

SPECIAL LICENSE COMMISSION MEETING

6:00 p.m.

Tuesday, October 11, 2022

Virtual Zoom Meeting

The License Commission held a Special Meeting on Tuesday, October 11, 2022, via Zoom. Present were, Commissioners Jeffrey Charnel, John McGarry, Robert P. Simpson, and Scott Uhlman. Also, present were Executive Assistant Silvia Carvalho, and Lt. Paul Bonanca, Attorney Erica Pereira.

1. Hearing on Abutter Complaint of Brockton High School, to Licensee, 2030 Ocean Street, LLC d/b/a/ Wine and Market, of 750 Belmont Street alleging Licensee's failure to provide notice to abutter relative to hearing on Licensee's Application for All- Alcohol Package Store Liquor License.

Chairman Charnel asked the licensee 2030 Ocean Street if they would like to be heard first and it was suggested that the complainant should be heard first. Attorney Peter Mello informed the board that he was representing the school. He informed everyone that Michael Thomas had a School Committee meeting this evening and was unable to attend. He stated that the Superintendent extends his thanks and appreciation for setting up the meeting in response to his letter which he sent out a few weeks ago.

Attorney Upton asked the Chairman if he could object? The Chairman asked him to allow the council to speak and he will have a chance to rebut. Attorney Upton stated that his objection is due to the fact that the complainant is not present, and they will not have the ability to cross examine. How is he going to cross examine his lawyer? Chairman Charnel stated that he asks that Attorney Upton allow the Attorney to speak, and he can rebut if he wishes.

The Attorney stated that he did not want to belabor this and he feels that Superintendent Thomas's letter articulates his position concisely and well. The school district was not informed of the proceedings, and he learned about it after the fact. His understanding is that since he sent the letter the notion has come up that the licensed establishment is outside of the 500 feet. He informed the board that there are two procedural issues that were identified in the letter. The school district had not received notice to which it was entitled as an abutter of the property on which the licensed establishment would be located, and that the school building is within 500 feet from the licensed establishment.

As a result, under section 16C of Chapter 138 and under a separate provision of that statute would be entitled to specific notice of the proceedings and because of the proximity of the school to the licensed establishment the Commission would have to make a specific finding as described in the statute. Those were the two procedural items that were addressed in the Superintendents, letter. His understanding is that since the letter was transmitted there has been some confusion about the precise distance

between the licensed establishment and the school building and there is some notion perhaps and he will let the applicant speak to that, that it may actually be outside of the 500 feet zone.

His understanding is the city's zoning ordinance defines a building in such a way that the dugout structure located on one of the athletic fields that sits a little closer to the property line than the gym facility or the school campus is likely to be within the 500 feet zone. It is also his understanding that there is some notion that the notice that was intended to be sent to the school district, and that any obligations were satisfied by virtue of transmission of the notice to City Hall, and that somehow satisfied notice obligations that were required in connection with notifying the school district. Setting aside those and they would refute that it makes logical sense and is a matter of law.

Setting aside the procedural questions he thinks substantively the school district's position and that of the Superintendent, which is stated in his letter is the notion of locating the licensed establishment in such close proximity to the high school where marketing and physical access to alcohol and alcohol products, as well as marketing efforts which are inconsistent, and really impedes the environment of the school district and what the high school is trying to cultivate.

Brockton High is hallowed ground in a great and storied city. We need to dignify and protect that stature. He thinks the students need to be for the reasons articulated in the Superintendent's letter, and others. They deserve to learn in an environment that facilitates conditions that are befitting of the finest public high school and the best academic experience that we can achieve, and to that end they oppose the project. He stated that just to clarify even if the Commission determines that the nearest school building is outside of the 500 feet zone, the Commission can still deny the license even if a school building is outside of the set zone.

They believe that given the proximity of the athletic fields in particular where students congregate to the licensed establishment, and there are students at Brockton High school that are of legal age to purchase alcohol and it is not consistent with the academic experience and the environment that the high school is trying to promote and cultivate. To have such ready access and exposure to the product and the marketing of it and the likes. The Superintendent's letter addresses it comprehensively and appropriately and he will rely on that, in addition to his summation and he thanked the board.

Chairman Charnel thanked the Attorney and asked Attorney Upton and his counterparts if they wanted the chance to rebut? He also asked everyone to introduce themselves and to provide their names and addresses for the record. Attorney Andrew Upton came forward on behalf of the licensee he is located at 112 Water Street in Boston, MA, and Daniel Newcomb the manager of record came forward and he is located at 2030 Ocean Street, Marshfield MA, Mr. Glenn Lawler, and he is located at 10 Glacier Way Holliston MA, Bill Kelly and he is located at 53 State Street, Suite 500, Boston, MA, and John McCluskey representing Vanessa Gumbert.

Mr. McCluskey informed the board that he was at the hearing when they granted the license and if given the opportunity would like to speak in favor of the applicant. Attorney Upton stated that he would like to clarify one initial issue, he stated that the Brockton Zoning ordinance does not control the proximity or radius measurement dictated by chapter 138 and 2.04 211, which says the distance shall be measured in a straight line from the nearest point of the school building to the nearest point of such premises. So athletic fields, dug outs, parking lots and the like, just because they are on a property do not qualify as the line of distance for the measurements.

That is why there is a notion that their building in many cases is 500 feet or more from any school building. That being said, they also dispute the fact that the Superintendent does not have standing to bring forward the complaint. The statute says authorities in charge of any school and Superintendent Thomas is not the authority in charge of the high school. He is an administrator, and the school department is a department of the city, and as he is sure everyone knows and the authority in charge would be the school department. So, they believe the Superintendent despite his many well-intentioned comments does not have any standing to bring the complaint under the realm of the statute.

Most importantly there is an acknowledged historic and preferential process by which one notifies abutters. When applying for a liquor license that process is to request the list from the Assessor's office and when you do so, you receive the addresses and from them you then mail the notice to the addresses. The obligation of the applicant is to mail those notices, not to ensure their received. So, the fact that they mailed them as they should have to the City of Brockton on behalf of 466 Forest Avenue address is entirely compliant and consistent with the statute and every possible practice that goes toward liquor licensing notice for a hearing.

Because the Superintendent did not get it because it went to City Hall and those may be legitimate concerns that someone would want to bring up with the Assessor, but they do not cause any defect or mean that they did not fulfill their obligation. This is how the statute works based on the list that the City of Brockton gave to them. His fourth point is that the complaint lacks a little bit of good faith, and he wants to be cautious on how he characterizes that, but as you know they have had three hearings on this issue. There was a ZBA hearing that required abutter notices and advertisements, there were two licensed liquor hearings, which required abutter notices and before they filed their application the applicant conducted outreach to several City Councilors including Councilor D'Agostino and Councilor Farwell.

They asked Councilor D'Agostino to reach out to Superintendent Thomas and he replied to them in January that he had spoken to the Superintendent and that both he and the Superintendent were OK with the application. That clearly conflicts with the part of the letter that says recently, I became aware of the application, and he thinks it's a little bit disingenuous to try to claim that there was not constructive notice as well as a statutory obligated notice that went to the city. He would like to further reiterate his objection that he is unable to cross examine the complainant because he is not here, but that being said he believes his points on the procedural law are clear and he would be glad to answer any questions.

Chairman Charnel asked the Commissioners if they had any questions for Attorney Upton? He then asked Attorney Upton if the other Attorneys we're going to speak or if he was the spokesperson? He stated they are working as a team, and they are all prepared to answer any questions. Chairman Charnel opened up to the Commissioners. Commissioner McGarry stated that he had a question for Attorney Upton, he stated that Attorney Upton had mentioned the Ward Councilor and asked him if he had dates on when the conversations took place? Mr. Newcomb asked the Attorney if he could provide them to the Commissioner? Attorney Upton replied yes and yes.

Mr. Newcomb stated that he reached out to Councilor Farwell on the 10th of January, and he responded with a phone call, he was provided with a business plan, 67 letters of support and he responded on the 19th that he had received it. Councilor Farewell suggested he reach out to the Ward Councilor, and he stated he was on the School Committee in the past. He reached out to him on the 10th and on the 19th,

he responded in his note, thank you for your interest in opening a business in the city and on the 26th he had a phone conversation with him, and he stated that he had spoken to the school Superintendent who quote unquote would not be opposed to their concept near Brockton High school. He also reached out to them as they were getting closer to the hearing

Mr. Newcomb informed the board that this is not his first time doing this and he recognizes the responsibility of being near a school and reaching out to the community was first and foremost the most important and basically, he got a positive response from the Councilor, and he understood that they had a positive response from the Superintendent as well, and that's when they moved forward.

Commissioner McGarry asked Mr. Newcomb if that was on January 26th and he replied they had a call scheduled for the 24th at 4:00 PM, and they both missed it, so they caught up with each other on the 26th of January. Commissioner McGarry then yielded.

Chairman Charnel asked if any of the Commissioners had any questions? Attorney McCluskey asked to speak, and he stated that he agrees with Attorney Upton on whether the school Superintendent has the right standing or the ability to bring this complaint to the Commission this evening. He clearly believes and the law is supportive of the fact that an administrator does not have the ability to bring this action and to make the complaint. If there was a concern, there is a proper method and legal channel to appeal the decision. That appeal has not occurred and the Superintendent cannot appeal the case because he is not in charge of the property, he is merely the administrator of the schools.

He stated not to belabor this issue, but he clearly believes that there is no standing in the analysis of the playing fields. This was very well vetted at the last hearing and the Commission made a great determined decision about this, and they had all of the facts before them, and he respectfully recommends that the complaint be denied. Chairman Charnel stated that he will ask a few questions and he stated that a few things that he had where that they sit on the License Commission, and if a constituent came forward and informed them that they were not notified the Commission is doing their due diligence and they are obligated to hear any complaints.

Chairman Charnel stated that his particular issue is the distance between the school and the licensed premises. This was brought up during the proceedings and they were never given any type of survey, like where they can say that point A meets point A and point B meets point B. It was given through verbiage and e-mail but never by a licensed person to say if you stake this point, and you stake this point this is the distance. Which he thinks is an issue and he thinks the abutters complaint does have merit and he does think that the School Department does have the ability to speak.

The administrators, the school committee and the people who make decisions for the adolescents are the adults and they could come to the city or any of the commissions and say we have not been notified. He does not know how the law reads exactly, but again he thinks the persons and their attorneys could make claim to that. In regards to the abutters notice the licensee sent out one would think they would have vetted the addresses to make sure they were correct. Something large as 5,000 children in a facility, he would think that you would want to make sure the addresses were correct. He stated that there are three to four attorneys on the call tonight, and for one licensee.

To him this is a little bit of a fumble, he stated that if the school were there and they were properly notified, and they were at the hearing, one could say that the hearing may have gone differently. Again, he believes the applicant made a presentation and stated that they would not sell nips and they were

going to be good neighbors and stuff like that, but this rises to there are 5,000 kids. He does not know they could be 500, 600 or 700 feet, no one knows because everyone is just telling us that. Those are his concerns regarding the abutters, notices. The applicant is very savvy and applies for licenses all over the Commonwealth you would think that being so close to the school, you would make sure that you have the exact address. You spoke to the Ward Councilor and the Councilor at Large, and those conversations could have been brought up and that would have taken care of the procedural thing that happened here.

Attorney Upton asked to respond to the Chairman's statements. Attorney Upton stated that when you do these notices, they are all governed by Chapter 138 and certain procedures that are laid out in the law. There is no legal requirement to use any type of survey. The ABCC regulations control this because they want the municipalities to have uniform approach to the applications, the same way in every town. And not to leave it up to the discretion of the municipal licensing boards to have additional thoughts considerations or issues. They want a uniform standard on how to do it.

When you notice someone, you get the certified list of abutters that is the historic established policy and then you mail what the assessor in the town says is the mailing address. There is no obligation to check further and sometimes the lists are hundreds of people long. He is not sure how you would even check that. They followed the letter of the law, and they did it correctly. He stated that if you were talking about making an extra effort because the kids, that is why they did their political due diligence and had Councilor D'Agostino reach out to the Superintendent, and that is how you do it. You don't nitpick and tweak the existing statute; they could never do that. They followed the letter of the law, and they did the political community process as well.

Attorney Mello asked to speak and stated that he had two points to make he stated that he is not familiar with the particulars of the different communications and what went back and forth. He can represent that Superintendent Thomas approaches this matter as he does all other matters in absolutely good faith with the utmost diligence and respect for the process. Any notion that he is approaching this otherwise is just absurd. With respect to the notion that was stated respectfully and unequivocally in terms of the proposition that the dugout structure if it constitutes, a building under the zoning ordinance would not constitute a school building for purposes of Chapter 138 is unsupported.

There is no explicit authority for the proposition. A school building is a school building on a school campus and school property so, if that dugout building structure is within 500 feet of the licensed establishment that would render the application subject to that finding, because it is set forth in section 16C. Attorney Upton replied that the dugout is 667 feet away from the licensed premises. Attorney Mello stated as to what the Chairman said there has not been a technical submission to confirm the precise distance from the licensed establishment, from the nearest point of the building where the establishment is located to the nearest school building.

He just wanted to clarify that there's no explicit legal authority to support the proposition that the dugout cannot be a quote unquote school building for the purposes of Chapter 138. Again, Attorney Upton stated that his measurements say the dugout is 667 feet away from the licensed premises. Attorney Mello stated that again there is nothing in the record that has established that, and he is not sure which point of the licensed establishment is being used for purposes of that representation.

Attorney McCluskey asked to speak and stated that the licensee made representations that it was more than 500 feet and complied with the law. On a couple of occasions and that was accepted by the License Commission at the hearing. Nobody raised that issue, and it is not the applicant's job as you suggested or the matter of notice to go back to the Assessor and ask are you sure that those are the abutters? That's not the way it works, and Attorney Upton is absolutely correct they complied with the letter of the law and did what they were supposed to do, now we have someone coming and saying that they did not follow the letter of the law. Why isn't Attorney Mello saying this is within 500 feet?

He thinks the burden has shifted here, the burden has shifted to the school committee or the Superintendent to say they were within the 500 feet, and they did not do that. It was a three to two vote, and he knows that the Chairman voted in the negative on this issue, but they can't start looking after the fact that the licensee or applicant was wrong. The applicant was not wrong, and somebody is now challenging this and if they are challenging it, they might want to get their tape measure out and they didn't do that. They don't have standing and they don't belong here, and the Commission voted in favor end of story.

The Chairman gave Attorney Mello his last rebuttal and asked him to state his desired outcome. Attorney Mello stated that with respect to the proximity of the school building, he does not have that measurement. Anecdotally it looks like it is within the zone, that is something that obviously can be confirmed. He stated that he does want to emphasize, and he underscored it in his opening comments even aside from the procedural issue and notwithstanding any hypo technical defense that might be made or rationale that might be conjured to explain why there was no notice provided to the school building or school administrators offices.

He does not want to get lost on the emphasis on what's best for the academic environment and the students at Brockton High. He does not want undue emphasis placed on the procedural snafus or issues. He wants the emphasis to be diverted to the students, the culture, and the environment that the school works hard to cultivate, and they have done an outstanding job. The students are deserving of conditions befitting for them and the finest public high school experience anywhere. Ready access visually, geographically not to just alcohol products but marketing and particularly in areas of the campus where students congregate.

Based on the proximity of other licensed establishments within a reasonable distance all support the opposition to the placement of this establishment in that location. Ultimately, Superintendent Thomas submitted a letter conveying his objections and the rationale behind those objections and ultimately that was sort of the tens of these proceedings. He can fairly represent that Superintendent Thomas opposes the application and he will leave it at that at his desired outcome. Ultimately, bottom line is that this location is not an appropriate location for the licensed establishment, and they oppose the application.

Attorney Upton requested to speak, and Chairman Charnel asked him to wait because he wanted to open it up to the public. Odalissa Perry came forward of 15 Magnolia Avenue, Brockton, she stated that she is concerned because Brockton High school has two entrances and both her kids attended Brockton high school. Her youngest graduated this year and her neighbors, kids still go to school at Brockton High. They have to pass by the liquor store and in fact they are next door neighbors, and it's near an entrance that students go in. The bus goes that way, and it does not make sense why someone wants to put a liquor store there.

Furthermore, when our son was running late, he used to take a shortcut between the liquor store and the school. There is a fence, and it had a hole, and he would go through that. It's next door to the school not two to three blocks away she does not know if they are looking at the front entrance on Forest Ave or the Belmont Street entrance, which is literally next door to that parking lot where they want to put a liquor store. She thinks it's a bad idea Brockton High school has 4,000 kids'; they have a lot going on and they don't need a liquor store right there.

Mr. Paul Arnone of 12 Abbey Street, Marshfield, MA, stated that he is a former School Committeeman a former City Councilor and he lived in Brockton his whole life up until six years ago. He has watched this from the beginning and if there was ever a location that did not need a liquor store this would be it. He hears very little about the children and the kids that go to the school, and they are the ones that are going to be affected. These liquor stores have enough problems keeping minors out of their stores. They make big investments in those stores across the City of Brockton, and it is tough, and people know what Brockton has become.

He can't imagine a town like Duxbury, and he believes one of the Attorneys is from Duxbury. He can't imagine a liquor store being placed next to the high school and the people allowing it. So, why should we allow it in the City of Brockton, the City of Champions? And to hear an Attorney say that the Superintendent of schools does not have standing, he begs to differ he sure as hell has standing. He represents the children and kids that go to the school. At this time, he thinks they should look at it hard and clear to deny a license on this property. It's not good for Brockton and it's about time we protect these kids.

Chris Butler from the Enterprise Newspaper, 82 North Street, Somerville, MA came forward and asked the board to clarify how the distance was measured between the school, and who was in charge of taking that measurement? Chairman Charnel asked Attorney Upton to answer the question. He stated that they did their measurements by Google Maps. Mr. Newcomb stated that they were the Assessors maps. Glenn did the measurements using the GIS system of the City of Brockton on their Assessors maps. Attorney Upton stated that the initial list was generated by the Assessor and the subsequent comments they made were generated by Glenn using the city's GIS system.

Chairman Charnel closed the public hearing and asked if there were any elected officials that would like to speak? He then closed that portion of the hearing and gave Attorney Upton his chance to speak Attorney Upton stated that he would like to note for the record that the Eastside package store is 214 feet from East middle school. Roses Discount liquors is 500 feet from the North middle school. Crescent Variety is 534 feet from the Adult Learning Center and Brockton Liquors is 526 feet away from the Angelo school, and none of them have suffered any ill effects. Most importantly he wanted to thank the Commission it has been a long process from the ZBA to the two hearings and they were treated fairly with courtesy and professionally by everyone.

Even with Attorney Mello with whom he disagrees which makes his case with passion and conviction he does appreciate that. He stated that he would like to offer a resolution because this applicant has gone through three public hearings, three public notices, three advertisements in the newspaper, and they have been granted the license, the process was clearly lawful and compliant. The most important thing is they started out in January reaching out to the community to elected officials and Superintendent Thomas, in fact it was only a week ago that they became aware of the complaint. He then reached out

again to Councilor D'Agostino, and Superintendent Thomas and he understands that maybe in the throes of the process they weren't willing to talk to us then.

He would suggest that an appropriate resolution for this matter would be not to attempt to affect what is already gone. The store is duly approved by the ABCC and by the board. This may have given us all the opportunity to put our heads together to make sure that this store is the kind of neighbor that they can be more comfortable with. He thinks he can speak for the applicant, and he can correct him if he is wrong that they would be more than happy to sit down with neighbors, elected officials, and the Superintendent to talk about what type of mitigation they could take, what type of relationship they could have with the school and what type of advertising they might curtail so it doesn't have a negative effect.

How they can concentrate on policing and cleaning the area or how they're going to be the most compliant store in Brockton in terms of ID checks. All of that stuff to mitigate a negative impact and to become a good neighbor. If this hearing had the effect of driving the parties to the table to work out a relationship where they could become better neighbors, I think we could all call it a success. Chairman Charnel closed the public portion, he then opened it up to the Commissioners. Commissioner McGarry asked Lieutenant Bonanca if he had anything to add? Lieutenant Bonanca stated that he did an inspection a couple of months ago and there was no legal objection, of course if there is an issue with notice the local licensing board has a lot of leeway even with the ABCC regulations.

It exceeds the 500 feet distance if you go from the actual building to building, if we are talking about other structures on the property itself it could be less than 500 feet. There is a question if there is an actual recorded distance or an expert distance. The ABCC does give the local licensing commission leeway with the 500 feet distance. Supposedly the nearest point is outlined in the ABCC regulations 2.04 CMR 211. So, you can look at that, but it appears to be vague where the 500 feet distance meets. If there is less than adequate notice, there is an issue. Originally, he did not have any legal objections, but because there has been public sentiment and they have had citizen objections to the school, the Police Department can't support the business at this time. That pretty much outlines the Police Department's stand.

Chairman Charnel asked if the Commissioners had any discussions on the notice that is what is in front of the board, the school department felt like they did not receive notice and they are now challenging the decision of the license. Does the board feel that the notice rises to the point of revoking the license? We have heard testimony of both the school department and the applicants, Attorney, the property owner and with regard to structures. Commissioner Uhlman asked to speak and stated that he does not understand how the Superintendent of schools has no say in the matter? he is the boss of the School Department, and he does not agree with having a package store basically on the back side of the fence of the school, but on the same token you have a package store across the street where the kids congregate. He is not in favor of it, and neither are the people but on the same token he does not want to deny a man of a business license.

It is not going to cater to school children, and we should let it go. Chairman Charnel asked to reply to his statement, and he informed him that the liquor store is more than 1,500 feet from the school, this is not an apple and an apple there are other liquor stores, but in 2022 this is the day and age where we want to still be doing this stuff. Commissioner Uhlman replied that he understands, that but on the same

token if they have a proper ID system in place, it does not make sense that they should deny the business in Brockton.

He does agree with Lieutenant Bonanca yes, the back of his store reaches the fence of Brockton High school and is that within 500 feet, absolutely. He is not in favor of it but in the same token the people have spoken, and he is just going to let it go. Chairman Charnel asked if there were any other questions from the Commissioners and he asked for a motion to be made. He asked Commissioner McGarry to state what the motion would be. Commissioner McGarry stated that the question the board has before them was the notice to the abutter sent appropriately? He then asked Attorney Pereira to state the proper wording for the motion. Attorney Pereira stated that in this case the motion that needs to be made is whether in light of the school departments abutter complaint, whether to uphold the license of 2030 Ocean Street doing business as Wine and Market.

Commissioner McGarry made a motion to uphold the license of 2030 Ocean Street, LLC. The motion was seconded by Commissioner Uhlman.

Chairman Charnel then asked Silvia to take a roll call vote.

Simpson- No
Charnel- No
McGarry- Yes
Uhlman- Yes

2-2

Chairman Charnel stated that we have to in the affirmative and two in the negative and asked Attorney Pereira to clarify if the motion carries or not? Attorney Pereira stated that the quorum is the majority of four votes, which is three votes. Chairman Charnel stated so, that does not carry. She replied that the Commission needs to make that determination. Chairman Charnel stated that the vote was two in the affirmative and two in the negative, so that motion does not carry, and the license is now denied. Attorney Upton informed the Chairman that the board needs a separate motion to revoke. Chairman Charnel asked someone to make a motion for reconsideration.

Commissioner McGarry made a motion for reconsideration in hopes that it does not prevail. The Chairman asked Silvia to take another roll call vote;

Simpson- No
Charnel- No
McGarry- No
Uhlman- No

2-2

Chairman Charnel asked Attorney Pereira if on the reconsideration they should be saying yes, or no? Attorney Upton asked the Chairman if by saying reconsideration does he mean revocation? Just to be clear. Attorney Pereira replied yes, we need to be clear. They have ruled two to two regarding upholding the license. If you make a separate motion the recommendation is that a separate motion is made to revoke the license if the Commission so chooses to do so. The Chairman stated that by voting in favor

you would be revoking the license and Attorney Pereira replied by a majority vote. He then stated that if you vote in opposition, it would be to not revoke the license. She replied correct.

The Chairman stated that he votes as a yes to revoke, and Attorney Pereira asked the board to take another roll call vote.

Simpson- Yes

Charnel- Yes

McGarry- No

Uhlman- No

2-2

The Chairman stated that is two in the affirmative and two in the negative so, the license is revoked. Attorney Pereira stated that is not correct. Attorney Upton stated no it is not, the motion failed, and the hearing should be adjourned. Attorney Pereira stated he is correct. Chairman Charnel stated that if they revoked the license and it was reconsidered and they voted two in the affirmative and two in the negative, how would that pass? Attorney McClusky stated to the Chairman that both of his motions failed, and he needs to adjourn the meeting.

Chairman Charnel stated to Attorney Pereira that the motions have failed. Attorney Pereira stated that both motions have failed he must adjourn the meeting. Attorney Upton stated that the motions have failed he must adjourn the meeting and the licensee is still in good standing.

Attorney Pereira asked Silvia to restate the votes to revoke.

Simpson- Yes

Charnel- Yes

McGarry- No

Uhlman- No

2-2

The Chairman stated that the motion has been made for reconsideration, but the first motion was to revoke. He does not think in the License Commission procedurals we do reconsiderations. Attorney Pereira stated that the first motion was to uphold the license and Jeff replied yes, and that was denied. However, there must be a second motion to actually revoke the license and that was also denied because there was no majority, therefore she believes the meeting needs to be adjourned. Chairman Charnel asked for a motion to adjourn the meeting.

Commissioner McGarry made a motion to adjourn the meeting. The motion was seconded by Commissioner Uhlman.

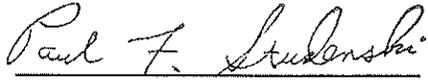
Chairman Charnel stated on the motion he would like to continue the meeting instead of adjourning to a later date. Commissioner McGarry stated to the Chairman that is an inappropriate motion. The Chairman stated that he has never made a vote to reconsider so, he does not think it is proper. He stated that a motion has been made to adjourn the meeting and seconded so, he adjourned the meeting all in favor.

Respectfully Submitted,

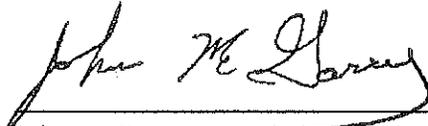


Jeffrey Charnel, Acting Chairman

APPROVED



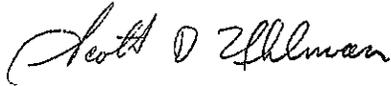
Paul Studenski, Commissioner



John McGarry, Commissioner



Robert P. Simpson



Scott D. Uhlman