

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, October 21, 2021
G.A.R. Room, City Hall, 45 School Street
Brockton, Massachusetts

The License Commission held its regular monthly meeting on Thursday, October 21, 2021, in the G.A.R. Room. Present were Commissioners Jeffrey Charnel, Paul Studenski, David Teixeira, and John McGarry. Also, present were License Agent Paul Bonanca and Executive Assistant Silvia Carvalho, Assistant City Solicitor Aileen Bartlett, and officers Cabral and Monteiro.

Acting Chairman Jeffrey Charnel asked that the board take a moment of silence in honor of Chairman Henry Tartaglia who passed away in September.

1. Approval of the Minutes of the License Commission Meeting of September 16, 2021.

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

2. Approval of the following police officers as license agents for the month of October 2021:
Lieuts. Paul Bonanca and David Farrell; Sgts. George Khoury and Christopher McDermott; Dets. Erin Cummings, Jackie Congdon, Eric Clark, Santiago Cirino, Thomas Hyland, Michael Bunker, Nazaire Paul, James Cronshaw and Timothy Stanton.

A motion was made by Commissioner Studenski to approve the license agents as listed for the month of October 2021. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

3. Hearing on a request from PROVA! for a Special One-Day Permit to Sell Wine and Malt Beverages and a Special Event Permit for a Pop-Up event to be held at Sycamore Grove, Brockton, MA on October 22, 2021, from 4:00 p.m. to 9:00 p.m.

Present was Mr. Silveira of 121 Main St, Brockton, MA 02301

Mr. Silveira informed the board that he is one of the co-founders of the Brockton Beer Company and they will be one of the co-hosts of the event. The event is like some of the other events they have had all summer on Thursdays and Fridays of 2021, without incident. They are looking for a special request for tomorrow. Chairman Charnel asked him if this is like the events, they have held in the past? Commissioner Studenski asked him what a pop-up event was? Mr. Silveira replied that it is similar to a beer garden with a few folks gathering and having beers. There will be music and food vendors and Preto's is going to be the food vendor. They expect about 150 people throughout the afternoon from

4:00 PM to 9:00 PM. Again, it is primarily a community event with people having a few beers, food and having conversations. Lt. Bonanca stated that as far as the Police Department is concerned, they reviewed their application, and he has no objections if a police detail is obtained for all hours of operation and to clear the crowd from the property if needed. Chairman Charnel asked if the Fire Department must sign off on the application? and Silvia replied that Deputy Chief Williams called her, and he approved the event. Assistant City Solicitor Aileen Bartlett also informed the board that the Mayor has also approved the event.

A motion was made by Commissioner McGarry to approve the licenses pending receipt of required letters. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

4-0

4. Hearing on a request from George's Northern Lights, Inc. dba George is to remain open till 3:00 a.m. on New Year's Day-January 1, 2022, for a New Year's Eve Celebration being held on December 31, 2021, located at 220-220 ½ Rear Belmont Street, Brockton, MA.

Present was nobody.

A motion was made by Commissioner Studenski to move the agenda item to the end of the meeting. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

4-0

5. Hearing on a request from Blazin Wings, Inc. dba Buffalo Wild Wings for a Change of Manager on an All Alcoholic Beverages Restaurant license located at 486 Westgate Drive, SC 101, Brockton, MA.

Present was Mr. McCaffrey of 380 Franklin St Duxbury, MA 02332

They are just changing managers at the restaurant where he is the assistant general manager, and he is being promoted to general manager. He is in the restaurant five days a week and has people that work below him all of whom are SERV Safe certified for alcohol service, and they train everyone on the team through SERV Safe as well for responsible alcohol service. Lt. Bonanca stated that he had no objections.

A motion was made by Commissioner McGarry to approve the Change of Manager. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4-0

6. Hearing on a request from Brockton Post 1046 VFW of US, Inc., for a Change of Manager on an All Alcoholic Beverages Club license located at 283 North Quincy Street, Brockton, MA.

Present was Robert J. Graham of 6 Alphonse Road, Brockton, MA 02302

Chairman Charnel asked Mr. Graham if he is just coming on as the manager? and Mr. Graham stated that he has been the manager since 2019 and they are just getting around to changing it. They started the process and COVID happened, and they stopped. Commissioner Charnel asked the board members if

they had any questions? there were no questions and Lt. Bonanca had no objections from the Police Department.

A motion was made by Commissioner McGarry to approve the Change of Manager. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present. Commissioner Studenski recused himself.

4-0

7. Hearing on a charge brought by the Brockton Police against Cardoso Café Inc., located at 146-148 Montello Street, for an alleged violation of the ABCC Rule 2.05(2), to wit: "No license 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 whether present or not." Reported on August 8, 2021, at approximately 1:08 a.m.

Present was Attorney Scott Martin of 234 Copeland Street, Suite 230, Quincy MA, and Mr. Carlos Cardoso of 112 N. Warren Avenue, Brockton, MA.

Commissioner Charnel informed the board that the format for the hearing will be as such because we will be hearing from a couple of parties. First, we will hear from the city and then we will hear from Cardoso. Assistant City Solicitor Aileen Bartlett introduced herself and informed the board that this matter is before the commission because of two incidents, a stabbing and a hit and run both reported on August 8th, 2021.

Mr. Cardoso was asked to also come before the board on multiple complaints due to disturbances in the area. During a routine request in September from the License Commission it revealed that these two incidents had occurred. Lieutenant Bonanca subsequently spoke to Mr. Cardoso, and he stated that he was aware of the two incidents, however Lt. Bonanca determined that the establishment did not notify the Police Department of the ongoing disturbance.

Assistant City Solicitor Aileen Bartlett informed the board that they will now be taking testimonies from police officers Cabral and Monteiro, the two police officers who responded on August 8th, as well as Lt. Bonanca. She then asked all the officers the Lieutenant and any witnesses to raise their hand to be sworn in. She asked officer Cabral to state his name and asked him if he was a police officer with the Brockton Police Department and if he was assigned to the patrol division? and he replied yes, she asked him to turn to exhibit 2 and asked him to identify the document he stated that it was a report that he took on August 8th 2021, at approximately 1:08 AM in the morning.

She stated that she understood that he reported to an incident that occurred on August 8th and asked him to summarize what happened and what his investigation was. On August 8th officers were dispatched to Cardoso's for an assault and battery in progress. The caller stated that there was a large fight, and someone was hit by a car. Upon arrival we learned that one of Cardoso's security guards was stabbed in the leg. Officer Monteiro was assisting the person that was hit by a car I officer Cabral spoke to the security guard Anthony who was stabbed in the leg.

According to Anthony, while he was trying to assist his coworker Jose with a combative party, the male party stabbed him in his right leg with a knife. Anthony stated that he does not know the suspect or

know where the suspect went after he stabbed him. Anthony was transported to Brockton hospital for further medical evaluation. I then spoke with Jose who stated that the unknown male party was trying to fight with someone in the bar and this time they asked the male party to leave the bar. The male party left and shortly returned with a small knife in his hand, Jose asked the male party to drop the knife multiple times, when the male party refused to listen to his verbal commands Jose at this time pepper sprayed the male party, Jose then attempted to disarm the male party according to Jose the male party was becoming more combative, it was around this time that Anthony came to help him gain control of the male party. While they were trying to gain control of the male party the male party stabbed Anthony and in his right leg. When the male party noticed that he had stabbed Anthony, the male party left the scene with an unknown female in an unknown direction. Jose stated he was not hurt; we checked the security camera but were unable to locate the suspect.

Assistant City Solicitor Aileen Bartlett thanked officer Cabral for his testimony and asked Attorney Martin if he had any questions for the officer? Attorney Martin asked officer Cabral if his client Mr. Cardoso showed him the video of the establishment without any objections? officer Cabral replied, yes that is correct. Were you able to see the fracas that was going on inside at the bar area? officer Cabral replied that it was a little blurry and he could not see much. Could you see an altercation starting to ensue? he replied, negative Sir. Did you know that the gentleman Anthony and Jose both work for a professional security company hired by my client? officer Cabral replied yes, that is what I said.

Attorney Martin stated to officer Cabral that he is not saying that he did not say that. And in an attempt, to not have a fight at the bar, security officers tried to remove the party that later brandished a knife. officer Cabral replied, yes that is correct sir. Is that a proper step for those people to take? officer Cabral responded that in certain circumstances yes. Certainly, if there was a fight that was about to ensue at the bar, you would want them to try and separate that correct? Affirmative, sir he replied. And you would want the aggressive party to leave? affirmative, sir he replied.

To the best of your knowledge and I know you arrived later, did the male party who brandished the knife did that independently and was not connected to Cardoso's Cafe correct? officer Cabral stated that from what he understood they did not know the suspect. He did this when he was asked to leave independently and unbeknownst to my client that it was about to happen? So, you would agree that no employee of Cardoso's cafe permitted the disorderly conduct, the gentleman did that on his own, they tried to stop it essentially? Officer Cabral replied that is what he told me, that they tried to stop him, but I do not know what they told him that caused him to go outside and come back with a small knife in his hand.

Attorney Martin asked officer Cabral if he was able to interview any witnesses at the scene and find out if the officers provoked the altercation or if the gentleman did it on his own? officer Cabral stated that he tried, but as always, they were uncooperative and did not want to say anything. Attorney Martin stated that they did not want to get involved because of the situation with the knife? officer Cabral stated that he did not know why they did not want to get involved. Attorney Martin stated so you have no definitive proof, and this is no fault of your own that the security guards escalated that in any fashion or that the gentleman did that on his own because he was angry about being removed? officer Cabral replied he is not sure why he did what he did. Attorney Martin stated that he had no further questions. Assistant City Solicitor Aileen Bartlett stated that she had no further questions for the witness.

Assistant City Solicitor Aileen Bartlett stated that she will now be taking the testimony of officer Tony Monteiro and asked him to state his name and if he was a police officer with the Brockton Police Department patrol division? and he replied yes. she asked the officer to direct his attention to exhibit three and asked if he could identify the document? and he replied that it was his report. She asked him what the report was for? and he replied for an incident that occurred on August 8th at 1:08 AM. She asked him to summarize what happened that night? On the above date at 1:08 hours he was dispatched to a disturbance. Upon his arrival he observed a large crowd gathered around a party that was laying on the ground. He appeared intoxicated and very belligerent he and he stated that he was denied entry at the bar. There was a commotion outside and an unknown vehicle left at a high rate of speed and hit him in the leg and fled the scene. There was no plate information at that time and his injuries were minor and he was transported to the Brockton hospital via ambulance.

Assistant City Solicitor Aileen Bartlett asked officer Monteiro if he cooperated with him? he replied no he was not cooperative, but they did get him into the ambulance. She had no further questions for officer Monteiro and asked if Attorney Martin had any questions for the officer. Attorney Martin asked officer Monteiro if he knew that professional security guards were working for Mr. Cardoso's Cafe that evening and they kept a person out who was intoxicated from trying to get into the establishment and obviously as an officer in this town you would agree with them doing that? He replied yes. So, in no way did Cardoso's permit a fracas or disorderly conduct? they were trying to prevent that? and you would agree that sometimes you cannot help an independent act when it comes to your establishment you can just do your best to keep it out? he replied, yes.

Did Mr. Cardoso provide you with the security footage of the establishment upon request? officer Monteiro replied, no. did you ask? and he replied, no. It was not necessary? and he replied, correct. He also asked him if the gentleman that he interviewed was uncooperative and he replied, yes. The attorney also asked him if he was notified about the incident by Cardoso's and if that is why he responded? and the officer replied, no he was informed by his dispatch and he arrived there quickly. The attorney asked the officer if to the best of his knowledge was security still maintaining their post at the door to make sure that nobody else involved would get into the establishment? and the officer replied yes. Attorney Martin informed officer Monteiro that he is sure that he is a well-trained officer and experienced, there is not much more that Cardoso's could have done in that situation you would agree, besides keep the person out and make sure that it was reported, and the officer replied, yes sir.

Assistant City Solicitor Aileen Bartlett stated that is all she had for the officers and if there were no more questions, she would let them go. Attorney Martin stated that he did not have any more questions for them. Assistant City solicitor Aileen Bartlett stated that she will now take testimony from Lt. Bonanca and asked him to state his name and asked him if he was a Lieutenant for the Brockton Police Department and what his role was in respect to the license Commission? Lt. Bonanca stated that he is the police liaison to the Brockton License Commission. In September of this year, I understand this establishment was set to come before the board for ongoing disturbances and he replied, correct. And if he took steps to prepare for that meeting? and he replied yes, he did.

He researched the call for service and took a random three- month period between June and September and noticed that there were twenty calls for service and to determine this he viewed the daily log of the Brockton Police Department. Which basically logs all the incoming calls for service and in that three-month period from June to September 19th there were twenty calls for service for Cardoso's cafe for

different violations. Assistant City Solicitor Aileen Bartlett directed the lieutenant's attention to exhibit four and asked him to identify those documents? He stated that exhibit four is a cover sheet that he partially prepared and believes the times and the day of the week were not provided by him. She represented that they were provided by her.

He did formulate the documents which cites all the calls for service between June 17th and September 19th of this year. Assistant City Solicitor Aileen Bartlett asked if the subsequent documents are those calls? He stated that is correct. Those are copies of the police daily log of each call of complaint. Assistant City Solicitor Aileen Bartlett asked the Lieutenant if during his investigation of the disturbances he came about the two incidents that the two officers testified to that occurred on August 8th, 2021? and he replied that is correct. And when you became aware of those incidents did you speak to Mr. Cardoso? He replied yes on the 15th of September he visited Cardoso's cafe and spoke to the proprietor, Mr. Carlos Cardoso about those incidents in question specifically about the 8th of August in which the officers testified to.

Mr. Cardoso stated that he was aware of the stabbing and the hit and run. Lieutenant Bonanca stated that he received four phone calls from residents reporting the incident and he tracked each resident down and determined that they were not connected to the business in any way shape or fashion. Mr. Cardoso stated that his daughter called the police, but it was determined that no one at the establishment called the police and none of the phone numbers on the call log matched any of the phone numbers which he provided to him. Not the business the daughters or the business line. Therefore, the charge of failure to notify the police upon an event of a disturbance was clear to him at that point.

Assistant City Solicitor Aileen Bartlett asked Lt. Bonanca if he took further steps to confirm that those numbers did not match those associated with the establishment? He replied yes, he did. He called the numbers on the call log, and he spoke to the owners of the phone numbers, two of which he determined were not connected to the business, but they were calling because of a disturbance. The last caller stated to him that they denied that they called at all. She then directed his attention back to exhibit four, the August 8th incidents are listed there but she wanted to go through the other disturbances that were reported.

The first one was June 17th which is a Thursday at 12:52 AM and asked what the disturbance was? he stated that the disturbance was a male who was refusing to leave and upon the officers, arrival it was determined that the party left. There were no further issues for that unwanted guest disturbance. She directed him to the next page June 19th which was an early Saturday morning at 2:21 AM he stated that according to the call log there was an assault and battery in progress that was reported, and the caller stated that groups of people were fighting outside, when the officer did arrive according to the call log the officers did clear out the crowd.

She then directed him to the June 20th Sunday morning at 12:08 a.m. it stated that according to the call log there was a large group outside trying to get in and security stated that they may have weapons. None were found at the scene according to the officers that arrived. The group cleared out and agreed to go home. June 21st at 1:10 AM in the morning the call log states that it was a disturbance, it was reported that a male party was ejected from the restaurant and the person left prior to the arrival of the officer. June 26th, Saturday morning at 12:50 AM the call was an unwanted guest disturbance that was reported at Cardoso's and the call log states that the male suspect was being aggressive to females

inside. The male party left the location without issue. There were no issues with the male, but the security still directed the male to leave according to the officer. The party did leave without further issue and the matter was settled.

The following night Sunday 1:33 AM there was a disturbance at Cardoso's according to the call log the caller stated that people are leaving the club and cars are burning out just another phrase for the tires squealing on the cement or roadway when the officers arrived the matter was settled. She then directed his attention to the next two pages one is July 9th, not at closing but refers to the night of July 3rd Lieutenant Bonanca stated it was part of a narcotics investigation which involved a female that believed she may have been drugged at the establishment. An officer took a report, and the case is still under investigation. July 19th was also taken after the fact but defers back to what she believes was from the following night. Lieutenant stated it was a larceny investigation that was a complaint regarding Cardoso's Cafe. The complainant alleged a theft from her vehicle which was outside, and a report was taken by an officer and the case is under investigation.

July 24th Saturday at 2:09 AM Lieutenant stated it was a complaint about loud music against Cardoso's Café. Officers arrived and the group left the location playing loud music out of their cars disturbing the neighbors that matter was settled. July 24th Saturday at 2:54 AM Lieutenant Bonanca stated that it was a robbery investigation against Cardoso's Café. The complainant stated that four females robbed him with a knife took his money and car keys and left in a vehicle. Male was waiting outside for officers and there was a report taken and the case is still under investigation.

July 25th Sunday at 2:04 AM disturbance the complainant reported multiple people at the bar being loud and obnoxious. The officer reported that there were no cars up front when he arrived and there were no issues, and the matter was settled. August 1st Sunday at 2:07 AM he stated it was a report of an assault and battery in progress at Cardoso's Café. There were a group of people fighting outside no weapons were found and the parties left prior, and the matter was settled. Monday 12:59 AM it was a report of an assault and battery in progress at Cardoso's Café. There were ten people fighting no weapons. It was an employee that called stating that somebody was yelling that someone had a gun. When the officers arrived it was deemed that the matter was settled and that is how that concluded.

Assistant City Solicitor Aileen Bartlett stated that the next two reports were related to the incidents that were already testified on and it did include August 8th at 1:10 AM. Lieutenant Bonanca mentioned that when he did speak to the proprietor Carlos Cardoso, he asked him for the video for that and he was told that they keep it on a 20-day loop, so that when it came to his attention, he was not able to obtain the video. 30 days is what was suggested to the proprietor, and he said he was going to update his video system at some point. August 21st at 7:00 AM a report that a male inside was trying to start fights with the other customers upon the officers, arrival the matter was settled.

August 21st Saturday the same night the male came back and did something to the door. They were scared to come out. Officers responded and the matter was settled when they arrived. August 30th Monday 12:32 AM unwanted guests at Cardoso's Café. Employees were having issues removing four females, by the time the officers arrived the matter was settled. September 11th at 11:05 PM, unwanted guest disturbance at Cardoso's Café. Female was ejected from the premises and started kicking the outside door trying to get in and trying to fight people inside. The matter was settled when the officers arrived. September 19th Sunday, 1:22 AM unwanted guest disturbance. Two males from New York at the door refusing to leave starting problems and ended up cancelling because the parties left.

Lt. Bonanca stated that not every call was made by the proprietor, there could have been further violations. There are calls from the premises, which is certainly fine and acceptable, but Cardoso's did not call on many of these. There are some in which they did not call at all. Specifically, the one that is of concern which is August 8th which the two officers testified to the fact, and Mr. Cardoso stated that he was aware of it and his daughter did call but we have disproven that.

Assistant City Solicitor Aileen Bartlett stated to Lieutenant Bonanca that looking at the entire summary of disturbances, is there a time of the week time of the night that these seemed to happen? Lieutenant Bonanca stated that the sheet that he submitted to the board shows the times, and they are mostly an in fact more than 90% of them are going to be on a weekend night or their late hours of the morning if you look at the call log. It would be 12:52 AM on a Thursday, 2:21 AM on a Saturday 12:08 AM on a Sunday, 1:10 AM on a Monday which would be Sunday night Monday morning. 12:50 AM on a Saturday, 1:33 AM on a Sunday, and going on further these are all late at night with hours mostly around the closing time. That would be most of the calls.

Assistant City Solicitor Aileen Bartlett stated, so it is within the last hour of business? He replied, yes that is correct. She then stated that is all she had for questions. Attorney Martin stated that it was fair to say that a large majority of these complaints are coming from the Station Lofts apartments across the street? Lieutenant Bonanca stated that in terms of looking at the phone calls it was not determined exactly which ones or how many of the calls came from the loft. He would not be opposed to saying that many of them did but not every single call came from the loft. Certainly not the ones that the officers testified to.

Attorney Martin stated that not all of them, but many may have come from the loft. He asked the Lieutenant if he knew when the loft apartments were built? The Lieutenant stated he did not have any knowledge of exactly when it was built but he figured a few years ago some of the members stated longer than that. He stated that when they were moving in, they knew they were building across the street from a nightclub/bar correct? Cardoso's was there long before they built the lofts, correct? Lieutenant stated that would be correct. Attorney Martin stated that you would expect when bars let out whether it is at midnight one or two in the morning there is often time and not specific to Cardoso's case that any bar or restaurant there would be some noise, revving of engines and things of that nature as the crowds disperse.

Lieutenant Bonanca asked the Attorney if he is asking for his opinion? it would be that people no matter where they live should be in peace and be able to enjoy the privacy without any disturbances and that would be the case regardless of it being a bar or other establishment. Attorney Martin stated that he understands that but knowing that any bar or nightclub that you deal with in your experience typically when they are letting people out no matter what time it is there would be some noise? People going to their car could be saying goodnight to each other and things of that nature.

Lieutenant Bonanca stated that it is an issue but not acceptable for residences or apartments but understands that it would exist. Attorney Martin asked the Lieutenant if he is aware that Cardoso's hires security and if he was aware of that? Lt. Bonanca replied, yes. That they do try to keep people who are intoxicated away? Lieutenant Bonanca stated he cannot speak to all the reports, but he has seen a few reports that security had tried to maintain a hold of the situation, but it appears as though it is not working. Attorney Martin stated to be fair to Mr. Cardoso many of the complaints by the time the police arrived they have cleared out? Lieutenant Bonanca stated that has happened on many instances.

Attorney Martin appreciated Lieutenant Bonanca being candid and stated that the employees and security do call the police when they are not able to handle it themselves. Lieutenant Bonanca stated that the one he did previously testify to and certainly the most important event in that three-month period when there was no notification to the police. Out of the 20-page complaint document, Cardoso's did call but there are many instances where they did not call, and the most important one was the August 8th incident.

Attorney Martin stated that Mr. Cardoso was under the impression that his daughter called but you stated that she did not call? Lieutenant Bonanca replied, that is correct. He stated that he would also agree that with the history of calling and that may have been an honest mistake although a bad mistake but an honest mistake. Lieutenant stated that on the 15th of September his daughter did call the police therefore on the 15th that did not happen and that is more than a mistake. That is more than a month from the date. Attorney Martin stated that Mr. Cardoso was under the impression that she did call and that he told the Lieutenant that. Lieutenant Bonanca stated that he cannot speak to his state of mind, but he did tell him his daughter called.

Attorney Martin stated that he understands that was incorrect, but with his history with Cardoso's Cafe you have spoken to my client on numerous occasions, correct? The Lieutenant replied, correct. When you have had to look at a video, he shows it to you? Lt. Bonanca stated that he had no complaints regarding Mr. Cardoso's cooperation, he is very cooperative when he enters his establishment. And with respect to telling you the truth and being forthcoming? Lt. Bonanca stated that truthfulness depends. The comments, he just made about his daughter calling that would not be truthful, but it depends on how you characterize it. Attorney Martin stated that he should have clarified it except for that incident typically he would be forthcoming and speak to you when you wanted to speak to him? and the Lieutenant replied, yes that is correct.

Attorney Martin asked Lieutenant Bonanca if he was alleging that Mr. Cardoso is permitting this behavior or does it just keep happening? and he replied, that is correct. And the security guards that he uses are from a professional security company are not just any people off the street that may not be trained? as far as he knows, he is not sure about the extent of the security company but he will qualify his previous statement as saying that cooperating with the police is also calling when it is needed and the seriousness of the August 8th incident required the bar to call the police. Therefore, when it comes to allowing, that would fall in line with allowing a disturbance to be held without calling the police.

Attorney Martin replied that he understood and if he thought his daughter had called and understands that this is something serious and is frowned upon but as you have said he has had a history of being forthcoming with you and other officers. Attorney Martin stated that Mr. Cardoso had the security system on a 20-day loop per Lieutenant Bonanca's statement and asked him if he wanted it on a 30-day loop? The Lieutenant stated that a 30-day loop is what is standard, and they requested a 30-day loop. Mr. Cardoso did say that he was going to update his video system at some point to provide the Police Department with video within a 30-day period and at that time he only had a 20-day loop.

The video from August 8th was unavailable. Attorney Martin informed Lieutenant Bonanca that he may not be aware of it, but the legal limit is 14 days and Lieutenant Bonanca agreed. Attorney Martin stated that Mr. Cardoso was doing 20 days which showed that he was going over and above what the legal requirement is and wanted to assure the board that they will go over the 20 days and they want to work with the board and Police Department. They are not trying to be combative they want to work with the

board and the Police Department and not against them. Within a few weeks' time if not sooner it will be 30 days, but if they need it to be more, they could do that as well. Lieutenant Bonanca stated that it again it is a recommendation.

Assistant City Solicitor Aileen Bartlett thanked the Lieutenant for his testimony and directed the board's attention to the last two exhibits. One is a letter submitted by Mr. Korb of the Station Lofts. I believe that Mr. Korb is at the meeting and will be allowed to speak once they have closed the testimonies. Councilor Thompson is also at the meeting and will be asked to speak. She stated that lastly is exhibit six which is the prior discipline that was given to Mr. Cardoso. The first was most recently three years ago. Cardoso's went before the Commission for letting a patron in the bar after hours. That incident led to that person's arrest and resulted in an injury to an officer. The punishment for that was a seven-day suspension of their license and a rollback of the hours from 2:00 AM to 1:00 AM for six months.

Their hours were then restored in June of 2019. At that hearing Mr. Cardoso testified that they had no incidents since the rollback went into effect and asked that it be restored, at which time the Commission gave Mr. Cardoso his two o'clock closing back on weekends. The second document is far back, and it is from February of 2012, but it deals with a very similar incident. It was a stabbing at the bar that was not reported by Cardoso's, and they were found guilty of violating to ABCC rule 2.05 Section 2. At that point they were also handed a six-month rollback which was then restored after the six months.

Assistant City Solicitor Aileen Bartlett stated that she had a short closing that the City's position is that there is a violation of ABCC rule 2.05 Section 2 and the City would ask for an indefinite rollback of the hours, which is appropriate considering the length of history and the lengthy disturbances that they were talking about. And finally, even if there's no violation of the rule the standard for a rollback is if there is a public need and certainly a rollback of hours is warranted in this situation. She then stated that there are other individuals that would like to speak. Chairman Charnel stated that they will hear from Mr. Korb and then from Councilor Thompson.

Mr. Korb introduced himself to the board and stated that he is the owner of Station Lofts. He constructed the station loft in 2013. It is a 25-unit mixed income housing they have mostly families in the building, and they are a tight knit community, and they are really affected by this. He stated that they would love a restaurant or a bar across the street and that would be a great amenity to the residents. He then presented a picture to the board where people are getting arrested and stabbed and stated that this is not something that they are looking for. He then presented a picture that shows the accumulation of trash and stated that is how they keep their trash while they keep their building clean every day.

He stated that when he came to downtown Brockton, he was the first one downtown to invest in a project, and this was a public private partnership with the city, and the city has funding in his development. This is not what he envisioned was going to happen in downtown. He stated they reached out to Mr. Cardoso to try to resolve this amicably and not have to go before the License Commission. He spoke to his daughter twice and while he said he wanted to change things and was open to it clearly nothing is changed. We have had a lot of incidents which some are directly related. But his residents are scared, and they are tired of it, and it is not acceptable behavior for adults. Personally, this is not adult behavior. Mr. Korb then read a letter in the words of his residents to the board.

He informed the board that he wanted to read the letter for the record because his residents are really scared. Someone broke into the building pulled the fire alarm vandalized two cars and people reached out to him and not the management company, telling him how scared they were. Many of the residents kept bringing up Cardoso's as an issue, many of the single moms are people that work hard, and they need to sleep on the weekends, and they should not be scared. They told him that they could hear the bass of the music the entire night, which is extremely annoying, and aggravating it disrupts a mother trying to fall asleep or stay asleep. They park in their parking lot and witness patrons going into Cardoso's Café and then leaving out of their lot and there's garbage left behind.

When patrons are entering and leaving the establishment, they are loud yelling or arguing and he informed the board that he has plenty of video if they would like to see them? and stated that he will show them one tonight from October 2nd. He stated that the current one is dated the 15th and the testimonies from the Lieutenant were all prior to that date. He stated that there is no care about what is going on at Cardoso's, they are dismissive. Patrons will also park across the street in the City of Brockton parking lot. Large amounts of cars will park there specifically when it closes, blast their music and or hang in the City Hall parking lot after the club closes for long extended periods of time.

There have been many times where there are fights in the lot, racing, revving etc. They have been approached by the patrons entering and exiting which is a safety issue at Station Lofts. They are continuously waking up Saturday and Sunday mornings throughout due to the establishments, situation, and its patrons. People have jobs that they have to go to. He then proceeded to read the comments from the tenants to the board. Mr. Korb then played a video for the board that shows people pushing each other on his property and stated that he has a resident that is trying to sleep right above what was taking place.

He stated that it is not OK behavior, and he thinks that in addition to Mr. Cardoso getting a rollback in hours he should also provide a plan on how he plans to address the situation. He informed the board that if he gets rolled back to 12:00 AM this is going to continue to happen at 12:00 AM people are being overserved and he does not know exactly what is going on, but he can tell them and Lieutenant can speak on it, but this is not happening in every bar in the city. Some people can control their clients and that does not mean that he is not responsible for controlling his clients.

Mr. Korb informed the board that he does a lot of work around the state, and he has not seen anything like this and stated that it is inappropriate. Attorney Martin stated that he had some questions for Mr. Korb. Commissioner Studenski asked Mr. Korb if a copy of the letter went to the Police Department? and asked Mr. Korb why his residents do not call the police? Mr. Korb stated that he believes they do call the police. Mr. Studenski asked Lieutenant Bonanca if the calls were coming from the residents? The Lieutenant stated that he did a three-month log from June to September, but he did not do a log from Late September to October. He certainly could and assured him that the call log would reflect if any calls for service came in from June to September. He is certain that judging by what the proprietor of the lofts mentioned he may find another dozen calls. The hearing was originally scheduled for late September and that is what he had originally prepared for.

Commissioner Studenski asked Lieutenant Bonanca if there were any police officers that were working police details or if it was just private security? Lieutenant Bonanca asked Attorney Martin if Mr. Cardoso had tried to obtain police details from the Police Department and Attorney Martin stated that Mr. Cardoso was told they do not have officers available at that time. He has tried and he is willing to do

that on the weekend at least. Lieutenant Bonanca stated that it has been difficult trying to obtain details because they do not have staffing, they have had some shortages, and to provide details, they would have to have available officers and they have had availability problems.

Commissioner Studentski stated that he is trying to mend fences and try to get everybody to work together, and he understands what is going on and he feels for Mr. Korb's people and stated that he knows he would be calling the police officers. He stated to Mr. Korb that it is his parking lot, and he may not want to hear this, but he may need a police officer in his parking lot. Because the easiest way to stop them from parking is to have someone there to call a tow company and yank them. He stated that another thing is when they leave their parking to the north that is 28 N, but it does not look like they would go just across the street to the parking lot. They must be herded, and they need Supervisors' Directors Patrol assignments and when the place closes it is their job to get out of there.

They do not have to go home but they cannot stay there. Those are the words and everyone who does not is gone. When he hears what is going on it frustrates him because he is a lifelong Brocktonian, and has owned a bar in the city and feels bad for him and his folks and for any person who has a business who is trying to make a living. Attorney Martin stated to Commissioner Studenski that he was going to suggest a retired officer because he knows that they do that in other towns as well. He knows there is a shortage of officers and staffing issues even the state police would help, until they can find somebody maybe they have more resources.

He stated that they are certainly willing to work with the board. Commissioner Studentski informed Attorney Martin that he used to be in the police business, and he is not just a License Commissioner. People have businesses to run and asked Mr. Cardoso when he bought his business? and Mr. Cardoso replied in 2002. He then asked Mr. Korb when his building was built? and he replied, in 2013. Mr. Korb stated that there was some discussion with Mr. Cardoso's daughter and Mr. Salamone via conference call about security and reiterated that he tried to work with them and wanted to make that point very clear. He stated that he did not just run to the License Commission he is a neighbor, and he is committed to downtown Brockton and stated that Mary Waldron is like family to him.

He informed the board that they made an agreement with Mr. Cardoso and officer Salamone agreed that Cardoso's can specifically request police detail from other cities and towns in the area if Brockton does not have officers available. Commissioner Charnel asked Councilor Thompson to speak and then the board can deliberate. Attorney Martins stated that he does have some rebuttal to some of the statements made by Mr. Korb, but Chairman Charnel stated that, that portion is closed. Councilor Thompson introduced himself and thanked the board. He stated that he is a pro-business guy, and he wants all businesses and Brockton to succeed, but it is important that they follow the rules. He had the opportunity to listen to all the testimonies that have been heard tonight, but there is a recurring theme out of a three-month period we have twenty calls and all those calls seemed to be taking place at a certain time of day.

The incidence of the stabbing and the hit and run are very concerning, and he has met with the residents of Station Lofts, and he concurs with what Mr. Korb has related to the board. These residents are fed up, they are dealing with these late-night disturbances on a regular basis. These are Brockton residents that have families. The City of Brockton over the last five years, has made a serious effort to develop downtown. They have invested hundreds of millions of dollars downtown in both private and public funds. What we must ensure the residents downtown is that there safe and that they live in a walkable community, and we just do not have that around Station Lofts.

He stated that he has seen the photographs and the videos, and it seems to be a problem of people leaving a bar overly intoxicated, fighting, and causing a ruckus and causing disturbance to the neighbors. As Mr. Korb stated there are many bars in the city of Brockton, and they are not all in front of you with these types of disturbances. He stated that he has been in front of the board in the past on other bars who have committed similar types of disturbances and the Commission acted. He believes their justice was equitable and fair and if this were an issue that we felt time would resolve, but looking over the past year, time has not resolved it.

This is the third time the bar has come in front of the board on similar types of violations, and he thinks the resolutions from the past to roll back the license was warranted and as you saw after the rollbacks there were no further incidences during the time that the license was rolled back. They stated that the defense counsel mentioned that Station Lofts knew they were moving next to a nightclub/bar. He stated that Cardoso also knew that our residential development was being built next to his nightclub/bar. The businesses that succeed in Brockton, are the ones that adapt are nimble and understand what the environment is and reacts to that environment and changes within that environment to be successful, and Cardoso's has not changed.

They have not adapted to their current situation, and he is not blaming that on Mr. Cardoso he thinks that counsel has been clear that Mr. Cardoso does not hold any civil or criminal liability here he's doing the best he can but the best that he can do is not working, and now it's up to the board. Again, we are committed to the development of downtown Brockton we can't continue to allow these types of disturbances, to happen and he wishes Mr. Cardoso all the best in hopes that he has a successful business, but he must make some changes and he hopes that the Commission seriously considers a rollback of the license to see how that can address the situation. He thanked the Chairman and the board for their time.

Attorney Martin asked for some time to give a rebuttal and encouraged the board to leave him open. If Mr. Cardoso were not trying to secure a detail which he thinks would solve all the problems when they see an actual police officer outside. The security guards are doing their best and a real police officer would be good. He asked the board to hold on for three months to see if it works, he is not trying to fight or argue with Mr. Korb, but he is a man from Upper Newton Falls putting a building across from a nightclub in Brockton having the city pay for many of the units and asking Mr. Cardoso to get a police detail from surrounding towns and asked why he does not pay for the detail?

He stated that if hundreds of millions of dollars are being invested into downtown Brockton and does not understand why he does not spring the quarter for his residents about which he is so concerned. Cardoso could split it with him if he could work with him and stated that he would work with Mr. Korb and other police departments and asked that they give Mr. Cardoso the chance to see if that works before the board rolls back the hours. Mr. Korb still does not think it will work no matter what time his

hours are rolled back to and that it will continue and stated that it would just happen at midnight or at 1:00 AM so, he is not on board with the option. He asked that they leave the hours the way they are and let Mr. Cardoso get a police officer and if that does not work the board can revisit the issue.

He believes that if people see a uniformed officer, they would not be pulling any shenanigans because there is more authority to that, so give him the opportunity leave it open and they can address it. Lieutenant Bonanca stated that with all due respect to Commissioner Studenski when he was a police officer, police officers worked bar details and he finds that officers are not that interested in working details considering the current environment, and plus their staffing levels are very short. He has gone before the Commission before with regards to solving issues with police detail and they cannot count on that because of the staffing issues.

He finds that officers are less willing to work bar details as they used to in the past, so using the police as what could solve the problem, it is not reasonable, and they cannot guarantee that if some actions were not taken by the police officer or if one would even be available from the city or from another city. He could not guarantee that, and he knows in the past they have had issues with filling details. Retired officers are more willing to work daytime details the availability of details now is so plentiful that every officer including retired officers have their choices, whereas before when he first started his job in 96 details were scarce. He stated that back then they desired them now, not so much.

They have had major problems trying to fill bar details and they should not count on the Police Department. The fact that they have 105,000 people to protect in the city and to drain those resources for a bar at those late-night hours is unreasonable and he would like to conclude his statement. Attorney Martin asked the board to give them three months to try, he could work with other towns and the state police. Chairman Charnel closed the testimonies and stated that the board will now deliberate.

Chairman Charnel deferred to Commissioner Studenski, and he stated that he appreciates everyone's testimony, and he is a person who has been in the city the longest, so he has seen all the changes. He asked Lt. Bonanca how many police officers Mr. Cardoso would require if he could get them? He stated that considering the disturbances that are happening outside he would need two officers. He informed them that because the safety of the officers involved, they would need two and is concerned with the possible injury to the officers. Considering the current environment, he has found that in the last two years officers are not willing to work bar details as they have in the past so to put the police officer on notice as being responsible for quelling disturbances other than general calls. He would be hesitant to count on the police detail to be available for any bar in the city.

Commissioner McGarry stated that these are very serious charges. He's been in the bar business and has worked as a bartender and has 25 years' experience and he has never in his 25 years seen anything like what he has seen at Cardoso's, and he has worked at inner city bars for 14 years. In the 90's when things were tougher, and he had to call the police one time. He stated that he feels there is a lot of overserving at the bar and the fact that it is always happening at night. People are coming in after all the bars close which is historic with a 2:00 AM license. They drink too much elsewhere, and they finish off and are getting drunk at the 2:00 o'clock license bar and then it gets difficult. There definitely is overserving at the bar because the issues are constantly happening at closing hours and the issue needs to be addressed and it needs to be addressed strongly. He stated that they are trying to change the downtown and people must feel safe walking down the street.

Hands-on management must change to deal with the issues that are going on in that facility, personally he has not been there since it was a country western. In his own background he has never seen that many incidents back-to-back, and he is surprised that this is only the third time that the board has had to bring the bar before them. Commissioner Studenski stated that he had a question regarding twenty calls and whether it had anything to do with COVID? Attorney Martin stated he does not believe it has to do with COVID and believes that Mr. Korb would like to have his client's business shut down so that he could have his building.

He stated to the board that he spoke to Mr. Butler at the health department last week and Mr. Butler told him that Mr. Korb repeatedly files complaints against Mr. Cardoso. He went out to the business and not one of the complaints was substantiated. Like the big picture he showed you of the grassy area with trash that belongs to the gas station next door. Mr. Cardoso has told him repeatedly that that is where the homeless and the drug addicts congregate, and he understands that the city is trying to clean it up, but it is not Mr. Cardoso's property. Mr. Cardoso's property does not include the dumpsters, they belong to the restaurant and gas station next door, but they have serious concerns that Mr. Korb who goes around Massachusetts putting up apartment buildings and changing the landscape of the area takes the money from the city and then wants to put out people who own restaurants and bars.

He has serious concerns about what Mr. Korb is doing to Mr. Cardoso. He has been there since 2002 and he wants to work with the police, and he understands because he is the son of a police officer and he gets it, there may be short staffing issues and they may not want to work after hours but he is trying he understands that there are a lot of complaints. Mr. Cardoso repeatedly kept the person out and would not let them in, he's had security there and by the time police arrived they had been cleared out. There is a lot of volume but most of the time it has been taken care of with the exception, of the August 8th incident.

Attorney Martin stated that he can appreciate that the residents in the apartment building do not like loud music or noise, but you cannot put up a building and when you are in the business of going around Massachusetts and play dumb that you had no idea that they would hear loud noise or see incidences happen outside a bar room. He feels like Mr. Korb is taking a disingenuous position. Especially when you put it across the street without doing any research, whatsoever and believe that Mr. Korb is in the business of putting up these buildings, taking money, and having nothing to do with them. As he said he lives in Upper Newton Falls and has a building in Brockton and says he did not know it would be loud.

Chairman Charnel asked Attorney Martin where he lived? and he stated Quincy and he stated that he lived in Brockton. Chairman Charnel stated that the bar had a problem in 2012 and the building was not there at that time and asked Attorney Martin to state the difference between then and now? Chairman Charnel stated that the building has been around for seven years and since he has been on the Commission, he was part of the violation that happened prior. In the photos of the patrons, he cannot distinguish who is staff and stated that it was 1:49 AM in the morning, and stated he was on the Commission when they rolled Mr. Cardoso back. The things that we are seeing in these photos again and video cannot go on because this creates chaos not only for Mr. Cardoso, but for the residents, the Police the Law Department, and the Commissioners here.

If you are not sending people home, these types of things are going to continue to happen and people are going to get stabbed, shot and there will be hit and runs. In 2012 there was an incident where someone got hurt, we are now in 2021 and there was an incident where someone got hit. Mr. Korbs'

building, was not there, he was not a part of the city he did not take any money. From 2012 to now can you explain to me what has changed? Attorney Martin stated that before Mr. Korb put up the building in 2012, there was a nightclub/bar, he just thinks that it would be naive to think that bars where people drink alcohol would not have issues or fights periodically. It is just that type of business.

He also stated that he understands that Commissioner McGarry worked at an establishment, and he only had one call and that would be an exception and not the norm. He stated that they are in certain area, and they are not in Westwood or Newton Upper Falls and does not mean that sarcastically. Chairman Charnel stated that we are not in downtown Quincy either. Attorney Martins stated they are in an area that is not affluent and that is the truth. He is in an area where people come in and they might have issues. Chairman Charnel again asked the Attorney Martin what has changed from 2012 to now?

Chairman Charnel informed the attorney that he does not want to hear about police details because the Police Department is not required to take details at a location, and police will not take details at a bar where they can get hurt and not return home to their families. It just does not make sense to do so unless Mr. Cardoso changes the dynamic of the environment. No police officer is ever going to want to take a detail there because they want to go home to their families and be safe. You could put three police officers and I do not think it would make a difference.

Attorney Martin stated that he would beg to differ because when they see a person in uniform it is different. That is why Massachusetts police officers are on details rather than regular citizens and that is argued by the police constantly because if there is not an actual police officer there, people will not adhere to the rules at a construction site for example. You have heard from two police officers who stated that he is not permitting any illegal activities, he is stopping people from coming in and he had two professional security guards on the weekends. He is doing everything he can, and he keeps the video on for 20 days not fourteen and he is agreeing to do 30, 60 or whatever you want.

He works with the police, he's forthcoming he speaks to them, and he stops people from entering the bar. When there are incidents happening in the bar, he gets people out with the security if they can't handle it internally. They call the police for the routine calls. There's not much more he can do, he is proactively trying to help and if details are not available, he understands that and he knows there are instances. What more can he do? Chairman Charnel asked the attorney from 2012 to 2021 and even 2018 when they rolled him back what has changed? he stated that what he sees now is worse than when they rolled him back before.

It is 1:58 AM and there are people and cars going towards the bar not going away from it, so again we have a professional security company as you stated counselor. You have a professional security company you said it many times, so I'm sure they are in professional attire, and I am sure they look like police officers, so you have a deterrent there. He stated that he does not see one person with a security uniform or management on the video or in the pictures. Attorney Martin stated that if Mr. Cardoso had his people go off property, they would leave the door unattended and then they would be before the board because someone would say that someone got in after hours because they were not guarding the door.

There are three businesses within a few feet of each other a a restaurant Mr. Cardoso and a gas station and then you have the Loft apartments so, Mr. Cardoso cannot be responsible for all of that. Although he understands when people are leaving and gets that. They are willing to work with the city and

certainly there is funding decreasing with COVID and more people are getting back into the workforce and believes that if they are given a little bit of time, they will be able to get professional police officers in front of that establishment to set the tone. A person who carries a weapon and a badge. They have full police authority not just a security guard.

I do not mean to demean security guards, but it is different when it is a police officer. Chairman Charnel stated to Attorney Martin that they were professional security guards. He stated that in his experience the element is what is bringing the people there, so there is a particular element that is bringing people to the door. Chairman Charnel stated that he has not been to Mr. Cardoso's in a long time. Attorney Martin stated that they are Cape Verdean people that are coming to his establishment. Chairman Charnel stated that he would not say that is the element, what he is trying to articulate to him is there is an element that is in that establishment that is creating these calls.

This is a public health issue more than just what we are talking about here because he understands that he is there to defend his client, but it is 1:58 AM and there are cars going towards the business. Attorney Martin stated that his client is not disingenuous, and he wants to work with the board. If police details are not available what does the board suggest? He is willing to work to get it done. Chairman Charnel stated that it is not up to the Commission to come up with solutions for his client's business, his client should come with solutions to the board, and they can say those sound-like good solutions or hey Lieutenant do you think that that's a good solution or Law Department do you think that's a good idea?

He stated that it is not his job to produce solutions on how his client should run his business. That is not what the Commission is here to do. The Commission is here to listen to the facts and the facts are staunch that obviously they are not controlling the exit of the patrons leaving their business from photos. Attorney Martin stated that it happens on some occasions. Chairman Charnel stated that from what he has seen and witnessed in the twenty call logs, he does believe that some of those calls came from residents, they said it was loud noise who else is going to call besides the residents.

These people know what they signed up for, so they signed up to live next to a bar to listen to loud music at times, but not to have people loitering on their streets throwing up on their driveways, parking in their spots getting arrested in front of their building. People do not sign up for that they just do not. He feels that he and his client should come up with some solutions that work and to work with your neighbors to come up with solutions, because the battering ram of this is not going to work out. Since 2012 nothing has changed for this business in 2018, we rolled them back, so he does not understand what the real argument is when it comes to changes.

Attorney Martin stated that Mr. Cardoso has tried to get details and he will work with another department, they'll work with him and maybe they won't. If not, they will restructure the outside of the business and they'll get more security or have parking professionals. They will make sure that it is more structured, and people know to get out and go to their cars. Mr. Cardoso asked to speak to the board. He understands the concerns of the board and Mr. Korb and says that his people might be hardheaded sometimes and he has had a lot of conversations with the Lieutenant.

He has asked him if he had a plan and from the date that he spoke to him to now he started shutting down the music one-half an hour before closing time because the people that are there are only there for dancing. He understands Mr. Korb but he cannot do anything outside, he has no control. Attorney Martin stated that what Mr. Cardoso is trying to say is that he lets people out at 1:30 AM and tries to

trickle people out before they can congregate. He stated that his people are not the kind of people that were around when Commissioner McGarry was running the bar. He stated that in June Mr. Korb called the ABCC twice on him and when the ABCC went to his establishment they did not find any violations.

He also complained to the Brockton Board of Health, and they have been to his establishment, and they find no violations. He understands that Mr. Korb is doing everything to push him away and understands his frustration and he has tried his best to take care of the situation. He has been trying to work on it because he does not want to bother Mr. Korb or his residents. Chairman Charnel asked Mr. Cardoso since 2012 to 2021 what has he done differently to work with his neighbors? he stated that he and the owners of the gas station work very well together with no issues as well as the restaurant next to him Sisters.

Chairman Charnel showed Mr. Cardoso some of the pictures he had and asked him if he had seen them? He stated that seeing and reading these things is what makes us need to know what you are doing to change? there were issues in 2012 and in 2018 and I need to know what you are doing to change that? Mr. Cardoso stated that when he bought the place it was just a bar and he changed it into a restaurant and hired the best people and worked with human resources as best as he could. He spends more than 40 hours at the bar to make sure that he sees everything that is going on and he is there every single day and stays till the end of the night.

He stated that he has the best kitchen in the city, and he has good people that work there and those are improvements that he has made. His financial situation is not the best for him to go in that direction, but he is trying as best as he can. He is trying to decrease the foot traffic by closing the music half an hour prior to closing, to let people go little by little so they are not going all at once. Attorney Martin stated that is something that Mr. Cardoso just started, and they are going to have more police presence there and asked the board to hold off three months or two weeks.

Chairman Charnel stated that the board is going to decide tonight they are at the meeting to decide. He also stated that he has had officers, the counselor and the recommendation is to rollback to twelve. Assistant City Solicitor Aileen Bartlett stated that the recommendation is to roll him back one hour every day of the week. Commissioner Charnel stated that in his opinion this business has had a lot of opportunity to change, and an incident happened in 2012. This building wasn't even here, there were no residents and in 2018 there was an incident where detective Nazaire Paul witnessed someone entering the establishment after hours and that ensued into a disturbance, so again there is a little bit of a history here.

Chairman Charnel stated God bless Hank, the board wants to keep businesses going they don't want to close anyone down, but again what has been portrayed in front of the board and with the amount, of incidents. You can't continue to run a business that way there is an element in that business. No Police Department, Jason Korb the Ward Councilor, none of them can change that. The owner must change that element and he concluded with that. Assistant City Solicitor Aileen Bartlett stated that before the Commission is a violation of the ABCC rule 2.05 and she wanted to add that the city understands that Mr. Cardoso has done everything he can to try and correct these problems. There is an element about a two o'clock closing.

No surrounding towns are open that late and they are attracting people and it has nothing to do with the Mr. Cardoso it is the two o'clock closing and that is why the recommendation is an hour and if the

board feels that it should be more than that is one thing. Attorney Martin stated that under the letter of the rule and two officers testified to, that Mr. Cardoso did not permit anything and that is required under the rule, and it does not meet the standard. Chairman Charnel stated that the letter of the rule states a disturbance. Attorney Martin stated yes, but he must permit it though.

Chairman Charnel stated that the letter of the rule stated that a disturbance happened. Assistant City Solicitor Aileen Bartlett stated that the city's position is that by not reporting it to the police at the time it was happening is permitting it in the Brockton License Commission rules. Attorney Martin stated that there is no real evidence that it was willful or consistently done. It should be inferred through any reasonable circumstantial evidence, that Mr. Cardoso meant to do that when he has a history of calling. Assistant City Solicitor Aileen Bartlett stated that again what is before the Commission is whether there was a violation of the ABCC roll 2.05 Section 2.

Even if the Commission finds that there was no violation of the rule the standard for a rollback is whether there is a public need. The city's position is that there was a violation even if there was not, if there is a public need for a rollback that is permissible. Chairman Charnel stated that he agrees that there was a definite public need in this instance. Assistant City Solicitor Aileen Bartlett stated that first they should determine whether there was a violation of ABCC Rule. Chairman Charnel stated that he believes that there was a violation, and that Lieutenant Bonanca went above and beyond to find out if a call was made from the establishment. It was a lapse in judgment, but it happened. Attorney Martin asked the Chairman if he is ruling that it was intentional? The Chairman stated that it was a violation of the rules he is not ruling that it was intentional. Assistant City Solicitor Aileen Bartlett asked the board if there is a motion to find a violation?

Commissioner McGarry made a motion to find Cardoso's Café guilty of violating the violation of the **ABCC Rule 2.05 (2)**, to wit: "No license 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 whether present or not." Reported on August 8, 2021, at approximately 1:08 a.m.

Commissioner Studenski asked the Attorney if Mr. Cardoso has a written policy from the security company stating how to operate the business? He stated that he grew up in the business and if a business did not call in a disturbance that meant you were allowing it. He stated that in looking at all the different calls he is wondering and looking for somebody that wants to work together and did not know if it was going to happen. He then asked Councilor Thompson for his input. The councilor stated that he feels that the attorney has some sort of animosity and contempt for Brockton. He understands that we are not West Newton and that he spent half his argument disparaging Mr. Korb who has been a great neighbor and a great partner for Brockton, so he does not know if there is a way forward. He thinks that counsel shows contempt for the city and for Mr. Korb and how do you work with someone like that?

Attorney Martin said that stating the obvious is not contempt and he really did not appreciate that. Chairman Charnel informed everyone that portion of the hearing has closed and there is a motion on the table. He then asked if there is a second? Commissioner Studenski again said he still has a problem and stated that he is trying to get people to work together he has worked with crime watch and he voted as a councilor on the building. He was a ward councilor at that time, and he understands. He is looking at the different items and is trying to figure out a way. He asked Lieutenant Bonanca how bad it is and why they do not want to go near the area? Lieutenant Bonanca stated that policing has changed.

There is a plethora of details available and officers not only from Brockton, but from surrounding towns have their choice of details. They have not had any interest. Because of the environment and not to get into too much detail there's been a lot of anti-police sentiment and officers at bars have had some negative experiences that they haven't had in recent years. The preference to work those details is a thing of the past. Lieutenant Bonanca said he can't guarantee that if he were going to come to the Commission and someone was to ask him what about the police? Because of the 105,000 people to protect in the city and to have the resources available to concentrate on any bar, he would be dishonest to tell the Commission that the police would be able to assist in a way that would be able to resolve their problems.

He would not be able to sit there in all honesty and say that the police would solve the problem alone. Commissioner Studenski stated that was not his question. Lieutenant Bonanca stated that they do not want to work the details. Chairman Charnel stated that they cannot guarantee that a police officer will take the detail. Attorney Martin stated that they can get an armed security company that has a badge and a weapon, they can try and would be willing to explore that. There is more of a show of authority with that. Councilor Thompson reminded everyone that a motion is before the floor.

Chairman Charnel stated that it has not been seconded yet. Attorney Martin stated that they should vote on whether he permitted it or not. Chairman Charnel stated that he can't second the motion. Commissioner Studenski asked that Commissioner McGarry read the motion again. Assistant City Solicitor Aileen Bartlett informed the board that, by seconding a vote does not mean you are in favor of it. Councilor Thompson also informed them that it was procedural. Commissioner Studenski stated that he did not hear anything on the August 8th incident.

Assistant City Solicitor Aileen Bartlett informed him that it was the stabbing and the hit and run. Chairman Charnel also stated that it was the most recent event. Commissioner Studenski then seconded the motion to bring it to the floor. The board voted 2/2 and the motion failed. Assistant City Solicitor Aileen Bartlett reminded the board that they do not have to find the bar guilty. They do have to vote on whether there was a public need to roll back the hours of the bar. Chairman Charnel asked if there is a public need to roll back the hours, and he thinks that they should be rolled back.

2-2

He stated that when they did that in 2018 it worked for the residents. They were happier and the business was then able to thrive and get there procedures together. He thinks the element that went away has come back. So, he believes that the board should roll back the hours by 1 hour to midnight on Friday and Saturday. Attorney Martin stated that would be 2 hours. Assistant City Solicitor Aileen Bartlett informed the board that he has a 2:00 AM closing on Thursday, Friday, and Saturday and a 1:00 AM closing Sunday through Wednesday.

Chairman Charnel stated that the city's position is that the board roll him back 1 hour and his position is to roll him back 2 hours. He stated that they can come together collectively to some type of understanding with respect to the city's position or they can entertain his position. Assistant City Solicitor Aileen Bartlett stated that they should vote on whether there is a public need. Chairman Charnel stated that they can just vote to roll them back. Attorney Martin stated he would appreciate it if they voted to determine procedurally if it was necessary at all. Just to perfect the record.

Chairman Charnel stated that they do not have to do that, they can make a motion to roll back the hours. They have already discussed all the other things. Councilor Thompson stated that they should have two votes one for the public need and one for the roll back. Again, he stated that to protect the record and the city does not want anything appealable. So, let's get this right. Chairman Charnel stated that they should make a motion on whether there is a public need. He believes there is a public need.

Commissioner McGarry made a motion that there is a public need for a roll back. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4-0

Commissioner McGarry made a motion to roll back the hours to midnight 7 days a week. The Chairman asked if he could get a second on that motion?

Commissioner Teixeira asked the board if they would be voting for 2 hours instead of 1 hour? Assistant City Solicitor Bartlett stated that it would be two hours on Thursday, Friday, Saturday and one hour for the rest of the week because the closing is already 1:00 AM. Commissioner Teixeira asked for how long? 6 months or 12 months? She stated that the city asked for indefinite. The last two were for 6 months. Chairman Charnel asked her if they can petition to come before the board? She replied, yes because it is indefinite. Commissioner Teixeira stated that they must be fair. Attorney Martin thanked him.

He stated that it's a business. He is trying to run a business and informed the board that he owns a business not far from his place. Attorney Martin stated that Mr. Cardoso is willing to address the issues. Chairman Charnel informed Attorney Martin that, that portion is closed. Commissioner Teixeira stated that if Mr. Cardoso is willing to work with the board. The board can roll him back for 6 months by 1 hour and he can come back, and they can revisit. Commissioner Studenski stated that the stipulations were that both parties would work together.

Chairman Charnel stated no, there is no more public comment they are deliberating. Commissioner Studenski apologized. Chairman Charnel stated that they can make recommendations and they can give it, but it is closed. Commissioner Teixeira stated that to go back 1 hour like the city suggested is fair. If it happens again then the board, can bring them back and roll him back indefinitely. Chairman Charnel asked if he could add something? He stated that he believes they should do 1 hour, but indefinite and if they have a good track record and they want to come back before the board, and we have talked to the Lieutenant, and we don't see 20 incidents in less than a month. He would be OK with that, but it can't be for 6 months. He would like 2 hours and he is willing to give away 1 hour, but it must be indefinite.

Commissioner Teixeira made a motion to roll back the hours of operation (7) days a week by one hour. Sunday through Wednesday closure at midnight. Thursday, Friday, and Saturday closure at 1:00 a.m. indefinitely. The motion was seconded by Commissioner Studenski. The board then voted, with Chairman Charnel voting in favor and Commissioner McGarry voting in opposition.

3-1

A motion was made by Commissioner Teixeira to withdraw the application from George's Northern Lights, Inc. dba George's to remain open till 3:00 a.m. on New Year's Day- January 1, 2022, for a New Year's Eve Celebration being held on December 31, 2021, located at 220-220 ½ Rear Belmont Street, Brockton, MA. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4-0

A motion was made by Commissioner McGarry to adjourn the meeting. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

4-0

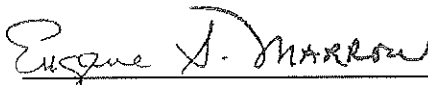
Respectfully Submitted,



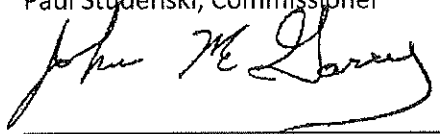
Jeffrey Charnel, Acting Chairman

APPROVED



David Teixeira, Commission

Eugene Marrow, Commissioner

Paul Studenski, Commissioner

John McGarry, Commissioner