

## TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, July 19, 2012, in the G.A.R. Room at 6:00 p.m. Present were Chairman Scott H. McDuffy; Commissioners Paul D. Sullivan, Bruce G. Dansby, Joshua J. Wood and Kathy A. Kenney. Also present were Asst. City Solicitor Kate Feodoroff; Det. Lieut. Paul Bonanca; and Adm. Asst. Bonnie Tucker.

1. Approval of the Minutes of the License Commission Meeting of June 21, 2012.

A motion was made by Commissioner Sullivan to approve the minutes of the meeting of June 21, 2012. The motion was seconded by Commissioner Dansby. Commissioner Kenney stated she would be abstaining as she was not present at the June 21<sup>st</sup> meeting. The motion carried, with Commissioners McDuffy, Sullivan, Dansby and Wood voting in the affirmative.

2. Approval of the following police officers as license agents for the month of August: Lieuts. Paul Bonanca and Kenneth Legrice; Sgts. George Khoury, Frank Vardaro, James Baroud, Michael Powers and Charles Cassiani; Dets. Thomas Hyland, Nazaire Paul and Matthew Graham; and Officer Scott Uhlman.

A motion was made by Commissioner Sullivan to approve the police officers as listed as license agents for the month of August. 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, Attorney Feodoroff as the Chairman if a couple of items could be taken out of order (Refer to agenda items #10 and 12.)

- (a) **All Alcoholic Beverages** – Brockton Firefighters Local 144 – William Hill, Manager, 80 Perkins Avenue, for a Motorcycle Charity Event on Saturday, September 15, 2012, from 12:00 noon to 12:00 midnight.

Present was William Hill, 80 Ellis Street, who stated this is an event which is held every year to raise money for different charities.

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

- (b) **All Alcoholic Beverages** - Brockton Firefighters Local 144 – Dan Foye, Manager, 80 Perkins Avenue, for a Softball Tournament on Saturday, September 22, 2012, from 11:00 a.m. to 11:00 p.m.

Present was Tim Bamford, 396 Hillberg Avenue, who stated this event is a fundraiser for Muscular Dystrophy which he has been running for the past ten years. He stated he is standing in for Dan Foye who was working this evening.

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

4. Hearing on the request from the Brockton Post #1046 V.F.W. – Brandon Doherty, Manager, 283 North Quincy Street, to serve beer and wine only on the grounds outside the Club on Sunday, July 22, 2012, from 2:00 p.m. to 6:00 p.m.

Present was Brandon Doherty, 23 Wales Street, Abington, who stated this will be new this year and they will have a large grill set up outside and will also have a band. The Chairman reminded him that there cannot be any glass outside and he stated everything will be poured into plastic cups.

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

5. Hearing on the request from Elmcourt Hotel, Inc. – Raymond Yannone, Manager, 33 West Elm Street, to transfer stock in the corporation.

Present was Raymond A. Yannone, 8 Arborview Terrace, West Bridgewater. Mr. Yannone stated this is a continuation of family estate planning and his father is transferring his remaining stock into his name. He will then be the sole stockholder in the corporation.

Paperwork being in order, a motion was made by Commissioner Wood to approve the transfer of stock which motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

6. Hearing on the following requests from Brockton Baseball Concessions, Inc. – Michael Canina, Manager, 1 Feinberg Way (Campanelli Stadium)
  - (a) 13 Special One-day Permits to sell Wine and Malt Beverages – 12:00 noon to 12:00 midnight:
    - **11 Permits** for Baseball games on July 22, 23, 25, 27, 30, 31, August 2, 4, 5, 7 and 9, 2012;
    - **1 Permit** for MMA Event on August 11, 2012 from 6:00 p.m. to 12:00 midnight
    - **1 Permit** for Concert Event on August 25, 2012 from 6:00 p.m. to 12:00 midnight
  - (b) To amend the Entertainment license to include the following:
    - **MMA Event** on August 11, 2012 from 6:00 p.m. to 12:00 midnight
    - **Concert** on August 25, 2012 from 6:00 p.m. to midnight

Present was Michael Canina, 227 Linwood Street, who reviewed the requests for special one day permits for the remaining home games as indicated as well as the MMA event on August 11<sup>th</sup> and the potential concert on August 25<sup>th</sup>.

Chairman McDuffy stated that his only concerns involve the concert and are with public safety and traffic with the concert event. He asked Lieut. Bonanca for his input. Mr. Canina then stated that the attendance for the MMA event will be different than it was in 2009 and 2010. It will be set up like a

stadium bowl event. There will be 350 VIP's on the field but other than that it won't extend beyond the capacity of the Stadium

Also present was Mary Waldron, 54 Sycamore Street, who stated they had a conversation with Chief Gomes in terms of public safety. She indicated as a landlord of the stadium and conference center, public safety is a number one priority. They also know that the Fire Dept. must be involved in any concert.

Ms. Tucker stated that Lieut. Williams had sent an email indicating the permits for the MMA event and the concert have not been approved yet. It is her understanding that he requires further information. Mr. Canina stated he had sent him information at 1:00 p.m. and Lieut. Williams had told him if he did not hear back from him then everything will be all set.

Chairman McDuffy stated that will have to be taken care of before the permits can be issued.

Lieut. Bonanca stated the MMA event was not an issue and asked about the concert. Mr. Canina stated they plan to have Bel Biv Devoe and Stevie B which were bands that were popular in the 1980's and 90's which would typically draw a 30's to late 40's demographic. Lieut. Bonanca indicated there will need to be discussions on traffic and security issues. Mr. Canina stated they would like to talk about the number of people they are planning will attend and have the Fire and Police Departments tell them what level of comfort they have as far as the number of officers. He will bring in security personnel to conduct pat downs and bag checks.

Lieut. Bonanca stated that as long as there are enough details for traffic and security he would not be opposed to it. Mr. Canina stated he estimates between 3,500 to 4,500 people for each event depending on the ticket sales.

Commissioner Dansby asked if the promoters bring in their own security and Mr. Canina stated he is the promoter and security will be a part of it. MMA has their own security company and have done other events there.

A motion was made by Commissioner Sullivan to approve the permits pending receipt of the Fire Department permits and coordination with the police/traffic. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

Attorney Feodoroff pointed out that item b had not been read into the record and so Chairman did so.

Mr. Canina stated his Entertainment license currently covers sporting events which the MMA falls under. The Adm. Asst. stated the hours being requested for the concert and MMA event are longer than what was approved on the Entertainment license.

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

7. Hearing on the request from Banai Brothers of Brockton, LLC dba Subway to transfer the Common Victualer license at 200 Westgate Drive to Amar Dadam Corporation dba Subway.

Present were Tawab Banai, 350 Blackrock Road, Coventry, RI and Jenish Patel, 24 Stonegate Drive, East Bridgewater.

Banai stated he is the current owner and is selling the business to Jenish Patel. Mr. Patel stated he will be taking over the business and he has owned another Subway in Halifax for two years.

A motion was made by Commissioner Wood to approve the transfer of the Common Victualer license pending receipt of the inspection approvals. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Mohammed J. Khan dba Five Star Pizza to transfer the Common Victualer license at 793 Crescent Street to Shahab Khan dba Five Star Pizza.

Present was Mohammed Khan, 25 Emmett Avenue, Dedham, who stated he is selling his business to his cousin, Shahab Khan, 125 Elliot Street, Newton.

Mr. Mohammed Khan stated the Fire Department is scheduled to make their inspection tomorrow and the Board of Health on Monday.

A motion was made by Commissioner Kenney to approve the transfer of the license pending receipt of the Fire and Board of Health inspections. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

9. Hearing on the request from HI Enterprises, Inc. dba Ehis Ice Cream Bakery for a Common Victualer license at 104 Torrey Street.

Present was Helen King, 109 Manomet Street, who stated she will be selling ice cream at 104 Torrey Street. She would like to have tables and chairs for customers to be able to sit down at. Inspection approvals were submitted from the Board of Health and Wire Inspector.

A motion was made by Commissioner Wood to approve the license pending receipt of the inspection approvals from the Fire and Building Departments. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

Officer Uhlman stated the location is currently open and it was requested that Ms. King come back in. In response to Officer Uhlman, Ms. King stated the tables and chairs were there before but she has not been using them. She was instructed to remove the seats until she received her license.

10. Hearing on the following requests from RJA Corporation dba Joe Angelo Café – Joseph R. Angelo, Manager, 216 Main and 11 Crescent Streets:

- (a) To alter the description of the licensed premise so that the combined capacity of the Mulligan's Function Room and Joe Angelo's Café be established at 184 occupants for

dining with tables and chairs and 396 occupants with tables and chairs removed from the dining area for functions.

- (b) To extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.
- (c) To extend the hours of the Entertainment license to 1:30 a.m. for live entertainment and to 1:45 a.m. for television and recorded music, on Thursdays, Fridays, Saturdays and eves of legal holidays.

Attorney Feodoroff stated she had spoken with Attorney John Pavlos who represents the licensee. He is the same attorney who represents the Lithuanian Village and while discussing that case with him, she spoke to him about the problem improper notification of hearing. Ms. Tucker explained that the State law requires the abutter notification be mailed out within three days after publication and the notice had not been mailed out until 7 days after the publication. Attorney Feodoroff explained it is the attorney's responsibility and that the notice was invalid. She indicated that new charges will be brought against Joe Angelo's for recent incidents that have occurred there and she had informed him that she was sure the Commission would want these requests tabled until they hear the new charges given they are asking for an extension of their license.

It was agreed that both matters could be scheduled for the same meeting. Chairman McDuffy indicated it might take a couple of months before they can hear the charges.

Lieut. Bonanca stated there are criminal charges pending against an employee of Joe Angelo's as well as criminal charges pending against the suspect in an assault that occurred in that premises. There are intimidation of witness charges against an employee. Lieut. Bonanca also stated that at the hearing, he will show the License Commission that a person was treated outside the business for an assault that took place inside and no one from the establishment notified police. He stated he will be given an overview of the events that took place. He stated that in the past, they have had problems obtaining video from this establishment and he has taken the hard drive and given it to professionals to overview. Once that is completed, they will view that and report their findings to the Commission.

Attorney Feodoroff stated with this information in mind, the requests can be postponed to an uncertain date pending the final police investigation and then fully notice the hearing.

Commissioner Wood stated he will be recusing himself from this vote for the same reasons as the other case.

A motion was made by Commissioner Kenney to postpone the matter to an uncertain date which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

11. Hearing (postponed from meeting of June 21, 2012) on the charge against Mardom, Inc. dba Hayden Westside Liquors – Maria Daviega, Manager, 104 Torrey Street, of the following alleged violations:

- (a) **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 May 3, 2012, at approximately 6:15 p.m.;
- (b) **M.G.L. Chapter 138, Section 34D** – Failure to post notice of penalties...

Present were Attorney Louis Cassis, 17 Russell Park and Maria Daviega, 36 Cosma Road, Easton.

The following persons were sworn by Attorney Feodoroff:

Sgt. George Khoury, Brockton Police  
Lieut. Paul Bonanca  
Maria Daviega

The first witness called by Attorney Feodoroff was Sgt. George Khoury, who stated that on May 3, 2012, he was working with Lieut. Paul Bonanca in an undercover operation observing various package stores in the City. Sometime between 6:00-6:30 p.m., he observed a young female drive up to the store in a red vehicle with Connecticut license plates. She appeared to be underage. As she entered the store, Sgt. Khoury got closer to where her vehicle was parked in order to get a better look as she came out of the store. He was approximately 30 feet away. As she exited the store, it was apparent to him that she was under 21. She was carrying an 18 pack of Bud Light and a brown paper bag. He then followed her and pulled her over on Belmont Street. Sgt. Khoury stated he asked her for her license which she gave to him and it stated on the license that she was under 21 until 2013. He asked her if she was a Stonehill College student, she stated she was and she provided him with an id from Stonehill. Sgt. Khoury stated he asked her if she had any other ID on her and she said she did not.

Sgt. Khoury stated he advised her of her rights per Miranda and asked her how old she is and she responded that she is 19 years old. He then asked her if she had just come out of a liquor store and she stated she did and told him she had purchased two Twisted Tea and an 18 pack of Bud Light. She told him that the clerk had not asked her for any identification. Lieut. Bonanca requested that she go back to the store and both Lieut. Bonanca and Sgt. Khoury returned with the under aged female. He stayed outside the store while Lieut. Bonanca went in the store and had conversation with the clerk at the store. Sgt. Khoury stated he talked with the underage individual who was very nervous. He took a picture of the alcohol in the back of her motor vehicle. She was charged criminally for minor in possession. The clerk was also charged criminally.

On cross examination by Attorney Cassis, Sgt. Khoury stated the minor was not arrested. She does not believe her pocketbook was searched. He stated he had asked her if she had any more ID's and he was confident with her answer that she did not. Sgt. Khoury stated he did ask for a video of the transaction but he believes the video provided was the wrong time period but he should ask Lieut. Bonanca.

Attorney Feodoroff then called on Lieut. Bonanca who stated he did not observe the female go in and come out of the store. He was not with Sgt. Khoury at the time. He had confirmed the facts with the young female who had made the purchase. He also saw the liquor in the car. He asked the individual to return to the store. Lieut. Bonanca indicated he spoke with the clerk at the store and identified himself as a license agent. He had the under aged female go back into the store and the clerk told him

he did remember selling alcohol to her and he stated he did not ask her for an ID but remembers asking her in the past. The clerk was identified as Scott Bennett and he was charged criminally.

Lieut. Bonanca stated they requested a video of the entire event but what they received was a video of about 15 or 20 minutes subsequent to that. What is seen on the video they were provided with was himself, Sgt. Khoury and the female coming in to the liquor store. When he went back for the video prior to that, the manager told him that it wasn't available because they are only held a couple of weeks.

Attorney Cassis stated they do not contest this at all but questioned Lieut. Bonanca if he asked for a certain time period on the video. Lieut. Bonanca stated he is not sure exactly what time he had asked for but he was given 6:30 p.m. to 7:30 p.m. When he subsequently asked for the video of 6:00 p.m. to 7:30 p.m., it was purged by the system. Scott Bennett was cooperative and had stated he had asked for an ID in the past.

Attorney Cassis stated he has no witnesses. He stated his client apologizes for the violation and he stated they were before the board on the same type of charge about a year and a half ago. It was a first offense and they had received a warning. He then stated that the clerk, Scott Bennett, has worked at the package store for twelve years for both the prior owner and the current owner. He has never had a prior violation and feels very bad about this incident. He is absolutely certain that this girl had shown him an ID in the past on a couple of occasions. He knows he should have asked for an ID on this occasion but did not. Mr. Bennett is in charge of food services at Stonehill College and he feels as if he should not have been fooled so easily. Attorney Cassis apologized about the video and stated there is no attempt to try and deceive anyone. He acknowledged there is no question a sale was made. He asked the Commission to consider giving a warning again but also that they give no more than a one day suspension on this violation. He stated he feels it is one of those situations where a very good employee made a mistake and has a sterling record. He asked that they give some consideration to the good job that has been done in the past.

Attorney Feodoroff stated that there is an admission that he did not ask for an ID so there is a violation. She stated that the young woman who was charged with possession of alcohol as a minor noted that it is known to Stonehill students that this is a place where you are not going to be carded. She suggested the penalty should be a little harsher because there has been a violation of sale to a minor in the recent past.

Attorney Cassis stated this information was not in evidence and he would have questioned them and maybe brought a witness, however, he feels that by not bringing it into evidence, it should not be commented on.

Attorney Feodoroff then stated that these stings are not done on a daily basis and suggested that a day is not strong enough and when a letter of reprimand is given for a mistake in the past, you have to make sure no more mistakes happen.

In response to questions from Commissioner Kenney, Attorney Cassis stated that it wasn't Scott Bennett working when the prior violation was found and indicated he does not work every day of the week. Commissioner Wood then asked if Mr. Bennett is Tips certified and Mrs. Daviega stated both

she and Mr. Bennett are. Commissioner Dansby asked if Mr. Bennett knows the underage female and Attorney Cassis stated he had asked him and he said he had never seen her before.

Commissioner Dansby stated the problem is that if he had seen her in the past he had more than likely sold to her so it would seem the Tips training is not working. Attorney Cassis stated there are ways of getting a very good ID.

Commissioner Wood asked what the City would suggest as a penalty and Attorney Feodoroff stated a full weekend. Chairman McDuffy reviewed that he did admit to selling the alcohol to her without carding her and there was a mistake made. Where this is a second violation, he suggested a three day penalty would be appropriate at this time.

A motion was made by Commissioner Wood to find a violation which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

Commissioner Kenney indicated that since they are dealing with underage drinking and typically the problem is with Stonehill which is currently on summer break, could they hold off on imposing the suspension until the school year begins in order to get the message out to the college as well as the establishment. Chairman McDuffy indicated he is hoping that the owners and employees will learn their lesson from this and hopes this will be done whether there are college kids there or not. He indicated it might help a little but also he would hope that Scott Bennett gets the word out to the Stonhill kids.

Commissioner Dansby indicated he agrees with Chairman McDuffy that as soon as someone under 21 goes in and cannot purchase alcohol, the word will spread.

Commissioner Wood then made a motion that there be a mandated closing for a weekend, starting at 11:00 on Friday through closing time on Sunday. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

Attorney Cassis asked if Commissioner Woods motion meant 11 a.m. or 11 p.m. on Friday. Commissioner Wood clarified his motion and stated he meant 11:00 p.m. on Friday and therefore, it would be from the close of business on Friday through the close of business on Sunday.

Commissioner Kenney stated she thought the motion was for 11:00 a.m. on Friday.

Commissioner Wood then reopened his motion to close the business from Friday at 11:00 p.m. to Sunday at closing time, making it a two day closing. The motion was seconded by Commissioner Sullivan. With Commissioners McDuffy, Sullivan, Dansby and Wood voting in the affirmative and Commissioner Kenney opposed, the motion carried by vote of 4 to 1.

12. Hearing on the charges against Ames Street Pub, LLC dba The Lit – Ralph Lawcewicz, Manager, 128-132 Ames Street, of the following alleged violations on June 8, 2012 at approximately 7:24 p.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) **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.”
- (c) **ABCC Rule 2.05(2)** - Permitting an illegality to take place on the licensed premises, to wit:
  - 1. **M.G.L. Chapter 270, Section 22** – Smoking in public places
  - 2. Knowingly allowing drug use in the parking lot

Attorney Feodoroff stated there has been a request for a continuance by opposing counsel. She reviewed that Attorney Pavlos had submitted two letters requesting postponement, the first was made with no conditions and the second request was made advocating his position that he had not had the opportunity to gather all of the evidence necessary to defend the case. He has offered to the License Commission that until a hearing can be held, he would voluntarily agree to roll back his hours to 9:00 p.m. Attorney Feodoroff continued and stated that as the representative to the City suggests that the board accepts this request. She specifically wants to ensure that everyone’s due process rights are protected and they have the fair and full opportunity to prepare a defense and she stated, more importantly, she does not want to see some sort of collateral appeal based on a due process issue. For that reason, Attorney Feodoroff stated she is advocating for a short continuance and she knows that the administration is looking for the postponement to be short.

Commissioner Wood asked if there was still an objection to the continuance even with the voluntary rollback. Chairman McDuffy stated the Commission would not be taking a vote on the voluntary rollback and they would be doing that on their own. Commissioner Wood then asked the Chairman where he was initially opposed to the continuance if he would still want a short date where they have agreed to the voluntary rollback. Chairman McDuffy stated he would be willing to agree to a short continuance but does not want to way a month for the hearing to be held. He stated he had thought about continuing it to July 31<sup>st</sup>. He asked Attorney Feodoroff to again explain the reason for the continuance and she stated it is to ensure that all parties have had their due process rights protected and they will have a full and fair opportunity to prepare their defense and from her perspective as the prosecutor in this instance rather than sitting as the board’s advisor, she wants to foreclose any possibility of a collateral appeal on that issue. In response to Commissioner Kenney, Attorney Feodoroff stated that the July 31<sup>st</sup> day should give them ample opportunity. She stated she had spoken with Attorney Pavlos who has indicated a postponement of one week should give him enough time and the postponement to July 31<sup>st</sup> will give him longer than a week so there should be no further postponements or objections on that basis.

Chairman McDuffy stated he feels it is important that they deal with this as soon as possible. He then reviewed that Councillor DuBois was present to speak on this matter.

Councillor DuBois stated that she is present along with some of her constituents to speak on this hearing. She stated she is disappointed that this is being postponed but that she understands the

rationale for the postponement. She will be on vacation and won't be able to attend the meeting on July 31<sup>st</sup> which is upset about but she stated she will send a letter for that hearing. She stated she is advocating for the bar to be closed down and there have been nothing but problems there. She stated there are drug dealings taking place both inside the bar and outside. She indicated the ownership has to know there is drug dealing on their premises. She stated she watched the video of the incident and it was horrific and she hopes all of the members get to view it also. She indicated it was totally avoidable and the person in the parking lot was obviously very intoxicated and looked like he was lost. The attack was horrific and the bartender had been out in the parking lot and saw the situation and didn't call for help. She stated it almost seems that he was provoking this. She hopes the Commission will close the bar. If they choose not to close the bar, she wants the hours rolled back substantially and that they be required to have a police detail from 7:00 p.m. which is the time of the incident until closing time for every day they are open and that they be notified that they are required to keep their video units in working order due to the report in the newspaper that the owner had said he wished he hadn't had the video tape and then no one would know what happened there.

Councillor DuBois further stated that she personally knows and represents the father of the victim who is a wonderful person and has a great family. She stated this is a really horrific incident and it shouldn't be taken lightly. She stated she is disappointed but can also understand that it has to be postponed. She asked the commission members if they will all be able to make the meeting on July 31<sup>st</sup>.

Commissioner Wood stated he will be recusing himself from that hearing. All of the other members indicated they would be able to attend the rescheduled hearing on July 31<sup>st</sup>.

Chairman McDuffy thanked Councillor Dubois and indicated her statements are on the record and if they need to refer back to that on July 31<sup>st</sup> they will be able to. Councillor Dubois stated she will be submitting a letter as well.

Chairman McDuffy then asked for a motion on the postponement and also on the date and time.

Councillor DuBois then stated that there is a resident present who took the night off from worked and asked if he could make his statement so he won't have to take another day off.

Attorney Feodoroff stated this could be allowed and that the minutes can be read into the record.

Hubert Thevenin, 87 Sawtell Avenue, stated there are always problems at this bar and the intersection is always a problem. He stated there should be a police detail from the time they are open to the closing. He feels the bar should be closed because he doesn't see anything being done right there. There are people standing outside of the bar and drunk people all over the place and it is a problem. He stated the traffic on Friday nights is also a problem.

Chairman McDuffy asked if there was anyone else present who wished to speak and no one came forward.

A motion was then made by Commissioner Kenney to postpone the hearing until July 31<sup>st</sup>. The motion was seconded by Commissioner Sullivan.

Commissioner Dansby asked if it includes the voluntary roll back and Attorney Feodoroff stated it is included with the guarantee from opposing counsel that they will rollback the hours.

Commissioner Kenney amended her motion to include that provision.

With Commissioners Kenney, Sullivan, Dansby and McDuffy voting in favor, the motion carried.

Commissioner Wood did not vote and stated he would be recusing himself altogether

13. Communications

Reports of alleged violations at Joe Angelo's were briefly discussed during agenda item #10 and will be scheduled for hearing upon completion of the investigation.

14. Any other business to properly come before the Commission

The Commission will hold a special meeting on July 31, 2012.

A motion to adjourn was made by Commissioner Wood which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the meeting was adjourned.

**Respectfully submitted,**

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**Scott H. McDuffy**  
**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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**Kathy Kenney, Commissioner**

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**Fred Fontaine, Alternate Commissioner**