



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING

July 24, 2013
7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:

Chief Edward Walsh
Detective Lieutenant Daniel McCabe
Detective Dennis Smith

Meeting was called to order by Chairman Lamb at 7:00 p.m.

1. Minutes of the July 2, 2013 License Commission meeting. Commissioner Mullen made a motion to accept the minutes and Commissioner Thomas seconded the motion. Motion passed unanimously.
2. **Boys & Girls Club of Taunton, Inc.** – Application for a special permit. Chairman Lamb recused himself from the hearing as he is an officer of the corporation. Jill Precopio of the Boys & Girls Club was not able to appear for the hearing. Commissioner Mullen assumed control of the hearing and read the application which indicated that the event was scheduled for September 5, 2013 from 5:00 p.m. to 8:00 p.m. at 388 Harvey Street, Taunton. Chairman Lamb indicated that the event was a ticketed fundraising event in which several area restaurants offer samples of their menus and that Quality Beverages was donating their time and would be serving the beer and wine. Commissioner Mullen asked if there were police concerns. There were not. Commissioner Thomas made a motion to approve the application for a special permit and Commissioner Mullen seconded the motion. Motion passed unanimously.
3. **George Faria and Arlene Faria on behalf of Slow-Pitch Softball (Hartshorn Field)** – Applications for Special Permits (30 days each). George Faria appeared before the Board on behalf of himself and Arlene Faria. Mr. Faria indicated that the league was running their events with the permission of the city. Commissioner Mullen asked if there were any issues to date.

Mr. Faria stated no. Commissioner Mullen made a motion to approve the applications for special permits. Commissioner Thomas seconded the motion to approve. Motion passed unanimously.

3. **Thomas Cunniff on behalf of McGrath's Café** – Application for a special permit. Mr. Cunniff did not appear for the hearing.

4. **Ruby Tuesdays Inc.** – Application for a Change of Manager. Appearing on behalf of Ruby Tuesdays was Michael McBride. Chairman Lamb asked Mr. McBride if he had previous experience as a manager. Mr. McBride stated yes. Chairman Lamb asked Mr. McBride about his former positions and experience. Commissioner Mullen made a motion to approve the application for a change of manager. Commissioner Thomas seconded the motion. The motion passed unanimously.

5. **Police Incident Report 13009944** – Detective Lt. McCabe stated that on May 23rd, 2013, he worked on a compliance check with an under aged person to check package stores. The operative only had the cash that was provided to him by Detective Lt. McCabe. The operative was instructed to purchase one 6-pack of 12 oz. cans of Budweiser beer. Detective Lt. McCabe and the operative proceeded to 19 out of the 24 package stores. 14 stores asked for identification and the operative was told to leave immediately when he could not produce an identification.

Detective Lt. McCabe gave a brief description of the details surrounding the five (5) stores which sold the operative alcohol without asking for identification.

Sunny & Dev. Corp. d/b/a Smart Stop, 306 Winthrop Street - The operative entered the licensed premises and exited after approximately 2 minutes with a 6-pack of Budweiser brand beer in a black plastic bag. The operative described the clerk who had sold him the alcohol as an older Indian male, with slicked back gray hair, wearing a white button down shirt.

Apex Ventures, Inc. d/b/a Andy's Supermarket, 802 Bay Street - The operative entered the licensed premises and exited approximately 2 minutes later with a 6-pack of Budweiser brand beer. The operative described the clerk who had sold him the alcohol as a white male, younger, wearing a red shirt and glasses with medium length hair.

Royal Liquor Company, Inc. d/b/a Regal Food Mart, 356 Bay Street – The operative entered the licensed premises and exited approximately 2 minutes later with a 6-pack of Budweiser brand beer in a brown paper bag. The operative described the clerk who had sold him the alcohol as a white female, middle aged, with blond and gray hair.

Kuma Ventures, Inc. d/b/a Taunton Wine & Liquors, 239 Broadway - The operative entered the licensed premises and exited approximately 2 minutes later with a 6-pack of Budweiser brand beer in a brown paper bag. He identified the clerk as a white male, with short hair, mid 20's.

ATCI Corp, 48 Broadway - The operative entered the licensed premises and exited approximately 2 minutes later with a 6-pack of Budweiser brand beer in a light brown plastic

bag. He identified the clerk as a Middle Eastern male, approximately 20-25 years old wearing a white t-shirt.

Detective Lt. McCabe stated that the operative was given a breathalyzer before and after the compliance check and both tests resulted in readings of .00% BAC. Detective Lt. McCabe stated that he dropped the operative off and went back to each establishment to notify the licensees of the violations.

Chairman Lamb asked if this sting operation was similar to the program that the ABCC puts on. Detective Lt. McCabe stated that the only difference was that the local rules permit the operative carry to his own identification, the state rule prohibits it. Chairman Lamb asked when the last compliance check was done. Detective Lt. McCabe stated it was done 4 years ago. Commissioner Mullen asked how this compliance check compared from the one completed before. Detective Lt. McCabe stated that he did not know; he did not have the statistics with him. Commissioner Thomas asked if the operative had any identification whatsoever on him. Detective Lt. McCabe stated no. Commissioner Thomas asked if the clerks even asked for identification. Detective Lt. McCabe stated no. Commissioner Mullen asked if the clerks had asked for an id, did not get one and then sold the alcohol. Detective Lt. McCabe stated no, that was not the case.

Appearing on behalf of ATCI Corporation was the manager, Copal Awad. Chairman Lamb asked Mr. Awad if there was anything he wanted to say after hearing Detective Lt. McCabe's police report Mr. Awad stated that unfortunately this did happen, that this is not how his business operates and that he is very sorry. Chairman Lamb asks if it was an employee who sold the alcohol. Mr. Awad states that no, it was not. It was someone who was helping out. He continued to give a description of the new policy he has in place for his employees. Commissioner Mullen stated that the program sounded like a good one – that they are headed in the right direction, but that this was a serious issue before the Board. Chairman Lamb reminded Mr. Awad that it his is responsible for whoever is behind the counter. Commissioner Mullen reminded Mr. Awad that it states in the License Commission's Rules and Regulations that you cannot have a non-salaried person working and that should never happen again. That was his first mistake. All the responsibility comes back to the manager/owner. Chairman Lamb asked if the police department has anything to add. Chief Walsh and Detective Lt. McCabe stated no. Chairman Lamb asked the Board what their thoughts are for the violation punishment. Chief Walsh stated that the City's punishments are not as strict as other communities. That the City wants to send a message that severing under 21 is a serious offense. Discussion ensued about the suspension of license. **Commissioner Mullen made a motion for the suspension of the license for a period of five (5) calendar days. One (1) day to be served on August 15, 2013. One (1) additional day will be held in abeyance until the next Commission meeting. The Licensee is required to return to the next Commission meeting on August 28, 2013 and show satisfactory evidence that corrective measures have been initiated for all employees for the sale of alcohol. If the Commission finds the Licensee has satisfactorily initiated corrective measures, then the remaining four (4) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. If the Licensee has not satisfactorily initiated corrective measures, one (1) additional day will be served at a date to be determined by the Commission. The**

remaining three (3) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. Commissioner Thomas seconded the motion. Motion passed unanimously.

Appearing for Kuma Ventures, Inc., d/b/a Taunton Wine and Liquors was Kushal S. Patel. Chairman Lamb asked Mr. Patel if there was anything he wanted to add with regard to Detective Lt. McCabe's police report. Mr. Patel stated no, that he was very sorry and that he too had already taken preventive steps so that this doesn't happen again. Commissioner Mullen suggested that Mr. Patel come up with some form of an agreement with his employees so they understand the process and the problems created when identification is not checked. Mr. Patel asked if it is normal procedure for the police officer to return to the store three hours after the sale of alcohol. Detective Lt. McCabe stated that the ABCC only requires that the City notify the license holder; that the License Commission Rules & Regulations state that we only need to mail notification. Commissioner Thomas stated that if everyone had asked for identification, there would not have been a problem. Commissioner Mullen stated that he appreciated the preventive steps and responsibility that Mr. Patel was taking. Commissioner Mullen made a motion for the suspension of the license for a period of five (5) calendar days. One (1) day to be served on August 15, 2013. One (1) additional day will be held in abeyance until the next Commission meeting. The Licensee is required to return to the next Commission meeting on August 28, 2013 and show satisfactory evidence that corrective measures have been initiated for all employees for the sale of alcohol. If the Commission finds the Licensee has satisfactorily initiated corrective measures, then the remaining four (4) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. If the Licensee has not satisfactorily initiated corrective measures, one (1) additional day will be served at a date to be determined by the Commission. The remaining three (3) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. Commissioner Thomas seconded the motion. Motion passed unanimously.

At this time, Chairman Lamb asked that Royal Liquor Company, Inc. d/b/a Regal Food Mart come forward, but there did not appear to be anyone in the audience representing Regal Food Mart. Chairman Lamb tabled this agenda item until later in the hearing in the event someone appeared on their behalf.

Appearing for Sunny & Dev Corp. d/b/a Smart Stop was the manager, Sunil Patel. Chairman Lamb asked Detective Lt. McCabe to give a synopsis of his report. Mr. Patel stated that he was present on the evening of May 23, 2013 and that his father was helping out. Chairman Lamb asked if Mr. Patel's father was an employee of the business. Mr. Patel stated no. Chairman Lamb asked Mr. Patel if he had preventive measures in place now. Mr. Patel stated yes. He had a scanner to scan identification cards and an identification card book. Commissioner Mullen stated that unfortunately, none of those items would have helped in this case because no identification was checked. Mr. Patel stated that some kids come in with fake identification or use their brother's identification. Commissioner Thomas asked Detective Lt. McCabe if he returned to the establishment 3 hours after the incident. Detective Lt. McCabe stated yes, he did. Commissioner Thomas asked Mr. Patel if it was true that he made Detective Lt. McCabe watch the surveillance video because he insinuated that the operative had stolen the

beer. Mr. Patel stated no, that his father was confused. Detective Lt. McCabe clarified that based on the insinuation that the operative had stolen the beer, he demanded to watch the video immediately. Det. Lt. McCabe indicated that the video showed the operative did what he was told to do. Commissioner Thomas stated that he wanted Mr. Patel to be clear that in the future, he is welcomed to challenge the violation, but if he is wrong, the discipline will be double. Commissioner Thomas stated that the Board was not trying to punish, but rather trying to make awareness – that there have to be systems in place to prevent selling alcohol to minors. Commissioner Mullen made a motion for the suspension of the license for a period of five (5) calendar days. One (1) day to be served on August 15, 2013. One (1) additional day will be held in abeyance until the next Commission meeting. The Licensee is required to return to the next Commission meeting on August 28, 2013 and show satisfactory evidence that corrective measures have been initiated for all employees for the sale of alcohol. If the Commission finds the Licensee has satisfactorily initiated corrective measures, then the remaining four (4) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. If the Licensee has not satisfactorily initiated corrective measures, one (1) additional day will be served at a date to be determined by the Commission. The remaining three (3) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. Commissioner Thomas seconded the motion. Motion passed unanimously.

Appearing before the Board on behalf of Apex Ventures, Inc. d/b/a Andy's Supermarket was the store manager, Maninder Singh. Mr. Singh stated that this has never happened before and that he accepts responsibility. Chairman Lamb asked Mr. Singh if there is a corrective action plan in place. Mr. Singh stated that yes, that they are reinforcing identification checks, that every staff member be certified to scan identification cards. Mr. Singh further stated that he considered this to be a very serious offense. Commissioner Mullen made a motion for the suspension of the license for a period of five (5) calendar days. One (1) day to be served on August 15, 2013. One (1) additional day will be held in abeyance until the next Commission meeting. The Licensee is required to return to the next Commission meeting on August 28, 2013 and show satisfactory evidence that corrective measures have been initiated for all employees for the sale of alcohol. If the Commission finds the Licensee has satisfactorily initiated corrective measures, then the remaining four (4) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. If the Licensee has not satisfactorily initiated corrective measures, one (1) additional day will be served at a date to be determined by the Commission. The remaining three (3) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. Commissioner Thomas seconded the motion. Motion passed unanimously.

Chairman Lamb called Royal Liquor Company, Inc. d/b/a Regal Food Mart to come before the Board. No one came forward. Chairman Lamb asked the recording secretary if there had been any communication from them requesting a continuance. She stated no. The Chairman asked if they were notified of the meeting – that they were served in hand by a police officer on Friday, July 19, 2013. Commissioner Thomas made a motion for the suspension of a license for the period of seven (7) consecutive calendar days. Five (5) days to be served commencing on

August 15, 2013 and ending on August 19, 2013. Two (2) days to be held in abeyance until the next Commission meeting. The Licensee is required to return to the next Commission meeting on August 28, 2013 and show satisfactory evidence that corrective measures have been initiated for all employees for the sale of alcohol. If the Commission finds the Licensee has satisfactorily initiated corrective measures, then the remaining two (2) days will be held in abeyance for two (2) years provided no further violations of Chapter 138, ABCC Regulations or Commission Rules occur. If the Licensee has not satisfactorily initiated corrective measures, two (2) additional days will be served at a date to be determined by the Commission. Commissioner Mullen seconded the motion. Motion passed unanimously.

Taunton Sports Club – Application for Alteration of License. Appearing before the Board was the President of Taunton Sports Club and Attorney Alan Medeiros. Attorney Medeiros went over the diagram of the premises to show that everything is now enclosed. Detective Lt. McCabe asked if the only entrance was the walkway between the buildings. Attorney Medeiros stated yes. Chairman Lamb asked if the updated financial information had been completed. Attorney Medeiros stated yes and that he was also submitted a certificate of vote. Chairman Lamb stated that the outside alteration area had a restricted time frame from April 1st through October 31st. Attorney Medeiros stated that was correct. Commissioner Mullen made a motion to approve the 2 alterations of premise with a conditional time period for outside from April 1, 2013 through October 31, 2013. Commissioner Thomas seconded the motion. Motion passed unanimously.

OV's Restaurant, Inc. d/b/a OV's Restaurant – Violation of Rule 3.06(A). Appearing before the Board was Havannes Dolarian, Manager. Detective Lt. McCabe stated that OV's was closed for a 14 day period, in June and July, without request or permission of the Board. Mr. Dolarian stated that he was on vacation; not closing for good. Chairman Lamb stated that when Mr. Dolarian was granted the license, it was understood that the license would be in service. Mr. Dolarian stated that he understood. Chairman Lamb asked if OV's had any plans to close. Mr. Dolarian stated no. Commissioner Thomas advised Mr. Dolarian to call with any questions – that it is better to be safe. Mr. Dolarian stated that they have other restaurants and that they do not like to publicize when they are closed due to thefts. Commissioner Mullen stated that if there is a deviation from their regular hours, the Board needs to know. Mr. Dolarian stated he understood. Commissioner Mullen stated that there is an issue in the City with establishments not being open when they should be. That it isn't a serious punishment. Chairman Lamb stated that the Board was in a transition period and that a note should just be placed in Mr. Dolarian's file that he has been notified of the regulations. Commissioner Mullen made a motion to have a notation made in the file and have it be considered a verbal warning. Commissioner Thomas seconded the motion. Motion passed unanimously.

1 Carnation, LLC d/b/a Fusion Kitchen – Police Incident Reports #13002938-1 through 13002938-4. Appearing before the Board was Lisa Luu, Manager. Officer Jayson LaPlante gave a synopsis of his report which was read into the record. Detective Lt. McCabe gave a synopsis of his report which was read into the record. Chairman Lamb asked Officer LaPlante if he saw the bill and if there was alcohol charged on it. Officer LaPlante answered yes. Chairman Lamb asked Ms. Luu if there was anything she wanted to discuss pertaining to the incident

reports. Ms. Luu said yes, and stated that a group of 3 individuals came in to the restaurant and sat at the counter. A while later, they asked to be moved near a window in the dining room. Ms. Luu testified that her staff recognized Mr. Laing. The waitress served them 1 soda and 2 drinks. Ms. Luu stated that the waitress alerted her that she did not get along with Laing. Ms. Luu further stated that she was watching the party. Ms. Luu stated the girls were older than the boy, but that she witnessed him move his body closer to the drinks. Although Ms. Luu stated that she did not see Mr. Laing drink, she stated that she and the waitstaff witnessed Mr. Laing lean in to one of the alcoholic beverages at the table. Ms. Luu stated that the staff had stopped by the table and gave a warning that they would not allow Mr. Laing to lean into the alcoholic beverage on the table and if he did so, he would be asked to leave. Ms. Luu stated that Laing did leave the building and the two women stayed and then eventually one of the girls left and one stayed. Ms. Luu stated that they are a small business doing what they can.

Chairman Lamb asked Ms. Luu if she requested identification of all 3 patrons. Ms. Luu stated that yes, of the two older ones. Chairman Lamb asked if they had been patrons in the establishment before. Ms. Luu stated that Heather Cornell was a previous patron. Chairman Lamb asked Patrolman LaPlante if the patrons were intoxicated, in his opinion. Patrolman LaPlante stated yes – Ms. Cornell heavily so and Mr. Laing was a little under the influence at the police station but not intoxicated. Patrolman LaPlante further stated that he felt it was odd that Mr. Laing openly admitted that he had been drinking when he was only 18 years of age. Commissioner Thomas asked Patrolman LaPlante if he knew how old Heather Cornell was. Patrolman LaPlante answered that she was 26 years of age. Chairman Lamb asked if Ms. Cornell looked over the age of 21. Patrolman LaPlante stated yes, but that the 2nd female was not identified. Chairman Lamb asked Ms. Luu if the patrons had been in her establishment since the incident. Ms. Luu stated no.

Commissioner Thomas asked Ms. Luu that when she witnessed Ms. Laing drinking, did she continue to let him drink until he left. Ms. Luu stated absolutely not – that she stopped him and told him he could not be at the table and asked him to leave. Commissioner Mullen asked how many drinks were served at the table and how long were the patrons at the establishment. Ms. Luu stated 6 drinks and 2 hours. Chairman Lamb asked Detective Lt. McCabe if Ms. Luu's story is consistent with what Detective Lt. McCabe witnessed on the video. Detective Lt. McCabe stated that no one was around when Mr. Laing slipped out from the table and that he only saw Ms. Luu at the table when Ms. Cornell was the only patron left. Commissioner Mullen asked Ms. Luu who had asked Mr. Laing to leave. Ms. Luu stated that the staff and she demanded it. Commissioner Mullen asked if he left immediately. Ms. Luu stated yes. Commissioner Mullen asked Detective Lt. McCabe if that is what he saw on the video. Detective Lt. McCabe stated that he did not recall but did not believe so since it was not in his report.

Chairman Lamb asked Ms. Luu if she understood that she was here because the report alleged that she served Mr. Laing. Ms. Luu stated that he had slipped out on the bill. That the waitstaff did not get along with him. Commissioner Mullen stated that he was not sure why Mr. Laing would commit a crime and then admit it. Commissioner Thomas stated that he wanted Ms. Luu to clarify – that he left, she left and then Ms. Luu confronted Ms. Cornell. That there seem to be conflicting reports. Ms. Luu asked if she was not allowed to serve a table with

someone who was underage. Chairman Lamb answered no, but that you need to take preventive actions to make sure that the underage individual does not drink. Detective Lt. McCabe asked Ms. Luu if she still had the videotape which she answered she was not sure. She further stated that the point was whether or not there was intention to serve him. Commissioner Mullen stated that it bothered him that they were there for 3 hours if Mr. Laing's behavior made her uncomfortable. Ms. Luu stated that all they can do is ask them to leave. She then asked the Commission what else is there that she could do. Commissioner Mullen, Detective Lt. McCabe and Chairman Lamb all stated that she did not have to serve him.

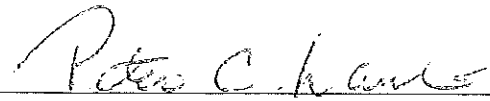
Chairman Lamb stated that the situation grew over time and that Ms. Luu did not have control of her establishment. Commissioner Thomas stated that there was to be steps and a system in place – that Ms. Luu knew there was an issue, but she still served the patrons. Commissioner Mullen made a motion to have a written warning issued, a one day suspension held in abeyance for 2 years and any other legality, the suspension will hold at the discretion of the Board. Commissioner Thomas seconded the motion. Motion passed unanimously. Ms. Luu asked if she could appeal. Chairman Lamb stated yes, she could and went on to explain what the definition of “abeyance” was.

Appearing before the Board was Leo Argrew of Vault Liquors and James Chiesa of Leahy's Liquor Store. Mr. Argrew and Mr. Chiesa explained to the Board that they did not think it was necessary to request an increase of the package store licenses. They were upset that they were not aware that this increase was being considered. Detective Lt. McCabe stated that it was on the agenda. Chairman Lamb stated that the Board appreciated their input but that it is not the intent of the Board to control economic environment. Mr. Chiesa stated that he and Mr. Argrew were looking out for their own interests, that they were not going to deny it. And additionally, back in 2006, the voters of Taunton voted against an increase. Chief Walsh stated that the request had already been voted upon by the Council, that they voted to reconsider the increase, but that the Home Rule petition has already been sent to Boston.

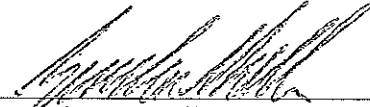
August meeting was scheduled for August 28, 2013 at 7:00 p.m.

Chief Walsh stated that the Board needed to regulate the hours for certain establishments – how many hours are they required to be open pursuant to their license. Commissioner Mullen stated that these issues should be discussed prior to the application renewal process. Chairman Lamb stated that there should be some general agenda items on for the September meeting such as issues, requirements, hours, etc. Detective Lt. McCabe stated that he would like to have some server training companies appear before the Board. September meeting was scheduled for September 18, 2013.

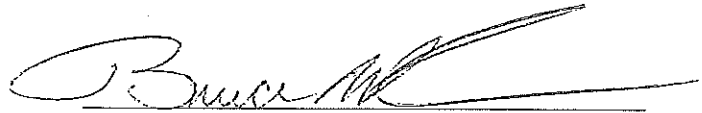
Commissioner Mullen motioned to adjourn. Commissioner Thomas seconded the motion. Motion passed unanimously. Meeting adjourned at 9:11 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner