

AGENDA FOR LICENSE COMMISSION MEETING

6:00 p.m.

Thursday, September 30, 2010

**G.A.R. Room, City Hall, 45 School Street
Brockton, Massachusetts**

1. Approval of the Minutes of the License Commission Meeting of August 25, 2010 and the Special Meeting of September 15, 2010.
2. Approval of the following police officers as license agents for the months of September and October 2010: Capt. Emanuel Gomes, Lieuts. Thomas LaFratta and Paul Bonanca; Sgts. Frank Vardaro and Kenneth Lofstrom; Dets. Michael Schaaf, John Lonergan, James Smith and Ernest Bell; and Officer Scott Uhlman.
3. Requests for Special One-day Permits:
 - (a) **Wine and Malt Beverages** – Taunton River Watershed Alliance – Arnie Danielson, Manager, for a film series to be held at 1 North Main Street on Friday, November 12, 2010 from 6:30 p.m. to 10:30 p.m.
 - (b) **Wine and Malt Beverages** – Taunton River Watershed Alliance – Arnie Danielson, Manager, for a meeting and film series to be held at the Brockton Public Library – 304 Main Street on Saturday, November 13, 2010 from 5:00 p.m. to 11:00 p.m.
4. Hearing on the request from Brockton Fair Caterers, Inc. – Maura Carney, Manager to amend the Entertainment license on Sunday, October 3, 2010 from 12:00 noon to 9:00 p.m. to include the following:
 - Hay Rides 1:00 p.m. to 8:00 p.m.
 - Country Band 2:00 p.m. to 4:00 p.m. and 7:00 p.m. to 9:00 p.m.
 - Rodeo Events 3:00 p.m. to 5:00 p.m.
 - Monster Truck Rides 1:00 p.m. to 8:00 p.m.
 - Helicopter Rides 1:00 p.m. to 6:00 p.m.

5. Hearing on the request from Rodrigo Dias dba Rod's Pizzeria to transfer the Common Victualer license at 567 North Main Street to Rod's Pizzeria, Inc.
6. Hearing on the request from Delroy R. Nelson dba Pleasant Cuisine for a Common Victualer license at 25 Pleasant Street.
7. Hearing on the request from Cecilia J. Vicente dba Café Somada for a Common Victualer license at 306 Crescent Street.
8. Hearing on the request from Mayra Sosa dba El Mariachi for a Wine and Malt Restaurant license at 1753 Main Street. (Currently holds Common Victualer license at this location)
9. Hearing on the following requests from Domingas Tavares dba Restaurant Luanda:
 - (a) To alter the licensed premise by moving the lounge and bar from the right side exterior wall to the lounge area in front of kitchen passage; to erect a bar with six seats in the main dining room; to remove the left exterior wall in the main dining room and make a dance area and orchestra platform and create an office and storage area to the rear of the orchestra platform.
 - (b) To amend the Entertainment license to include Dancing by Patrons, Vocalist and Orchestra (5) pieces on Sunday from noon to 12:30 a.m. and on Monday through Saturday from 11:00 a.m. to 12:30 a.m.
10. Hearing on the request from B.A.M.N., LLC dba NFuzion – Jeffrey D. Summers, Manager, holder of an All Alcoholic Restaurant license at 23 Montello Street, to transfer the license to Antonia V. Cardoso dba Malu's Lounge.

Antonia V. Cardoso dba Malu's Lounge makes application for the following:

- (a) An All Alcoholic Restaurant license
 - (b) A Common Victualer license
 - (c) An Entertainment license for Televisions (4), Radio, Orchestra (5) pieces, Vocalists, Disc Jockey and Karaoke from 6:00 p.m. to 12:30 a.m.
11. Hearing on the request from Emysafari Dance Club Corp. – Christian Ekechukwu, Manager to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

12. Hearing (postponed from meeting of August 5, 2010) on the charges brought by the local police against Consanguinity, Inc. dba The Tekoah – Shear Yashub I. Shear Yashub, Manager, 34 Petronelli Way, of the following alleged violations reported after an inspection of the premises on May 18, 2010:
- (a) **Brockton License Commission Rule #1** – Any licensee intending to close his place of business for a period of more than forty-eight (48) hours must notify the Brockton License Commission in writing before such closing and shall state in the letter the reason and length of such closing.
 - (b) **Brockton License Commission Rule #10** - No physical renovations shall be made unless a plan is submitted and approved by the License Commission.
 - (c) **Brockton License Commission Rule #14** – No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverages.
 - (d) **Brockton License Commission Rule #16** - All licenses and building certificates shall be posted in a conspicuous place on the premises, available at all times to the proper authorities.
 - (e) **ABCC Rule 4.03 (1)(a), to wit:** No licensee or employee or agent of a licensee shall offer or deliver any free drinks to any person or group of persons.
 - (f) Numerous violations of Fire, Building and Board of Health Codes as reported by Officer Scott Uhlman in his report dated May 29, 2010. (copy attached)
 - (g) Violating M.G.L. Chapter 140, Section 177A which requires a license be issued for coin-operated amusement devices (pool table and video poker machine).
 - (h) **Brockton License Commission Rule #15** – “No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.”, as a result of an advertisement observed online on June 1, 2010.
 - (i) Allowing unauthorized entertainment in the form of a Juke Box.

13. Hearing on the charges against Avon Auto Brokers, Inc. dba Avon Auto Brokers 4 – 1115 North Montello Street of the following alleged violations:
 - (a) Failure to properly maintain a Used Car Record Book as required by M.G.L. Chapter 140, Section 62; and
 - (b) Displaying vehicles on an adjacent property which is not included on the license.

14. **Postpone for one month at request of licensee**
Hearing on the charges brought against RJA Corporation dba Joe Angelo’s Café – Carl Simmons, Manager, 216 Main and 11 Crescent Streets, of the following alleged violations reported on August 15, 2010 at approximately 2:15 a.m.:
 - (a) **ABCC Rule 2.05(2)**, “No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore whether present or not.”;
 - (b) **ABCC Rule 2.05(2)** –Permitting a disorder, disturbance or illegality, to wit: “Assault and battery by an employee on a patron.”
 - (c) **M.G.L. Chapter 138, Section 69**, to wit: “No alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.”

15. **Postpone for one month at request of licensee**
Hearing on the charges brought against CV Auto, Inc. – 703 North Main Street of the following alleged violations observed on June 16, 17 and 19, 2010:
 - (a) Failure to properly maintain a Used Car Record Book as required by M.G.L. Chapter 140, Section 62.;
 - (b) **M.G.L. Chapter 140, Section 66** – which provides an authorized police officer to enter premises used by any person licensed under section 59 for the purpose of carrying on his licensed business, ascertain how he conducts the same, and examining all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books papers and inventories relating thereto and **City of Brockton Ordinance 14-1** – Hampering or interference with a city official or officer;
 - (c) **City of Brockton Ordinance 4-28** – Illegal apartment over the commercial establishment; and

- (d) Performing mechanical repairs on the premises without a license in violation of City Ordinance Chapter XI;
 - (e) Allowing a vehicle to be stored inside a garage not licensed as required by M.G.L. Chapter 148.
- 16. Communications
- 17. Any other business to properly come before the Commission.
 - (a) Review Survey and set License Fees for 2011 licenses.