

AGENDA FOR LICENSE COMMISSION MEETING

6:00 p.m.

Thursday, April 14, 2011

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

1. Approval of the Minutes of the License Commission Meeting of March 17, 2011.
2. Approval of the following police officers as license agents for the month of November, 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) **All Alcoholic Beverages (2 Permits)** – Annunciation Greek Orthodox Church – Despina Papadopoulou, Manager, for a Food Festival to be held on Saturday, May 14, 2011 and Sunday, May 15, 2011 from 11:00 a.m. to 11:00 p.m.
4. Hearing on the request from Campello Veterans Firemen's Association – James Badgio, Manager, to serve wine and malt beverages on the grounds outside the Club at 224 Clinton Street on the following dates:

Sunday, May 29, 2011 from 11:00 a.m. to 6:00 p.m. – Annual Softball Event to raise money for Children Events sponsored by the Club throughout the year.

Saturday, September 10, 2011 from 12:00 noon to 6:00 p.m. (Rain date: Sunday, September 11, 2011) - Annual Chicken Bake
5. Hearing on the request from Mayra Lopez dba Ecuamerica Restaurant for a Common Victualer license at 74 West Elm Street.

6. Hearing on the request from KFC U.S. Properties, Inc. to transfer the Common Victualer license at 875 North Montello Street to D.E. Foods, LLC dba Kentucky Fried Chicken.
7. Hearing on the request from Nivniva, LLC dba Brockton East Side Package Store – Oahh Bich Quach, Manager, to transfer the All Alcoholic Package Store license at 469 Centre Street to KHP Enterprises, Inc. dba East Side Package Store.

KHP Enterprises, Inc. requests approval of the following:

1. To appoint Malkiat S. Gill as the manager; and
 2. To pledge the license.
8. Hearing (postponed from meeting of March 17, 2011) on the charge brought by the local police against Antonio Fonseca dba CJ Beer and Wine, 721 Warren Avenue, of the following alleged violation observed on **June 19, 2010 at approximately 5:44 p.m.:**

M.G.L. Chapter 138, Section 34, to wit: “. . . whoever makes a sale or delivery of any such beverages to any person under twenty-one years of age.”

9. Hearing on the charges brought by the local police against Tamboo, Inc. – Chrismin Charlot, Manager, 252-260 Main Street, of the following alleged violations:
 - (a) **Brockton License Commission Rule #21**, to wit: “No advertising matter, screen, curtain, partition or other obstruction which in the opinion of the licensing authority prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after said authorities have ordered the removal of such obstruction and having afforded the licensee thereof a reasonable opportunity to remove the same. The business conducted therein shall be open to public view from the sidewalk level and the establishment shall be properly lighted. No window or door facing a public way shall be obstructed by any screen or other object extending more than five feet above the level of the sidewalk on which the establishment abuts, but in no event shall any screen or obstruction prevent a clear view of the interior of said premises.”, observed on June 20, 2010 at approximately 1:13 a.m.; and
 - (b) **Brockton License Commission Rule #22**, to wit: “All doors and windows shall remain closed at all times from 12:00 noon to closing.”, observed on August 19, 2010 at approximately 2:00 p.m.

10. Hearing on the charges brought by the local police against Maria and Manuel Rodrigues dba Crystal Restaurant – 250 Main Street, of the following alleged violations observed on June 20, 2010 at approximately 1:13 a.m.:
 - (a) **ABCC Rule 2.05(2)** – Permitting a disorder, disturbance and/or illegality, on the licensed premises, to wit: “exceeding the total occupancy of 50 allowed by your Certificate of Inspection.; and
 - (b) **Brockton License Commission Rule #21**, to wit: “No advertising matter, screen, curtain, partition or other obstruction which in the opinion of the licensing authority prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after said authorities have ordered the removal of such obstruction and having afforded the licensee thereof a reasonable opportunity to remove the same. The business conducted therein shall be open to public view from the sidewalk level and the establishment shall be properly lighted. No window or door facing a public way shall be obstructed by any screen or other object extending more than five feet above the level of the sidewalk on which the establishment abuts, but in no event shall any screen or obstruction prevent a clear view of the interior of said premises.

11. Hearing on the charges brought by the local police against RJA Corporation dba Joe Angelo’s Café – Carl Simmons, Manager, 216 Main and 11 Crescent Streets, of the following alleged violations:
 - A. **August 24, 2010, 3:40 p.m. and August 25, 2011, 3:30 p.m. and 8:22 p.m.**
Brockton License Commission Rule #22, to wit: “All doors and windows shall remain closed at all times from 12:00 noon to closing.

 - B. **October 23, 2010, 1:58 a.m.**
 1. ABCC Rule 2.05(2), to wit: “: “No license 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 whether present or not.”,
 2. M.G.L. Chapter 138, Section 63A, to wit: “Any person who hinders or delays any authorized investigator, inspector or any other authorized agent of local licensing authorities in the performance of his duties...”, as a result of the incident reported on October 23, 2010.

C. March 12, 2011, at approximately 2:00-2:30 a.m.

1. **ABCC Rule 2.05(2)**, to wit: “No license 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 whether present or not.”

Said charge arose from an incident in which two female patrons of the establishment, Emily Rodrigues and Helen Vicente, were each charged with disorderly conduct, A & B with a dangerous weapon and Mayhem after Vicente broke a Heineken bottle and stabbed Rosa Barros causing a severe laceration to her eye and on her arm.

2. **ABCC Rule 2.05(2)**, to wit: “No license 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 whether present or not.’

Said charge arose from an incident in which another patron of the establishment, Tanya Barbosa, was arrested for disorderly conduct, resisting arrest and interfering with a police officer in the performance of his duties. This individual refused to leave the area, was loud and attempting to provoke a fight and was creating a riotous situation.

3. **ABCC Rule 2.05(2)**, to wit: “No license 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 whether present or not.”

Said charge arose from an incident in which another patron, a highly intoxicated George Siamantouras, received a serious stab wound to his back as he was leaving the establishment at closing time. The injuries resulted in hospitalization.

4. **ABCC Rule 2.05(2)**, to wit: “No license 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 whether present or not.”

Said charge arose from the disorderly conduct of patrons leaving the establishment at closing time. Four arrests were made for charges including disorderly conduct, resisting arrest, interfering with police officer in performance of his duties, assault and battery with a dangerous weapon and disturbing the peace as a result of the fights, disturbances and serious injuries to individuals. Twelve (12) Cruisers and sixteen (16) police officers were dispatched to the location as a result of the fights and disturbances by patrons of Joe Angelo’s at closing time.

5. **M.G.L. Chapter 138, Section 69**, to wit: “No alcoholic beverages shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.”

Said charge arose from the behavior of the patrons leaving the establishment at closing time which is indicative of over consumption of alcoholic beverages.

- D. The Commission will hold a further hearing pursuant to M.G.L. Chapter 138, Section 12 to determine the public need to decrease the hours during which sale of alcoholic beverages may take place in your establishment based on the following:
 1. The frequency of arrests, disturbances, calls and incidents requiring police involvement both inside and outside your establishment at closing time, including but not limited to the five incidents referred to above; and
 2. The number of police officers and cruisers that have been required to respond to the incidents at the licensed establishment and the time spent at such licensed premises, making them unavailable for other public needs throughout the City.
12. Communications
13. Any other business to properly come before the Commission.
 - (a) Bertucci’s Restaurant Corp. – Change in officers – Sign Form 43
 - (b) Request from Dana Nessen dba Avon Auto Brokers Two – 8 Montello Street, to amend Class II Used Car Dealer license to corporation, Avon Auto Brokers, Inc. at same location.
 - (c) Review and Vote on proposed “Policy” change based on recommendations from Capt. Gomes concerning establishments licensed under the provisions of M.G.L. Chapter 138, Section 12 (on premise).