



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

March 18, 2015 7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:
Detective Dennis Smith

Meeting was called to order at 7:07 p.m. by Chairman Lamb.

1. Minutes of the meetings from February 18, 2015. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. Application for a Special Permit for Bristol Community College – Appearing before the Board was Gloria Saddler, Campus Director for Bristol Community College (BCC). Chairman Lamb stated that this was an event with the Taunton Area Chamber of Commerce (TACC) and asked Ms. Saddler what type of license she was applying for. Ms. Saddler stated an all alcohol license. Chairman Lamb asked if she spoke with anyone from the police department. She said no, but said that BCC has a chief of police who works in Attleboro, Middleboro, etc. This is our first time in Taunton. We will be hosting this in the library as it is more contained. The TACC usually has a ticket system wherein you register at the door. We are going to be asking for identification. We have a server who is TIPS certified. We intend to place the bar in the rear of the library so anyone looking in doesn't know what is going on. Chairman Lamb asked if the Diocese of Fall River was okay with this and Ms. Saddler said that they were. Chairman Lamb stated that the Board had expanded the license time beyond April 15th to enable you to have a delivery and pick up of the

alcohol on your premises. Detective Smith inquired about security for the event. Ms. Saddler stated that campus security will be present. Commissioner Mullen made a motion to approve the application for a special all alcohol permit for April 14, 15, and 16, 2015 with service only on April 15, 2015. Commissioner Thomas seconded the motion.

3. International Pizza, Inc. – Appearing before the Board is Rui Figueredo, manager of the licensee. Mr. Figueredo stated that they had to close the restaurant due to his wife’s illness. Chairman Lamb explained that the Board needs to know when they are closed for any reason whatsoever. Commissioner Thomas stated that the Board was here to work with him. Chairman Lamb asked Mr. Figueredo to give us a letter by April 1, 2015, as to what the status of the license is going to be.

4. Prestige Carwash & Gas Taunton, Inc. – Appearing before the Board is Attorney Matthew Costa from Gay & Gay. Attorney Costa represented that his client was unable to appear before the Board due to a prior engagement. Commissioner Thomas explained that when Mr. Drory first came to the Board, he represented that the three parking spaces on the side would be dedicated to the store as well as the parking near the vacuums. If anything was going to be changed, Mr. Drory was expected to come before the Board. Attorney Costa indicated that Attorney David Gay worked on the application and indicated that it was his understanding that the three parking spots were dedicated for employee parking. There was an issue of compliance with the Planning Board’s requirements so there were some modifications to the site plan. Guardrails were installed and permission was requested to change the three spaces from employees to guest spaces. Chairman Lamb stated that is directly contradictory to what we approved; people were getting blocked in from our observations and studies. We were informed by Mr. Drory that he did not expect the liquor store to be the main attraction, but that those three spots would be dedicated to those guests who were going to be in and out of the store. Now he has countered what we have done. We approved the license based on those conditions and now you have changed those conditions. If you have a Planning Board issue, unfortunately, that is not our problem. We approved the license based on certain conditions and those conditions have been compromised. Attorney Costa stated that he wasn’t trying to make excuses, just offering an explanation. He further stated that he was not at the meeting and perhaps this was overlooked or a misunderstanding. The intent was always to comply with all Boards. My client has never meant to be disrespectful. Chairman Lamb asked that when Mr. Drory changed these spots back to dealer spots, did he do it because he wanted the dealer spots or because the Planning Board wanted him to change the spots. Attorney Costa stated that the issue was that these were supposed to be employee parking spaces but since there was a used car dealership license, the intent was just to bring the parking spaces in compliance. Detective Smith stated there were two issues here tonight: First issue is section 2.215 of the Rules and Regulations of the Taunton License Commission, Subsection B – renovations or modifications to the licensed premises. Any changes must come before this

committee before the changes. Attorney Costa stated that he submitted the application for this transfer and he knows that the licensed premises is the area of serving not the parking spaces nor is Mr. Drory required to provide a site plan. Chairman Lamb typical is the key role, but when we approved the transfer, we needed to consider more than just the “licensed building” because the impact of the license is on that property and the abutting properties. It is a very congested property. Detective Smith stated that if you take into account the letter that the Board received dated February 4, 2015 after the completion of the license transfer, the client took a complete view of the site plan with his engineer and made these changes. The rules indicate that you must come and ask permission, not ask us to make note of the change. Attorney Costa stated that we are not trying to avoid the Commission, because we filed these plans with you. He further added that he now understands what the issue is and requests an opportunity to review this with his client, discuss it with Attorney Gay and requests a continuance. Commissioner Mullen reviewed the plans from January, 2014, and November, 2014. Detective Smith stated that if it was just the used car license, that is another Board and one thing, but once you took over the alcohol license, that is a whole different story. Chairman Lamb stated that there is more than a slight change in this plan. Commissioner Mullen stated that there is loss of six public spots. Attorney Costa stated that he would like to confer with the licensee and come back at the next meeting. Commissioner Thomas made a motion to continue this to April 29, 2015. Commissioner Mullen seconded the motion. Motion passed unanimously.

5. Ilhia Brava, Inc., doing business as TJ’s Diner – No one appeared on behalf of Ilhia Brava, Inc.
6. Taunton Liquors, Inc. – Application to change doing business as (d/b/a) name and corrective measures. Appearing before the Board is Vui Li and his wife, Kim. Chairman Lamb stated that Mr. Li had a few different things to complete, one being changing the d/b/a name to Globe Liquors. The Board reviewed the application. Commissioner Mullen made a motion to approve the application. Commissioner Thomas seconded the motion. Motion passed unanimously. Chairman Lamb stated that the second item was the server training. Mr. Li stated yes. Chairman Lamb asked how the training went. Mr. Li produced the STOP certificates. Commissioner Mullen asked if Mr. Li found the training beneficial and he said yes. Chairman Lamb stated that the Board would make the training part of your file. Commissioner Mullen made a motion to accept the STOP certificates but continue to hold the 2 days in abeyance as part of the compliance check. Commissioner Thomas seconded the motion. Motion passed unanimously.
7. Royal Liquor Company, Inc. d/b/a Regal Food Mart Regal – Application for a Change of Manager. Appearing before the Board is Mrs. Kim Li. Ms. Li discussed how she is training the employees. Commissioner Mullen made a motion to approve

the application to change the manager. Commissioner Thomas seconded the motion. Motion passed unanimously.

8. Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Ristorante - Application for a change of manager. Appearing before the Board is Sean Campbell, Area Director and Kevin Ridlon, Culinary Manager of Bertucci's in Taunton. Chairman Lamb stated that this application was a follow up to our last meeting. He asked Mr. Ridlon if he had any management experience and he said he did. Chairman Lamb asked if this was the only restaurant Mr. Ridlon was responsible for, again Mr. Ridlon indicated in the affirmative. Mr. Ridlon was asked if he had a copy of the City's Rules and Regulations and he said he did. He also offered that the company has a lot of training with the employees. Commissioner Mullen made a motion to approve the change of manager application. Commissioner Thomas seconded the motion. Motion passed unanimously.

The Board requested a short recess at 7:48 p.m. and returned at 7:58 p.m.

9. Police Incident Report #15002005. Detective Smith read the base of the report which was written by Detective Lt. Daniel McCabe, an agent for the License Commission. Detective Smith stated that when each establishment is called before the Board, he will go over the facts of the report.

Baha Brothers Pub & Restaurant Inc., doing business as BaHa Brothers Sandbar Grill – Appearing before the Board is Peter Hebert, Bill Strojny and Jessie Morgan. Chairman Lamb asked if they had received a copy of the report and if there were any issues. Mr. Hebert said there were none. Chairman Lamb asked if they would waive the reading and Mr. Hebert said they would. Chairman Lamb asked the gentlemen to give their side of the story. Mr. Hebert stated that they had a bartender who took the identification and misread the date, and served the operative. Chairman Lamb stated that if Mr. Hebert had seen any of the Board's previous meetings, he would know that it is not the Board's intent to punish people but to just enforce the rules. As a component to that policy, we check to make sure that the establishments have training in place, such as TIPS, STOP, etc. Mr. Hebert states that they do have a training policy in place. Chairman Lamb asked if they had confirmation of that training with them, they did and it was provided to the Board. Chairman Lamb asked how often Mr. Hebert conducted the training. Mr. Hebert stated every year. Chairman Lamb asked if the employee was disciplined. He said that was written up, sent home and suspended for a day. He further offered that they have a machine that they use on Friday nights, Saturday nights, etc. and it worked well. After this incident, they purchased another machine that is left behind the bar. Mr. Hebert stated that the machines aren't cheap, but it makes it easier for the staff and they work well. Mr. Morgan added that the new machine is solely used to check identification and bartenders no longer rely on a visual check. Chairman Lamb stated that it would be a three day suspension, with one day served, two held in abeyance if you have the

training and if not, you need to do the training and come back. Commissioner Mullen stated that there was a frustration on the Board's part due to the failure record. We try to pick a day that will have the least amount of impact. Mr. Hebert asked if the restaurant could serve its suspension on the Monday, March 30, 2015. Chairman Lamb asked if they would waive the appeal period. Mr. Hebert said that they would. Chairman Lamb stated that the record should reflect that the Baha Brothers waived their right to appeal. Commissioner Thomas made a motion for a three day suspension, one day to be served on March 30 2015, and two days held in abeyance for two years. Commissioner Thomas seconded the motion. Motion passed unanimously.

Ioannis Karageogos doing business as New Weir House of Pizza – Appearing before the board is Mr. Karageogos, owner/manager, Mrs. Karageogos and Martha Curran, server. Chairman Lamb asked if they had received a copy of the police report and would they waive the reading of the report. Mr. Karageogos said that he did. Ms. Curran stated that she was the server and explained what happened. She said she looked at the identification, the birthday was February 6, but the year was off. She wanted to double check the year. She went to say that she was multitasking and messed up, simple human error. Ms. Curran stated that she was TIPS certified before the incident and has also repeated the course. She doesn't have the card, but could pull it up on her phone. Commissioner Mullen asked if all of the employees were certified and Mrs. Karageogos said yes. Commissioner Mullen asked if they had a record of that, Mr. Karageogos said yes, but not with him. Chairman Lamb asked how many employees there were. Mrs. Karageogos stated about ten. Chairman Lamb asked if they were certified before this incident and was told that they were. Chairman Lamb asked if they had any of the paperwork with them and the answer was no. Commissioner Thomas stated the vertical license is usually a giveaway that the person is underage. Ms. Curran agreed, but stated that she usually looked right at the date because before one didn't have to get a new license right when you turned 21. Commissioner Mullen asked if there was any formal training at the regular meetings with your employees. Mr. Karageogos said yes. Commissioner Mullen asked if they required that the employees be TIP certified, again the response was yes. Commissioner Thomas stated that he would propose a three day suspension, one day served, two days will be held in abeyance for two years. On April 29, 2015, we have another meeting. You will need to provide us copies of your training. If you don't have us the information, you will have to serve two days. The one day will be March 30, 2015. Chairman Lamb stated that if you agree to the March 30, 2015 date, Mr. Karageogos will need to waive the right to appeal, which he agreed to do. Commissioner Thomas made a motion for a three day suspension with one day to be served on March 30, 2015, with two days held in abeyance for two years. Commissioner Mullen seconded the motion. Motion passed unanimously.

Queen Yang, Inc. – Yamato Japanese Steakhouse. Appearing before the Board is Hong Yang, Manager. Chairman Lamb asked if Mr. Yang received a copy of the

police report. He said he did. Chairman Lamb asked if he understood the report and if he would waive the reading. Mr. Yang agreed stated that he understood the report and waived the reading. Mr. Yang gave a narrative as to what happened. Mr. Yang stated that they have had STOP training and produced the cards for three employees – two are servers and one is a back-up server. Commissioner Thomas asked what the policy was if an employee left; how long is it until a new employee gets certified. Mr. Yang stated that they try to make sure everyone is certified every two or three months. Commissioner Mullen asked if there was a training program in place and Mr. Yang indicated that there was not. Chairman Lamb suggested that Mr. Yang may want to institute a policy for the employees. Commissioner Thomas made a motion for a three day suspension, one day to be served, Monday, April 6, 2015, and two days to be held in abeyance for two years. Commissioner Mullen seconded the motion. Motion passed unanimously.

10. Weir Associates, Inc. doing business as McGrath's Cafe – Appearing before the board is Thomas Cuniff, Secretary/Treasurer of the licensee corporation. Chairman Lamb asked if he had received a copy the police report and accepted it as is, Mr. Cuniff said that he did. Mr. Cuniff stated that the bartender misread the date. Chairman Lamb asked if about employee training. Yes, everyone is certified. Chairman Lamb asked if Mr. Cuniff had the records with him and was told that he did not. Commissioner Mullen asked if he could get the records to the Board, Mr. Cuniff said yes. Chairman Lamb stated that this is fairly straight forward. Detective Smith stated that the report reflects that the Commission did suspend their license for two days in April, 2013, for serving on a Sunday morning prior to their licensed hours. Commissioner Thomas made a motion for a three day suspension with one day to be served and two days to be held in abeyance for two years. The date to be served will be April 13, 2015. Commissioner Thomas informed Mr. Cuniff that he had until April 29, 2015 to get the Board the paperwork. If he didn't, there would be two days and the Board would add on another one in May. Commissioner Mullen seconded the motion. Motion passed unanimously.

Royal Liquor Company, Inc. d/b/a Regal Food Mart – Appearing before the Board is Vui Le and his wife, Kim Le. Chairman Lamb asked if they had received a copy of the police report and understood it. They said they did. Chairman Lamb asked if they would waive the reading and they agreed. Chairman Lamb states that Regal Food Mart has been before the Board previously. This is getting disappointing. Commissioner Mullen stated that the Board did not like repeat offenders. Chairman Lamb asked Mr. and Mrs. Le what they have done to fix this problem. Mr. and Mrs. Le stated that the keep reminding the employees, training them. Commissioner Thomas stated that some places have machines, scanners. Commissioner Thomas said that he knows that it is expensive, but it is cheaper than being closed. Commissioner Mullen asked if they had a big turnover and they said they did. Commissioner Mullen suggested that they look at their employees, because there is a problem and it needs to be fixed. If the licensee keeps coming back, the suspension is going to continue to grow. Mrs. Le stated that her husband works very hard with two

stores. Commissioner Mullen stated that this was one of the problems, he cannot run two stores, that doesn't work; not in this business. Now we are encouraging you to have the proper procedures, mechanisms in place and if someone doesn't follow the rules, fire them. Don't wait until it is an issue. Chairman Lamb stated that there were two days that were held in abeyance from last time. Considering it is the same situation, those two days will probably be added on to this offense. Commissioner Thomas made a motion to suspend the license for eight days total, five days to be served; three days held in abeyance for a period of two years. The closing dates will be Monday April 6, 2015, Tuesday, April 14, 2015, Monday April 20, 2015, Tuesday April 28, 2015, and Monday May 4, 2015. Commissioner Mullen seconded the motion. Motion passed unanimously. Commissioner Thomas explained the days in abeyance.

Old Business – Soap & Suds, Inc. doing business as Royal Restaurant. Appearing before the Board is Attorney J.P. Thomas. Attorney Thomas stated that his client told him me that at the last minute, there were unexpected circumstances that made it impossible for his client to attend the license commission meeting held on February 18, 2015. He tried to contact City Hall but no one was there to take the call. He was served on a Friday, started the sentence on Monday and appealed it to the ABCC. Chairman Lamb stated that this is not the first time this license holder has not appeared before the Board. The punishment was not because he didn't show, we had the police report and we ruled on that. Chairman Lamb questioned if any of the days were served. Attorney Thomas stated, yes, his days were served from March 9 through March 13. Chairman Lamb inquired as to whether Attorney Thomas had filed the appeal to remove the infraction from his client's record, Attorney Thomas said yes. Attorney Thomas stated that they could withdraw their appeal if the Board's decision was not based on his failure to appear but on the original infraction. For the record, Commissioner Thomas acknowledged that Attorney Thomas is his brother. Commissioner Mullen asked if this was the first offense for this particular infraction and was told that it was. Commissioner Mullen added that as Commissioner Thomas had stated, our usual first offense is a three day suspension with one day served. The fact that your client didn't show up was offensive to the Board and that is why there was a five day suspension. Commissioner Thomas stated that there would be no days held in abeyance since he had served the five days. Chairman Lamb agreed. Attorney Thomas asked if the five day suspension would have been the original sentence his client would serve. Commissioner Thomas said yes, plus two days held in abeyance which was already served. Chairman Lamb asked Attorney Thomas if his client had any issues with the police report, and he said he did not. Chairman Lamb stated that he thought they were at a point where there is no further penalty. Commissioner Thomas agreed. Commissioner Mullen stated that if you reviewed the minutes from the last meeting, the license was suspended for a period of five days from March 9 through March 13, 2015. We also required the licensee to appear at the next meeting which is today, to answer the original allegations detailed in the police report. So basically the five day suspension was for not showing up. What we still have to deal with is the original issue which would be our typical standard of one day

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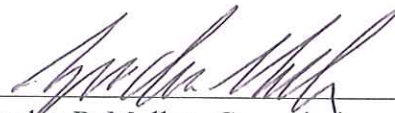
suspension with two days held in abeyance. What we could do is not issue the one day and the period held in abeyance, which still sits out there now because we haven't addressed that. Attorney Thomas stated that he was confused. Commissioner Mullen stated that the days were an automatic for not appearing. Your client was to appear to address the original allegations still which have not been dealt with. Commissioner Thomas stated that would have brought the licensee another three days. Attorney Thomas agreed. Commissioner Thomas stated it would have been two days in abeyance and one day served. Attorney Thomas agreed and stated that he understood. Commissioner Thomas stated that with Attorney Thomas being before us tonight, we need to make a decision as to whether we do the three days or we waive the three days because they already served five days and you are here before us. Attorney Thomas stated that was what he thought Commissioner Thomas and Chairman Lamb had agreed on. Attorney Thomas added that he would plead compassion for his client having to serve any additional days as it is a family run business and he has already served five days. Chairman Lamb stated that given past history, compassion only goes so far; it works both ways with respect. Commissioner Mullen stated that he was going to make a suggestion to you and your client that if they receive any more letters from this Board, that they call and either have you appear or they appear themselves. Attorney Thomas stated that he understood. Commissioner Thomas stated that for the record, anyone who doesn't show up, we do take it very serious. Commissioner Mullen stated that if something does come up, please send someone else to explain that something came up. Attorney Thomas agreed and stated that he would address those issues with his client. Commissioner Mullen asked if there was any training in place. Two years ago we had some training from STOP. I do not believe that there are any records of the certifications. I knew that this would be an issue tonight. I reached out to STOP and according to the person that I spoke with on the phone, they do not keep copies of those certifications. I am working on getting copies but it may take more than 30 days. Commissioner Mullen asked if they had hired any new employees within the last two years. Attorney Thomas said they had not. Commissioner Thomas stated that we can give you 41 days to obtain the paperwork. Commissioner Mullen stated that in the alternative, they can get new training. Chairman Lamb asked Attorney Thomas as he sits before the Board this evening for the original allegations as stated in the report, does he agree with the facts. Attorney Thomas said that he did. Commissioner Mullen stated that he was willing to forgo the one day suspension and keep the two days in abeyance. Attorney Thomas stated that he thought that was fair. Attorney Thomas asked if he could email it the paperwork from STOP. Chairman Lamb said yes. Commissioner Thomas made a motion that the Board hold two days in abeyance for two years, the days to be served have already happened. If you have something from STOP or TIPS already done prior to April 29, 2015, it is okay to email or fax it to the office. If you don't have any paperwork and only have a schedule, you will need to appear before the Board on April 29, 2015, to give us a presentation. Commissioner Mullen seconded the motion. Motion passed unanimously. Chairman Lamb added for the record that this was in reference to police report #15001194.

New Business – Date change. Commissioner Thomas made a motion to change the meeting from April 22 to April 29, 2015. Commissioner Mullen seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. Meeting adjourned at 9:03 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner