



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING

December 14, 2016

7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:

Detective Dennis Smith
Detective Sgt. Matthew McCaffrey

Meeting was called to order at 7:08 p.m. by Chairman Lamb

1. **GMRI, Inc. d/b/a Olive Garden – Application for a Change of Manager.** Appearing before the Board is David Marshall. Mr. Marshall stated that he has been at the Taunton location for approximately 11 years but was just recently promoted to general manager. Commissioner Mullen made a motion to approve the application for a change of manager. Commissioner Thomas seconded the motion. Motion passed unanimously.
2. **Taunton Police Incident Report #16018896**

KCB Liquor Corp d/b/a Pete's Mart - Detective Smith read the report into the record. appearing before the Board is Tushar Patel. Mr. Patel agreed with the facts that were presented. He stated that his employee had made a mistake. Chairman Lamb informed Mr. Patel that he still had one day held in abeyance from a prior tobacco violation. Commissioner Thomas made a motion for a 4 day suspension; 2 days to be served and 2 days to be held in abeyance plus the one day that had been held previously in abeyance. So it is actually 3 days served – January 9, 2017 January 16th and January 23rd, and 2 held in abeyance. Commissioner Mullen seconded the motion. Motion passed unanimously.

Apex Ventures, Inc. d/b/a Andy's Market – Detective Smith read the report into the record. Appearing before the Board is Maninder Singh. Mr. Singh stated that he is in

agreement with the facts. Chairman Lamb stated that this is Mr. Singh's third compliance failure in the last three years. Commissioner Thomas suggested that Mr. Singh may want to consider a scanner. Mr. Singh stated that they do have a scanner but it wasn't being used at this time because they were in between employees and some didn't know how to use it. Commissioner Mullen expressed his disappointment that there were so many failures during this compliance check. Chairman Lamb agreed. Commissioner Thomas made a motion for a 4 day suspension; 2 days to be served on January 16, 2017 and January 23, 2017 and 2 days to be held in abeyance.

K&S Liquor, Inc. d/b/a Regal Liquor & Food Mart – Appearing before the Board is Krunal Patel, Manager and President. Chairman Lamb asked Mr. Patel if he knew why he had received the letter to appear at the hearing. Mr. Patel stated yes. Chairman Lamb asked if he accepted the facts. Yes. Chairman Lamb commented that Mr. Patel was not present at the compliance check. No. Chairman Lamb asked how Mr. Patel is going to handle this going forward as far as making sure that no minors are served. Mr. Patel explained that there is a scanner in place now and it reads the cards and tells whether or not it is ok for alcohol or tobacco. Chairman Lamb asked if Mr. Patel kept the same staff. There is only one person still on staff. I explained to him that you must check identifications at all times; it does not matter if you know the individual or not. Sgt. McCaffrey asked Mr. Patel if Ms. Le is still working at the store. No. Sgt. McCaffrey explained that he was berated by Ms. Le and that she was stating that the police should concentrate their efforts on drug dealing, etc. Sgt. McCaffrey stated that he was a little put off by the attitude of Ms. Le. Commissioner Thomas asked if Ms. Le still worked there. Mr. Patel reiterated that no, she did not. Commissioner Thomas explained to Ms. Le that he isn't happy with the way things played out since the Board has been nothing but helpful and accommodating to Mr. and Mrs. Le. Chairman Lamb reiterated Commissioner Thomas' concerns. Ms. Le stated when Sgt. McCaffrey appeared – she stated that she had trained her employee correctly and when she stepped down to the office, the operative appeared and it slipped the employee's mind at that time, no matter how much they train the employees. She stated she loved people and she didn't want to jeopardize any minors. These people come and ask for jobs and they do what they can but then she has to let them go. Then they go out on the street and sell drugs. The Board responded that this wasn't a sting operation, it was a compliance check. Commissioner Thomas stated that he understood her point, that she raised good children and that there was never a question about her character or her husband's character. This is the same problem for the last 3 or 4 times; you need to check the identification. Everyone has a job to do. Your job is to ask for identification. Ms. Le stated that she didn't mean to be disrespectful to Sgt. McCaffrey. Sgt. McCaffrey stated that they do compliance checks once a year – they have had 8 out of 11. Chairman Lamb stated that we have had discussion going through this process. We don't want to penalize Mr. Patel as he is starting out, but consider this a stern warning. Commissioner Thomas asked Mr. Patel if he had any reservation in his mind as to what this Board expected. Mr. Patel stated yes, the best. Commissioner Thomas recommended a warning in the file. Commissioner Mullen stated that he will make that a motion that we put a note in the file that this is their first indoctrination into this process. Commissioner Thomas seconded the motion.

Motion passed unanimously. Mr. Patel asked if it will count against him in the future. No.

Taunton Liquors, Inc. – Appearing before the Board is Mr. Vui Le and Ms. Kim Le. Mr. Le stated that he watched the tape and there is no question as to what happened. Mr. Le stated that after the compliance check they purchased a new scanner system in both stores. Chairman Lamb asked if the scanner cost them customers. A couple of people. Chairman Lamb asked if they were young people or older people. Mr. and Mrs. Le both stated older people. Mr. Le stated that the people did not want their identifications on record. They felt that the scanner was tracking their information. Sgt. McCaffrey suggested that they explain it is just a card reader only and that it doesn't retain information. Mr. Le stated people are still scared. Commissioner Mullen stated that this is a public safety issue. Commissioner Thomas made a motion for a 4 day suspension, 2 days to be served – January 16, 2017 and January 23, 2017 - and 2 days to be held in abeyance. Mr. Le asked if he could serve the days together – Monday and Tuesday. Commissioner Thomas revised his motion to reflect the days to be served as Monday, January 23, 2017 and Tuesday, January 24, 2017. Commissioner Mullen seconded the motion. Motion passed unanimously.

3. **2017 License Renewals – Section 12 Licenses.** Commissioner Mullen made a motion to approve the liquor license renewals for all the Section 12 establishments listed on the sheet. Commissioner Thomas seconded the motion. Motion passed unanimously.

Section 15 – Commissioner Mullen made a motion to approve all the Section 15 licenses as presented. Commissioner Thomas seconded the motion. Motion passed unanimously.

Entertainment – Commissioner Mullen made a motion to approve all of the 2017 Entertainment licenses as presented. Commissioner Thomas seconded the motion. Motion passed unanimously.

Common Victualler – Commissioner Mullen made a motion to approve all of the 2017 Common Victualler licenses as presented. Commissioner Thomas seconded the motion. Motion passed unanimously,

Amusement Device licenses – Commissioner Thomas stated that there are two licenses for the Store 44 and the BaHa Brothers Sandbar Grill. There is a City ordinance that prohibits the issuance of these machines. Detective Smith reviewed Chief Walsh's opinion which requested that the Board revisit the matter and that according to the CMR these machines are not legal. Commissioner Mullen made a motion that correspondence be served to both Store 44 and BaHa Brothers Sandbar Grill that the Nutel devices that they have in their establishments are no longer licensed for the upcoming year. Commissioner Thomas seconded the motion. Commissioner Mullen made a motion that the following establishments with amusement devices are included and at this time Commissioner Mullen read the list into the record, a copy of which is attached to these minutes. Commissioner Thomas seconded the motion. Discussion ensued over the fees for Round One Entertainment

Commissioner Mullen recanted his previous motion approving the Amusement Device licenses. Commissioner Mullen made a motion to approve the amusement device license for Round One Entertainment for 125 devices at \$100 and 208 games at \$50. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to approve the Amusement Device license for Bar 88. Commissioner Thomas recused himself from the motion. Chairman Lamb seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to approve the Amusement Device list as presented with the exceptions of BaHa Brothers Sandbar Grill, Store 44, Bar 88, Round One Entertainment and Billy Club Café. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to approve one device for the BaHa Sandbar and Grill – that being a jukebox. Commissioner Thomas seconded the motion.

Commissioner Mullen made a motion that the Board not renew the license for Store 44 for the application that was submitted for 2017. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen would like to revise his previous motion for the liquor licenses to approve the list as presented with the exception of Bar 88. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to approve the liquor license for Bar 88. Commissioner Thomas recused himself. Chairman Lamb seconded the motion. Motion passed unanimously.

Commissioner Mullen revised his previous motion for a Common Victualler licenses to approve the Common Victualler licenses as presented with the exception of Bar 88. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to approve the Common Victualler license for Bar 88. Commissioner Thomas recused himself. Chairman Lamb seconded the motion. Motion passed unanimously.

Commissioner Mullen revised his previous motion for the Entertainment license to approve the list as presented with the exception of Bar 88. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to approve the Entertainment license for Bar 88. Commissioner Thomas recused himself. Chairman Lamb seconded the motion. Motion passed unanimously.

Old Business – Detective Smith located a letter of Gay and Gay dated October 17, 2016 with regard to the Common Victualler license on behalf of Union Congregational Church, citing some laws that the church is exempt from this license. Commissioner Thomas made a motion that the Union Congregational Church be exempt from the Common Victualler fees. Commissioner Mullen seconded the motion. Motion passed unanimously.

New Business – the Board set the meeting dates for the next three months are as follows:
January 11, February 15 and March 15, 2017.

Detective Smith discussed an incident that was reported in the *Taunton Gazette* recently. It was reported that the incident in question had occurred at the BaHa Sandbar Grill, but it in fact did not occur at the Sandbar Grill. The incident happened at another establishment but the report is not completed as of yet. We will bring that forward next month. Sgt. McCaffrey has a report that he would like to read into the record regarding an incident he encountered at Round One. Sgt. McCaffrey read into the record the report. Chairman Lamb asked if there were minors in the area. Yes. Sgt. McCaffrey stated that he didn't think it was a violation, but more of a housekeeping issue. There wasn't a shortage of staff, and they did have someone posted at each entrance, which I was glad to see. Detective Smith suggests that we just make a note of this for the file and for future reference, we can bring this to their attention. Commissioner Mullen made a motion that we keep a copy of the report and photographs in their file. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to adjourn at 8:19 p.m. Commissioner Thomas seconded the motion. Motion passed unanimously.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner