

## **TAPED**

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, March 17, 2011, in the G.A.R. Room at City Hall. Present were Commissioners Joseph P. Kelley, Paul D. Sullivan, Joshua J. Wood, Scott H. McDuffy; Alternate Commissioners Fred Fontaine and Kathy Kenney; Asst. City Solicitor Kate Feodoroff; License Agent Lieut. Thomas LaFratta; and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission Meeting of February 17, 2011.

A motion was made by Commissioner McDuffy to approve the minutes of the meeting of February 17, 2011 which motion was seconded by Commissioner Kenney. All members present voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of April, 2011: 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.

A motion was made by Commissioner McDuffy to approve the police officers as listed as license agents for the month of April, 2011. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

At this time Allan Castaline, 51 Bassett Road came forward and stated he is present on behalf of Temple Beth Emunah who is requesting a one-day beer and wine license for their annual comedy night which is being held as a fundraiser. The event is planned for April 9<sup>th</sup> from 8:30 p.m. to 11:00 p.m. and they expect 150 to 200. It was agreed that the hours on the license will be from 8:00 p.m. to 11 p.m.

Mr. Castaline was informed that the applications were not received and the matter had not been included on the agenda. He was requested to contact the police detail office to make arrangements if a police detail is needed and to make sure that the applications are forwarded to the office.

A motion was made by Commissioner Sullivan to approve the one day permit which motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

4. Hearing on the request from Bernardi Brockton, LLC dba Bernardi Hyundai for a Class I Motor Vehicle Dealer license at 300 Manley Street.

Present was Amy Rossi, Vice President for the Bernardi Auto Group who reviewed the plans for the new building. She stated they are applying for a Class I license.

A motion was made by Commissioner Sullivan to approve the license which motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Bernardi Brockton, LLC dba Bernardi Honda of Brockton for a Class I Motor Vehicle Dealer license at 300 Manley Street.

The Adm. Asst. reviewed for the Commission that the plans include a diner on the premises which will require a Common Victualer license. It was agreed that this would also be considered and the applications would be filed.

A motion was made by Commissioner Kenney to approve the Class I license which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner McDuffy to approve the Common Victualer license. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

6. Hearing on the request from China Chef Restaurant, Inc. to transfer the Common Victualer license at 92 Torrey Street to Dexter D. Zheng dba China Chef.

Present was Dexter Zhang, 690 Pleasant Street and the current licensee, Kong Yi Wang.

Mr. Zhang stated he plans to take over the restaurant at 92 Torrey Street.. He then submitted the inspection approvals. Hours being requested are from 11:30 a.m. to 11:30 p.m.

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

7. Hearing on the request from Peter & Mai, Inc. dba The Main Dragon – Peter Lam, Manager, 1040-1042 Main Street, to add two (2) coin-operated pool tables to the Automatic Amusement Device license. (Currently licensed for two (2) coin-operated video games)

Present were Attorney William Work, 202 Concord Street and Peter Lam, 11 Priscilla Lane, Quincy.

Attorney Work stated that Mr. Lam has been in business at this location for 25 years.

The Adm. Asst. reviewed that Capt. Gomes had submitted a report which indicated he had reviewed the plan and there is plenty of space for the two pool tables and he gave a favorable recommendation. Lieut. Lafratta had nothing different to add.

Commissioner McDuffy asked if the Occupancy changes when they add pool tables. Ms. Tucker indicated she is unsure whether this changes but inspections are required by the Building Department, Board of Health and Fire Dept. before the license can be issued.

A motion was made by Commissioner Fontaine to approve the games which motion was seconded by Commissioner McDuffy. With Commissioners Fontaine, Sullivan, McDuffy and Kelley voting in the affirmative and Commissioner Kenney opposed, the motion carried.

Commissioner Kenney stated she has a hard time understanding why pool tables are needed in a restaurant. Attorney Work stated they also have a dart league and it is for recreation.

Mr. Lam was informed that that the inspections had to be completed and returned to the office.

8. Hearing on the request from Brockton Phalanx, Inc. dba Pisces Lounge – Alexander Strangis, Manager, 816-818-820 Main Street, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays. (Extension of Entertainment hours will also be considered.)

Present were Attorney John Creedon, 71 Legion Parkway, Alex Strangis, 30 Homesite Road.

Attorney Creedon reviewed that Mr. Strangis has owned and been the manager of Pisces Lounge since 1979. Either he or his assistant manager is on the premises whenever the establishment is open. He stated that since March, 2006, there have been no problems whatsoever. Attorney Creedon commented that none of the Campello Business Association members are present to oppose the extension of hours to 2:00 a.m. and at least three Brockton police officer wanted to put in a good word. The bar has 24 hour video.

Commissioner Kelley indicated there has been a recent alleged violation reported and a hearing will be scheduled as a result of this. He asked Lieut. LaFratta to read Capt. Gomes report which stated he and the Chief are against any new 2:00 a.m. licenses due to the manpower shortages. Lieut. LaFratta stated also that on February 26<sup>th</sup>, he was checking bars with Det. Paul and they heard music coming from the Pisces Lounge at 1 a.m. They went inside and observed that the band was still playing. He spoke with the assistant manager, Aldo, and advised him that his license only allows entertainment to 12:45 a.m. and that they had had this same conversation previously. As he was leaving the establishment, he noticed on the electronic chalk board, an advertisement for a “2’sDay’s2 Dolla’Holla” and after looking on Facebook it says all drinks and shots are \$2 on Tuesdays. Lieut. LaFratta indicated that he gave Aldo a copy of the law which prohibits the offering of drinks at a different price during the week.

Commissioner Kelley stated a hearing will be scheduled on this charge.

Attorney Creedon then requested to withdraw the application for the 2a.m. closing hour. He also informed the Commission that his client has police details and cooperates with the police. Mr. Strangis stated that they had immediately corrected the practice as soon as it was brought to his attention.

9. Hearing on the charge brought by the local police against Antonio Fonseca dba CJ Beer and Wine, 721 Warren Avenue, of an alleged violation of 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, either for his or her own use”, on June 19, 2010, at approximately 5:44 p.m.

This matter was postponed at the request of the attorney for the licensee.

10. Hearing (postponed from meetings of September 30 and October 21, 2010) 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.”

This matter was taken up at the beginning of the meeting.

Present was Attorney John F. Creedon, 71 Legion Parkway who stated he had sent a letter within 24 hours of being notified of the hearing. The D.A.’s office had originally requested the matter be postponed because the prime person involved is a Brockton Firefighter who has been charged and is presently in Court. The matter has not been resolved and is scheduled for trial on April 30<sup>th</sup>. Attorney Creedon indicated that he had been called by Attorney Reddington who told him that Mr. and Mrs. Angelo and their daughter have been subpoenaed to testify. He stated that the dilemma continues, not only are there 15 or 20 witnesses according to the police reports but there is also the tape which the Brockton Police have and which Attorney Reddington has. He stated he has seen it and it will be clear to the board whether there were any altercations inside the premises or just outside the premises. He suggested the commission will have to review the film in their fact finding as to whether or not there was any permitting or allowing. He stated he has tons of cases which he will try to get to the board and the City Solicitor ahead of time. The other charge of allowing a disorder is specific by an employee. The charge in the Court is that he had a gun while he was intoxicated.

Attorney Creedon requested the matter be postponed and that it be put back on when the case is over.

Attorney Feodoroff stated he was put back on the agenda after the ADA in charge of the case gave the all clear to go forward with the case. She indicated her major concern was that she did not want to impact the Commonwealth’s criminal case. The fact of the matter is that some of the charges involved John Barboza who will be at a criminal proceeding. They should have the opportunity to present a fair defense and they are claiming that because Mr. Barbosa is going to be appearing in the criminal matter, they do not want to waive his fifth amendment right.

Attorney Feodoroff stated she understands this as an attorney however; Joe Angelo's will be coming back on a different case shortly.

A motion was made by Commissioner McDuffy to postpone the hearing which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

Attorney Feodoroff assured the members that she will keep them up to date as to when they can proceed with the hearing. Attorney Creedon stated he anticipates the hearing will take at least 2 to 3 hours before the Commission and that he has a list of at least 20 witnesses.

#### 10. Communications

It was agreed that a Special Meeting will be scheduled for Wednesday, April 27<sup>th</sup> due to the number of backlogged police reports on file.

#### 11. Any other business to properly come before the Commission.

##### (a) Annual Report for 2010 –

A motion was made by Commissioner McDuffy to accept and place on file the 2010 Annual Report. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

##### (b) Request from Rania Almussquaoui dba Green Light Motors – 1100 North Montello Street, to amend Class II Used Car Dealer license to corporation, Green Light Motors, Inc. at same location.

A motion was made by Commissioner McDuffy to approve the transfer to the corporation which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

Mr. Chris Charlot, the owner and manager of Tamboo stated he was present because his establishment was mentioned. Lieut. Lafratta indicated that it was mentioned as a result of the incident the previous weekend that had happened behind Joe Angelo's, Tamboo and Crystal Restaurant. Mr. Charlot stated his establishment caters to a professional crowd and they had no fault with what happened. Commissioner Kelley thanked Mr. Charlot but stated this will be heard in the proper format.

With no further business to come before the Commission, a motion was made by Commission Sullivan to adjourn the meeting. The motion was seconded by Commissioner McDuffy. 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

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Fred Fontaine, Alternate Commissioner

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Kathy Kenney, Alternate Commissioner