

## **TAPED**

The License Commission held its regular monthly meeting on Thursday, December 10, 2015, at 6:00 p.m., in the G.A.R. Room at City Hall. Present were Chairman Henry Tartaglia; Commissioners Paul D. Sullivan, Scott H. McDuffy, Joao DeAndrade and Harold C. Marrow, Jr. Also present were License Agent Lieut. Ken LeGrice; Asst City Solicitor Kate Feodoroff; and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission meeting of November 12, 2015.

A motion was made by Commissioner Sullivan to approve the minutes of the meeting of November 12, 2015 which motion was seconded by Commissioner Marrow. All members present voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of January, 2016: Lieuts. Kenneth LeGrice and Paul Bonanca; Sgts. George Khoury, Frank Vardaro and Michael Dennehy; Dets. Thomas Hyland, Nazaire Paul, Eric Clark, Santiago Cirino, Jackie Congdon, Chris McDermott, Michael Bunker, Michael Cesarini, Patrick Donahue and Erin Cummings.

A motion was made by Commissioner Marrow to approve the police officers as listed as license agents for the month of January 2016. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

3. Special One-Day Permits:

There were no applications for Special One-day Permits.

4. Hearings on the applications for renewal of the following Class III Motor Vehicle Junk Dealer licenses for 2016:
  - (a) Brisco Baling Corporation dba Brockton Iron & Steel Co. – 45 Freight Street  
Present was Caren Stone, Manager
  - (b) Spiegel Truck and Auto Salvage, Inc. – 212 North Cary Street  
Present was Anthony Pusatieri, 142 Patricia Drive, Abington
  - (c) Regal Auto Parts, Inc. dba Brockton Auto Parts – 511 Thatcher Street  
Present was Donald Galante, 19 Camden Way, South Easton
  - (d) David Lynch dba Lynch's Cycle and Truck Center – 1200 Montello Street and 5 Terminal Place  
Present was Shawn Bastis, Manager, 65 East Street, Avon
  - (e) Andrade, Inc. dba Everett's Auto Parts – 553 Thatcher Street  
Present were Tom Andrade, 166 Brook Street, Plympton and Mark Andrade, 9 Locust Street, Onset

Inspection requests were sent to Lieut. LeGrice who stated there were no issues with any of the licensees.

Commissioner McDuffy asked who is responsible for any debris in the street when trucks come and go from the businesses. He indicated that a rock had hit his windshield and it is his opinion that if the road had been cleaned up that would not have happened. He STATED he would look into it and asked for the licensees to try to be more aware of trucks leaving debris.

A motion was made by Commissioner Marrow to approve the renewals of the licenses which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Dian Zheng dba Express Panda to transfer the Common Victualer license at 43 Legion Parkway to Express Panda, Inc. – Yijuan Zheng.

No one was present when this matter was called. It was held until the end of the meeting, however, no one arrived prior to the end of the meeting.

6. Hearing on the charges against Fuhs Enterprises, Inc. dba Dylan’s Bar & Grill – Paul J. Fuhs, Manager, 789 Centre Street, of the following alleged violations:

- (a) **ABCC Rule 204 CMR 2.05(2)**, to wit: “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 therefor, whether present or not.”; and
- (b) **M.G.L. Chapter 138, Section 63A**, to wit: “Any person who hinders or delays any authorized investigator...or who refuses to give to such investigator, inspector or agent such information as may be required for proper enforcement of this chapter”

Attorney Feodoroff informed the Commission that the City is requesting a continuance on this hearing. Det. Hyland has evidence that would be helpful to the Commission and that it is her understanding he has surveillance footage of the incident as discussed in the report, however, there has been a death in his family and he cannot be contacted.

Attorney Jon Aieta, 18 Russell Park, representing the licensee, stated he would leave it up to the Commission. They are prepared to go forward with their defense at this time.

Attorney Feodoroff stated the City is willing to go with a date certain of next month’s meeting which will be held on the 3<sup>rd</sup> Thursday of January.

A motion was made by Commissioner Marrow to continue the matter until the January meeting which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

7. Renewal of Licenses for 2016

**A. Licenses to Sell Alcoholic Beverages**

1. All Alcoholic Restaurants
2. Wine and Malt Restaurants
3. All Alcoholic Hotels
4. All Alcoholic General On-Premise
5. All Alcoholic Package Stores
6. Wine and Malt Package Stores
7. All Alcoholic Clubs

The Administrative Assistant provided a list of licensees. She reviewed that that only licensee who had not filed for renewal was Emysafari Dance Club Corp at 22-26 Perkins Avenue.

A motion was made by Commissioner McDuffy to approve the renewal of licenses to sell alcoholic beverages for 2016 with the provision that the Section 12 licenses provide their Certificates of Liquor Liability Insurance and Certificates of Inspection and that all licensees comply with tax obligations.

The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

**B. Common Victualer Licenses**

**C. Innholder Licenses**

A list of the Common Victualer and Innholder (Elmcourt Hotel) licenses was provided.

A motion was made by Commissioner McDuffy to approve the renewal of Common Victualer and Innholder licenses as listed for 2016 with the provision that all required documents are filed and that all licensees comply with tax obligations.

The motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

**D. Licenses to Sell Second-Hand Motor Vehicles (Class I and II)**

A motion was made by Commissioner DeAndrade to approve the renewal of Licenses to Sell Second-Hand Motor Vehicles (Class I and II) as listed for 2016 with the provision that all required documents are filed and that all licensees comply with tax obligations.

The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

**E. Lodging House Licenses**

A motion was made by Chairman Tartaglia to approve the renewal of Lodging House licenses as listed for 2016 with the provision that all required documents are filed, all of the Department inspection approvals are submitted and all licensees comply with tax obligations.

The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

**F. Entertainment Licenses**

A motion was made by Chairman Tartaglia to approve the renewal of Entertainment licenses as listed for 2016. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

**G. Automatic Amusement Device Licenses**

A motion was made by Commissioner McDuffy to approve the renewal of the Automatic Amusement Device licenses as listed for 2016. The motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

**H. Fortune Teller License**

A motion was made by Commissioner McDuffy to approve one Fortune Teller's license for 2016 which motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

**8. Communications**

Lieut. LeGrice stated he is submitting reports on violations at the following establishments:  
Tamboo - Saturday, November 28, 2015

Emysafari – Failing to comply with opening and surveillance cameras

It was reviewed that the license was not renewed so no hearing will be scheduled.

Pisces Lounge – Failing to comply with opening and surveillance cameras.

Cardoso Café – The owner has been charged with A&B d/w which was reported by someone who had been sprayed with mace and failing to contact police.

9. Any other business to properly come before the Commission

- (a) Discussion and Vote to amend the Rules and Regulations of the Brockton License Commission (Restaurant, Hotel, General On-Premise and Club licenses) by adding the following proposed Rule:

**“Licensees must contact police immediately to report any disorder, disturbance or illegality taking place in or on the licensed premise. Failure to do so will result in a hearing before the License Commission.”**

Lieut. LeGrice recommended this rule be accepted as proposed. He indicated he understands that liquor establishments are going to have problems but his issue is whether or not they cooperate with the police. This rule will help the police out.

A motion was made by Commissioner Sullivan to approve the amendment to the Rules and Regulations of the Brockton License Commission (Restaurant, Hotel, General On-Premise and Club licenses) by adding the language proposed.

Commissioner McDuffy asked how it will be limited and if bars will be calling police all of the time to report disorders. He asked if yelling and screaming would constitute a disorder. His concern is whether the police want to be bothered with every little thing that happens and, also, does the owner of the establishment want to have a police cruiser pull into their lot because of an incident. He feels it might be tough on the owner as well as the police to answer all of the calls.

Lieut. LeGrice stated it will be handled with common sense. He indicated that police will respond to a call and make the decision as to whether or not it will be reported to the License Commission. If it is reported to the License Commission, it will be up to them to decide what action should be taken.

Chairman Tartaglia indicated that the person in charge should be able to tell when something is starting and agreed with the common sense approach suggested by Lt. LeGrice.

Commissioner Marrow stated he feels it makes sense to give the police some discretion and some leverage.

Lieut. LeGrice stated the license agents will be the ones to come to him and nothing is filed with the Commission unless it goes through him. He does not see it as a problem and they will deal with it appropriately.

A motion was made by Commissioner Marrow to approve the amendment to the rules as written. The motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

The Administrative Assistant stated that she will include a copy of the new regulation with the 2016 licenses when they are mailed out.

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 Chairman Tartaglia. All members voting in the affirmative, the motion carried.

Respectfully submitted,

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Henry Tartaglia  
Chairman

APPROVED:

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Paul D. Sullivan, Commissioner

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Scott H. McDuffy, Commissioner

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Joao DeAndrade, Commissioner

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Harold C. Marrow, Jr., Commissioner

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Paul Merian  
Alternate Commissioner