

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

January 18, 2018

LEVI LINCOLN CHAMBERS

Commission Members Present: Anthony Salvidio, Chairman
Walter Shea, Commissioner

Commission Members Absent: Barbara Haller, Commissioner

Staff Present: Alexandra Kalkounis Law Department
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Glenn Stout, Worcester Police Department
Deborah Steele, Planning & Regulatory Services

Minutes

January 11, 2018, -Held

NEW BUSINESS

Common Victualer Requests

I-1: Coffee Time Café, 340 Main Street

Request for common victualer license

Elvis Kothera appeared upon behalf of the application.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license dated December 29, 2017 and received December 29, 2017.

Special One Day Liquor & Entertainment Requests

II-1: Joe Bertoletti, College of the Holy Cross, 1 College Street

Request for one day liquor license

- February 14, 2018-5:00 p.m.-10:00 p.m.
- February 16, 2018-5:00 p.m.-10:00 p.m.
- February 17, 2018-11:00 a.m.-3:00 p.m.
- February 21, 2018-5:00 p.m.-10:00 p.m.
- February 22, 2018-5:00 p.m.-10:00 p.m.
- February 24, 2018-11:00 a.m.-3:00 p.m.
- February 25, 2018-Noon-8:00 p.m.
- February 27, 2018-4:00 p.m.-11:00 p.m.
- March 1, 2018-4:00 p.m.-11:00 p.m.
- March 2, 2018-5:00 p.m.-11:00 p.m.
- March 3, 2018-11:00 a.m.-9:00 p.m.
- March 4, 2018-4:00 p.m.-11:00 p.m.
- March 5, 2018-5:00 p.m.-11:00 p.m.
- March 7, 2018-4:00 p.m.-11:00 p.m.
- March 8, 2018-5:00 p.m.-11:00 p.m.
- March 9, 2018-4:00 p.m.-11:00 p.m.
- March 11, 2018-Noon-10:00 p.m.
- September 10, 2018-5:00 p.m.-11:00 p.m.
- September 11, 2018-5:00 p.m.-11:00 p.m.

Attorney Donna Truex appeared upon behalf of the application

Upon a motion the Commission voted 2-0 to approve the one day liquor applications.

Exhibit A: Application for one day liquor license dated December 29, 2017 and received December 29, 2017.

II-2: Emerald Club of Worcester, 215 Park Avenue

Request for one day liquor license

- March 11, 2018-11:00 a.m.-3:00 p.m.

Item postponed to February 2018.

Exhibit A: Application for one day liquor license dated December 21, 2017 and received December 21, 2017.

II-3: David Richardson, 455 Main Street

Request for one day liquor license

- January 19, 2018-4:00 p.m.-7:30 p.m.

Kim Driscoll appeared upon behalf of the application. She stated that the liquor will be served under a heated tent on the City Hall back plaza and a police detail would be hired for the event.

Upon a motion the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license dated January 12, 2018 and received January 12, 2018.

Alcohol & Entertainment Requests

III-1: Ruby Tuesday, 537 Lincoln Street

Request for change in beneficial interest

No one appeared for hearing.

Upon a motion the Commission voted 2-0 to approve the change in beneficial interest.

Exhibit A: Application for change in beneficial interest dated December 22, 2017 and received December 22, 2017.

Violations

IV-1: GMRI, Inc. dba Olive Garden Restaurant #1868, 7 Tobias Boland Way

Violation of Rule #7-Sale to minor

Attorney Joseph Devlin, Gusho Luschia and Melissa Bourdeaux appeared to answer to the violation.

Lt. Johnson presented the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 11:18 a.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by a female bartender. Neither one was asked to provide identification.

Attorney Devlin stated that the establishment has a zero tolerance policy and the bartender from the incident has been fired.

Chair Salvidio stated that the police have found that establishments are getting lax in checking IDs especially when it's an older person with a younger person and assume they are related.

Attorney Devlin stated that the establishment now has a Ziosk on each table which requires staff to run an ID through the machine and makes it easier for management to ensure that staff is doing what is

required. Attorney Devlin stated that the establishment also did an outside server training course for all staff after the incident occurred.

Ms. Bourdeaux stated that they card everyone now.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 25, 2017.

IV-2: Beechwood Inn, Inc. dba Beechwood Inn, 363 Plantation Street

Violation of Rule #7-Sale to minor

El Sayed Saleh and Jackie Mason appeared to answer to the violation and waived their right to counsel.

Lt. Johnson presented the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 1:49 p.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by the female bartender. Neither one was asked to provide identification.

Mr. Saleh stated that all employees are TIPS certified and that this is the first violation in 25 years for the establishment. Mr. Saleh stated that the staff person assumed that the older person could act as guardian for the younger person.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 27, 2017.

IV-3: Antonio's Pizza of Worcester, Inc. 266 Chandler Street

Violation of Rule #7-Sale to minor

Attorney William Kitsilis, owner of Antonio's, along with Natalia Caterick appeared to answer to the violation.

Lt. Johnson reported the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A eighteen year old female was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:50 p.m. Officer Glenn Stout and the underage female entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served the Bud Light bottles by a female bartender. Neither one was asked to provide identification.

Mr. Kitsilis stated that this is the first violation at any of his locations and they take this seriously and it is written in their manual that everyone must be carded and the bartender did not do that.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 28, 2017.

IV-4: 99 West, Inc. dba 99 Restaurant Pub, 50 Southwest Cutoff

Violation of Rule #7-Sale to minor

Jim Carlyle and representatives from 99 West, Inc. appeared to answer to the violation and waived their right to counsel.

Lt. Johnson reported the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 11:42 a.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by the female bartender. Neither one was asked to provide identification.

Lt. Johnson stated that right after the incident the establishment called the police and requested training from the police.

Mr. Carlyle stated that they don't take these things lightly and have put measures in place so this type of incident does not happen again.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 25, 2017.

IV-5: The Wexford House, Inc., 503 Shrewsbury Street

Violation of Rule #7-Sale to minor

Richard Cravedi appeared to answer to the violation and waived his right to counsel.

Lt. Johnson reported the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 1:08 p.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by the male bartender. Neither one was asked to provide identification.

Mr. Cravedi stated on that date they flunked and now every day when he comes in he reminds staff about checking identifications as he knows they will be visited again.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 27, 2017.

IV-6: The Hangover Pub LLC dba The Hangover Pub, 102-110 Green Street

Violation of Rule #7-Sale to minor

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

Lt. Johnson presented the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:15 p.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. The female bartender stated that they did not carry that and offered

them Big Elm American lagers and brought them that product. Neither one was asked to provide identification.

Mr. Slavinkas stated that they take full responsibility and they now require everyone to be carded and would be interested in more training from the Worcester Police Department.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 27, 2017.

IV-7: Riverfront Foodservice Corp, dba Uno Chicago Grill, 25 Major Taylor Blvd

Violation of Rule #7-Sale to minor

Attorney Donna Truex and Steve Hurwitz appeared to answer to the violation.

Lt. Johnson reported the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

An eighteen year old female was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:23 p.m. Officer Glenn Stout and the underage female entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served the Bud Light bottles by a female bartender. Neither one was asked to provide identification.

Attorney Truex stated that Uno's take this very seriously and any person who looks under 30 should be ID. Any employee who violates that is terminated and the server did not check the ID and was let go.

Mr. Hurwitz stated that this is the first time in 30 years that they had to impose the policy of terminating the person's employment.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 28, 2017.

IV-8: Tenglong Corporation dba Yummy Steakhouse, 1121 Grafton Street

Violation of Rule #7-Sale to minor

Attorney Wei Chung and Tengfei Chen appeared to answer to the violation.

Lt. Johnson reported the following:

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 11:53 a.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by the female bartender. Neither one was asked to provide identification.

Attorney Chung stated that the female bartender did not card and was terminated and the restaurant has imposed an internal policy that anyone who looks under 40 needs to have their ID checked.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report November 25, 2017.

IV-9: P D'Errico's 141 East Central Street

Violation of Rule #6, #21- Sale to minor

Rodrigo Carlos Deoliveria appeared to answer to the violation. Upon being questioned to his role at the establishment Mr. Deoliveria stated that he had taken over the corporation from his step-father Mr. Evangelista.

Staff informed Mr. Deoliveria that paperwork would need to be filed to make that amendment and the Commission stated that they would hold off on the violation hearing until the paperwork with amendment was filed.

Upon a motion the Commission voted 2-0 to continue the item to February 2018.

Exhibit A: Police report dated March 18, 2017.

IV-10: Galway Bay, Inc., 186 Stafford Street

Steven O'Connor appeared to the answer to the violation and waived his right to counsel.

Violation of Rule #1, #14-Hours violation, manager responsible for premises

Lt. Johnson reported the following:

On November 19, 2017 Officer Patrick Harrington observed a female outside the Licensed Premises vomiting next to the front entrance, and she appeared to be intoxicated. Officer Harrington observed the time to be closed to 2:00 a.m. and observed the Licensed Premises open at 2:10 a.m.

At 2:10 a.m. Officer Harrington entered the Licensed Premises and observed several patrons at the bar consuming alcohol and asked the bartender if they were employees and were told no.

Officer Harrington asked the patrons to leave and spoke with employees of the Licensed Premises about the violation that had occurred.

Mr. O'Connor stated that he discussed the incident with his son who stated the woman who was observed outside did appear to be intoxicated, but she was refused service at the bar.

Chair Salvidio asked about still having people on the premises after 2:00 a.m. Mr. O'Connor stated that it will not happen again.

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

Upon a roll call the Commission voted 2-0 to issue a Warning.

Exhibit A: Police report dated November 25, 2017.

Communications

None

Adjournment

Upon a motion the Commission adjourned the meeting at 11:02 a.m.