

MINUTES  
**LICENSE COMMISSION MEETING**  
6:00 p.m.  
Thursday, June 20, 2019  
G.A.R. Room, City Hall, 45 School Street  
Brockton, Massachusetts

---

**TAPED**

The License Commission held its regular monthly meeting on Thursday, June 20, 2019 in the G.A.R. Room of City Hall. Present were Chairman Henry Tartaglia, Commissioners, Paul Merian, David Teixeira, Lawrence Siskind, Jeffrey Charnel and Eugene Marrow. Also present were License Agent Kenneth Le Grice; and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of May 16, 2019.

A motion was made by Commissioner Marrow to approve the minutes of the aforesaid meeting which motion was seconded by Commissioner Merian and made unanimous by vote of the members present.

2. Approval of the following police officers as license agents for the month of June 2019: Lieuts. Kenneth Le Grice and Paul Bonanca; 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 Merian to approve the license agents as listed for the month of June 2019. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

3. Hearing on a request for a Special Permit to Sell Wine and Malt Beverages and a Special Event Permit from PROVA! and its sponsor Shovel Town Brewery to be used on Thursday and Friday evenings from July 10, 2019 to August 30, 2019 from 4:00 p.m. to 9:00 p.m. with food and entertainment at 147 Main Street, Brockton, MA.

Present was George Durante of 2 Brookfield Road, Norwood, MA and Frank Alteri of 10 Balsam Lane, Norwood MA.

Mr. Alteri stated to the board that PROVA is entertainment that is brought to the center of Brockton. It offers food, as well as, beer and wine and is a multi-cultural event that contributes to economic development. Mr. Durante stated that last year they were very successful and attracted about 4,000 people with zero issues, with 167 people in attendance per night. They were able to book the Drifters last year which drew a large crowd and many of the attendees requested that they have it again this year. They are now a 501c corporation and would like to continue having multi-cultural events. Currently they are trying to recruit about three restaurants to provide food service at the venue. The board of health will inspect the premises and businesses prior to the opening. Shovel Town Brewery will

be providing the beer and wine. Commissioner Merian informed the board that he was at the venue last year and they were very professional, and it was a very calm atmosphere and people behaved orderly and he is in favor of the permits. The space that they are looking to utilize this year is next door to the Tuxedo shop and he feels that it would be great to use the empty space and will coordinate with Lt. LeGrice. Commissioner Charnel stated that he is in total agreement with Commissioner Merian and approves of the permits.

A motion was made by Commissioner Charnel to approve the permits. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

4. Hearing on a request for a Special Event Permit from Entertainment Management Complex for a Concert to be held on June 30, 2019 from 2:00 p.m. to 9:00 p.m. at 1 Feinberg Way, Brockton, MA.

Present was Mr. Todd Marlin of 1 Feinberg Way, Brockton, MA.

Mr. Marlin stated to the board that he is currently working with Deputy Chief Williams on safety plans for the event. Lt. Le Grice addressed the board on the issue of allowing the events to end at 9:00 p.m. In the past all events had to cease at 8:00 p.m. on Sunday's. He told the board that last year he was not at the hearing in which the board allowed a 9:00 p.m. curfew and asked the board to please remain consistent. Chairman Tartaglia mentioned that it was because it was on a Sunday before a holiday and Le Grice stated that it has always been the Sunday before a holiday. The Chairman asked Mr. Marlin how many people would be in attendance and he stated between 1,500 to 3,000 people, the stadium holds about 8,000 people. Mr. Marlin will coordinate the details with Lt. Le Grice based on ticket sales. Commissioner Merian stated that because of the noise in the neighborhood he would like to make a motion that it end at 8:00 p.m. not only for his event, but for all events held in the city on a Sunday.

A motion was made by Commissioner Merian to approve the permit with the understanding that the event is to end promptly at 8:00 p.m. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

5. Hearing on a request for Special Event Permits from Entertainment Management Complex, LLC for a Food Truck Festival to be held at 1 Feinberg Way, Brockton on the following dates;  
**July 20, 2019 from 10:00 a.m. to 6:00 p.m.**  
**August 24, 2019 from 10:00 a.m. to 6:00 p.m.**  
**October 26, 2019 from 10:00 a.m. to 6:00 p.m.**

Present was Mr. Todd Marlin of 1 Feinberg Way, Brockton, MA.

Mr. Marlin stated to the board that they are hoping to have these food truck rallies often and are expecting between 1,500 to 3,000 people. Hoping that they can possibly have them monthly and even expand it to include bobbing for apples and hayrides during the month of October. BOH will inspect and ensure that the trucks comply. The entertainment for the events will include Rock and Roll bands, as well as, country music performed by local bands. The commissioners mentioned to Mr. Marlin that there are to be no boom boxes in the parking lots. Mr. Marlin informed the board that they will work with Police and Fire to ensure the safety of the attendees. They will set up stage down by the beer garden towards the center field to minimize the noise levels.

A motion was made by Commissioner Marrow to approve the permits. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

6. Hearing on a request from Brockton Assets, LLC for a Lodging House license at 1002-1010 Main Street, Brockton, MA.

Present was Attorney Jake Creedon of 71 Legion Parkway, Brockton, MA, Joe Corriea of Brockton Assets, LLC., Randolph and Ms. Julie Brown and her husband.

Attorney Creedon introduced the buyers and Mr. Corriea to the board. He stated that he and his clients were before the board 5 months ago and made a full presentation. He recalled that there were 3 or 4 concerned people, including councilor Nicastro. They were told that they needed to go before the Zoning board. His client did go before the ZBA with a specific request because they were in a C2 and the residential portion was abandoned 4 years ago due to a flood. The place has been re-inspected by every department in the city. Board of Health, Fire, the alarm system and sprinkler system have all been completed. As a result of the two neighborhood meetings to address the concerns of the business in the area, and he believes one of the concerned parties was Mr. Jamoulis of Cape Cod Café. He is now in favor of the Lodging House and attended the ZBA meeting. The ZBA voted unanimously and both fire chiefs approved one retired and current. Again, all inspections have been completed and cameras have been placed throughout. All 24 units have been completely re-done to Boston standards and are impeccable. The units are much nicer than most apartments in Brockton. The first floor will be commercial because it is a C2 zone. There is a bar that is currently there owned by Lucindo. There is a possibility that he may be leaving the premises. Again, Attorney Creedon reiterated that everyone in the neighborhood is on board. They are seeking a Lodging House permit and it has been a Lodging House since it was built in 1920. Chairman Tartaglia stated that he knows that it has been because it was once owned by his brother, and he never had any issues. Chairman Tartaglia asked the buyers if indeed all the units have been done over. They both answered yes. The Chairman also asked if they were 1 roomer. Mr. Corriea replied that there are 17 two roomers and 7 one roomers. Commissioner Charnel asked the owners if they are going to be running the rooming house and what experience they had. They replied that they have a rooming house in Lynn and other properties that have not been in favorable areas that they have turned around. Commissioner Charnel asked them how long they have been operating the rooming house in which they replied 5 months. Ms. Brown stated to the board that they have been landlords since 2006 and are in constant contact with the police departments in the cities that they own property. They have always supported their efforts to rehabilitate properties. Commissioner Charnel stated that rooming houses are very hands on and if they would have on-site management in place. Ms. Brown replied that all their properties have on-site property managers that live there. They also have cameras around the perimeter of the properties. She stated that they are not absentee landlords. Commissioner Charnel asked them if they planned on being in the city at least once a week. They replied that they will be running to commercial business on the property a Brazilian bakery and a laundromat. They will be at the location every day to operate the two businesses. Mr. Corriea stated that this is the third time they are trying to sell the property and Ms. Brown and her husband are the best buyers they have come across and can really turn the place around. He also stated that he drives by the building all the time and it does not look good in its current state. Ms. Brown stated that the board should have received a letter from Mr. Jamoulis approving of the license. Chairman Tartaglia stated that he hates to see empty buildings especially after they have made renovations, if there are problems, we can bring them back before the board. He is in favor of their application and is aware of the need for units that are

cheaper to rent. Most people can't afford \$1,200 a month for rent and may need a 1 room place to stay. The location has traditionally had no parking, the people who rent the units do not have vehicles. Commissioner Merian asked Ms. Brown what the screening process was for the applicants. Ms. Brown replied that everyone must pass a background and credit check. They have a zero-tolerance policy for violence. Attorney Creedon reminded the board that the property is valued at almost a million dollars, so it is in the best interest of the city to get it back up and running.

A motion was made by Commissioner Marrow to approve the license. The motion was seconded by Commissioners Merian, Tartaglia, Teixeira, and Siskind with Commissioner Charnel voting in opposition.

7. Hearing on a request from Cardoso Café to reinstate his closing time to 2:00 a.m. at 146 Montello Street, Brockton, MA.

Present was Mr. Carlos Cardoso of 146 Montello Street, Brockton, MA.

Chairman Tartaglia stated to the board and Mr. Cardoso that they had rolled his hours back to 1:00 a.m. six months ago for allowing patrons to enter his establishment after 1:00 a.m. Chairman Tartaglia asked Lt. Le Grice if there has been any issues at his establishment, in which the Lt. LeGrice answered no. Chairman Tartaglia told Mr. Cardoso that he is to make sure that someone is at the door and that no one is to enter the establishment after 1:00 a.m. Commissioner Charnel asked Mr. Cardoso if he is there at the bar everyday and he answered yes. He also asked Mr. Cardoso what he has been doing lately that has changed and if he had possibly hired a new security company. Mr. Cardoso stated that he simply closes at midnight. He ensured the board that he will make sure he protects his 2:00 a.m. license going forward and thanked them for the second chance.

A motion was made by Commissioner Merian to reinstate his closing time to 2:00 a.m. at 146 Montello Street, Brockton. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

8. Hearing on a request from Texas Road House Holdings LLC, dba Texas Roadhouse for a Change of Officers/Directors/LLC Managers on an All Alcoholic Restaurant license at 124 Westgate Drive, Brockton.

Present was Attorney Andrew Upton of Six Beacon Street, Suite 700, Boston, MA.

Attorney Upton stated to the board that this was a simple change of officers at the corporate headquarters for all locations in Massachusetts. There will be no changes to the licensed premises. The ABCC has approved the application first because there are over 10 and then sends it to the local boards.

A motion was made by Commissioner Merian to approve the changes. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

9. Hearing on a request from Bertucci's Restaurants, LLC dba Bertucci's Brick Oven Ristorante for a Change of Manager and Change of Corporate Name/DBA on an All Alcoholic restaurant license at 1285 Belmont Street, Brockton, MA.

Present was Mr. Michael L'Heureux of 36 Arnold Road, North Attleboro, MA.

Mr. L'Heureux stated that the corporate headquarters are making changes, as well as, appointing him as the new manager in Brockton. He has worked at many of the locations and is familiar with all the day

that they were on the brink of closing. Mr. L'Heureux told the board that that may have been the plan, however they have been positive in sales and have made a complete turnaround. Commissioner Merian said that is great news and wished them well.

A motion was made by Commissioner Merian to approve the changes. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

10. Hearing on a request from S & M Realty, LLC and its affiliate Montello Auto, Inc. to rescind a Transfer of a Class II Used Car Dealers license at 1054 North Montello Street, Brockton, MA.

Present was Attorney David Madoff of 124 Washington Street, Suite 202, Foxborough, MA. and Attorney Raymond Haskell of 1109 Iron Mine Hill Road, North Smithfield, RI.

Attorney Madoff asked the board if he could give them a quick synopsis of the events that had taken place relative to the transfer of the Class II Used Car Dealers license from 706 Montello Street to 1054 North Montello Street, Brockton. His clients S & M Realty and its affiliate Montello Auto entered into an agreement to transfer the Class II license that was located on Montello Street in Brockton to Mr. Kency Dessaps. The agreement was to lease the property and the license and if there was a breach the license would be returned to his clients who are the owners of the property. They came before the board in October and all the specifics were told to the board at that time. The board approved the transfer of the license pursuant to the lease. The approval between his clients and Mr. Dessaps did not go through until the end of December and the lease was set to begin in February of 2019. Mr. Dessaps never made a lease payment and in February applied for a transfer of the license. He duped the board and asked for a transfer without the approval from his clients. Mr. Dessaps never mentioned what the conditions of his lease was to the board, and essentially stole the license from his clients. Commissioner Charnel asked where the license had been transferred to and Lt. LeGrice stated 1054 North Montello Street Attorney Madoff stated that Mr. Dessaps defrauded his clients and they are in the process of suing him. Commissioner Marrow asked Attorney Madoff if the license was in both names. Attorney Madoff replied no, because it was transferred from his clients to Mr. Dessaps. He also asked if they had leased the property to Mr. Dessaps as well. Attorney Madoff replied yes, they did, so he could operate only on their property. Commissioner Marrow also asked if any of this information was in writing somewhere. Attorney Madoff stated that it has been included in the packages that were submitted to the board for review. City Solicitor Philip Nessralla asked Attorney Madoff if the board was privy to that information. Attorney Madoff stated yes. Lt. Le Grice replied that the board was never informed that there was a lease agreement. Commissioner Charnel told Attorney Madoff that it was his job to tell the board what is in the contract. The board does not read contracts or purchase and sales agreements. Attorney Madoff stated that the board did nothing wrong and he acknowledges that. When they came before the board in October, they specifically made it clear that the license stays with the property. City Solicitor Nessralla replied that yes, the license runs with the land and they are not arguing that. He told Attorney Madoff that it appears that you made an irrevocable conveyance as any other asset, not knowing that if there was a default, the license does not go back to you. When the board approved the transfer, they were approving the license going from your clients to Mr. Dessaps. If Mr. Dessaps breached the lease payment, which he apparently did. You can take action for the breach of contract by seeking money damages. However, your client is seeking to get the license back that they conveyed. Attorney Madoff replied yes and stated that there were two transfers the first was attended by his partner Mike Houry. The second transfer was attended solely by Mr. Dessaps without mentioning to that the license was

subject to the lease. Mr. Dessaps did not give his clients any notice of the hearing. Attorney Madoff stated that the board was not aware of the conditions and approved the transfer unknowingly. Attorney Madoff stated that his partner attended the May 16, 2019 meeting and asked to be heard at the end of the meeting, to inform the board of the fraudulent transfer. Commissioner Merian stated that he remembered that Attorney Khoury did attend, and they allowed him to speak, however he was told that the matter is a court issue and sent him along. Commissioner Charnel asked Attorney Madoff at what point did his clients realize that the license was transferred and were they within the 21-day appeal period. Attorney Madoff stated that they were never informed of the transfer. Lt. Le Grice stated that at the first hearing which Madoff was not in attendance, there was an ordinary transfer of a license, just like the board normally does. The board has never got into leases of licenses in all the time that he has been on the board. Kency then came back and requested a transfer to another location, which again is well within his rights and happens all the time, the board approved the transfer. Lt. Le Grice also stated that he does not believe the board was informed about a lease agreement between the two parties or that the license needed to stay with the property. The only thing the board knew was that the Mr. Dessaps requested a transfer of the license using the normal course they have always used. Commissioner Charnel stated that Lt. LeGrice is correct the board has never seen a lease agreement. Commissioner Merian then asked Attorney Haskell if he would like to address the board on behalf of his client Mr. Dessaps. Attorney Haskell stated to the board that Attorney Madoff's clients knew about the transfer back in April and did not do anything about it, and the appeal period has expired. Attorney Haskell also stated that the board did nothing wrong, they were presented with a transfer application and they approved it. The business license belonged to Mr. Dessaps and the issue belongs in the courts. Attorney Madoff asked Attorney Haskell why his client feels it is ok to do what he did to his clients. Attorney Haskell stated that under MGL, once it was transferred to Mr. Dessaps and he requested to move locations he was well within his rights. Commissioner Merian stated that the board acted appropriately considering how the application was presented. City Solicitor Nessralla asked whether a litigation hearing was scheduled. Attorney Madoff stated that a preliminary injunction had been scheduled today. City Solicitor Nessralla stated that board could not supersede the court determination. Attorney Madoff stated that he disagrees and feels the board should be able to render a decision. City Solicitor Nessralla stated that it would be cleaner if the courts make a determination. Attorney Haskell replied yes and there is an appellate process. Attorney Madoff said they will do that. City Solicitor Nessralla stated that then they may come before the board after the decision has been made by the courts. Commissioner Charnel stated that this issue is not within the purview of the board to litigate. Attorney Madoff told the board that they should know that licenses they are giving out are being moved, and the board has the authority to make a determination on the case. City Solicitor Nessralla stated that he agrees to an extent. However, the city does not have all the facts or the parties available to cross examine, and it was well beyond the scope of what the city can do as a commission. If you are in litigation let it run its course. Attorney Haskell did agree that the board decided based on what was presented to them by his client Mr. Dessaps, and the issue belongs in the courts not the commission. Attorney Madoff once again stated to the board they were duped and defrauded by Mr. Dessaps. City Solicitor Nessralla asked Attorney Haskell if that indeed was the case. Attorney Haskell stated that his client followed the laws of the commonwealth. City Solicitor Nessralla asked Attorney Madoff to inform the board of the hearing and asked him the location. Attorney Madoff replied Brockton and it was set for the Wednesday of the following week. Commissioner Marrow stated to both parties that they

entered into an agreement with each other that the commission had no knowledge of. The commission did what was a normal business for the board.

A motion was made by Commissioner Marrow to table the item and take it under advisement. The motion was seconded by commissioner Charnel and made unanimous by vote of the members present.

Respectfully Submitted,

---

Henry Tartaglia, Chairman

APPROVED

---

Paul Merian, Commissioner

---

David Teixeira, Commissioner

---

Lawrence Siskind, Commissioner

---

Jeffrey Charnel, Commissioner

---

Eugene Marrow, Alt. Commissioner