was a self proclaimed manager of the club. Officer John had scheduled the appointment with Mr. Huynh last Saturday night, Sunday morning while responding to a call for help but the club from a paid detail officer. Officer Jolin told Mr. Huynh that we had to discuss the trouble that is the surrounding his club for the past couple of months. Upon arrival to 751 Main St. officer Jolin found that Mr. Huynh was not there. He called Mr. Huynh on his cell phone and he answered saying that he left to go get some food. Officer Jolin reminded him that it was 1700 and we were supposed to have a meeting. Mr. Huynh said that he would come down. Mr. Huynh arrived approximately 10 min. later. Mr. Huynh, Officer Belsito and Officer Jolin entered the business which is located on the second floor of 751 Main St. The past couple of months Officer Jolin have been to this location several times to assist the detail officer when he requested help with the fight or disorderly person. Officer Jolin has also been in to conduct spot checks. Each time Officer Jolin have been in the business he asked who the manager was and every staff member he talked to directed him to Phong Huynh. On two separate occasions during the past months Mr. Huynh identified himself as the manager to Officer Jolin. The owner and, manager of record and the only person disclosed on any paperwork received by the city Worcester is a female name Luong Nguyen. On two occasions Officer Jolin asked Mr. Huynh where Ms. Nguyen was. Mr. Huynh replied that she was in Atlantic Georgia going to school to become a doctor. Officer Jolin asked again where Ms. Nguyen was when and again said that she was in Georgia. Officer Jolin asked when the last time she was there and he said that was a couple months. Officer Jolin asked who is working as the manager and Mr. Huynh said took over the business for his Luong Nguyen. Mr. Huynh said that he has been running about the last couple months. Officer Jolin asked who does the scheduling and payroll. Mr. Huynh said that he did all of that including ordering of the alcohol. Mr. Huynh said that he used Jimmy Kang as a promoter. Officer Jolin asked if there was an office where all of the business paperwork was. Mr. Huynh replied no and showed Officer Jolin a couple of shelves behind the bar with some invoices and bills. Officer Jolin asked where the scheduling and employee information such as W-2s. Mr. Huynh said that they had no employee information. When asked how employees were paid Mr. Huynh said that they were paid in cash at the end of the night. Officer Jolin explained that all employees must be paid on the books under state regulation. Mr. Huynh said that he was new at this and did not know that he could not do this. He said now that he knows he will not pay them in this manner. There are about 8 to 10 liquor delivery invoices. Several of these invoices had a set of initials on them that Mr. Huynh identified as his. Mr. Huynh said that he almost always signs for deliveries. Officer Jolin asked for any canceled checks or additional paperwork. Mr. Huynh said that his wife Tuyen Lam had that paperwork at home. Mr. Huynh agreed to bring the rest of the paperwork in to Officer Jolin to look over. He said that he would meet Officer Jolin back at the club at 1630 hrs. tomorrow the fourth and bring the paperwork. Officer Jolin asked if he could take the paperwork that he did have to make copies and he said that it would be fine. Officer Robert Belsito was looking around the business while Officer Jolin was speaking with Mr. Huynh. Officer Belsito noticed some liquor bottles with retail stickers on them officer Jolin asked Mr. Huynh with the six bottles with retail stickers came from. Mr. Huynh replied that when he ran out of something he would send someone to stay liquors to get what they needed. Officer Jolin explained they can only purchase their alcohol from licensed vendors. Mr. Huynh replied that he did not know this but he knows it will not do it again. On the wall behind the bar was the liquor license from 2010. They asked where the current license was and Mr. Huynh did not know. Mr. Huynh also was asked what his occupancy was. He

said that his occupancy was 180 people in our records indicate that he only has an 80 person capacity. After leaving the meeting at the Club Keiko Officer Jolin went to the Worcester police station and made copies of the paperwork that was presented to him. Invoices with Huynh's initials were copied as well as numerous bills. Many of the bills were final notices and 60 and 90 day delinquencies. Some of the delinquent accounts for the Massachusetts lottery commission \$4000, Worcester police detail Bill, Mass. Department of revenue's mail to fax 1000, utilities and vendors. There was also a notice from liberty mutual insurance demanding payroll information from about six months ago. On May 4, 2011 Lieut. Johnson, Officer Jolin went to 751 Main St. for the scheduled meeting where Mr. Huynh was supposed to show us the remainder was paperwork as well as his current liquor license. Mr. Huynh was not at the club. Officer Jolin called Mr. Huynh on the phone and he said that he was on Cape Cod with his boat and could not meet us. Officer Jolin reminded Mr. Huynh that he chose the time of the meeting and he said that he was having trouble with his boat. Officer Jolin told Mr. Huynh said that his cousin could let us in but he could not give us any paperwork. Officer Jolin told Mr. Huynh that he was upset that he blew the meeting off. Officer Jolin informed him that he was not disclosed that any official paperwork for the business and he was not allowed to run the operation. Officer Jolin asked for the phone number of Luong Nguyen and was provided with a cell phone number. Officer Jolin called the number given and a female answered her. The female identified herself as a Luong Nguyen after Officer Jolin identified himself as an officer of the Worcester Police Department. Officer Jolin asked if she could meet with us at the business. She said that she could not meet us at this time because she was out of town. Officer Jolin asked her she could meet with us soon and she said she was not sure. Officer Jolin then asked her she was in Georgia and she did not answer. Officer Jolin said that she was in Atlanta Georgia and she replied that she was. Officer Jolin asked when the last time she was at the club. She said that she was at the club last month when she was a back in Massachusetts for a visit. Officer Jolin explained she was the only disclosed person so she had to be at the business at least 40 hours a week. Officer Jolin told her to the best of his knowledge that she had not been there for at least two months. Ms. Nguyen then said that her relative Kady Lam was on the paperwork for the city also and she was running the business. Officer Jolin told her that out paperwork only had Luong Nguyen. Ms. Nguyen then said that she went to City Hall and met with Deb Steele a couple months ago and added Kady Lam. Lieutenant James Johnson called Deb Steele while Officer Jolin was on the phone with Ms. Nguyen and Deb Steele said that only Luong Nguyen was on any paperwork. Ms. Nguyen had never added anyone. Officer Jolin explained to Ms. Nguyen that her club was being run very poorly why she was away. Her nephew Phong Huynh was paying employees cash, was buying liquor from retailers and was caught serving after-hours. Officer Jolin also told Ms. Nguyen that Mr. Huynh was using Jimmy Kang as a promoter and there were numerous fights as always the case with his productions. Police have been called to the club 15 times in the past two months. The calls over the past two months included eight disorderly calls, one fight call and three liquor law violations. To the fact that the business is not being run in a safe manner and no disclosed person was in the state to run the club Officer Jolin inform Ms. Nguyen that per Lieut. Johnson she must have someone turn any licenses issued by the city Worcester to the Police Department and or business must remain closed until she can return and meet with the Worcester police alcohol enforcement unit. She agreed and said that Kady Lam will be dropping off the paperwork to Officer Jolin at the police station and she would meet with us Tuesday the 10th Club Keiko was violated for the retail purchase of alcohol rule 14, no current liquor license displayed rule five and rule 24 not disclose person running the business. This is the next report, should have done this one first, the undersigned License Commission investigator requests that the License Commission notify Club Keiko located at 751 Main St., Luong Nguyen, manager, to appear before a hearing of the License Commission to answer to the police complaints of violations of rule 14 and two counts of rule one of the rules and regulations of the License Commission which occurred on January, sorry, March 27, 2011 sorry there's a typo in this report. Rule 14 managers of all licensed liquor establishments shall be responsible for all violations or infractions of law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taken place on licensed premises whether present or not. Rule one hours of restaurants, clubs, hotels and general on premises are Sunday 11 AM to 2 AM the following morning sales to cease at 1:45 AM Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, at 8 AM to 2 AM the following morning fails to cease at 1:45 AM all patrons off the premises by closing our. How was the taverns Monday, Tuesday, Wednesday, Thursday, Friday 8 AM to 1 AM sales to cease at 12:45 AM Saturday 8 AM to midnight sales to cease at 11:45 AM close Sundays. All patrons off the premises by closing hour. Clearance hours unconsumed beverages must be clear that closing hours as stated above. Licensees and employees may remain upon such premises at any time for the purpose of cleaning, making emerges repairs to, or providing security for such premises or preparing food for the next days business opening of closing the business in an orderly manner. Main door cannot be locked until all patrons of the left the premises. On March 27, 2011 Sgt. Timothy Watts was working in a marked police cruiser in full uniform. While responding to a fight at Club Keiko located at 751 Main St., Sgt. Watts observed several liquor law violations. The following account is taken from a document prepared by Sgt. Watts March 27, 2011 Sgt. Watts was assigned as the Westside bar supervisor. While in the area 751 Main St. he noticed a fight in the parking lot. Said fight broke up site on site of the cruiser. As Sgt. Watts was

waiting for the crowd to disperse he noticed approximately 20 patrons exited from Keiko's bar. He noted that it was clearly after 0200 hours and that the bar should have been closed. Sgt. Watts entered to the bar entrance and walked up to the second floor. Sgt. Watts looked around and observed approximately 50 patrons still about. Sgt. Watts also observed half-full bill bottles and half-full cocktail glasses on the by, is as well as throughout the entire establishment. Sgt. Watts noted that the time was 0212 hours and he instructed dispatch to create an incident number for liquor law violations Sgt. Watts talked to a man who identified himself as a manager later identified as Phong Hyunh. When asked why there was still patrons of the establishment and why alcoholic beverages were throughout Phong stated that they started to close at 0145 hours but the crowd was too large to get everyone out on time. Sgt. Watts informed the manager that he was issuing his bar a liquor law violation and told him that he be hearing from the alcohol enforcement unit. It was at approximately 0235 hours before all patrons were cleared from the bar. The Club Keiko be violated for the patrons in the bar after 0200 hours rule one, alcohol beverages out after 0200 hours rule one and manager violation rule 14.

PETER LUKES

All set?

LIEUT. JAMES JOHNSON

Yes that was supposed to be March 31 not January

LUONG NGUYEN

First I want to clear that I'm not in school and that the only reason and I explained to them too the only reason I was in Atlanta because a relative got really sick and I had to go back home to take care of it and take him to the hospital and take care of everything because I am the only one in the family and I speak English and I was gone for a little time but that doesn't mean I'm not part of the business and I did let one of my family members take care of it when I was away but that doesn't mean I'm not part of the business or that I was intentionally doing it on purpose. It was because he was really sick and when they told me recently, two weeks ago my aunt had a heart attack and I called them and I told them I'm not going to be there that week because I have to go home because it's an emergency and they told me you can't open when you're not there and I cooperated and I did not open for two weeks. Ever since I knew the problem I tried to work with them to fix the problems and to do all that.

PETER LUKES

Okay, so you are here now?

LUONG NGUYEN

Yes I'm here now

PETER LUKES

Full-time?

LUONG NGUYEN

Yes, full-time, my brother out of the hospital land he is well

PETER LUKES

Are you signing for the liquor? Are you there 40 hours a week? Are you managing the employees? Are you maintaining payroll records?

LUONG NGUYEN

We are not open 40 hours a week. We are only open Thursday, Friday, Saturday

PETER LUKES

Are you there Thursday, Friday, Saturday?

LUONG NGUYEN

Thursday Friday and Saturday. Usually when the liquor is delivered it is around two o'clock in the afternoon or between 2 to 3 o'clock when I'm not open and I'm not in town and Phong lives in town so he is always here so every time they deliver I tell them to call Phong because he is always in town because we are not open at two or three o'clock and he always works in the Worcester area so he always signs for the liquor

PETER LUKES

So you close down for two weeks and you're open now

LUONG NGUYEN

We are open. I cooperated with them, I gave them all the paperwork that they requested and ever since the meeting I try to do everything that they asked me to. They say my capacity is 80 people and I did buy the clicker and it has been 80 people. It has been like that and I have been regulating pretty tightly and we have talked to Paul DiBendetto to see about increasing our capacity to tell us what we have to do and am trying to do that

PETER LUKES

What happened on the nights in question with the violations that we have here?

LUONG NGUYEN

Which one?

PETER LUKES

All of them

LUONG NGUYEN

The one with the fight it was not inside our building it was outside. It was outside in the parking lot. To be honest I don't really know if they came from people who coming out of our place. From what I know no fights have been inside. Recently, last week or was about two weeks ago there was a call to the police saying that someone got shot at our place and we have a police detail and he was outside and he called the police and said no that was just a prank call. Like no one but shot or anything

PETER LUKES

speaking of police details you have an outstanding bill

LUONG NGUYEN

No we paid

PETER LUKES

3000 something

DEBORAH STEELE

That was information I received yesterday from the treasurer

PETER LUKES

Okay

LUONG NGUYEN

That it hasn't been paid?

Deborah Steele

That was the bill due as of yesterday

LUONG NGUYEN

Because we

DEBORAH STEELE

You would have to speak to Erin Gallagher in the treasurer's office

PAUL MULLAN

You are the manager so when you say you're not in town and a delivery happens and Phong does it what are we going to do about rectifying that? That is your responsibility

LUONG NGUYEN

It's not that I'm not in town. I'm working so I am always on the run so at two or three o'clock I'm not necessarily in town so I didn't think it was a big deal for him to sign the delivery because I made the order. I know what we get and how much we get and we keep in the back how much we get and how much we sell so when I come in when we open. Usually we open at 10 so I will come in at six to see what we get delivered so I know what is going and what is going out but I didn't think it was a big deal for him to sign it but now that I know I won't do it again

PAUL MULLAN

You are maintaining employee records?

LUONG NGUYEN

Well when we first started the business we were pool hall so we didn't have any employees but now we're doing something else and we are getting employees so yes

PETER LUKES

That is a problem in itself. We approved a pool hall. We didn't approve a dance club or whatever it is. We approved a different business plan and I'm not sure we would've approved what you were doing now. In fact the promoter-based dance club I'm not very comfortable especially with some of the promoters you been using. Do you understand? We have to get notice when you change when you are changing your business dramatically. With regards to the hours and crowds that you are attracting without very active management for sometime and that needs to change. Anything else?

JAMES FOLEY

May I offer up a 24-hour cease-and-desist order that was issued to this establishment for operating without a valid license

PETER LUKES

What was that?

LUONG NGUYEN

This is for serving food and milk

PETER LUKES

Yes

LUONG NGUYEN

I was thinking because before we used to sell cold sandwiches but we don't do that anymore

JAMES FOLEY

Alcohol is considered food

PETER LUKES

Have they've had one previously?

JAMES FOLEY

It expired on December 31

PETER LUKES

Were you familiar with the cease-and-desist order?

LUONG NGUYEN

No

PETER LUKES

You have a serious problem with lack of management at this location. All of this falls on you because you're the manager record and you are responsible for everything that is going on and there is a lot going on. Do you have anything else to add regarding the violations that Lieut. Johnson has given us as to why they may have happened and how you can prevent them?

LUONG NGUYEN

Well from now on I'm aware and I'm going to take all the action that I can to fix it. Ever since I knew about the problem we get police detail every night that we are open even on Thursday last couple weeks it hasn't been that busy but we do get details every single night that we are open. We are trying to limit the people and the crowd and what they wear to go in there. We have a dress code. We have our own security in front to make sure that there is no underage drinking and I'm going to take care of all the paperwork

PETER LUKES

Okay, you have been open and you have a cease-and-desist order that is in place that you don't know about. I don't see you being an active manager at this point at all. I don't see how that's possible.

LUONG NGUYEN

This is my first time seeing this

PETER LUKES

And that's the problem

LIEUT. JAMES JOHNSON

I don't know what to say. Obviously we know these violations occurred and you weren't around a lot of this stuff but just the clientele that you had going in there and some of the issues that we've had. I know not paying the detail bills. I don't know where to go with this

LUONG NGUYEN

But ever since you told me about the problems it has been good

LIEUT. JAMES JOHNSON

Yeah but you just said it's been really quiet and you been following the rules and we have been watching you and the thing is

LUONG NGUYEN

I'm not trying to do the right thing because you are watching me. I want to still be open. I want to cooperate so I can be still be open so that I can pay the bills that I have

PETER LUKES

I cannot see you being an active manager. Today's June 9. May 31 is a cease-and-desist order that you never heard of and you're still operating. That is not someone is on premises actively managing anything. I can't believe you are. How could you miss it? It was delivered by constable.

LUONG NGUYEN

I checked my mail. Even for this meeting I didn't see any mail come and until last week and I had to come up here and ask when the meeting was and you were out of town or you weren't there.

DEBORAH STEELE

You get a letter delivered by Constable

PETER LUKES

By Constable it's not even the mailman

LUONG NGUYEN

I'm just asking for a chance to make all of this right

PETER LUKES

Okay we have got before us violations of rule 14, two violations of rule 14, rule five, rule two and rule one and a cease-and-desist order that still in place and an outstanding bill for the Worcester Police Department details. So I guess first we will vote on the violations that we will talk about suspension

DEBORAH STEELE

Karon Shea?

KARON SHEA

Yes

DEBORAH STEELE

Paul Mullan?

PAUL MULLAN

Yes

DEBORAH STEELE

Peter Lukes?

PETER LUKES

Yes. Violations were found in totality. Well you can't be open and have been opening in violation of the cease-and-desist order but nonetheless we have a punitive action that we have to determine. Any suggestions?

PAUL MULLAN

I would recommend a 30 day. I think there has a lot to be cleared up. Paperwork, organization, priorities.

LIEUT. JAMES JOHNSON

I'd like to throw something out there from the police side that once she reestablishes and obviously the cease and desist thing is troubling and maybe if she wants she can come in and talk to us and we can review her security plan and what she plans to be doing and take a look at it and guide her and I think 30 days would be perfect. I think she's going to need that at minimum to get going. That is what I think

PETER LUKES

I would amend that as well that I would like to see the new business plan because as I said business has changed and this is becoming a troublesome spot in a troubled area of the city and doesn't need any more trouble spots. So the motion is a 30 day suspension with 30 to be served

DEBORAH STEELE

Karon Shea?

KARON SHEA

Yes

DEBORAH STEELE

Paul Mullan?

PAUL MULLAN

Yes

DEBORAH STEELE

Peter Lukes?

PETER LUKES

Yes

Worcester License Commission Meeting, June 9, 2011 –Macattaks, LLC

PETER LUKES

Next up Mac attacks doing business as Johnny Mac's, located at 455 Pleasant St. Is anyone here? Has this business been closed or stopped? Okay, let us do the violation. No one is here for Johnny Mac's.

LIEUT. JAMES JOHNSON

The undersigned License Commission investigator requests that the License Commission notify Johnny Mac's located at 455 Pleasant St., John Mclaughlin, manager, to appear before hearing of the License Commission to answer to a complaint that a violation of rule 13, 14, and 17 of the rules and regulations of the License Commission occurred on March 13, 2011. On March 13, 2011, Lt. James Johnson, Officer Mark Jolin and an Officer Robert Belsito were working as alcohol enforcement officers during the St. Patrick's Day parade. Prior to the St. Patrick's Day parade John Mclaughlin came before the License Commission on February 17, 2011 to apply for one day liquor license on his outdoor parking lot. The License Commission to grant the one day liquor license and instructed that all patrons and alcohol must be removed from the area or at 4 PM. On March 13 at approximately 1715 hrs. Officer Robert Belsito along with Officer Mark Jolin observed Johnny Mac's bar located at 455 Pleasant St. at approximately 400 patrons in the parking lot of this establishment that was fenced off. They spoke to the detail offices and they stated that they were told by the owner, John Mclaughlin that they were closing at 7 PM. Officer Jolin then observed an unidentified individual walkout of Johnny Mac's bar with a plastic cup of beer. He then went over to the doorman who was standing in the doorway and explained to him that people can't leave the bar with alcohol. The doorman who is identified as Mike Amann stated, "their outside our door, it's not our problem". Sgt. Watts then located an individual that was highly intoxicated. Sgt. Watts then called EMS for assistance with this individual. The unidentified female stated that she had come from Johnny Mac's and that just wanted to go home. EMS then cleared the individual and her friends brought her home. Johnny Mac's bar was in clear violation of the rules and regulations. John Mclaughlin was notified at the time of the violations. He was told that he would have to come before the License Commission for hearing.

PETER LUKES

Move that we find a violation

KARON SHEA

Yes

DEBORAH STEELE

Karon Shea?

KARON SHEA

Yes

DEBORAH STEELE

Paul Mullan?

PAUL MULLAN

Yes

PETER LUKES

Yes

PETER LUKES

I make a motion for seven-day suspension all to be served.

DEBORAH STEELE

Karon Shea?

KARON SHEA

Yes

DEBORAH STEELE

Paul Mullan?

PAUL MULLAN

Yes

DEBORAH STEELE

Peter Lukes?

PETER LUKES

Yes

Worcester License Commission, June 9, 2011 Tropical Gardens

PETER LUKES

John Gyasi, Tropical Gardens, 344 Chandler St. violations of rules one and fourteen and MGL 138, section 12. Please sign this saying you don't have an attorney with you. Everyone who is going to be testifying please raise your right hand. You swear to tell the truth so help you God? Lieut. Johnson start us off.

LT. JAMES JOHNSON

The undersigned License Commission investigator request that the License Commission notify Tropical Gardens nightclub located at 344 Chandler St., Julius Kumah, to appear before a hearing of the License Commission to answer to police complaints of violations of rule 14 and two counts of rule one although rules and regulations of the License Commission which occurred on December 12, 2010. 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 even illegality of any kind taken place on licensed premises whether present or not. Rule one, restaurants, clubs, hotels and general on premises are Sunday 11 AM to 2 AM the following morning sales to cease at 1:45 AM Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, 8 AM to 2 AM the following morning sales to cease at 1:45 AM all patrons off the premises by closing our. Hours for taverns, Monday, Tuesday, Wednesday, Thursday, Friday 8 a.m. to 12 am. Closed Sundays. All patrons off the premises by closing hour. Clearance hours, unconsumed beverages must be cleared at closing our as stated above. Licensees and employees may remain upon such premises at any time for the purpose of cleaning, .As to, or providing security for such premises, preparing food for the next days business or opening of closing the business and an orderly manner. Main door cannot be locked until all patrons of left the premises. On December 12, 2010 Officers Jason Faion and Kyle Cortis working the bar impact detail. At approximately 0235 the officers observed people drinking after hours in the Tropical Gardens nightclub. The following account was recorded by Officer Fanion under Worcester Police Department incident 10120292. On December 12, 2010 at approximately 0235 hours Officers Fanion and Cortis were working in a uniform capacity in a marked WPD cruiser. They were assigned to the bar impact over time detail from midnight to 4 AM. The purpose of this assignment is to establish a police presence and deter alcohol fueled crime and disorder in the Green, Water St., area. These areas have several bars in close proximity to one another and problems have occurred at closing time when bars patrons simultaneously exit these establishments. The officers were advised by Lieut. James Johnson that the alcohol enforcement unit had received complaints about after-hours alcohol consumption at the Tropical Gardens located at 334 Chandler St. Lieut. Johnson asked if we could proceed to that location and check on the premises and myself along with officers Cortis, Calhoun and Bennes proceeded there. Upon arrival we had an unobstructed view of the interior through the front windows. Inside we observed 10 – 15 people still inside and did initially observed one male drinking a Heineken beer. We knocked and flashed our flashlights to gain the attention of the people inside. The door was answered by a male party who invited us in. Upon entering the establishment the officer observed a male holding a Corona beer he just been drinking from. When the male observed the officers he attempted to conceal the beer behind his left leg and then hide it near the bar entrance. The officer observed a female sitting at the bar eating with what appeared to be a freshly made tropical drink next to her on the bar. The officers discovered that the persons inside were comprised of employees, hired DJ help and friends of the establishment. The offices then asked for the manager and a Paul Gyasi was summoned. Gyasi identifies himself as the son of the owner and liquor license holder. Julius Kumah then advised us that he was the manager and we began conversing with both parties. Gyasi and Kumah were informed of the reason we were there and of the observed alcohol violations. The officer then asked to see the liquor license and was directed to the side of the bar. The officer observed a 2009 liquor license for the premises in the name of John Gyasi. Paul Gyasi was informed that this license had since expired but could not immediately produce a current 2010 license. Gyasi was reminded that police had been there before and spoke to him regarding alleged infractions and thanked him for his cooperation. Upon leaving Gyasi asked "are these serious violations?" He was advised that any and all information will be forwarded to the alcohol enforcement unit for further investigation. The Tropical Gardens will be subject to violations of rule one people in the bar after hours and drinks after hours in a violation of rule 14 manager violation.

PETER LUKES

Okay, what happened?

PAUL GYASI

We are only aware of the one violation

LIEUT. JAMES JOHNSON

It was separate incidents on that

PAUL GYASI

This is the only time that this has been brought up to our attention and we are working hard there and on December 12 it was Kenya's Independence Day anniversary and most of our patrons are Kenyan and we recognize that day to celebrate the independence anniversary. Usually we have two house DJs that play there but because that night was for Kenyans we had extra DJs that night and we had a big crowd that night and have more people in the building. We had 10 people including myself and we were cleaning up when they came and was in downstairs, I was upstairs. I was downstairs when the officers came up, I didn't know what was going on downstairs but the doors were locked and all the patrons were out of the building and anyone that was there was not a patron they were workers. Ever since that time we have enforced it. We don't want to see that happen again and we got ourselves involved in the Worcester Police Department where we have a detail officer every night we are operating just so we don't encounter that issue again

LIEUT. JAMES JOHNSON

I would like to add that they are doing a good job. Sgt. Watts works a detail. You definitely screwed up that night okay. Everything has to be cleared up, bottles have to be cleared at 1:45, everything off, nothing left okay, they have been doing a good job. After that and prior to. We have been keeping an eye on them. We had issues a while back and some of the neighbors have had issues but it has been pretty good. I don't know if Sgt. Watts wants to speak on the place.

SGT. TIMOTHY WATTS

I would say (inaudible)

PAUL MULLAN

What nights do you open?

PAUL GYASI

We open seven days a week but we only do the bar Friday, Saturday and Sunday

PAUL MULLAN

And you have a detail Friday Saturday and Sunday?

PAUL GYASI

Every time we are open till 2 AM we are making sure we have a detail officer

PAUL MULLAN

And you are going to keep doing that?

PAUL GYASI

We're going to keep doing that

PETER LUKES

Questions? We will move on the violations

DEBORAH STEELE

Karon Shea?

KARON SHEA

Yes

DEBORAH STEELE

Paul Mullan?

PAUL MULLAN

Yes

DEBORAH STEELE

Peter Lukes?

PETER LUKES

Yes, okay we have found that the violations have occurred and you have had to warnings in the past and that's about all the warnings you usually get before you get some sort of a greater penalty but based on what the police are saying and your work I would recommend a suspension but it be suspended. Therefore, I will offer a three-day suspension with none to serve and with that you have a three-day suspension laying out there and you don't have to serve it unless you come back in again before the next year and another violation occurs but if you do that three-days kicks in. So it is sort of an automatic that those three days you'd have to close down. So you don't have to do anything now but if something bad happens again and you let people stay after hours or we have an issue those three days will have to be served after hearing. Do you understand?

PAUL GYASI

We like to cooperate

PETER LUKES

I know and we appreciate that

PAUL GYASI

I would like to know what day because I am only you aware of the December 12

LIEUT. JAMES JOHNSON

I believe it was separate incidences on the same day. I will have Sgt Watts explain it to you

PAUL GYASI

Okay

PETER LUKES

Okay, the motion is a three-day suspended suspension

DEBORAH STEELE

Karon Shea?

KARON SHEA

Yes

DEBORAH STEELE

Paul Mullan?

PAUL MULLAN

Yes

DEBORAH STEELE

Peter Lukes?

PETER LUKES

Yes. Okay thank you

PAUL MULLAN

So that's hanging over your head

PETER LUKES

So don't come back