



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING
September 17, 2014
7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:

Detective Lt. Daniel McCabe
Detective Dennis Smith

Meeting was called to order at 7:04 p.m. by Chairman Lamb.

1. Minutes of the meetings from August 20, 2014. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. **Transfer of License** – Application from Sousa & Lee, Inc. doing business as Off Broadway Diner, 19 Taunton Green to transfer to Off Broadway Diner, Inc., doing business as Off Broadway Diner at the same location. Attorney Kenneth J. Leitner, Jr. of Watertown and Agostino Farese, President/Treasurer/Secretary, sole shareholder and nominated manager of Off Broadway Diner, Inc. Chairman Lamb asked about the plan, and Mr. Farese explained that he would like to keep the operation essentially the same. Chairman Lamb asked about the hours of operation. Mr. Farese said that he would primarily be breakfast and lunch but would like to serve dinner in the future. The license allows operation until 1:00 a.m. Mr. Farese was asked by Chairman Lamb if he would like to change it to 11:00 p.m. and Mr. Farese said he would like to keep it the way it is. Det. Lt. McCabe mentioned that due to the late time of year, it was likely that the renewal would need to be done by Sousa & Lee, Inc. Mr. Farese mentioned that the license showed a noon opening on Sunday, but that they served breakfast. Det. Lt. McCabe explained that was just for the liquor, and not the food. Also, discussed was the possibility of coming before the board after approval to change the hours on Sunday. Motion made to transfer the license by Commissioner Thomas and seconded by Commissioner Mullen. Chairman Lamb brought up the local regulations and TIPS training. Att. Leitner said that they were aware and Mr. Farese had TIPS training. Chairman Lamb called for the vote, which was unanimous.

3. **Special Permits under § 14** – Two permits for Frederick Cassiani Jr. and Alfred Borges. Both are for Hartson Park, 110 Longmeadow Road, the softball field. Mr. Cassiani requested a license from September 30, 2014 through October 29, 2014 and Mr. Borges from October 30, 2014 through November 28, 2014. Appearing were Frederick Cassiani, Jr and Dustin Arruda, President of Taunton Slow Pitch Softball. Mr. Borges was at a wake but would be available by telephone if necessary. After a short discussion, Commissioner Mullen made a motion to approve and issue the licenses. Commissioner Thomas seconded the motion. Motion passed unanimously.
4. **Check of Compliance for Corrective Measure** –
 - a. **Ward 5, Athletic Club Inc.** - Appearing on behalf of the licensee was Attorney P. Burke Fountain of Taunton. Attorney Fountain stated that this was the first time in seventeen years that the Club had served a minor and apologized for that. He went on to say that he had submitted TIPS certificates for the employees, but just was informed today that electronic training was not allowed. If that was explained at the last meeting they missed it and he apologized again. He requested thirty additional days to comply. Commissioner Mullen made a motion to continue the matter to the next meeting and if proof of in person training takes place. Commissioner Thomas seconded the motion. Motion passed unanimously.
 - b. **Two Families, Inc. doing business as Girlies** - Appearing for the licensee was Abul K. Chowdhury, President of Two Families, Inc. Mr. Chowdhury presented a document that indicated that five employees had been trained, but because it had just been done earlier in the day, there were certificates. Chairman Lamb recommended that this matter be continued. Commissioner Mullen made a motion to continue the matter to the next meeting and if proof of in person training takes place, if submitted prior to the meeting, the licensee need not appear. Commissioner Thomas seconded the motion. Motion passed unanimously.
 - c. **Albert F. Amaro, doing business as Avenue Wine and Spirits** - Appearing before the Commission was Albert F. Amaro, Jr., owner. He presented certificates from the instructor that was conducted on the premises for all his employees. Commissioner Mullen asked if the employees learned anything from the training and Mr. Amaro explained some items that were learned. A motion was made by Commissioner Mullen to accept the proof of completion of training and hold the two day suspension imposed on August 20, 2014 in abeyance for two years. The motion was seconded by Commissioner Thomas. Motion passed unanimously. After the motion there was some discussion regarding the statutory change to the Chapter 136 which permits liquor stores to open at 10:00 a.m. on Sundays after notifying the local licensing authority, effective on October 23, 2014.
 - d. **DRT, Inc. doing business as Home Plate Compact Store** - Appearing before the Commission was Piyush Patel, President of DRT, Inc. Mr. Patel provided copies of the certificates indicating that he and his one other employee had taken the required training. A motion was made by Commissioner Mullen to accept the proof of completion of training and hold the two day suspension imposed on

August 20, 2014 in abeyance for two years. The motion was seconded by Commissioner Thomas. Motion passed unanimously.

5. **Lone, Inc. Status of Corporation, Incident Report #14014878** - This is a continuation from the previous two meetings regarding the issues outlined in Detective Lieutenant McCabe's report, specifically that the licensee corporation was dissolved by the Secretary of the Commonwealth in 2007 and has not yet been reinstated. Appearing before the Board was Paul Veradt, the sole officer of Lone, Inc. and Lori Martin, named manager. Mr. Veradt informed the Commission that he did not have a Certificate of Compliance, which he had to do by paper rather than electronically. That takes 4-6 weeks and he had been before the Commission for the same matter 4 weeks before. He said he has called and talked to many people over the last 4 weeks. The problem he found out was a payment issue, which was filed twice and paid once. He was told to go back to the person who set up his payment plan. Chairman Lamb, who is a certified public accountant, looked over the papers Mr. Veradt provided. Chairman Lamb noted that the documents were for corporate excise tax and asked about meals and sales tax. Mr. Veradt said he was on a payment plan for that as well. He then said that because of the fire (which occurred on August 15, 2014) he had lost some paperwork. The gentleman who set up his payment plan (from Tax Advocacy, LLC) faxed him some documents which he provided. Commissioner Thomas told him that at the last meeting the Board was very specific on what they wanted, and had provided an address for him to go to. Mr. Veradt said that he did, but they would not speak with him without a Certificate (from the Department of Revenue). Commissioner Thomas mentioned that he found it discouraging that Mr. Veradt had the document faxed to him today, almost 30 days after the last meeting. Commissioner Thomas said that he told Mr. Veradt that it had to be one hundred percent fixed at this meeting. Mr. Veradt claimed that because of the fire "four days before the last meeting" he had lost a lot of paperwork. Commissioner Thomas explained that he would not extend this issue past today unless there was a complete package, and the corporation was reinstated. Mr. Veradt said he did not have that paperwork. Mr. Veradt thanked the Board for being as patient as they have been and explained that he tried to find out how much money he owes to the Department of Revenue (DOR) so that he did not have any more payments. Chairman Lamb mentioned that the DOR currently has a tax amnesty program. Detective Lieutenant McCabe introduced a lien on Lone, Inc. from Horizon Beverage Co. Inc., a licensed wholesaler, for nonpayment. That lien had been served on the Board on September 10, 2014, civil action 1434CV000077 from the Attleboro Division of the District Court Department in the amount of \$4,500. Mr. Veradt produced a copy of a check to Horizon to satisfy the lien, which placed in the file, and Mr. Veradt was advised to have the court lift the lien. Detective Lieutenant McCabe also noted that the licensee did not sign the affidavit required by M.G.L. c. 62C §49A provided by the Board, but instead wrote a letter, dated three weeks after the license was renewed saying that they were on a payment plan and everything would be filed by the end of the year (2013). Mr. Veradt and Ms. Martin said that they had filed everything and were current on all tax filings for 2014. Mr. Veradt explained that he was on a \$2,500 per month payment plan, he had provided a "big check" and was down to a "minimal payment." Mr. Veradt said he needs to get in touch with "Stella" and see where she applied the payment. Chairman Lamb noted that they had a fiscal year, which ends on September 30, which requires corporate excise tax returns to be

filed no later than January 15th with an option to extend that filing date until July 15th each year. He further noted that there appeared to be no fiscal year 2012 corporate return filed. He did point out that there is a 2012 on the sheet showing a calendar year tax filing. Chairman Lamb explained that as far as the DOR is concerned, they did not file in fiscal year 2012 because it was misclassified. After some discussion, Commissioner Mullen asked someone to explain what was necessary for this Board. Chairman Lamb said a Certificate of Good Standing (COGS) (from the DOR) and Detective Lieutenant McCabe reminded the Board that there was no valid corporation. Mr. Veradt said that was the problem, without the COGS, he could not fix the corporation. Commissioner Thomas explained that this was a big mess. Mr. Veradt acknowledged the Board had extended a lot of courtesy, probably more than necessary to him. He went to explain the DOR is difficult to talk with. Chairman Lamb explained that the DOR likes to send out notices, so this should not be this bad. He does not see a return filed for fiscal year 2012. Corporate excise tax filings were for 09/2011, filed 06/17/2014; for 12/2011, filed 06/17/2014; no filing for fiscal year 2012; and fiscal year 2013 filed 08/19/2014. Detective Lieutenant McCabe asked Mr. Veradt what address he used for the DOR, Mr. Veradt responded that he used a post office box. Detective Lieutenant McCabe mentioned that there were several letters in the file, sent to the licensed premises at 18 Lakeview Avenue by certified mail that had been returned, notwithstanding that local rules state that any notice mailed to the address of the licensed premises is deemed to be received by the licensee. Commissioner Thomas stated his feelings that he could not vote to let this go, but he did not want to put Mr. Veradt out of business. Mr. Veradt said that he had copies of all of his corporate filings so he did not understand how there could be one missing. Commissioner Thomas asked if he had those with him and he said he did not. Commissioner Thomas stated that he had asked at the last meeting for everything to be brought, at which point Mr. Veradt interjected, pointing at Ms. Martin, that he asked her to bring it. Commissioner Thomas continued that he had asked so that the Board could verify everything. Ms. Martin stated that she did have it. Commissioner Thomas said over the last several months, they had come before the Board and when asked about something, they said they had it and would bring it. That is why he was clear last month to bring the whole file, so if there were any questions, they could discuss it, yet here they were again with no documents. Chairman Lamb discussed the fact that the filings did not appear to be up to date, notwithstanding Mr. Veradt's claims to the contrary and that the Chairman saw holes in what Mr. Veradt and Ms. Martin were telling the Board. Commissioner Mullen stated that his belief was that a lot of the documents submitted, were obtained today. Mr. Veradt said that was true, but he had been doing everything electronically and had to get paper copies for the Board. Commissioner Mullen asked who did the tax filings and Mr. Veradt stated that he previously had an accountant but since getting into this situation he has not talked to anyone. Commissioner Mullen also noted that filing dates were late. Chairman Lamb noted that if the Board required a COGS for renewal, this license would never have been renewed. Commissioner Mullen noted that all of attempts to play catch up have not caught the licensee up. Chairman Lamb stated that it would not be fair to permit this licensee to continue outside of the rules. Mr. Veradt said the spoke with Tax Advocacy, who did the original filings, and depending on how it went at the meeting tonight, they may be able to fix this in a few days. Chairman Lamb stated further stated that the licensee needed to get his administrative house in order so that the license was held by a legitimate corporation.

Commissioner Thomas made a motion to suspend the license of Lone, Inc., indefinitely with the provision that if the corporate issues are resolved, the local licensing authority will entertain reinstatement at a special meeting. Motion was seconded by Commissioner Mullen. After discussion, the motion passed unanimously.

6. **New Business** – Detective Lieutenant McCabe mentioned the new law for liquor stores opening on Sunday. Chapter 182 of the Acts of 2014, amending Chapter 136, §6(52) permitting retail establishments licensed under section 15 of chapter 138 to make sales beginning at 10:00 a.m. instead of noon. Also, he requested that the Board place an item on the October meeting agenda to permit the liquor stores licensed under section 15 to open during polling hours on election day. Chapter 138 § 33 prohibits sales during polling hours unless the local license authority issues an order lifting the prohibition to all licensees. Chairman Lamb approved. Finally, Detective Lieutenant McCabe advised the Board that the Disabled Persons Protection Commission by way of the Alcoholic Beverage Control Commission had asked local licensing authorities to notify licensees that Massachusetts identification cards issued by the Registry of Motor Vehicles are an acceptable form of identification due to a 2012 statute change. Licensees are not permitted to ask about any customer's disabilities, as this protected health information. Det. Lt. McCabe suggested that the easiest way to accomplish that was to use the renewal letter that Secretary Susan Barber and he had been drafting for the Board. He also stated that the common vicutaller part of the letter would be removed as the Chairman had just sent out more than 300 letters on that subject to Board of Health Food Permit holders. Chairman Lamb approved the letter adjustment.

Commissioner Thomas read a letter from Denise Asack, Bobby's Place Corp., 64 Weir Street, informing the Board of the progress on their rebuilding after the March 28, 2014 fire. The letter stated that they hoped to open in 3-4 weeks and appreciated the Board's patience.

Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. Meeting adjourned at 8:08 p.m. Motion passed unanimously.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner