

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
NOVEMBER 19, 2015

LEVI LINCOLN CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Walter Shea, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent:

Staff Present Alexandra Kalkounis, Law Department
Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Sgt. Thomas Needham, Worcester Police Department

Approval of the Minutes – October 29, 2105

Upon a motion the Commission voted 3-0 to approve the minutes of October 29, 2015.

OLD BUSINESS

1. Petition: Request for change of manager

Petitioner: Elite Club Enterprises, Inc. dba The Rivera Club dba 241 Southbridge Street

Sergey Yugay and Holly Jean Kokermak appeared on behalf of the item. Ms. Kokermak stated that she would be taking over manager responsibilities for the establishment.

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

Exhibit A: Application for change of manager received October 16, 2015 and dated October 15, 2015

2. Petition: Request for restaurant all alcohol license

Petitioner: Nuve Lounge, LLC, 751 Main Street, #2

2a. Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, moving picture show, floor show, light show, karaoke, any other audio or visual show, whether live or recorded specifically

Petitioner: Nuve Lounge, LLC, 751 Main Street #2

Enrique Crockett appeared on behalf of items #2 & #2a. Lt. Johnson stated that he had met with the applicant and he is all set.

Commissioner Shea stated that the Commissioners had viewed the site prior to the last meeting and their only concern was the private booths at location that were there from previous owners and that will not be allowed under this license.

Mr. Crockett stated that he understood that.

Upon a motion the Commission voted 3-0 to approve the restaurant all alcohol license and the entertainment license.

Exhibit A: Application for restaurant all alcohol license received October 13, 2015 and dated October 12, 2015.

Exhibit B: Application for entertainment license received October 13, 2015 and dated October 12, 2015.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

Common Victualer

3. Petition: Request for common victualer license

Petitioner: El Ricon Criollo, 205 Hope Avenue

Mildred Santana appeared on behalf of the item.

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

Exhibit A: Application for common victualer license received October 30, 2015 and dated October 30, 2015.

Alcohol & Entertainment Requests:

4. Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play moving picture show, floor show, light show, theatrical exhibition, karaoke, any other audio or visual, whether live or recorded specifically

Petitioner: Whiskey on Water LLC, 97 Water Street

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

Exhibit A: Application for entertainment license received November 3, 2015 and dated November 3, 2015.

5. Petition: Request for transfer of package store all alcohol license and pledge of license and stock

Petitioner: ANSH, Inc. dba KJ Baaron's Fine Wine & Spirits, 730 West Boylston Street

Attorney Robert Arakelian, Katie Krock, Divyenkumar Patel Chris George appeared of the item.

Upon a motion the Commission voted 3-0 to approve the transfer of the package store all alcohol license and pledge of license and stock.

Exhibit A: Application to transfer of package store all alcohol license and pledge of license and stock received on October 21, 2015 and dated October 20, 2015.

6. Petition: Request for transfer of general on premises all alcohol license

Petitioner: Union Properties, LLC, 377 Park Avenue

Item was postponed until the December 3, 2015 License Commission meeting.

Exhibit A: Application for transfer of general on premises all alcohol license received on October 27, 2015 and dated October 27, 2015.

Violation Hearings

7. Emerald Ale Corp. dba Belmont Liquors, 108 Belmont Street, Violation of Rules #6, #21, 204 CMR 2.05 – Sale to a minor

Madan Donepudi and Frank Jordan appeared on behalf of the violation.

Lt. James Johnson presented the following:

On June 27, 2015, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 1:03 p.m., June 27, 2015, the underage male entered Belmont Liquors and purchased a six pack of Bud Light bottles for \$6.49 and was not given a receipt.

The male stated that a white male with glasses sold him the beer without asking for identification.

Sgt. Thomas Needham notified the clerk of the violation.

Mr. Jordan, the employee working the day of the violation, testified admitting that he made a bad judgement and sold to an underage person. Mr. Jordan further testified that they now check identifications for anyone buying alcohol who looks under 40. Chair Shea stated that they should be checking id's for everyone, not just those who look under 40.

Commissioner Shea stated that because this is the first violation for this owner and he is making changes he recommends a warning.

Based on the evidence, the Commission finds the Licensee violated Rules #6 and #21 of the Worcester License Commission Rules and Regulations for liquor licenses, a violation of 204 CMR 2.05 (2) relative to permitting an illegality on the licensed premises and a violation of M.G.L. c.138, § 34, on June 27, 2015 and imposed a warning.

Exhibit A: Police report dated June 27, 2015.

8. Savlana, Inc. dba McGovern's Package Store, 82 Millbury Street, Violation of Rules #6, #21, 204 CMR 2.05 – Sale to a minor
9. Savlana, Inc. dba McGovern's Package Store, 82 Millbury Street, (second incident), Violation of Rules #6, #21, 204 CMR 2.05 – Sale to a minor

Items #8, #9 were taken contemporaneously.

Savita Prashad and Julianne Tremoto appeared to answer to the violation.

Lt. James Johnson presented the following:

On June 27, 2015, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage female (identifying information held at the Worcester Police Station) accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 3:04, the underage female entered the Licensed Premises and purchased a six pack of Bud Light bottles for \$7.50 and was not given a receipt. The female stated that an Asian female, wearing glasses, sold her the beer without asking for identification.

Sgt. Thomas Needham notified the clerk of the violation.

On June 27, 2015, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage male (identifying information held at the Worcester Police Station) accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 2:44 p.m., the underage male entered the Licensed Premises and purchased a six pack of Bud Light bottles for \$7.50 and was not given a receipt. The male stated that an Asian female, wearing glasses, sold him the beer without asking for identification.

Sgt. Thomas Needham notified the clerk of the violation.

Ms. Prasahad stated that Ms. Tremoto was the clerk on duty that day and admitted that the violation had occurred and they have stepped up procedures for checking identifications.

Chair Shea stated that it is very concerning that it was two violations right after another on the same day and it is their obligation as the license holder to be vigilant and check identifications to make sure underage people are not served.

Commissioner Salvidio reminded Ms. Prasahad that the liquor license is a privilege and not a right and this establishment had come before the Commission last November for same violation. Now there were two more violations on the same day and he finds it troubling that the clerk did not ask for ID and sold the alcohol and thinks the establishment needs to step up and be more vigilant and take the business more seriously.

Commissioner Salvidio stated that the first time may have been mistake but when the Commission sees multiple violations then a pattern starts to develop that store is not following the rules.

Based on the evidence, the Commission finds the Licensee violated Rules #6 and #21 of the Worcester License Commission Rules and Regulations for liquor licenses, a violation of 204 CMR 2.05 (2) relative to permitting an illegality on the licensed premises and a violation of M.G.L. c.138, § 34, on June 27, 2015 and imposed a four day suspension. Two days suspended from the previous violation from last November and additional two for the violations that occurred on June 27, 2015.

Exhibit A: Police report dated June 27, 2015.

Exhibit B: Police report dated June 27, 2015.

Other Business

- 10.** Elite Club Enterprises, Inc. dba The Rivera Club dba
241 Southbridge Street – Discussion on proposed renovations

Sergey Yugay appeared on behalf of the item. Mr. Yugay stated that he was looking to renovate the establishment and move the adult entertainment portion upstairs and operate a sports bar on first floor.

Mr. Rolle stated that staff would need some time to do some research as he was not sure under the zoning ordinance it would be allowed and requested some time to do research.

The Commission continued the item to an undetermined date.

Communications

ABCC – Notice of Suspension – Varsity Bar & Grill, 52 days-Filed.

ADJOURNMENT