

## **TAPED**

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, May 20, 2010, in the G.A.R. Room at City Hall. Present were Commissioners Joseph P. Kelley, Paul D. Sullivan, Bruce G. Dansby, Joshua J. Wood and Scott H. McDuffy. Also present were Asst. City Solicitor Kate Feodoroff and Administrative Assistant Bonnie Tucker. Commissioner Kelley presided.

Commissioner Kelley welcomed new member Scott McDuffy to the Commission.

1. Approval of the Minutes of the License Commission Meeting of April 15, 2010.

A motion was made by Commissioner Sullivan to approve the minutes of the April 15, 2010 meeting which motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of June, 2010: Lieuts. John Crowley, Thomas LaFratta, William Barry and Paul Bonanca; Sgts. Frank Vardaro and Kenneth Lofstrom; Dets. Michael Schaaf, Erik Hilliard, John Lonergan, James Smith and Ernest Bell; and Officers Scott Uhlman, and William Healy.

A motion was made by Commissioner Wood to approve the police officers as listed as license agents for the month of June, 2010. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

**(Amended) All Alcoholic Beverages – Annunciation Greek Orthodox Church** – William Alexopoulos, Manager, for a Food Festival to be held at 457 Oak Street on Saturday, May 22, 2010, from 11:00 a.m. to 11:00 p.m.

Councillor-at-large Robert Sullivan was present and requested to be recorded in favor.

Present was George Alexopoulos, Marshfield, who stated he is the president of the Parish Council. They are planning a one day mini food festival. They expect between 200 and 300 people to attend. It was reviewed that Lieut. Barry has recommended one police detail for security at the Church's request.

Paperwork being in order, a motion was made by Commissioner Sullivan to approve the permit which motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

4. Hearing on the request from **Campello Veteran Firemen Association** – James Badgio, Manager, to serve beer and wine on the grounds outside the Club at the Annual Chicken Bake to be held on Saturday, September 11, 2010 from 12:00 noon to 6:00 p.m. (Rain Date: Sunday, September 12, 2010)

Present was James Badgio, 77 Whitman Street, Hanson, who reviewed the request which is to serve beer and wine outside. He indicated beverages will be poured into plastic containers.

Commissioner Kelley reviewed for the members that the issues agreed upon in the past when considering the events outside include the following: (1) All beverages must be poured into plastic containers, (2) Only beer and wine allowed to be served outside, and (3) No beverages allowed to be taken from premise and must be restricted to a clearly defined area.

A motion was made by Commissioner Sullivan to approve the request with the agreed upon stipulations. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

5. (ADD) Hearing on the request from the **Polish White Eagle Club of Montello, Inc.** – Joseph Lazorko, Manager, 40 Emerson Avenue, to serve beer in the parking lot outside the club on Saturday, June 12, 2010 from 12:00 noon to 6:00 p.m.

Present was Joseph Lazorko, 17 Lucy Lane, who stated they are requesting to serve beer only in the parking lot. It is for the same type of function as they have had in the past.

A motion was made by Commissioner Sullivan to approve the request with the same stipulations as previously reviewed. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

5. Hearing on the request from **Brockton Baseball Concessions, Inc. (Conference Center)**– Michael Canina, Manager, 1 Lexington Avenue, to hold a Las Vegas Night Function on the licensed premises which will be sponsored by the Brockton Community Schools and Brockton Youth Foundation during the hours of 7:00 p.m. to 1:00 a.m.

Present were Kathleen Smith, 107 Darren Drive, Director of the Brockton Community Schools and William McCawley, 27 Wheeler Avenue. Also present was Michael Canina, 227 Linwood Street.

Mr. McCawley reviewed the request and indicated they plan to have Black Jack, Roulette and Dice tables, a Wheel of Fortune, Raffle and Silent Auction. Proceeds from the event will go to support the Youth Programs in the City.

A motion was made by Commissioner Sullivan to approve the request. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

6. Hearing on the request from **Domingas Tavares dba Restaurant Luanda** – 453 Centre Street, for an Automatic Amusement Device license for one coin-operated pool table.

Present was Domingas Tavares, 50 Temple Street, Somerville, who is requesting to obtain a license for one coin-operated pool table. In response to questions, Ms. Tavares stated her current closing hour is 1:00 a.m.

The Adm. Asst. reviewed that this has been advertised and the abutters have been notified as required. The inspection approvals have not yet been submitted.

A motion was made by Commissioner Sullivan to approve the license pending receipt of the inspection approvals which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

7. Hearing on the request from **Maui, Inc.** – Elizabeth C. Wong, Manager, to transfer the All Alcoholic Restaurant license at 1875-1883 Main Street to Maui, LLC.

Maui, LLC requests the following:

- (a) To appoint Elizabeth C. Wong, Manager;
- (b) A 2:00 a.m. closing hour on Thursday, Friday, Saturday and eves of legal holidays (current hours of operation); and
- (c) An **Entertainment license for Orchestra (5) pieces, Vocalists, Dancing by Patrons, Karaoke, Jukebox and Comedy** on Sunday through Wednesday from 8:00 p.m. to 12:45 a.m. and on Thursday through Saturday from 8:00 p.m. to 1:45 a.m. and **Television and Radio** on Sunday from noon to 12:45, on Monday through Wednesday from 8:00 a.m. to 12:45 a.m. and on Thursday through Saturday from 8:00 a.m. to 1:45 a.m.

Representing the licensee was Attorney Joel Hershman, 932 Main Street and his client, Elizabeth Wong, 15 Bayberry Road, Canton.

Attorney Hershman reviewed that the Wong's have operated the business since 1981. They are changing the entity holding the license, however, the ownership will remain the same and Lisa will remain as the manager. He explained that Lisa's parents are in their eighty's and this is a reorganization of the business which they are requesting to have transferred to the LLC.

Attorney Hershman also reviewed that the current closing hour is 2:00 a.m. on Thursdays through Saturdays and eves of legal holidays and since this is not a change in ownership they are requesting to transfer the same hours.

Commissioner Kelley indicated he agrees this is a unique situation in that it is a restructuring and there is no change in ownership.

A motion was made by Commissioner McDuffy to approve the transfer of the license to Maui, LLC – Elizabeth C. Wong, Manager. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Dansby to approve the 2:00 a.m. closing hour on Thursday, Friday, Saturday and eves of legal holidays. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A third motion was made by Commissioner Dansby to approve the Entertainment license as requested which motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

8. **(Postpone)** Hearing on the request from **Bunratty's, Inc. dba T.K. O'Shea's** – Peter Moynihan, Manager, to transfer the All Alcoholic Restaurant license at 347 North Pearl Street to MPJ Associates, Inc. dba Mickey Malone's Tavern.

MPJ Associates, Inc. requests the following:

- (a) To appoint Peter Moynihan as the Manager;
- (b) To extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays (current closing hour 1:00 a.m.);
- (c) An **Entertainment license** for **Disc Jockey and Karaoke** on Sunday through Wednesday from 12:00 noon to 11:00 p.m. and on Thursday through Saturday from 11:00 a.m. to 2:00 a.m. and **Television and Radio** on Sunday from Noon to 11:00 p.m., on Monday through Wednesday from 11:00 a.m. to 1:00 a.m. and on Thursday through Saturday from 11:00 a.m. to 2:00 a.m.

This matter was postponed.

9. Hearing on the charge brought by the local police against **Emysafari Dance Club Corp.-** Christian Ekechukwu, Manager, holder of an All Alcoholic General On-Premise license at 22-26 Perkins Avenue, of an alleged violation of ABCC Rule 2.05(2), Permitting an illegality on the licensed premises, to wit: "Allowing Entertainment beyond the approved hours of operation.", on March 7, 2010 at 1:10 a.m.

**(Entertainment license** reads as follows: **TV, Radio, Jukebox** – Mon. thru Sat. – 11:00 a.m. to 12:45 a.m. and Sunday 12:00 noon to 12:45 a.m.; **Dancing by Patrons**, – Mon. thru Sat. 11:00 a.m. to 12:45 a.m. and Sunday noon to 12:45 a.m.; and **Disc Jockey and Orch (5) Pieces** -7:00 p.m. to 12:30 a.m.)

This matter was postponed

10. Hearing on the charges brought by the local police against **Adam Pishdadian dba Right Way Auto Exchange**, holder of a Class II Used Car Dealer license at 855 Main 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;
- (b) Non-compliance with placement of vehicles according to approved plan on file.

Representing the licensee was Attorney David Asack, 95 West Elm Street. Also present was Adam Pishdadian, 171 Chestnut Street, South Easton.

The following persons were then sworn in by Attorney Feodoroff:

Lieut. Edward Williams, Brockton Fire Department  
Officer Scott Uhlman, Brockton Police Department  
Trooper Brian Sullivan, Mass State Police South Boston  
Adam Pishdadian

Attorney Feodoroff stated that the City has three witnesses present. She then called on Officer Scott Uhlman.

On direct examination by Attorney Feodoroff, Officer Uhlman stated he is a police officer in the City assigned as a license agent and code enforcement officer. As a Code Enforcement Officer he has investigated Right Way Auto Exchange. He then referred to his report and stated the date of the inspection should have read February 23, 2010. On that date at approximately 1:20 p.m., he and Fire Dept. Lieut. Edward Williams performed an inspection of the premises which was prompted by a complaint from Mass State Police, Trooper Brian Sullivan, which consisted of the use and production of counterfeit dealer license plates.

Attorney Asack indicated that would be a separate matter and that the use and production of counterfeit dealer license plates was not included in the notice. He requested that this be edited out and that only the two charges included in the notice be addressed.

Attorney Feodoroff then reviewed the two charges contained in the notice. Attorney Feodoroff advised the Commission that since the counterfeit plate allegation was not included in the notice, the board should hear only the facts pertaining to the two noticed charges.

During discussion, Attorney Asack stated Mr. Pishdadian had not been charged with counterfeiting the plate and that a customer of his had used the vehicle with the plate on it, made a copy of it and he was charged with the violation.

Upon returning after a brief recess requested by Attorney Feodoroff, she stated that their position is that Adam Pishdadian was charged and the RMV has been notified. It is not a charge that Mr. Pishdadian has been notified to answer to at this hearing so that will not be an allegation being relied upon to ask for a penalty to be imposed. With that in mind Attorney Feodoroff stated that the circumstances surrounding the dealer plate gives some historical context as to how the investigation began.

Commissioner Kelley indicated this would be allowed.

Officer Uhlman then read from his report which stated that on January 23, 2010, he and Lieut. Williams of the Brockton Fire Department performed an inspection of Right Way Auto Exchange. The inspection was prompted by a complaint by Mass. State Police Trooper Brian Sullivan for the use and production of counterfeit Dealer license plates. One of the license plates was confiscated by Trooper Sullivan on Route 93 in Milton at 1:30 a.m. on February 4, 2010 after stopping a Delroy Johnson. The plate on Johnson's car was a counterfeit of the Dealer Plate belonging to Right Way Auto Exchange. Johnson informed Trooper Sullivan that the owner of Rightway Auto Exchange had given him the plate so that he could pick up the vehicle

from the body shop. The car was owned and titled to Delroy Johnson. Officer Uhlman indicated Trooper Sullivan contacted him and asked him to check on Rightway Auto.

Officer Uhlman continued and reported that on February 17, 2010, he went to 10-12 Walnut Avenue which is Delroy Johnson's home for the purpose of towing a couple of cars which had previously been tagged for violating the unregistered car ordinance. One of the vehicles was a brown Kia Spectra with a Dealer plate in the back window. Officer Uhlman ran the plate (D8359F) which came back to Right Way Auto Exchange. The plate was made out of paper, the same as the one confiscated by Trooper Sullivan. Officer Uhlman stated he contacted Trooper Sullivan who informed him that he was in possession of the plate which he had confiscated from Delroy Johnson on Route 93.

On February 18, 2010, Mr. Johnson filed a complaint against Officer Uhlman. On February 21, 2010, Mr. Johnson came to the police station and met with Officer Uhlman, Sgt. Celia and Officer Matukas. Mr. Johnson informed the officers that he worked for Right Way Auto Exchange and the plate had been given to him by Mr. Pishdadian to transport cars. Mr. Johnson was arrested and booked for possession of a counterfeit RMV plate/document. Mr. Johnson indicated the car was a dealer car. The vehicle which the plate was affixed to is titled and taxed to Delroy Johnson.

While conducting the investigation of Right Way Auto Exchange, Mr. Pishdadian indicated to Officer Uhlman that he did not know a Delroy Johnson. He then informed Mr. Pishdadian that a counterfeit copy of his dealer plate was confiscated from Mr. Johnson. Mr. Pishdadian then admitted to knowing Johnson and stated that he does mechanical work and transports cars for him. Johnson also informed Officer Uhlman that he had given him a dealer plate to use when he needs to have a vehicle moved. The real Dealer Plate was observed attached to a Red Town and Country SUV which Mr. Pishdadian had arrived in. The plate was run and Kathryn Pagnini from the RMV informed Officer Uhlman that the plate had not been activated.

Lieut. Williams was inside the office with Mr. Pishdadian examining the Used Vehicle Record Book. Mr. Pishdadian could not produce titles for the vehicles on the lot and the officers could not complete a thorough examination of the UVRB or the cars on the lot.

As part of their inspection, they observed a number of car parts in a shed and storage trailer on the lot. It appeared that Right Way is doing car repair work on the property as well as body work because there were fenders and doors in the storage area. One of the vehicles on the lot had no doors and was covered by a tarp.

Officer Uhlman concluded his report by stating the property has been an eye sore on Main Street and is a place that attracts prostitutes and street walkers. The building is in a serious state of decay and has non code compliant electrical wiring. The City Wire inspector had National Grid terminate power to the building and as of March 7, 2010, the power had not been restored to the building because the conditions were not corrected. The layout of vehicles with the approved plan on file is not being conformed with and the establishment is not complying with the conditions of the license.

In addition, the Dealer Plates have been revoked by the RMV and court action has been filed against all persons involved with the Counterfeit plate scheme.

During the report, Attorney Asack objected to referrals of “opinions and feelings.”

Officer Uhlman then referred to file information which indicates this license was obtained in 1994. In 1996 and 1998, the license was suspended.

Attorney Feodoroff then proceeded to question Officer Uhlman who stated that the record book was produced. He deferred to Lieut. Williams for a report on the findings pertaining to the record book. With regard to the placement of the vehicles, Officer Uhlman identified a picture (Marked as Exhibit 1) which was taken on 2/21/10 at 8:47 a.m. He then reviewed that the approved plan allows for five vehicles across the front of the lot. In the picture, it shows nine vehicles across the front of the property

A second picture (Marked Exhibit 2) taken from across the street, showed tires piled against a storage area and vehicles parked across the front of the property.

The approved file plan was marked as Exhibit 3.

Exhibit 4 was a picture taken which showed cars parked next to the building which are not on the approved plan.

Attorney Feodoroff then called on Lieut. Williams of the Brockton Fire Department who stated he is an investigator and inspector for the Fire Prevention Bureau and is the coordinator for the Code Enforcement Task Force. On February 23, 2010, he accompanied Officer Uhlman in the inspection of Right Way Auto Sales. During the inspection, he toured the building which was strewn with parts, there was trash piled in the back of the property, there was mortar on the ground and somehow there was a separation of the electrical service from the building.

Attorney Asack objected to this information stating there was no notice concerning the code violations.

Lieut. Williams stated he reviewed the Used Car Dealer Book and found a total of approximately 413 errors or omissions which including the following:

- Vehicles missing with no disposition noted in the book
- Date of acquisition not documented on 12 occasions
- Person that acquired the vehicle blank 53 times
- Who the vehicle was obtained from blank 11 times
- The address of who obtained from blank on 19 times
- Odometer reading when acquired was blank on 34 times
- Whether the vehicle was held for consignment or not blank 36 times.
- If purchased for resale blank on 40 times
- Whether traded in or not blank on 71 times
- The source the vehicle was acquired from blank on 79 times

- Color left blank 2 times
- Model left blank 1 time
- VIN Number blank or wrong 5 times
- Whether the VIN was altered or defaced blank 48 times
- Title number blank 18 times
- State of title left blank 20 times
- Dispositions left blank 34 times. Subsequently, they found that on five of the occasions the vehicles had been sold previously on dates of January 16, 22, 29, and two on February 8<sup>th</sup>, according to the RMV. When they were there on February 23<sup>rd</sup> none of those areas were filled out.

In addition, 12 of the 101 pages failed to list the acquisition date of the vehicle and 34 pages of the 101 indicated that the vehicle had not been disposed of.

Lieut. Williams pointed out to page 208 which was almost completely blank. Important information such as VIN, title information, transaction dates were left out. There was nothing to show the vehicle even came into the lot.

Lieut. Williams also stated they attempted to identify the vehicles that were on the lot and Mr. Pishdadian was asked for the titles which he could not find.

He continued to review notable issues which included the following:

Page 206 - almost completely blank , there was no VIN and no identification of the source

Page 203 – same title number as page 199

Page 202 – almost completely blank - no VIN, title, transaction date or identification

Page 200 – almost completely blank - no VIN, title information, transaction date or identification. The book indicates the vehicle was disposed of but with incomplete information

Page 199 – No acquisition information

Page 193 – No acquisition information. The book indicates the vehicle was disposed of but with incomplete information.

Page 187 – No acquisition information.

Page 177 – VIN no good

Page 173 – Acquisition source info whited out and now blank. The book indicates it was disposed of but lacks the name of the person that disposed it

Page 170 – Acquisition source info whited out and now blank

Page 167 – Acquisition source info whited out and is now blank. The book indicates it was disposed of but lacks name of person that disposed it.

Page 161 – List acquisition date of 11/13/07. Page before this is July 23, 2009 and the page after it is August 14, 2009. Page lists Antoan Baker at 85 Pine Grove Drive as source the vehicle was acquired from. It also states that twenty months later the vehicle was sold to a Tracy Baker of 85 Pine Grove Drive. In those twenty months the vehicle gained 29 miles.

(Refer to report for the remaining information)

In response to questions from Attorney Feodoroff, Lieut. Williams stated Officer Uhlman had made the copies of the Record Book which was submitted as part of the report. Lieut. Williams

indicated they were accurate as to what was observed. He indicated there were five vehicles that were sold, however, there is no record of the disposal in the book. The date range of pages copied was from October 13, 2008 through February 13, 2010 and consisted of a total of 101 pages. The majority of the pages examined contained inaccurate information. Lieut. Williams stated that he has been in Code Enforcement for eleven years and has had the opportunity to review many Used Car Dealer Record Books which are in order and filled out as they should be.

In response to questions from Commissioner Wood, the two charges were reviewed and Officer Uhlman indicated that there should not have been more than five vehicles displayed across the front. Employees are allowed to park in the parking lot. Officer Uhlman stated that he could see writing on five of the cars in the front row advertising them for sale.

In response to questions from Commissioner McDuffy, Lieut. Williams stated that Mr. Pishdadian's Used Car Record Book revealed that there was very poor record keeping and it violates State Law. He then reviewed that at the front of the book, there are very detailed instructions on how the book must be maintained. The book is approved by the RMV and Mr. Pishdadian's book was not maintained properly.

In response to questions from Commissioner Kelley, Mr. Pishdadian stated he had about fifteen cars for sale on that date. There were only five cars in the front. He stated he never has over 17 cars on his property. Mr. Pishdadian then submitted the Used Car Record Book. Upon review of the book, Commissioner Kelley brought to the other members' attention the fact that every page of the book was filled out by the same person with the same pen. He also stated that all the blank information on the copies submitted by Officer Uhlman is now filled out in the book.

Attorney Asack then stated that Mr. Pishdadian had hired someone to do his book thinking it would be more efficient, however, it was not and for this reason there were errors and omissions. He stated that Mr. Pishdadian took back possession of the book and has worked very hard to bring the book into compliance. He stated when a vehicle is bought from the auction he wouldn't have some of the required information. Commissioner Kelley commented to Attorney Asack that that information would come with the reassignment of the title form. Mr. Pishdadian indicated 95 percent of the cars he buys are salvage and he has salvage titles. Many times when he buys cars at the auction the owner's name is blacked out and sometimes it takes several weeks for the insurance auctions to get the information to him.

In response to questions from Attorney Asack, Mr. Pishdadian stated the titles are kept in his briefcase. He stated he showed the agents titles and has a title for every car. He has been in business for 29 years and for 16 years in Brockton. He stated he is familiar with the process of filling out the book and recently took possession of the book. With regard to the placement of vehicles, he stated the cars are parked very close together across the front at night time so no one can get into them due to the thefts and break-ins he has experienced. He stated that Officer Uhlman observed the lot at night time but that during the day, the vehicles are moved. He stated he will no longer do this.

In response to questions from Attorney Feodoroff, Mr. Pishdadian stated he does not have any employees but he does have a retired friend who works for him. The exhibits were then

reviewed and Mr. Pishdadian stated he had sold most of the vehicles lined up in the front row shown on Exhibit 1. With regard to the book, Mr. Pishdadian admitted that he had filled in all of the information that was left blank which included approximately 100 pages as reported by Lieut. Williams. The inspection took place on February 23<sup>rd</sup> and Mr. Pishdadian stated he had obtained all of the missing information after that date. Attorney Feodoroff then showed a transaction from five years ago which had been filled in after the February 23<sup>rd</sup> inspection. Mr. Pishdadian then testified that the book he filled in is not the same book as the one copied by Lieut. Williams. He then gave Attorney Feodoroff the used car book which had been copied. He indicated it had taken him three months to fill in the missing information.

Attorney Feodoroff then referred to the record marked as Exhibit 5 which she reviewed. This contained the information as far as the make, the model, the year and the color of the vehicle, however, most all of the other required information was not filled out with the exception of the transfer to Rayleen Cardosa on February 12, 2010. With regard to the VIN number, Mr. Pishdadian stated he didn't have the car right away. He had written out the information before he received the vehicle from the auction.

Attorney Feodoroff indicated she had no further questions and Attorney Asack stated he had no follow up.

In closing, Attorney Feodoroff stated that the law provides one day to enter the required information in the used car dealer book. She reviewed that Mr. Pishdadian's book is filled with many omissions and it is extremely important for a dealer to maintain a proper book in conjunction with owning and operating a used car dealership and that the licensee should be well aware of the requirements. Attorney Feodoroff then reviewed that relative to the parking of vehicles on the property, the testimony was clear that all of the cars lined up in the front on the lot as shown in the pictures presented were sold or for sale and were not employees vehicles and not in conformance with the plan. She reviewed that if the licensee was having problems with theft, he could have come before the Commission and asked for an amendment to his plan.

In his closing, Attorney Asack stated that the two pictures of the property which had been entered as exhibits were taken on Christmas Day and at 8:47 a.m., both times when the lot was not open for business. He indicated the vehicles would be moved during the business day when there could be a potential fire hazard and to allow room for customers to move their cars. Attorney Feodoroff stated there is also an aesthetic aspect and the point is the business is not well kept. She indicated it looks like a mess when the vehicles are stacked up and that aside from public safety, this is the purpose of the plan. Attorney Feodoroff pointed out that if there is a fire in the building, the fire apparatus would not have access to the property.

Attorney Asack then asked the Commission to consider the testimony and acknowledged that there was sloppy bookkeeping and the fact that there is some information his client does not have access to when buying from the auction or through the internet. He stated that Mr. Pishdadian enters the information he can and fills in the rest when he can. Attorney Asack stated he intends to talk with Officer Uhlman to find out what should be done when the information is unavailable.

Attorney Feodoroff commented that this licensee is a repeated violator and the lesson hasn't been learned in the past so why should the Commission expect the lesson will be learned in the future.

Attorney Asack then asked that the Commission place this matter on file.

With no further evidence from the attorney's, Commissioner Kelley stated that part of the hearing would be closed.

Commissioner Kelley then read into the record the history of prior violations which includes the following:

**July 3, 2003** – Letter of warning issued for violating stipulation after 25 vehicles observed, including junk dismantled vehicles and repair work being done. Stipulation includes no repair work.

**July, 1998** – Found Guilty of violating Codes and M.G.L. Chapter 140, Section 62 – maintaining used car record book. License suspended for seven days for code violations and continued imposition of penalty for used car book violation.

**May, 1996** – Violations of stipulation regarding number of vehicles, vehicles brought inside garage, M.G.L. Chapter 140, Section 62 – maintaining used record book, violating City codes as reported by Fire and Board of Health. Licensee was allowed to submit amended plan for 20 vehicles and that all vehicles must be ready for sale.

Commissioner Kelley reviewed that there are two issues before the Commission, one being the non-compliance with the placement of vehicles in accordance with the plan. He indicated that Mr. Pishdadian could have come back in to the Commission and explained his problem with the stolen cars and asked for leeway with that. He stated he is much more concerned with the second violation which involves the issues with the used car record book. He indicated he would like to focus on that in view of how egregious the violations are. He reviewed that Mr. Pishdadian testified that he has been in business for 26 years. Commissioner Kelley stated that the most important aspect of this business is to maintain proper records and fill out the information in the book and the record is clear that over the years, the licensee has not paid attention to the law. He stated he is inclined to look at this in no other way than a revocation of the license. There are pages and pages of violations and clearly no intent to do the right thing.

Commissioner McDuffy then commented that he had reviewed the information prior to the hearing and was amazed that any business could be operated in this manner. He concurred with Commissioner Kelley's statements and indicated this is clearly not a good thing for the City if the records cannot be kept in order.

Commissioner Kelley then asked for a motion on the charges.

A motion was made by Commissioner Sullivan to find the licensee in non compliance of the placement of vehicles in accordance with the approved plan on file. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Sullivan to find the licensee in violation of M.G.L. Chapter 140, Section 62. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

A motion was made by Commissioner McDuffy to revoke the license. The motion was seconded by Commissioner Sullivan. With Commissioners McDuffy, Sullivan and Kelley voting in favor of the motion and Commissioners Dansby and Wood opposed, the motion carried and the license was revoked.

11. Communications

12. Any other business to properly come before the Commission.

The Administrative Assistant reviewed the list of pending violations on file. It was agreed that in addition to the regular meeting scheduled for June 17<sup>th</sup>, a second meeting will be held on June 21<sup>st</sup>.

It was also reviewed that CJ's Package Store whose license was suspended for May 17<sup>th</sup> had failed to turn the license in and was found selling alcoholic beverages. This will be marked up for hearing.

The members were invited to the Municipal Licensing meeting which is being held in Bourne on May 15<sup>th</sup>.

With no further business to come before the Commission, a motion was made by Commissioner Sullivan to adjourn the meeting. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the meeting was adjourned.

Respectfully submitted,

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Joseph P. Kelley  
Acting Chairman

APPROVED:

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Paul D. Sullivan, Commissioner

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Bruce G. Dansby, Commissioner

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Joshua J. Wood, Commissioner

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Scott H. McDuffy, Commissioner