

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
MAY 22, 2014

ESTHER HOWLAND CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner - *Arrived at 10:10 a.m.*
Anthony Salvidio, Commissioner

Commission Members Absent:

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

APPROVAL OF THE MINUTES:

Upon a motion the Commission voted 3-0 to approve the minutes of May 8, 2014.

One Day Liquor & Entertainment Requests:

1. Petition: Request for one day liquor licenses and entertainment –

- June 17, 2014 – 5:00 p.m. – 11:00 p.m.
- July 3, 2014 – 5:00 p.m. – Midnight

Petitioner: Paul Barber, 280 Shrewsbury Street

Paul Baber appeared on behalf of the petitions. He stated that the June 17th event is for the Taste of Shrewsbury and July 3rd is the City of Worcester fireworks celebration.

Joe Simone, an abutter, to the property asked what time the music would end. Mr. Barber stated that on June 17 it would end at 10:30 pm and on July 3rd it would end by 11:30 pm.

Commissioner Salvidio stated that he had concerns with the ending time of the entertainment due to complaints received by the Commission.

Mr. Barber stated that he could reduce the hours for the entertainment.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea, the Commission voted 2-0 to approve the one day liquor applications as submitted and the entertainment licenses with the amendment that on June 17th the entertainment will end by 10:00 p.m. and on July 3rd the entertainment will end by 11:00 p.m.

Exhibit A: Application for one day liquor permits submitted on May 5, 2014 and dated May 5, 2014.

Exhibit B: Application for one day entertainment permits submitted on May 5, 2014 and dated May 5, 2014.

2. Petition: Request for one day liquor license

- June 14, 2014 – 7:00 p.m. – 1:00 a.m.

Petitioner: Our Lady of Mercy Church, 341 June Street

Eli Hai appeared on behalf of the petition. He stated that this will be for a church fundraiser and approximately 250-280 people are expected and an off duty officer has been hired for the event.

Upon a motion by Chair Shea and seconded by Commissioner Salvidio, the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor permit submitted on May 8, 2014 and dated May 8, 2014.

3. Petition: Request for one day liquor licenses

- June 6, 7, & 8, 2014 – 11:00 a.m. – 11:00 p.m.

Petitioner: St. Spyridon Greek Orthodox Cathedral, 102 Russell Street

Gus Giannakis and Paul Barber appeared on behalf of the petitions. Mr. Giannakis stated that this is for the bi-annual Greek Festival.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea, the Commission voted 2-0 to approve the three one day liquor licenses.

Exhibit A: Application for one day liquor licenses received on May 13, 2014 and dated April 17, 2014.

4. Petition: Request for one day liquor licenses

- May 30, 2014 – 7:00 p.m. -1:00 a.m.

- May 31, 2014 – 6:30 p.m.-Midnight
- May 31, 2014 – 6:30 p.m.-1:00 a.m.
- June 6, 2014 – 5:30 p.m.-10:00 p.m.
- June 6, 2014 – 7:30 p.m. – Midnight
- June 7, 2014 – 5:30 p.m.-9:30 p.m.
- June 7, 2014 – 6:30 p.m.-Midnight

Petitioner: Kristen Dyer, 1 College Street

Kristen Dyer appeared on behalf of the applications. She stated that these were for several alumni events being held at the college.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea, the Commission voted 2-0 to approve the seven one day liquor licenses.

Exhibit A: Application for one day liquor license received on May 16, 2014 and dated May 16, 2014.

5. Petition: Request for one day liquor license

- May 31, 2014 – 5:00 p.m.-7:00 p.m.

Petitioner: Kristi DeCisero, 50 Prescott Street

No one appeared for the item but the Commission felt that as applicant had appeared numerous times before the Commission in past that it would be okay to proceed with the item.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea, the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received on May 16, 2014 and dated May 16, 2014.

Common Victualer – Food Only:

6. Petition: Request for common victualer license

Petitioner: Atlantic Seafood, 100 Canterbury Street

Victoria Nguyen appeared on behalf of the item. She stated that she would like to start preparing sandwiches at establishment and requires a common victualer license.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea, the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received on May 10, 2014 and dated May 10, 2014.

7. Petition: Request for common victualer license

Petitioner: Seven Hills Foundation Café, III, 455 Main Street

Ron LaFlash appeared on behalf of the item. He stated that this will be for a small kiosk on the first floor of City Hall.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea, the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received on May 1, 2014 and dated May 1, 2014.

Commissioner Mullan arrives at meeting

Alcohol & Entertainment Permit Applications:

8. Petition: Request for Charity Wine License

Petitioner: Worcester Art Museum, 55 Salisbury Street

The applicant did not appear for the item but Commission felt it had enough information in order to go forward.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mulla,n the Commission voted 3-0 to approve the application.

Exhibit A: Application for charity wine tasting received on April 28, 2014 and dated April 28, 2014.

9. Petition: Request for entertainment license for

- Jukebox, TV, radio, dancing by patrons, dancing by entertainers, recorded music live music, amplification system, play, floor show, theatrical exhibition, karaoke

Petitioner: The Saloon, LLC, 317 West Boylston Street

Jennifer Flagg appeared on behalf of the item. Commissioner Mullan pointed out that Ms. Flagg had not filed for a pool table license and had one in the establishment so she will need to apply for that license and cover the pool table until she obtains the proper license for it.

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

Exhibit A: Application for entertainment license received on April 1, 2014 and dated April 1, 2014.

Violation Hearings

10. Pho Dakao, 593 Park Avenue – Violation of Rules #1, #14 – Operating after hours

Hiep Pham appeared to answer for the violation and waived the right to counsel.

Lt. Johnson presented the following:

On June 15, 2013, Officer Mark Jolin, a member of the Worcester Police Alcohol Enforcement Team, was working and while driving down Park Avenue at 2:22 a.m. he noticed that Pho Dakao still had patrons inside the Licensed Premises.

Officer Jolin parked his unmarked police vehicle and proceeded to enter the Licensed Premises through the unlocked front door of Pho Dakao and observed several people hanging out with drinks on the tables and two half empty drinks on the bar.

Officer Jolin asked who the manager was and Dang Pham stated he was manager on duty. Officer Jolin asked why there were drinks still out and patrons in the bar. Mr. Pham said that he and the staff were busy and lost track of time.

All non-staff members were ushered out of the business and Mr. Pham was advised that the Licensee would be brought before the Worcester License Commission.

MMr. Pham admitted that the business was open after 2:00 a.m. and that staff had allowed patrons to remain on the Licensed Premises. He testified that the patrons were allowed to drink juices and soda but no alcohol. The Commissioners told Mr. Pham that everyone needs to be out by 2 a.m. and patrons cannot remain inside, even if they are drinking juice.

Mr. Pham stated he understood and that he has since changed the hours of the operation and now closes at 11:00 p.m.

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

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

Exhibit A: Worcester Police report dated June 14, 2013

11. The Saloon, LLC, 317 West Boylston – Violation of Rules #1, #14 – Operating after hours

Jennifer Flagg along Nicola Torello appeared to answer for the violation and waived the right to legal counsel.

Lt. Johnson presented the following:

On April 13, 2014 at 2:00 a.m. Officer Edward Saucier observed that the parking lot at 715 West Boylston Street was at least half full and there appeared to be about fifteen people

inside the Licensed Premises. Officer Saucier observed from outside that several people were drinking from beer bottles.

At 2:10 a.m. Officer Saucier observed ten people exit the Licensed Premises and five people remained inside.

Officer Saucier then entered the Licensed Premises and observed people drinking from Coors Light, Heineken and Michelob Ultra bottles and advised people that it was time to leave. He observed a male, who was not an employee, drinking a Coors Light.

Officer Saucier spoke with the bartender, Nicola Torello, who stated she was the only employee working and told him that she sometimes she has a hard time getting people to leave at closing time and she didn't notice anyone drinking because she was cleaning up. Worcester Police submitted an arrest report from the Massachusetts State Police they were forwarded concerning an incident at the Licensed Premises. On March 20, 2014, at 4:00 a.m. a suspect was involved in a single vehicle crash in which he went off the road on I-290, in Shrewsbury, and ended up in a ditch. The operator told the investigating trooper that he was on his way home from drinking at the Licensed Premises. The operator told the trooper he had consumed 8 or 9 Bud Lights as well as 5 or 6 Vodka cocktails. The licensee was not being brought in for a violation for this incident but the police noted it because this establishment has only been open a few months.

Ms. Flagg admitted that the violation had occurred.

Ms. Torello, the bartender working the night of the incident, testified that she was working that evening and it was very busy and she lost track of time and did not realize it was after 2:00 a.m. when Officer Saucier come in.

Commissioner Salvidio noted that this license was just given and the establishment already has a reputation for staying open late and that could result in loss of the liquor license

Ms. Flagg testified she has taken steps to avoid this happening again. She testified that she has more staff working at closing time to help get patrons out on time and that Ms. Torello does not close on her own anymore. Furthermore, when Ms. Torello closes she stops serving at midnight which gives her time to clean up and make sure patrons are out on time. She also testified there is now a clock above the register which is set 10 minutes fast.

Commissioner Mullan stated he has been in the Licensed Premises and noticed that the Licensee is operating without an entertainment license. He advised Ms. Flagg to come in and get the proper licenses for entertainment and pool tables and until then not to have entertainment or a pool table.

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

Upon a roll call the Commission voted 3-0 to issue a one day suspended suspension.

Exhibit A: Police report dated April 15, 2014.

12. International Lounge, LLC, 27 Pleasant Street – Violation of Rule #14 – Violation of imposed condition – Violation of Rule #14- Manager responsible for violations

Roland Georges along with his legal counsel, David Ashworth, appeared to answer for the violation.

Lt. Johnson presented the following:

On Saturday, May 3, 2014, the International Lounge opened around 10:00 p.m., with no police details, in violation of the condition on the liquor license that states two (2) police details are required on Friday nights, from 9:00 p.m. to closing time. The two police details were there by the end of the night (Sunday, May 4, 2014).

On Sunday, May 4, 2014, shortly before 2:00 a.m. detail officers working at International Lounge requested assistance from other units in managing a large, unruly crowd. Multiple units responded including members of the Gang Unit, Shooting Response Team, Bar Impact and Operations.

Officers attempted to disperse the large and unruly crowd when they were directed to a large fight in the parking lot further up on Pleasant Street. According to one officer's report approximately 70 patrons of the International Lounge were identified in the parking lot and several known gang members were amongst them. The police report stated the International Lounge is mostly frequented by members of the MOB (Money over Bitches) gang as well as many other east side gangs and on that particular night police recognized several MOB gang members and associates as patrons who were leaving International Lounge.

Four patrons of the International Lounge were stabbed during a fight that occurred as the patrons were leaving the Licensed Premises.

Three out of the four victims were under 21 years old (two were 19 and one was 20 years old).

The victims were uncooperative with the police.

Three of the stabbing victims received non-life threatening injuries; the fourth was in critical condition but is expected to survive.

The police also arrested at least seven (7) individuals who were patrons of the International Lounge for various offenses. Two of the seven arrested were under 21 years old. At least two of those arrested were identified as active gang members.

Officer Edward Saucier went inside the Licensed Premises to speak to the manager and ask what happened and he said he had hired the police details and had done everything he was told to do by the License Commission. He told Officer Saucier that he cannot be blamed for what happens outside his place.

Officer Saucier requested to view the video from the security cameras and the owner stated it wouldn't be a problem and he would work on getting that to Officer Saucier in the morning.

As of May 21, 2014, the owner had not provided this information to the Worcester Police.

On Friday, May 9, 2014, at 10:30 p.m., Officer Saucier observed that the International Lounge was open for business and patrons were inside. He went to check if the Licensee was in compliance with the condition on the License.

The condition imposed on the License on April 24, 2014 by the License Commission is:
That effective April 24, 2014, International Lounge is required to have one (1) off-duty police officer on Thursday and Saturday from 9:00 p.m. to closing and two (2) off-duty police officers on Friday from 9:00 p.m. to closing.

Officer Saucier asked the doorman if there were any police details present and he was told that there would be two officers coming "later on".

On Saturday, May 10, 2014, at 1:30 a.m., Sgt. Timothy Watts, who was working as the Worcester Police Department Bar Supervisor, went to check on the detail officers at the International Lounge. Sgt. Watts found that only one detail officer was at the Licensed Premises when two are required. Sgt. Watts notified Officer Mark Jolin who responded and found the Licensee in violation of the condition on the License.

Attorney Ashworth stated that the Licensee has tried to comply with the conditions imposed by the License Commission regarding hiring police details but they are having problems getting details to show up. In fact, Attorney Ashworth stated that they have not opened on dates which they were notified that the police details would not come.

Regarding the video surveillance, Attorney Ashworth stated that the Licensee has been unable to burn the surveillance tapes to a CD but the police department can come and view the video at the Licensed Premises any time they want. Lt. Johnson responded that it can be done and the police has requested the video for investigatory purposes so a CD is preferred.

Mr. Georges testified that because the fight did not happen on the Licensed Premises he cannot be held accountable.

Commissioner Mullan stated the condition on the license requires the establishment to have police details and if the detail officers are not present then the establishment cannot open.

Commissioner Salvidio expressed his concern that if the owner continues to run the business as is someone is going to get killed. Moreover, too much of the City's police force is going into monitoring this establishment.

Attorney Ashworth stated that the Licensee has been trying to comply with the License Commission's requirements but they cannot be responsible for everything that happens outside the Licensed Premises. Furthermore, he stated the Licensee wants to work with the police and are open to any suggestions the police or the Commission may have. Attorney Ashworth stated they are trying to stop people at the door, as Lt. Johnson previously suggested, but they cannot identify who the problem patrons are.

Commissioner Salvidio asked if the Licensee would be interested in going back to 21 plus, which was the original condition when the license was issued. Mr. Georges stated they

would be amenable to that condition as they are now attracting a more mature clientele and can afford to do without the 18 plus.

Lt. Johnson agreed that if the Licensee went back to 21 plus it would eliminate a lot of the younger gang members. Additionally, Lt. Johnson requested that the hours of operation be restricted and have the establishment close by midnight. The Commission agreed to a closing time of 1:00 a.m.

To reiterate Commissioner Mullan stated the issues at hand: 18 plus patrons; hours of operation; police access to recorded surveillance video, and; police details.

Based on the testimony, the Commission agreed that the start time of the police details should be amended. The amended condition requires police detail to start at 11:00 p.m. After some discussion regarding the required end time of the police detail Lt. Johnson stated that the detail should end one (1) hour after closing time; therefore the paid detail is required to end at 2:00 a.m., not 3:00 a.m.

Upon roll calls the Commission voted 3-0 that the violations had occurred on May 3rd-4th, 2014 and May 9th-10th, 2014.

Upon a roll call the Commission voted 3-0 to impose a fifteen (15) day suspended suspension.

Additionally, the Commission amended the conditions on the License and imposed the following conditions:

1. 21 and older establishment.
2. Closing time is 1:00 a.m., every night.
3. Upon request from the police department, must provide video surveillance within 7 days.
4. Required to have one (1) off-duty police officer on Thursday and Saturday from 11:00 p.m. to 2:00 a.m. and two (2) off-duty police officers on Friday from 11:00 p.m. to 2:00 a.m.

Exhibit A: Police report dated May 3, 2014

Exhibit B: Police report dated May 13, 2014

Other Business

Summer Meeting Schedule - July 24, 2014 & August 14, 2014 - Approved

Sting Guidelines - Held

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:30 a.m.