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MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JUNE 28, 2018

LEVI LINCOLN CHAMBERS

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

Commission Members Absent:

Staff Present: Jennifer Beaton, Law Department
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Deborah Steele, Planning & Regulatory Services
John Biancheria, Inspectional Services Department

Minutes

June 14, 2018

Upon a motion the Commission voted 3-0 to approve the minutes of June 14, 2018.

NEW BUSINESS

Common Victualer Requests

I-1: Hong Kong Island, 880 West Boylston Street

Request for common victualer license

Lin Li along with legal counsel appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for a common victualer license dated June 15, 2018 and received June 15, 2018.

I-2: Joyas Grille, 120 June Street

Request for common victualer license

Ellen Pinto appeared upon behalf of the application. She stated that she is taking over the location and just waiting for inspections so she can open.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for a common victualer license dated June 16, 2018 and received June 16, 2018.

I-3: El Nuevo Amanecer, 534 Pleasant Street

- a. Request for common victualer license
- b. Request for entertainment license for tv, radio
- c. Request for sidewalk café

Abel Zepeda Barcenas appeared upon behalf of the applications. He stated that he is taking over ownership of the location.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

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

Upon a motion the Commission voted 3-0 to approve the sidewalk café.

Exhibit A: Application for a common victualer license dated June 13, 2018 and received June 13, 2018.

Exhibit B: Application for an entertainment license dated June 13, 2018 and received June 13, 2018.

Exhibit C: Application for a sidewalk cafe dated June 13, 2018 and received June 13, 2018.

I-4: KrafTea Kombucha Company, 38 Harlow Street

Request for common victualer license

Matt Glidden appeared upon behalf of the location. He stated that he is applying for a common victualer license and the liquor license request has been submitted for the next License Commission meeting.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for a common victualer license dated June 13, 2018 and received June 13, 2018.

Special One Day Liquor & Entertainment Requests

II-1: Centro, Inc., Worcester Common

Request for one day entertainment license for radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, theatrical exhibition – outside

- August 18, 2018 – 11:00 a.m. - 10:00 p.m.

Augustine Velazquez appeared upon behalf of the application. She stated that this is for the 28th annual Latin Festival and they have hired police details for the event but there will be no alcohol this year.

Upon a motion the Commission 3-0 to approve the one-day entertainment license.

Exhibit A: Application for a one day entertainment license dated June 14, 2018 and received June 14, 2018.

II-2: Cy Global, Worcester Common

Request for one day entertainment license for live music, amplification system

- July 21, 2018 – Noon-8:00 p.m.

Cyrus Alexander appeared upon behalf of the application. He stated that this is a community event and about 300 people are expected.

Chair Salvidio asked if police details had been hired for the event. Mr. Alexander stated that he was arranging for that this afternoon.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license with condition that a minimum of two off duty police details be hired for the event.

Exhibit A: Application for a one day entertainment license dated June 14, 2018 and received June 14, 2018.

II-3: Paul Barber, 278-280 Shrewsbury Street – outside

a. Request for one day liquor license

- July 12, 2018 – 4:00 p.m.-9:00 p.m.
- July 26, 2018 – 5:00 p.m.-11:00 p.m.
- July 27, 2018 – 11:00 a.m.-Midnight
- July 28, 2018 – 11:00 a.m.-Midnight
- July 29, 2018 – 10:00 a.m.-10:00 p.m.
- October 7, 2018 – Noon-8:00 p.m.

b. Request for one day entertainment license for recorded music, live music, amplification system, light show

- July 12, 2018 – 4:00 p.m.-8:30 p.m.
- July 27, 2018 – 6:00 p.m.-10:30 p.m.
- July 28, 2018 – 6:00 p.m.-11:00 p.m.
- July 29, 2018 – 1:00 p.m.-7:00 p.m.

- October 7, 2018 – Noon-7:00 p.m.

Paul Barber appeared upon behalf of the applications and reviewed the different events. The Commission amended the times and dates and reminded Mr. Barber that no alcohol should be leaving the premises.

Upon a motion the Commission voted 3-0 to approve the one day liquor licenses with the following amendments:

- July 12, 2018 – 4:00 p.m.-9:00 p.m. – approved to 8:30 p.m.
- July 26, 2018 – 5:00 p.m.-11:00 p.m. – approved to 10:00 p.m.
- July 27, 2018 – 11:00 a.m.-Midnight
- July 28, 2018 – 11:00 a.m.-Midnight
- July 29, 2018 – 10:00 a.m.-10:00 p.m. – approved to 7:00 p.m.
- October 7, 2018 – Noon-8:00 p.m.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license with the following amendments:

- July 12, 2018 – 4:00 p.m.-8:30 p.m. – approved to 8:00 p.m.
- July 27, 2018 – 6:00 p.m.-10:30 p.m.
- July 28, 201 – 6:00 p.m.-11:00 p.m.
- July 29, 2018 – 1:00 p.m.-7:00 p.m. – approved to 6:00 p.m.
- October 7, 2018 – Noon-7:00 p.m.

Exhibit A: Application for a one liquor license dated June 11, 2018 and received June 11, 2018.

Exhibit B: Application for a one day entertainment license dated June 11, 2018 and received June 11, 2018.

II-4: Regatta Point Community Sailing, 10 Lake Avenue North

Request for one day liquor license

- July 27, 2018 – 5:00 p.m.-9:00 p.m.
- August 18, 2018 – 5:00 p.m.-9:00 p.m.

Casey Duna appeared upon behalf of the applications.

Upon a motion the Commission voted 3-0 to approve the one day liquor licenses.

Exhibit A: Application for one day liquor license dated June 27, 2018 and received June 27, 2018.

Alcohol & Entertainment Requests

III-1: 3cross Brewing Company, 26-32 Cambridge Street

Request for alteration of premises for outside patio, change of corporate name, new officer, new stockholder

Dave Howland and Heather O'Dell appeared upon behalf of the applications. Mr. Howland stated that they had revised the plans per the License Commission request.

Upon a motion the Commission voted 3-0 to approve the outside patio, change of corporate name, new officer, new stockholder.

Exhibit A: Application for alteration of premises for outside patio, change of corporate name, new officer, new stockholder dated May 15, 2018 and received May 15, 2018.

III-2: Jolo, Inc. dba Hurricane Betty's, 350 Southbridge Street

Request for change of manager, alteration of premises for outdoor patio

Attorney Mark Borenstein appeared upon behalf of the application. Attorney Borenstein stated that the application for change of manager was withdrawn.

Attorney Borenstein stated for the outdoor patio that there will be an 8 ft. screened fence and there will be no outside entertainment.

Lt. Johnson stated that he had viewed the site.

Upon a motion the Commission voted 3-0 to approve the alteration of premises with the following conditions.

- No entertainment outside
- Entrance/exit to patio through licensed premises
- Worcester Police Department will review final patio when completed

Exhibit A: Application for a change of manager, alteration of premises for outdoor patio dated June 5, 2018 and received June 5, 2018.

Exhibit B: Electronic communication from Attorney Mark Borenstein dated June 26, 2018 – Leave to Withdraw for change of manager portion of application.

III-3: Worcester Randell Package Store, Inc., 108 Canterbury Street

Request for new stockholder, transfer of stock, change of manager

Attorney Tom Truex along with Satish Patel and Rajnikant Patel appeared upon behalf of the application. Attorney Truex reviewed the changes to the stock and change of manager.

Upon a motion the Commission voted 3-0 to approve the new stockholder, transfer of stock and change of manager.

Exhibit A: Application for new stockholder, transfer of stock and change of manager dated June 6, 2018 and received June 6, 2018.

III-4: Jeet Investment, Inc. dba New G and M Grocery, 504 Cambridge Street

Request for package store malt and wine license

Item was postponed to the July 19, 2018 License Commission meeting.

Exhibit A: Application for package store malt and wine license dated June 5, 2018 and received June 5, 2018.

Exhibit B: Electronic communication from Attorney Mark Borenstein dated June 26, 2018- Request for postponement.

Violations

IV-1: Ifendu Enterprises, LLC dba Moynihan's Pub, 895-897 Main Street

Violation of 204 CMR 2.05 (2), Rule #28 – Permitting an illegality on the premises

Attorney Robert Hennigan along with Terengo Argaw and Al Aklog appeared to answer to the violation.

On May 10, 2018 Officer Edward Saucier went to the licensed premises as the license holder had failed to appear for a scheduled violation hearing for the second time.

Officer Saucier spoke with Steve Hoffman who identified himself as the manager and stated that he had been the manager for eight months. Officer Saucier inquired as to who owned the business and Mr. Hoffman stated that the owner was Al Aklog. The License Commission application on file only listed Terengo Argaw as the disclosed owner.

Mr. Hoffman stated that he was aware that the change of manager application hadn't been filed and he was made aware of the violation hearing by a bartender but thought it might be a prank.

Mr. Hoffman stated that he pretty much runs the business and Mr. Aklog is a very hands off owner.

Officer Saucier inquired about alcohol orders and who on staff had been trained in alcohol service and Mr. Hoffman stated that Mr. Aklog had taken the invoices for the alcohol off the premises. Mr. Hoffman stated he was not trained in service of alcohol and did not know if any of the other employees were.

Officer Saucier asked to see where alcohol was stored in the licensed premises and Mr. Hoffman showed him the basement where there were multiple liquor cases full of assorted brands of liquor with price tag stickers. Mr. Hoffman stated that the liquor came from Mr. Aklog's package store, C&S Liquor Mart. Officer Saucier confiscated the alcohol from the basement.

Mr. Hoffman also revealed to Officer Saucier that he was living in the basement of the licensed premises. Officer Saucier advised Mr. Hoffman that was not allowed.

Officer Saucier made several attempts to contact Terengo Argaw by phone and by email and could not do so. He returned to the licensed premises on May 17, 2018 and met with Aris Koulalis who stated he was the new manager. Mr. Koulalis stated that Mr. Hoffman no longer worked or lived in the licensed premises and believes Mr. Hoffman stole some money from the bar and fled the country shortly after May 10.

On May 17, 2018 Ms. Argaw called Officer Saucier and stated that she was the manager and her husband just helps out but stated the last time she was on the premises was about a month ago.

On May 21, 2018 Officer Saucier met with Ms. Argaw and her husband Al Aklog and Officer Saucier reviewed his visits to the licensed premises; Ms. Argaw admitted that she couldn't remember the last time she was actually at the licensed premises.

Officer Saucier asked Ms. Argaw about the cases of liquor from C&S Liquor Mart in the basement. Mr. Aklog stated that it came from a liquor store and the liquor was left in the store when he purchased the property. He stated that Mr. Hoffman transported the liquor to the bar but he didn't know he was going to use in the licensed premises. Mr. Aklog stated that they were also unaware that Mr. Hoffman was living in the basement in the bar.

Both Ms. Argaw and Mr. Aklog stated that they were unaware they were required to have an approved manager at the licensed premises and would rectify that immediately. As of June 19, 2018 no application for change of manager has been filed.

Attorney Hennigan stated that Ms. Argo is 100% owner of the LLC but is not the manager of the premises and she has never been the manager of the record.

Staff informed Commission that the current manager of record Nicholas Karcianias had resigned in May of 2017 and no application had been filed to change the manager.

Attorney Hennigan stated that he did plan to contest the fact that there was no current manager but was not informed until right before the License Commission meeting that Mr. Karcianias had resigned his position. Attorney Hennigan stated that Mr. Karcianias had left abruptly and the owners could not reach him and Mr. Hoffman was brought in to manage the premises. An error on the license holder's part, they did not file paperwork to properly change the manager.

Chair Salvidio asked if Mr. Aklog was at the premises full time. Attorney Hennigan stated no.

Chair Salvidio asked how many days/hours was Mr. Aklog went to premises. Mr. Aklog stated two-three days a week for three-four hours.

Chair Salvidio asked if Ms. Argaw had any part in the business and Attorney Hennigan stated no.

Chair Salvidio stated then you have an owner of a business who has absolutely no part in running the business except for owning it.

Attorney Hennigan stated that the premises has not had a manager since May.

Upon a motion the Commission voted 3-0 the violation for not having a manager at the licensed premises has been occurring since May, 2017.

Upon a motion the Commission voted 3-0 that the premises be closed until such time that a new manager is approved and on the premises for hours that are satisfactory to the police department.

Attorney Hennigan stated that he was hoping Mr. Karcianas would be at the meeting today as he will be coming back as manager and they just need to complete the paperwork.

Chair Salvidio stated that the Commission can't have a licensed premises without an approved manager, and an absentee owner. Attorney Hennigan stated that he understood that and the owners will rectify that.

Attorney Hennigan stated that it is true that Mr. Aklog was involved in a package store in another location and that alcohol from there was used at the licensed premises. Chair Salvidio asked if the police were satisfied that alcohol is now being bought from a distributor. Officer Saucier stated yes as receipts have been provided to the police department.

Chair Salvidio stated that he wants to make it clear that if that violation occurs again while he is on the Commission the liquor license will be taken away.

Upon a motion the Commission voted 3-0 that the violation for not buying from a licensed wholesaler did occur.

Upon a motion the Commission voted 3-0 to issue a five day suspension with three days served and two days suspended; the three days will be served when the change of manager has been approved. The Commission also imposed a condition that all liquor receipts will be kept on premises and available for police to inspect.

Exhibit A: Police report dated June 5, 2018.

IV-2: Worcester Randell Package Store, Inc., 108 Canterbury Street

Violation of 204 CMR 2.05 (2) – Permitting an illegality on the premises

Attorney Tom Truex along with Satish Patel and Rajnikant Patel appeared upon behalf of the application.

On May 17, 2018 Officer Saucier went to the licensed premises and asked to speak to the manager, Satish Patel. An employee, Patrick Weldon, stated that he wasn't there and that he is rarely at the licensed premises and that Palak Shah was the manager.

Officer Saucier spoke by phone with Mr. Shah who stated that he was a relative of Satish Patel's and runs the licensed premises. Officer Saucier informed him that he would need to apply for a change of manager if he was going to manage the licensed premises.

As of June 5, 2018 no application had been filed with the License Commission for a change of manager.

Attorney Truex stated that Satish Patel had been reducing his hours to 16-20 hours per week at the premises. Chairman Salvidio stated that is unacceptable.

Attorney Truex stated that he explained to Mr. Patel that it typical that a liquor manager be on the premises at least 40 hours but didn't see any specific rule in Worcester stating that.

Commissioner Haller stated that it looks like the paperwork has been straightened out now.

Chair Salvidio asked Mr. Rajnikant if he was going to be a full time manager. Attorney Truex stated that Mr. Rajnikant will be at the store 40 hours a week and four other people work there as well.

Commissioner Haller stated that the license holder needs to understand that holding the license is a privilege and rules need to be followed.

Attorney Truex stated that there's nothing in Section 26 and nothing in City's rules that the manager be on the premises 40 hours.

Chair Salvidio asked if they were contesting the police report. Mr. Truex stated that they are not contesting the report but there is no technical violation.

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 two day suspension with one day to be served – July 10, 2018 and one day suspended .

Exhibit A: Police report dated June 5, 2018.

IV-3: Peregrine Endeavors, Inc., dba District, 107A Water Street

Violation of Rules #7, #14 – Sales to persons under 21, manager responsible for premises

Item was postponed to the July 14, 2018 License Commission meeting.

Exhibit A: Police report dated June 5, 2018.

Other Business

V-1: Updated License Commission rules

Item was held.

Communications

None

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:01 a.m.