

Taped

The License Commission held its regular monthly meeting at 6:00pm on Thursday, November 29, 2018 in the Basement Level at City Hall. Present was Chairman Henry Tartaglia; Commissioners Paul Merian, Jeffrey Charnel and Larry Siskind; License Agent Lieut. Kenneth LeGrice and standing in for Administrative Assistant Synthia Olivier.

1. Approval of Minutes of the License Commission regular meeting of October 18, 2018.

A motion was made by Commissioner Charnel to approve the minutes of the before said meeting which motion was second by Chairman Tartaglia and made unanimous by vote of the members present.

2. Approval of the following police officers as license agents for the month of November, 2018; Lieuts. Kenneth LeGrice and Paul Bonnanca; Sgts. George Khoury, and Michael Dennehy; Dets. Thomas Hyland, Nazaire Paul, Eric Clark, Santiago Cirino, Jackie Congdon, Michael Bunker, Michael Cesarini, Patrick Donahue and Erin Cummings.

A motion was made by Commissioner Charnel to approve the license agents as listed for the month of November, 2018. The motion was seconded by Chairman Tartaglia and made unanimous by vote of the members present.

3. Hearing on a request from Sandra Martin for Beer & Wine Permit to serve approximately 30 guests at Elvera's Café located at 132 Main Street, Brockton from 6:00 p.m. to 11:00 p.m. on November 30, 2018. This event is for A Trivia/ Karaoke Night.

Present was Sandra Martin of Elvera's Café located at 132 Main Street, Brockton, MA. She would like to have a Trivia, Karaoke and Ugly Sweater Party at Elvera's Café November 30, 2018 from 6 p.m. to 11 p.m. with Beer & Wine. Ms. Martin has held this event in the past. Commissioner asked if there was anything from the Police Department and Lt. LeGrice stated that Ms. Martin has filled out all forms and is all set.

A motion was made by Commissioner Merian to approve the Request for a Beer & Wine Permit which motion was second by Commissioner Siskind and made unanimous by vote of the members present.

4. Hearing on a request from Artsan Incorporated dba Wine Basket, Manager Sandra Sedell makes application for a transfer of an All Alcoholic Package Store license located at 13 Pearl Street, Brockton, to Munna Corporation, dba Wine

Basket, Manager-Maksudur Sikder.

Present was Attorney Tom Truax of 530 Loring Avenue, Salem Massachusetts, Mr. Maksudaaur Sikder of 189 Linwood Street, Brockton, MA. Attorney Truax is counsel for the proposed transfer which is Munna Corporation. The transaction is with Mr. Sikder's landlords, the Sedell's. Mr. Sidker is the current owner at the Seven Eleven which was formerly Tedeschi's since 2000 and also owns the store next to the Wine Basket in the Mall with the Sedells. He has been in contact with Mr. Sedell for years and when this opportunity arose, Mr. Sedell and Mr. Sikder entered into an agreement for the purchase and sale of the Wine Basket. The purchase is for \$400,000.00 which \$200,000.00 is coming from Mr. Sikder's personal account and the remaining \$200,000.00 is being financed by Mr. Sedell. Mr. Sidker comes before the License Commission with 18 years of convenience and retail store experience. As to liquor experience, once this is approved, he will start training tomorrow with Mr. Sedell until the approval from ABCC. He will also be doing the TIP training and retaining at least 3 to 4 of the current employees who have been there for a number of years. There will not be any changes of the store and will be operated the same way as the Sedells. Commissioner Merian asked if there were any other liquor stores that he operated and managed and Mr. Sidker's response was no. The understanding is he will still operate the store he currently owns in addition to this one with the help of his family. Chairman Tartaglia wanted to make known there has not been any violation with Mr. Sedell there. It is a solid establishment and Chairman Tartaglia wanted to remind him to stay on top of his business and to make sure the TIP training is done. Commissioner Siskind added that he knows the Sedells' very well and has nothing but the highest praise. Commissioner Charnel asked about the hours of operation and Attorney Truax stated they would be the same and Commissioner Charnel added as long as they are compliant with the ABCC rules, he sees no issue. Commissioner Charnel also wanted to know who would hold the pledge and Attorney Truax stated it would be the Sedells'; Artsan Inc. Chairman asked Lt. Legrice if he would like to weigh in, Lt. Legrice stated he is all set.

A motion was made by Chairman Tartaglia to approve a transfer of an All Alcoholic Package Store license located at 13 Pearl Street, Brockton, to Munna Corporation, dba Wine Basket, Manager-Maksudur Sikder, which motion was second by Commissioner Charnel and made unanimous by vote of the members present.

5. Hearing on a request from Bertucci's Restaurants, Corporation for a transfer on an All Alcoholic Restaurant license to Bertucci's Restaurants, LLC.

Present was no one. Representative had called earlier asking if representation was needed for an entity name change because this same process was being done at several other locations, and the City Solicitor stated it would be ok. Also a letter was sent to ABCC requesting this as well. Commissioner Merian wanted to table this hearing but due to the request being accepted by The City Solicitor and ABCC, the Chairman stated it was ok to move forward, only entity name is changing. Commissioner Charnel had stated that they previously came before the License Commission for a change in manager and wanted to confirm that the manager was staying the same. Chairman stated if changes regarding management are being done, Bertucci's is aware that they have to come before the License Commission.

A motion was made by Chairman Tartaglia to approve Bertucci's Restaurants, Corporation for a transfer on an All Alcoholic Restaurant license to Bertucci's Restaurants, LLC, which motion was second by Commissioner Siskind and made unanimous by vote of the members present.

6. Hearing on a charge brought against Brazil Grill by the local police for an alleged violation of ABCC Rule 204 CMR 2.05 (2), Permitting an illegality on the licenses premises, to wit: Chapter 138, Section 34, sale or delivery of an alcoholic beverage to a person under twenty- one years of age reported on June 5, 2018 at approximately 5:25 p.m.

Present was owner Jeff Sampler of 65 Winter Street, Brockton. Chairman Tartaglia asked if he was the owner and what happened? Mr. Sampler stated he was not there at the time this incident occurred. He said two people came in, talked to one waitress and another waitress was the one to serve them. It was a misunderstanding of the second waitress thinking the first waitress that greeted them had carded them. Commissioner Merian asked if the employee is still working there and Mr. Sampler stated she is and is aware of what she did. Mr. Sampler stated that she is going through TIP training. The gentleman that did the TIP certification had passed away and they are in the midst of having more employees go through TIP training. Commissioner Charnel asked if there was anything else in the file and Chairman responded no, that it is their first offense and for first offenses, a letter is placed in their file. Chairman went on to say that this is a serious matter and there will be more stings. Mr. Sampler stated he watched the tape and saw what happened. First offense, License Commission gives you a break but after that it's on the business. Commissioner Siskind asked if there is any kind of relationship that is had with the license holder when a bad sale happens. Mr. Sampler stated they received a citation right away. Commissioner Siskind asked is there anything that is done with the employee that violated the rule and Mr. Sampler said they speak with the employee and although TIP certification is not required in the City of Brockton, they still

are done according to the diagram; it is good to be approved. Attorney Asack wanted to state that this is not a Used Car Lot, it's Gas Station and he is only adding in the selling of the small amount of vehicles in order to generate income for his family.

A motion was made by Chairman Tartaglia to approve Daher dba Mikes Gas for a Class II Used Car Dealer's license located at 212 Torrey Street, Brockton, MA pending Lt. Legrice's request of the striped lines, which motion was second by Commissioner Merian and made unanimous by vote of the members present.

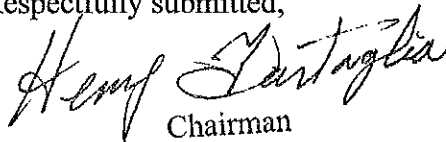
8. Hearing on a request from the Brockton License Commission to E/S Stoddard, Inc. on a Wine and Malt Package Store license located at a closed Tedeschi Food Shop on 441 Crescent Street, Brockton, MA, for non-use of the license.

Present was Eric Stoddard of 441 Crescent Street, Brockton, MA. Almost a year and a half ago to two years ago, the store was renovated and within the renovation, the space for Beer & Wine beverages was cut down which in turn caused a significant cut in sales/pay. Mr. Stoddard left the store and took his license with him leaving no alcohol in the store. The company said they were going to see if they can obtain it and leave it at that location and rebrand it. The company then said after months, they are going to keep it as a Corporate Store because there were too many. Mr. Stoddard is currently talking to Attorney Creedon and Attorney Reuben to try and obtain intent to transfer to someone. Chairman asked how long the license has been inactive for? Mr. Stoddard stated that he has been out of there since end of May of 2018. It was in July of 2018 when he found out that he was not going back in there. Mr. Stoddard did not want to leave the license there because they were not going to assume liability if something happened. He then came to the License Office and gave Silvia a letter stating that he pulled the license from that location and that he was currently trying to sell it. He signed a purchase and sale for someone but it fell through a month and half after due to the funds. Chairman stated that the problem is that when he did his renewal, Mr. Stoddard put the store's address down that he is not using and you can't do that. Chairman stated he would have been better off using it as a pocket License, meaning the state allows you to hold it, but you cannot use the store's address. He is putting liability back on the store that he is not at and the store is not aware of. Chairman stated Mr. Stoddard is allowed to hold the license without the License Commission interfering to make a good faith in selling it. Chairman stated that Mr. Stoddard cannot hold the license and the license has to be held by the License Commission because it is inactive and when Mr. Stoddard is ready to transfer, he can then come before the License Commission to either approve or not approve. Chairman asked Mr. Stoddard if he had any buyers. Mr. Stoddard responded that he has two he is waiting to hear from, one gentleman is Sinel Patel on Torrey Street. Chairman stated if he is not mistaken, they went before the ZBA and that location was denied for a license. The next gentleman is Chris Patel at Red

Apple Food Store at the corner of Forest Avenue and Grafton. Chairman asked what the Red Apple Food Store was zoned for because if it zoned for Commercial, no need to go before ZBA, but if not zoned Commercial then they will need to go before ZBA. Commissioner Charnel asked the Chairman if the license should be brought in and if they have to vote on holding the license. Chairman stated just to bring in the license and as long as Mr. Stoddard is trying to sell the license and not just pocket it. Mr. Stoddard explained that he took a big hit with Seven Eleven and he is trying to recoup some money. Mr. Stoddard stated he has been trying to sell it but has run into little problem. Commissioner Merian asked if there was a timeline and the Chairman responded stating it's a gray area and usually they have a pocket license up to a year but it's not written in stone. Commissioner Merian stated we are approaching a new year and how is that going to work. Mr. Stoddard asked if he can still renew the license until he is able to find a suitable buyer. Chairman stated as long as good faith effort is being made, although he has had almost 8 months to sell. Mr. Stoddard stated that he thought everything would have been finalized in August but Seven Eleven came back stating they are keeping it Corporate and that is when he came to Silvia to inform her. He also spoke with Janish Patel on Pleasant Street which took 2 months because he was away and Mr. Patel came back stating he doesn't want it anymore due to changes in his store he was not able to make. Chairman stated to bring his license in and will have Silvia contact him from time to time to see how it's going.

There was no further business before the Commission.

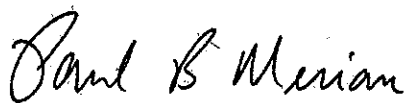
Respectfully submitted,



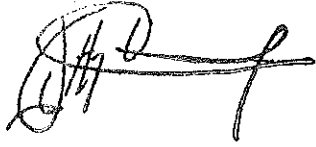
Chairman

Henry Tartaglia
Chairman

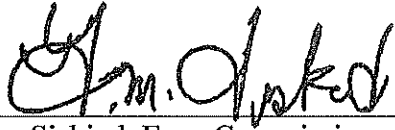
APPROVED:



Paul Merian, Commissioner



Jeffrey Charnel, Commissioner



Lawrence Siskind, Esq., Commissioner