

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
FEBRUARY 6, 2014

ESTHER HOWLAND CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent:

Staff Present: Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Officer Mark Jolin, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Alexandra Haralambous, Law Department
James Foley, Inspectional Services

Call to Order

Approval of the Minutes – 1/23/2014

Upon a motion the Commission voted 3-0 to approve the minutes of January 23, 2014.

Unfinished Business

1. Petition: Request for change of manager

Petitioner: 7 Nana Steakhouse, Inc, 60 Shrewsbury Street

Attorney Chung Lee on behalf of the application. He stated he has been working on the application for change of manager but the problem is an immigration issue that needs to be straightened out which will take some time.

Commissioner Mullan stated that establishment needs an approved manager and understands it will take some time to straighten out the issue but 7 Nana Steakhouse needs to make sure the police department is aware of who is in charge of place and needs to know who to be able to contact in case of a problem.

Exhibit A: Application for change of manager received December 18, 2013 and dated December 18, 2013.

Upon a motion the Commission voted 3-0 to continue the item until March 20, 2014.

2. Keiko Bar & Lounge, 751 Main Street, Violation of Rules #1, #14 (2 counts). Operating after hours

Keiko Bar & Lounge, 751 Main Street – Status of license

Attorney Richard Kalinowski along with Tuyn Lam appeared to answer to the violation.

Mr. Kalinowski stated that he is in the process of finalizing a sale of this business and hopes to submit the application very soon.

Jim Foley stated he would like the Commission to know that the permit to operate for this establishment had not been renewed for year 2014 and Ms. Lam still needs to complete that.

Commissioner Mullan recommended that the Commission go forward with the violation hearing.

Lt. Johnson reported the following:

On June 30, 2013, officers of the Worcester Police Bar Impact Unit were monitoring Keiko Bar & Lounge due to complaints of disruptive, disorderly and assaultive behavior by patrons of Keiko Bar & Lounge as they leave at the end of the night.

At 2:10 a.m. the police observed that there were still people inside the licensed premises and observed several people exit and re-enter the bar after 2:00 a.m.

Police spoke to the doorman at the entrance of Keiko Bar & Lounge and the doorman told police that they had a special event that night and that the only people left inside the premises were employees and artists.

Police entered the premises and observed 25 to 30 people still inside the bar area. Several were drinking from Corona and Rolling Rock beer bottles and others were drinking mixed drinks out of plastic cups.

Police spoke with employees wearing security shirts and advised them that everyone had to leave and security told police that the people inside were artists waiting to be interviewed by reports. Police told everyone that they had to leave premises as security only made half-hearted attempt to clear the crowd.

Police spoke with Hung Le who identified himself as manager and told police he thought it was okay for people to stay.

Police asked to speak to the manager of record, Tuyen Lam, and Mr. Le told police that she had to leave as her child was sick.

The police cleared the premises after speaking with Mr. Lee.

Ms. Lam came to the licensed establishment a short time later and informed the police that she didn't know what was going on and her child was home sick.

Officer Edward Saucier asked what the special event was and why it was being held by a promoter.

Ms. Lam told police that Keiko Bar & Lounge does its own promotions.

Worcester Police observed on Keiko's Bar & Lounge Facebook page that the event was listed as "Birthday Bash & Album Release Party" and outside promoter as listed as the contact person.

Police noted that the outside promoter was Jimmy Khan and police had recommended in the past that Ms. Lam not use this promoter.

On September 1, 2013, officers of the Worcester Police Bar Impact Unit were monitoring Keiko Bar & Lounge due to complaints of disorderly patrons loitering and causing disturbances.

At 2:10 a.m. Officer Edward Saucier noticed several cars in the parking lot of Keiko Bar & Lounge and observed someone exit the building but turn around and go back in after seeing the marked police vehicle.

Officer Saucier observed, several minutes later, about 15 people exit Keiko Bar & Lounge including the manager of the premises, Tuyen Lam.

Officer Saucier spoke with Ms. Lam and stated he wanted to go upstairs to check on the licensed premises. Ms. Lam told Officer Saucier that it was a private party and the premises was already locked up.

Officer Saucier stated he observed that she had patrons on the premises after hours and again requested to see the premises.

Ms. Lam let Officer Saucier into the premises where he observed several half full beer bottles on the bar and there were also plastic cups with what appeared to be alcoholic drinks left of the bar and open 1.75 liter plastic bottle of vodka on the bar.

Ms. Lam told Officer Saucier that this was first time they have been open since the last incident on June 30, 2013.

Mr. Kalinowski reiterated that he is in process of finalizing sale of business.

Commissioner Mullan asked how before that would be completed. Mr. Kalinowski responded he hoped as soon as possible.

Commissioner Mullan stated that the transfer paperwork will take a few months to get all the approvals so the problems at the establishment need to be address.

Commissioner Mullan noted that Keiko Bar & Lounge had been cited in 2011 for operating after hours and received a thirty day suspension and again in 2013 for the same violation and received a two day suspended suspension and now the establishment was back before Commission for the exact same violation. He explained that when Ms. Lam was before the Commission in 2013 the Commission and the police explained the problems with the establishment and warned her of the problems with certain promoters and certain actions. Ms. Lam is now here for the same violations and does not seem to be taking the advice of the police or the Commission.

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

Lt. Johnson asked if condition could be added that establishment be required to have a police detail Thursday, Friday and Saturday.

Upon a roll call the Commission voted 3-0 to impose a seven day suspension and impose the condition that starting immediately Keiko Bar, 751 Main Street must have a police detail on Thursday, Friday and Saturday.

Exhibit A: Police Reports dated September, 2013 and June, 2013.

New Business

One Day Liquor & Entertainment Requests:

3. Petition: Request for one day liquor license

Petitioner: Dino Singas, 257 Park Avenue, March 9, 2014, 11:00 a.m. – 6:00 p.m.

Dino Singas appeared on behalf of the application. He stated this will be for the St. Patrick's day parade and he will fence off the outside area, have a police detail and person at entryway will wristband people entering to ID over 21.

Commissioner Mullan asked if there would be portable bar in patio area. Mr. Singas stated it would be in outside area.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received January 26, 2014 and dated January 26, 2014.

4. Petition: Request for one day liquor license

Petitioner: Habitat for Humanity, 11 Distributor Road,
September 27, 2014 – 10:00 a.m. – 5:00 p.m.

Ms. Steele stated applicant had requested to postpone.

5. Petition: Request for one day liquor license

Petitioner: Habitat for Humanity, 11 Distributor Road
February 27, 2014 – 5:30 p.m. – 8:30 p.m.

Ms. Steele stated applicant had requested to postpone.

6. Petition: Request for entertainment license

Petitioner: Worcester Caribbean Carnival Association, Park
Avenue/Chandler Street – August 24, 2014

Jennifer Gaston appeared on behalf of application. She stated this will be second year of event and it will be a parade procession with music and floats and thirteen police officers had been hired for event.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license.

Exhibit A: Application for entertainment license received January 23, 2014 and dated January 23, 2014.

Common Victualer – Food Only:

7. Petition: Request for common victualer license

Petitioner: Brandywine Farm, Tatnuck, 621 Chandler Street

John Giovanoni and Amelia Giovanoni appeared on behalf of the petition. They stated this will for for retail store selling produce.

Commissioner Mullan asked how large establishment would be. Ms. Giovanoni stated it will be small as area only has 230 sf.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Brandywine Farm.

Exhibit A: Application for common victualer license received January 28, 2014 and dated January 28, 2014.

8. Petition: Request for common victualer license

Petitioner: Jambo Restaurant, 43 West Boylston Street

Omar Issa appeared on behalf of the application. He stated this will be for a restaurant/café.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for Jambo Restaurant.

Exhibit A: Application for common victualer license received January 28, 2014 and dated January 28, 2014.

9. Petition: Request for common victualer license
 Petitioner: Nihad Restaurant, 320 Pleasant Street

Niahd Kokaz appeared on behalf of the application. He stated this was a middle eastern restaurant.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for Nihad Restaurant.

Exhibit A: Application for common victualer license received on January 18, 2014 and dated January 18, 2014.

Alcohol & Entertainment Permit Applications:

10. Petition: Request for change of manager
 Petitioner: Apple New England, LLC, 632 Park Avenue

Kenneth Karkutt appeared on behalf of the application. He stated will be taking over as manager.

Lt. Johnson stated he had passed the background check.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager dated January 6, 2014 and received January 23, 2014.

11. Petition: Request for pledge of license
 Petitioner: DVN, Inc., 867 Grafton Street

Bill Vasiadis appeared on behalf of the application.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the pledge of license.

Exhibit A: Application for pledge of license received on January 21, 2014 and dated January 21, 2014.

12. Petition: Request for transfer of restaurant all alcohol license from
 Timothy DeSantis dba Rage, 107 Water Street

 Petitioner: Mambo Drinks, Inc.

Maximo Nunez, Henry Luna and Melvin Santana appeared on behalf of the application. They stated they are taking over the old Rage business and will hire off duty police Thursday, Friday and Saturday.

Lt. Johnson stated that the three gentlemen just need to provide citizenship papers to complete background checks.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the transfer subject to the citizenship papers being given to the Worcester Police Department.

Exhibit A: Application for transfer of license received on January 21, 2014 and dated January 21, 2014.

Violation Hearings

12. Danana, 387 Cambridge Street – Rescinding restaurant all alcohol license due to cessation of business

Juan Gomez along with Danilo Duarte appeared on behalf of item. Mr. Gomez stated he was just there to help translate and stated business is still operating.

Ms. Steele stated the secretary of state's web-site show corporation has been dissolved.

Commissioner Mullan stated the license holder needs to either hire someone or go on-line themselves and take care of that matter.

Item filed.

13. Randell Package Store, 103 Canterbury Street – Violation of Rules #6, #21 – Sale to minor

Attorney Jay Madaus along with William Randell appeared to answer to the complaint.

Commissioner Salvidio recused himself from item.

Attorney Madaus stated they are admitting to the facts in the police report.

Lt. Johnson presented the following:

On May 25, 2013, Officers Mark Jolin and Bill Stout, along with Lieutenant James Johnson conducted compliance checks at various package stores throughout the city.

An underage male (identifying information held at the Worcester Police Station Alcohol Unit) accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

Prior to going out, the underage male was given a Breathalyzer test in the cell room and again upon his return. He was not allowed to carry identification on his person.

At around 5:10 p.m., the underage male entered Randell Package Store, located at 103 Canterbury Street, and purchased a 40 ounce Miller High Life Beer for \$2.25 without being asked to provide identification.

At the conclusion of the sting, Officer Jolin contacted the business to inform them of the violation and advised that the manager would have to appear before the License Commission.

Mr. Randell admitted that violation had occurred. He stated it was a lapse of judgment on the part of the employee.

Commissioner Mullan asked whether the establishment had on-line computer scanner. Mr. Randell responded the establishment did not. Commissioner Mullan made his suggestion for the two day suspended suspension because the licensee did not have an identification scanner.

Upon a roll call the Commission voted 2-0 that violation had occurred.

Upon a roll call the Commission voted 2-0 to issue a two day suspended suspension.

Exhibit A: Police report dated May 2013.

Other Business:

14. Adoption of Rules for Taxi Cabs & Liveries

Ms. Haralambous gave an overview of the adoption of the taxi cabs & liveries rules noting that the changes are the fact that the License Commission will now be the hearing board for violations brought by the Police Department, the new complaint form and the new work order form that livery drivers will be required to use when picking up at Union Station and the Worcester Airport. She stated these items will need to be voted on by the Commission.

Attorney Bob Longden stated he represents Red & Yellow Cab and their major concern is that fact that the livery drivers do not obey the two hour rule which requires people to make reservation two hours in advance to use a livery.

Mr. Longden stated that both Red & Yellow Cab will be filing several complaints relative to the violations of the two hour rules by livery drivers.

Ms. Haralambous explained that complaints will first go to police and they will investigate and then will decide whether the complaint warrants a hearing before the License Commission.

Juan Gomez stated he was appearing on behalf of the livery drivers and this fight between taxis and liveries started in 2000 and the reason liveries came about is that cabs were not serving the clientele in the City of Worcester.

Antoinette Donovan, owner of Red Cab, sated she was under the impression that all complaints would come straight to the License Commission as Police were unable to

investigate these types of complaints as had to deal with more important crime related violations.

Ms. Haralambous stated this is a new process and that Commission will see how it runs for first few months but it can always be reviewed again at later time if things are not working out.

Mr. Longden stated the liveries do not have the high cost that taxicabs have to incur as the taxicabs are highly regulated and have to have special equipment and have higher insurance costs.

The Commission voted 3-0 to adopt the Taxi Cab & Livery rules, the complaint form and the work order form.

Communications

Writ of attachment – Worcester Entertainment Concepts Corporation, 90 Commercial Street-Filed
Filed

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:35 a.m.