

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, May 24, 2022, at the Weymouth Town Hall, Chambers located at 75 Middle Street, Weymouth, MA

Attendance (present): Voting Members: Chairperson Kathleen A. Deree, Town Clerk; Daniel McCormack, Director of Public Health; Jeffrey E. Richards, Director of Municipal Licenses & Inspections, Clerk; Police Chief Richard Fuller; Fire Chief Keith Stark Non-voting: Deputy Chief Thomas Still; Town Solicitor Richard McLeod and Marsha Geronaitis, Paralegal

Chairperson Deree called the meeting to order at 2 PM.

APPLICATION OF MAYRA FIGUEROA FOR A BODY ART PRACTITIONER LICENSE UNDER THE BODY ART ESTABLISHMENT OF BROW BLISS AT 27 WASHINGTON ST.

Mr. Richards stated that the hearing was continued from April 24, 2022. Ms. Figueroa is present for the Body Art Practitioner License approval. It has been properly advertised and the signage violation has been eliminated.

Mr. McCormack said that the applicant has submitted all Health Permit paperwork.

Mr. Richards announced the public hearing for comment on the license for microblading. There was none.

Mr. Richards made a MOTION to approve Mayra Figueroa for a Body Art Practitioner License at 27 Washington Street under Brow Bliss. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF ACCORD INVESTMENTS LLC D/B/A SEA ST PIZZERIA FOR A COMMON VICTUALLER LICENSE AT 12 SEA ST.

Mr. Dennison Drew, proprietor, was present.

Mr. Richards stated the Common Victualler License is for zero seat at the current location that has been in operation for a long time. Mr. Drew is purchasing the business and the property. Mr. Richards noted that there is an easement through 14 Sea Street.

Mr. Drew was aware of such and noted that there would be on-street parking.

Mr. Richards asked if there were proposed changes to the establishment?

Mr. Drew replied the services would remain as is.

Mr. Richards announced the public hearing for comment; none.

Mr. McCormack stated the Health Department has met with Mr. Drew and there will be no additional equipment; although, a slight re-arrangement. They will be required to submit health documentation to the Health Department.

Mr. Richards stated a Certificate of Occupancy is required prior to opening. Sign Permit would be obtained through the Building Department.

Mr. Richards made a MOTION to approve a Common Victualler License to Accord Investments LLC d/b/a Sea St Pizzeria at 12 Sea Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

PURSUANT TO MGL CHAPTER 138 HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF **H&H LIQUORS, INC. D/B/A B & K LIQUORS**, 1212 WASHINGTON ST.

Attorney John Connell, Mr. Huey Truong, owner, and Mr. Donald Truong, clerk, were present.

Solicitor McLeod noted the hearing would be held on the incidents that occurred on February 4, 2022 at B & K Liquors at 1212 Washington Street. He called Detective Robert Gervais forward.

Det. Gervais introduced himself for the record as a Detective of the Weymouth Police Department for 33 years, 20 of which have been with the Narcotics Unit and South Shore Drug Task Force. He stated that he was monitoring the site of B & K Liquors, 1212 Washington Street for underaged activities, as he had received information from numerous sources that underaged youths were purchasing alcohol from the site with fraudulent Massachusetts licenses.

Det. Gervais identified his incident report for the evening in question of February 4, 2022, of which he worked the 4 to 12 shift.

Solicitor McLeod provided a copy of the police reports to Attorney Connell. Solicitor McLeod questioned Det. Gervais of the details involving the underaged youth, the alcohol they had purchased and the fake ID's presented to the clerk.

Det. Gervais reiterated his report, the first incident occurred at approximately 19:10 hours and involved four 16-year-olds. The rear passenger of the vehicle entered B & K Liquors (the appearance was noted as extremely young) and he purchased and exited with a 24 pack of Smirnoff Ice bottles and a 24 pack of Twisted Ice Tea, as well as a 6 pack of Smirnoff Ice bottles (he had presented a fake ID to the clerk; confiscated ID was presented as evidence, along with pictures of the purchased alcohol). Another passenger exited the vehicle and took a photograph of his friend outside of the storefront. They then entered the car and left the area. Det. Gervais noted that he followed them and pulled them over away from the location. He identified the youth as underaged and they were brought to the Weymouth Police Station. Det. Gervais confirmed that he later returned to the store to speak with the clerk Mr. Donald Truong, at which time Mr. Truong viewed the ID, showing the date of birth as: 9/23/99, and positively identified the underaged person who made the purchase. There was also a conversation about the individual buying a lottery ticket, which Det. Gervais said was a ploy.

Mr. McCormack acknowledged for the record that he knew a passenger in the car.

Det. Gervais reviewed the second incident, which occurred on the same night. While monitoring B & K Liquors, he observed a young female pulling into the parking lot. Her extremely young passenger, a male, left the car and entered the liquor store. After a few minutes, the same male exited the store with a 12 pack of Bud Light beer and a bagged item (bottle of Barefoot Rose). After they left and he pulled them over, the registered owner and operator, had been identified as under 21 years of age by a Massachusetts driver's license and registration. The 20 year old female driver and the young male passenger were not cooperative when requesting for identification. After requesting an additional officer to the scene, the passenger male finally produced his fraudulent Massachusetts license, showing the date of birth as: 6/19/2000. The name and identification were accurate, except for the date of birth; he was 16 years old.

Solicitor McLeod presented the evidence (fake ID's and pictures of confiscated alcohol) to Attorney Connell and they were then reviewed by the Licensing Board. Mr. Donald Truong was also the clerk who sold the alcohol at this incident.

The hearing was deliberated by the Commissioners and it was noted that in both instances the IDs that were presented to the clerk were fake Massachusetts driver's licenses. The fake IDs were most likely purchased online from China. These were Massachusetts Driver's Licenses similar to a RealID, except without an emblem seal.

Attorney Connell stated that the licensee has the right to rely on a driver's license as presented per MGL Chapter 138, Section 34b. The clerk noted that he always scans the IDs on their identification machine. They presented a bag of a stack of IDs that they have confiscated from those that were of underaged.

Solicitor McLeod said that it is widespread that fake IDs are being used. The identification machine does not flag the newer ID's. The clerk needs to not only scan the ID but make the discretion on whether the individual purchasing the alcohol looks of age. The machine is not going to be 100% accurate.

Solicitor McLeod may make questions, and, then a finding.

Chief Stark stated that the ID machine's software needed to be updated to accommodate newer licenses.

Mr. Richards said based on viewing the bag of confiscated IDs, the majority were RealIDs without the seal.

Chief Fuller asked Mr. Truong if they had ever called the Police. There is an issue if they are prevalent. The pictures of the fakes of underaged patrons look underaged. These are 16 year olds.

Mr. McCormack said it is known from other surrounding towns that this is the location that they can go to, to purchase alcohol.

Attorney Connell replied that there is not enough evidence to prove that.

Mr. McCormack reiterated Det. Gervais's testimony that there were numerous confidential reports of sales to minors.

Chairperson Deree said that if the ID verification machine does not acknowledge the presented machine, a second form of identification needs to be presented.

Attorney Connell stated that his client is aware that it is a problem. He asked for the Licensing Board's discretion in issuing a warning.

Solicitor McLeod said there should be repercussions if they are asking a second form of ID and then asked to leave.

Mr. Truong said they get really upset for kicking them out, especially those under 21.

Chief Fuller stated if they call WPD and they are there more than once, it'll make everyone aware. The word will spread and the kids will know.

Solicitor McLeod noted the underaged who purchased alcohol looked terribly young (by viewing IDs). The licensee needs to take affirmative steps to correct the matter.

Chief Fuller reviewed the case as the night in question involved two incidents. The past history was also brought up, as they were found in violation in 2013.

Attorney Connell said the 2013 violation was served as a six-day suspension. His client is actively taking and refusing Massachusetts IDs. This is a direct responsibility of the licensee. They have been a family-owned business for 15 years and this is their sole source of income.

Chief Stark said there are TIP's certification requirements. The ID machine should be updated.

Attorney Connell noted that the holograms on the fake IDs are off, that's all.

Mr. Richards reviewed the Liquor Violation Guidelines. The Detective's allegation from a source is to protect our Town. There is a difference between 16 and 20 year olds. There were two separate groups purchasing alcohol on the same date. The hologram is different on the fake IDs. When reviewing the reputation of the licensee, he felt there was a violation.

Chief Fuller said a determination for a finding was in order.

Mr. Richards made a MOTION that a violation did exist during the incidents specified. The look-back period from 2013 shows this occurrence as a 2nd offense. There has been an attempt to correct the matter by using the equipment and taking the IDs. It was assessed a 3-day offense.

Mr. McCormack said a software update is a requirement.

Attorney Connell responded that there is an updated machine that would check against the RMV database.

Mr. McCormack sternly said that the establishment needs to do everything they can do to prevent this in the future of minors purchasing alcohol and driving three towns away.

Chairperson Deree said the MOTION was before the body. It was seconded by Chief Stark and was UNANIMOUSLY VOTED.

Mr. Richards stated the suspension shall be held on June 9, 10 and 11.

Chairperson Deree stated a decision has been made.

APPROVALS

- Minutes: April 26, 2022

Mr. Richards made a MOTION to approve the minutes of April 26, 2022. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Joseph Dolan – Rugby 7's Tournament, Union Point Sports Complex, 170 Memorial Grove Ave.

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit to Joseph Dolan for the Sports Complex rugby tournament on June 18, 2022 from 12 PM – 5 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- Extension of Hours Request: Vitamin Sea Brewing, 30 Moore Rd. (July 21)

Mr. Richards made a MOTION to approve the extension of hours request for the Vitamin Sea Brewing at 30 Moore Road for a July 21st event until 10 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: George R. Bean Post #79, 19 Hollis St. (6/10)

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit for the George Bean Post golf tournament on June 10, 2022 from 12 PM - 6 PM. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Next Meeting:

Mr. Richards stated the next meeting would be held on Tuesday, June 21, 2022 at 2 PM. He made a MOTION of approval. Chief Stark seconded and the motion was UNANIMOUSLY VOTED

Summer recess was tentatively scheduled for July and August, to reconvene in September.

- License Renewals for those expiring on June 30th (Antique Dealers, Fortune Tellers, Junk Dealers, Precious Metals)

Mr. Richards noted that the license renewal applications have been mailed out. The approvals will be scheduled for the June 21st meeting.

- DISCUSSION/REVIEW OF DRAFT RFP FOR WINE & MALT PACKAGE STORE
LICENSE AVAILABILITY

Solicitor McLeod and Mrs. Geronaitis reviewed the RFP process and the Commissioners will determine criteria for the applicant to obtain the available license. Any input may be submitted as a within 15 days. Comments will be incorporated into a final draft for review on June 21st meeting, to be potentially voted out. The RFP language would then be reviewed by Procurement to include a rating system.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 3:11 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle
Recording Secretary

Approved:

Date:

Jeffrey E. Richards, CBO, Clerk