



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

October 16, 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 at 7:00 p.m. by Chairman Lamb.

1. Minutes of the September 18, 2013 License Commission Meeting. Commissioner Mullen made a motion to accept the minutes and Commissioner Thomas seconded the motion. Motion passed unanimously.
2. **Giatis Corporation d/b/a Pizza Depot** – Application for a Change of the doing business as (DBA) Name. No one appeared on behalf of Giatis Corporation. Detective Lieutenant McCabe stated that all the paperwork appeared to be in order and all that was required by the Board was a vote to allow the DBA name change. Commissioner Mullen made a motion to accept the application for a change of the DBA name and Commissioner Thomas seconded the motion. Motion passed unanimously.
3. **Taunton Tavern, Inc.** – Application for a Change of Corporate Name. Appearing before the Board was Attorney Burke Fountain, Taunton, Massachusetts. Attorney Fountain stated that Ward 5 Athletic Club had been at the premises for many years; that when the property was sold, the new owners originally kept the name due to pending scholarships. Thereafter, it appeared that the establishment had neglected to change the name of the corporation. Chairman Lamb asked if there would be a change in manager. Attorney Fountain stated no. Chairman Lamb asked if all officers were the same. Attorney Fountain stated yes. Commissioner Thomas asked if the establishment had been operating club as in the past. Attorney Fountain stated yes. Commissioner Mullen

made a motion to accept the application for a change of corporate name and Commissioner Thomas seconded the motion. Motion passed unanimously.

4. **AMF Bowling Centers, Inc.** – Application to Change Officers and Directors and Change of Beneficial Ownership – Appearing before the Board was Attorney Trish Farnsworth and the manager of AMF, Mr. Benoit. Attorney Farnsworth stated the corporation was filing the application to change officers and directors and change of beneficial ownership because the organization was coming out of bankruptcy. She further stated that there were no other changes and that AMF has had no previous violations. Chairman Lamb asked if AMF Centers, Inc. is the corporation on Winthrop Street. Attorney Farnsworth answered yes. Attorney Farnsworth gave a brief explanation as to the changes that are being made as a result of the bankruptcy. Chairman Lamb asked if AMF had changed the other businesses as well. Attorney Farnsworth stated that they were in the process of doing that now. Commissioner Mullen made a motion to approve the change of officers and directors and to change the beneficial ownership. Commissioner Thomas seconded the motion. Motion passed unanimously.
  
5. **Shuffle, Inc d/b/a Curley' Pub** – Application for Transfer of License. Appearing before the Board was Attorney Robert Fredericks on behalf of La Familia, Inc. and Evers Amaya. Attorney Fredericks stated that everything was in order for the transaction, but that U.S. Small Business Administration (SBA) was a component of the loan. Attorney Fredericks further stated that Webster Bank has indicated that the Amayas are qualified applicants. Evers Amaya has worked at Luciano's as a head chef and has also worked at Fresh Catch. Evers Amaya will be the primarily owner with his cousin, Alex. Chairman Lamb asked about the Certificate of Good Standing. Attorney Fredericks stated that he has the request; that it takes about 4-6 weeks. Detective Lt. McCabe stated that the Board can send it up to the ABCC but the ABCC will not approve the transfer until the certificate is issued. Chairman Lamb suggested to Attorney Fredericks to contact the DOR and explain that it is for a license transfer; that they may be able to expedite the process. Chairman Lamb asked what the plans for operation were. Evers Amayla stated that it was their intent to basically keep it the same, but with different food items. It was his desire to use the upstairs for more of a function area. Chairman Lamb asked if they would be having entertainment. Attorney Fredericks stated that it was possible from time to time. Chairman Lamb asked if they had a chance to review the Rules and Regulations from the City website. Attorney Fredericks stated yes. Chairman Lamb asked if they were keeping the Curley's name. Attorney Fredericks stated yes. Detective Lt. McCabe stated that they would have to amend the application as it reflected La Familia, Inc. Attorney Fredericks stated that for now they would use La Familia, Inc. but if they wanted to change the name afterwards, they would do a change of name application. Chairman Lamb stated that he found some inconsistency with the floor plan. Attorney Fredericks stated that the current owner did the floor plan. Chairman Lamb inquired about server training. Attorney Fredericks stated yes; that Elmer is already TIP certified. Chairman Lamb asked about a corporate policy and procedure; that the Board expects each establishment to have a policy in place. Commissioner Thomas asked about the purchase and sale agreement. Attorney Fredericks stated that it was attached. The Recording Secretary stated that she had it; she did not include it because it was voluminous. Attorney Fredericks stated that if it was necessary to complete the business

She stated that she did not. Commissioner Thomas explained it to her. Chairman Lamb referred Ms. Cordeiro to the tobacco control forms. Commissioner Mullen stated that there were training programs that Ms. Cordeiro should look into; that they will be beneficial for her. Commissioner Thomas made a motion to stay consistent with the 5 day suspension with 1 day to be served November 4, 2013 and one day to be held in abeyance until the next License Commission meeting. The licensee will be required to show that corrective measures are in place for all employees for the sale of alcohol. The additional 4 days will be held in abeyance for 2 years. Commissioner Mullen seconded the motion. Motion passed unanimously.

**Carlos Desa d/b/a Desa's Package Store** – appearing before the Board on behalf of Desa's Package Store was Carlos Desa. Mr. Desa stipulated to the facts of the police report. Mr. Desa stated that he was working on the roof and the operative was waiting at the register. Mr. Desa stated that he checked the license and thought it read 1992; he misread the license. Chairman Lamb asked if he had any policies in place. Mr. Desa stated no. Chairman Lamb stated that part of the expectation is that you have corrective measures in place. Whether your son does it or you do it, it needs to be done. Commissioner Thomas made a motion to stay consistent with the 5 day suspension with 1 day to be served November 4, 2013 and one day to be held in abeyance until the next License Commission meeting. The licensee will be required to show that corrective measures are in place for all employees for the sale of alcohol. The additional 4 days will be held in abeyance for 2 years. Commissioner Mullen seconded the motion. Motion passed unanimously.

**International Pizza, Inc.** – appearing before the Board on behalf of International Pizza was Rui Figuerido and Natalia Augusto, wife of the treasurer. Mr. Figuerido stipulated to the facts. Chairman Lamb commented that they had just opened up. Mr. Figuerido stated yes. Commissioner Mullen inquired about server training. Mr. Figuerido stated that they had the id book. Chairman Lamb asked about TIPS or STOP programs? Mr. Figuerido stated no. Commissioner Thomas asked what is their internal policy was. Mr. Figuerido stated that they have the book and an electronic sign with the date. Natalia Augusto stated that she was the clerk who served the operative. That she had made a mistake. Chairman Lamb stated that the Board was looking for corrective actions and written policies. Commissioner Mullen added that it benefits the business owner. Commissioner Thomas made a motion to stay consistent with the 5 day suspension with 1 day to be served November 4, 2013 and one day to be held in abeyance until the next License Commission meeting. The licensee will be required to show that corrective measures are in place for all employees for the sale of alcohol. The additional 4 days will be held in abeyance for 2 years. Commissioner Mullen seconded the motion. Motion passed unanimously.

**Frank's Good Times, Inc.** - appearing before the Board on behalf of Frank's Good Times, Inc. was Attorney John White and Frank Teixeira. Chairman Lamb asked if they

component of the transaction before the real estate, then they would appear before the Board and advise them of that and submit a copy of the lease to the Board. Chairman Lamb asked about outdoor patios. Attorney Fredericks stated no, that was not their plan. Chairman Lamb inquired about the Common Victualler license. Attorney Fredericks stated that they intended to apply for one. Commissioner Thomas made a motion to transfer the license from Shuffle, Inc. d/b/a Curleys to La Familia and if there is any change in the plans, to come before the Board. Commissioner Mullen seconded the motion. Motion passed unanimously. Chief Walsh asked about an entertainment license. Attorney Fredericks stated that it was their intent to do it after the transaction was complete. Chief Walsh asked if the business transfer was contingent on the license transfer. Because of right now one entity owns the business and another one will be applying for the license. Detective Lt. McCabe asked if Shuffle, Inc. was going to be responsible for the renewal application as the ABCC will not approve this before November 30, 2013. Attorney Fredericks stated that was his understanding. Commissioner Thomas inquired about a time frame to complete the business transfer. Attorney Fredericks stated that October 31, 2013 is the time frame in the purchase and sale agreement. That is the drop dead date. Motion to transfer approved.

6. Police Incident Report #13018041- Detective Lt. McCabe gave a synopsis of his reported for the compliance check that was conducted on September 9, 2013. Detective Lt. McCabe stated that the same operative the police department used the same operative that had been used in the last compliance check. Chairman Lamb asked if the compliance check was in compliance with the ABCC regulations, as well as the City of Taunton's License Commission. Detective Lt. McCabe stated yes.

**Mercado Novo, Inc.** –Appearing before the Board on behalf of Mercado Novo, Inc. was Maria Cordeiro, an officer of the corporation. Ms. Cordeiro did not stipulate to the facts contained in the police report. Ms. Cordeiro stated that she had asked the operative if he was 21 years of age and he stated yes. Commission Mullen asked how many under 21 people try to buy alcohol. Ms. Cordeiro stated that the store has signs all around. If he (“the operative”) had read her signs, he wouldn't have tried to buy the alcohol. Commissioner Mullen stated that the responsibility lies on the licensee; that they should not have served a minor. Chairman Lamb asked if there was any TIPS certification or written policies in place. Ms. Cordeiro stated no; that it was just her and her husband running the store. Commissioner Thomas explained that it is her responsibility to look for identification. Commissioner Thomas further stated that this operative looked like he is 12 years old. Ms. Cordeiro stated, no - not really; he looked like he is 19. Commissioner Thomas stated that she had served him anyway. Ms. Cordeiro stated that the operative lied. Commissioner Mullen stated that if he looked 20, then she should have known that he wasn't 21. Ms. Cordeiro replied, yes. Chief Walsh asked if it was their policy to just ask the customers if they are over 21 and then serve them. Ms. Cordeiro stated no. Commissioner Mullen stated that the Board had just heard about two separate incidents wherein she had done that. He further stated that he was concerned about the ones the Board did not know about. Commissioner Lamb inquired about written policies, rules and regulations and acknowledgements signed off by the employees. Commissioner Thomas asked Ms. Cordeiro is she understood the question.

had seen a copy of the police report and would stipulate to the facts. Attorney White expanded on the report. He stated that the server did ask for identification, but couldn't read it because she didn't have her glasses. She then showed it to Frank Teixeira. Mr. Teixeira focused on the month and not the year. He realized after the fact that the year was off, but the server had already placed the beer in front of the operative. Detective Lt. McCabe stated that the server delivered the drink and the operative paid for it. That consummates the sale. Chairman Lamb asks if there are policies or procedures in place. Attorney White states yes. The policy is that they ask for identification and that is what she did. Commissioner Mullen stated that other establishments have training programs. There is verification that the employees have gone through the programs. It benefits the establishments. Chairman Lamb explained that there was a hearing in February of 2013 for a violation in December of 2012. At that time, the Commission suspended the license for one day to be held in abeyance pending any future violation. Commissioner Mullen states that there are two separate motions. Commissioner Mullen makes a motion to enforce the one day held in abeyance. Commissioner Thomas seconded the motion. Motion passes unanimously. Commissioner Mullen suggests November 4<sup>th</sup> for the first date. Chairman Lamb agrees and states that the Board needs to address the current incident. Commissioner Thomas suggests 2 days with one day held in abeyance and then come back at the next meeting for compliance check. Commissioner Mullen suggests Monday & Tuesday – 11/11 and 11/12. Commissioner Thomas seconds the motion. Motion passes. Attorney White asked for clarification that while his client is serving the 11<sup>th</sup>, the 12<sup>th</sup> will be held in abeyance. Chairman Lamb explains that Mr. Teixeira will be required to appear before the Board at the next meeting and show that corrective measures have been taken. That the second day will be held in abeyance for 30 days. Commissioner Mullen states that the Commission will stick with the 11<sup>th</sup> and hold the other day in abeyance for a future date.

**Sunny & Dev Corp d/b/a Smart Stop** – Appearing before the Board on behalf of Sunny & Dev Corp is Sunil Patel, Manager and his brother, Vipul Patel. Mr. Patel stipulates to the police report as is. Commissioner Mullen makes a statement that the gentlemen are before the Board again. He questions what is going on at the premises; that he is concerned about the recent events. Vipul states that the father is not helping out in the store anymore and that the father feels bad about what happened. Chairman Lamb stated that the corrective actions didn't sink in. Commissioner Mullen commented that they were not applying the corrective measures. Vipul stated that their father checked the identification, but he thought that the license said 1994. Detective Lt. McCabe stated that the father was confused; he thought that the year 1994 was okay for alcohol. Commissioner Thomas made a comment that the system isn't working; he suggests getting a scanner. Brother states that they have a new scanner; that the previous one was not working correctly. Chairman Lamb asked if they are aware that the last time they were before the Board, the Board held 4 days in abeyance. The Patels state that they are aware. Commissioner Thomas makes a motion for 9 days – 3 days served and 6 held in abeyance. The days to be served 11/4, 11/5 and 11/6. Commissioner Mullen seconds the motion. Motion passed.

**Bobby's Place** – Appearing before the Board was Denise and Bobby Asack. Chairman Lamb reads the letter regarding the extension of Thursday evening hours. Commissioner Mullen asks if financially this is beneficial? Even to pay a detail. Denise Asack states that all other alternative lifestyle bars have 2:00 closing. Commissioner Thomas asks if they realize for that extra hour, they are paying a 4 hour detail. Yes. Chairman Lamb asked the Police Chief for his thoughts. The Chief stated that he felt Bobby's Place could handle a 2:00 closing, but he also realizes the Commission wants to have consistent hours. He further states that he cannot understand the economic benefits of this. Mrs. Asack states that she understands what the Chief is saying, but that their patrons aren't even coming to their establishment anymore because they do not have a 2:00 license. Commissioner Mullen stated that he is going to assume that the Asacks know their business better than the Commission does. Bobby Asack states that they wouldn't be before the Board if we didn't need help. Chairman Lamb asks if they realize that if the Board does change the hours, that they need to be open each Thursday to 2:00 a.m. That they cannot pick and choose. Denise Asack states yes, that they understand. Commissioner Mullen makes a motion to approve the request to extend the hours on Thursday to 2:00 a.m. Commissioner Thomas seconds the motion. Motion passes unanimously. The effective date for the new hours would be October 24<sup>th</sup>. Commissioner Thomas states that Bobby's Place had a one day held in abeyance. He felt that the Board should rescind the one day held in abeyance as Bobby's Place did have corrective measures in place at the last meeting. Commissioner Mullen makes a motion to remove the one day held in abeyance. Detective Smith states that there is one other request; Bobby's Place would like extended hours for the night before Thanksgiving and New Year's Eve. Commissioner Thomas makes a motion to extend the hours to 2:00 a.m. on the Wed. before Thanksgiving and on December 31<sup>st</sup>. Commissioner Mullen seconds the motion. Motion passes unanimously.

7. **Other business** – Chairman Lamb questions the establishments being open on Election Day. Detective Lt. McCabe states that it is only package stores. Commissioner Thomas makes a motion that package stores have a blanket opening election day consistent with their license. Commissioner Mullen seconds the motion. Motion passes unanimously.
8. **Communication from the Chief Walsh** – Board approves bringing in the establishments requested in his communication for the next meeting.

Detective Lt. McCabe gives an update on the inspection process.

Commissioner Thomas makes a motion to adjourn. Commissioner Mullen seconds the motion. Meeting adjourned at 8:25 p.m.



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Peter C. Lamb, Chairman



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Brendan P. Mullen, Commissioner



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Bruce M. Thomas, Commissioner