

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, February 25, 2014, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance (present:) Chairperson Kathleen A. Deree; Jeffrey E. Richards, Director of Municipal Licenses & Inspections; Matthew Brennan, Environmental Health Officer; Police Chief Richard Grimes; Fire Chief Keith Stark; Fire Prevention Officer Justin Myers; Licensing Officer Edward Chase; George E. Lane, Jr., Town Solicitor; and Lisa VanWinkle, Recording Secretary (absent:) Daniel McCormack, Director of Public Health

Chairperson Deree called the meeting to order at 1:30 PM.

APPLICATION OF **TRUNG V. DANG D/B/A FROZURT FROZEN YOGURT** FOR A COMMON VICTUALLER LICENSE, 644 MIDDLE ST.

Mr. Richards stated the advertisement requirement had not been met, therefore, the hearing would be continued.

Mr. Richards made a MOTION to continue the hearing to the March meeting. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **AUTO IMPORTS OF WEYMOUTH INCORPORATED** FOR A CLASS II AUTO DEALER LICENSE AT 542 COLUMBIAN ST.

Mr. Albert Der, proprietor, was present.

Mr. Richards stated the application is for a Class II Auto Dealer's License at 542 Columbian Street. The location has already been established. There was a zoning change where the lot was split. The license is proposed to stand on the one side of the property as depicted on the plot plan. They are applying for a 25 car license. Advertising and abutter's notification requirement had been met.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported no record of applicant/business. Parcel is assessed as 540-546 Columbian Street to Lino B. & Irene S. Tavares and is current for real estate tax and utility bills. No current personal property assessments at property. Previous business has a delinquency from FY97. The Health Department reported if the license is issued, they must contact Matt Brennan, Environmental Health Officer to determine if they must register as a Hazardous Materials Storage Facility.

Chairperson Deree asked Mr. Der what he was proposing.

Mr. Der replied that he had been in the auto repair business since 2007 at two locations. He would like to expand his use to sell automobiles.

Mr. Richards stated a similar business would be proposed neighboring the site. He asked if they would be okay with the fair competition. He also reminded Mr. Der that there is a requirement that the automobiles are required to be repaired at an onsite repair facility.

Chairperson Deree opened the public hearing for comment. No comments were made.

Chief Grimes asked Mr. Der where his other locations were.

Mr. Der replied 577 Pond Street, Braintree, MA and 877 East Street, Dedham, MA.

Mr. Richards made a MOTION to approve a Class II Auto Dealer license for 542 Columbian Street as per application and plans. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **MI-JO INC. D/B/A FAMILY SERVICE STATION** FOR ALTERATIONS TO THE LICENSED PREMISES AT 1465 MAIN ST.

Mr. Joseph Yazbeck, Corporate Officer of MI-JO, Inc. was present.

Mr. Richards stated the applicant was before the Board three months ago for a Wine & Malt Package Store License. The intent of the applicant at this time is to add the beer cooler into the rear of the store. It was not submitted on the original plan. They are seeking approval of the minor alterations to the location.

Mr. Yazbeck stated the alterations would be made to the existing building for the cooler. They do not have enough space currently.

Chairperson Deree announced the public hearing for comment. No comments were made.

Mr. Brennan stated when reviewing the plan, he saw coffee service notated. He asked if it was going to be offered to customers free of charge or if they were going to change the layout to serve coffee.

Mr. Yazbeck replied they were going to serve coffee on the opposite side of the store.

Mr. Brennan stated he might have to apply for a Health Permit for retail service. He requested that Mr. Yazbeck apply with the Health Department.

Mr. Richards made a MOTION to approve MI-JO, Inc. d/b/a Family Service Station for an alteration to the licensed premises for 1465 Main Street, as per plans and application. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **LIME LEAF, INC. D/B/A LIME LEAF** FOR A CHANGE OF MANAGER ON THE WINE & MALT RESTAURANT LICENSE, 435 COLUMBIAN ST.

Ms. Nusra Duangpratheep, President of Lime Leaf Inc., was present as the proposed Manager.

Mr. Richards read the departmental referrals into the record. The Health Department had no objection to the change. Officer Chase reported no public safety objection to the request.

Chairperson Deree asked for summary of her application.

Ms. Duangpratheap replied she is applying to become the manager and is currently the President of the corporation. She stated she is on hand more often than her mother is, and she speaks better English than she does.

Chairperson Deree announced the public hearing for comment. No comments were made.

Mr. Richards questioned if Ms. Duangpratheap was TIP's trained?

Ms. Duangpratheap replied she attended the training with the Town.

Mr. Richards made a MOTION to approve the change of manager on the Wine & Malt Restaurant License at 435 Columbian Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

PURSUANT TO M.G.L. CHAPTER 138 LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OF THE WINE & MALT RESTAURANT LICENSE OF **LIME LEAF, INC.**, 435 COLUMBIAN ST.

Ms. Nusra Duangpratheap was present.

Solicitor Lane swore in all testifying parties, including Sergeant Erine Metcalf and Officer Joseph Sgambato.

Solicitor Lane presented the notice of the hearing for the record. He stated he furnished copies of the notice and the police report to Ms. Duangpratheap, President and Manager of Lime Leaf, Inc.

Officer Joseph Sgambato came forward and read his report into the record. "On Friday, December 27, 2013, Detective Sergeant Metcalf, Detective Brennan, Officer Sirignano and I were assigned to conduct liquor compliance enforcement in the Town of Weymouth. The officers involved were broken up in two teams. The first team was Sgt. Metcalf and I with UC1 and UC2. The second team was made up of Detective Brennan and Officer Sirignano with UC3 and UC4. All undercover operatives were positively identified as being under the age of 21 through the RMV. All UC's were sanitized prior to enforcement action. They removed all their identification and monies from their persons. The UC's were then provided with currency from the department's drug buy account of \$20 per action.

At approximately 1937 hours, the UC's walked into the Lime Leaf Restaurant located at 435 Columbian Street. They sat down at a table and ordered two bud lights from the waitress. She came back to the table, gave them the two beers taking the \$20 bill and giving them \$10.80 in change. The UC's walked out of the restaurant at approximately 1950 hours and informed use they received two beers for \$9.20 without being asked for identification. The waitress was described as a young female in her early 20's, green apron and black hair in a ponytail. I walked into the bar and positively identified the waitress they had described later identified as Kaycee Mark.

Sgt. Metcalf and I then returned to the establishment to inform them of the situation. We walked into the Lime Leaf and spoke with the waitress Ms. Mark and the owner Nustra Duangpratheap. We informed them we were Weymouth Police Officers and told them the waitress had served two underaged people. Ms. Mark stated, "That was me, I was just really busy and didn't check their ID's." The Liquor License number of the restaurant is 23505. They were informed they would be contacted by Licensing Officer Chase regarding the infraction."

Solicitor Lane asked Ms. Duangpratheap if she had any questions of the officer or the Board.

Ms. Duangpratheap did not.

Solicitor Lane stated a motion would be in order for a finding of a violation.

Mr. Richards made a MOTION for a finding that a violation did occur. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Solicitor Lane stated the incident was a first offense violation and he stated a one day suspension would be in order for March 14, 2014.

Mr. Richards made a MOTION to suspend the Wine & Malt Restaurant license for one day on March 14, 2014. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Solicitor Lane stated the restaurant is allowed to sell food on the day of the suspension.

Officer Chase stated he would retrieve the license from the establishment before closing on the eve of March 13, 2014. The licensee would be required to retrieve it to reopen on March 14, 2014.

PURSUANT TO M.G.L. CHAPTER 138 LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OF THE WINE & MALT RESTAURANT LICENSE OF SAR INC. D/B/A PACINI'S ITALIAN EATERY, 435 COLUMBIAN ST.

Mr. Ramin Doorandish, President of SAR, Inc., was present.

Solicitor Lane swore in all testifying parties. He presented the hearing notice and police report to the Board for the record. He stated the offense would be treated as a first offense.

Officer Mark Sirignano came forward and read his report into the record. "On Friday, December 27, 2013, Detective Sergeant Metcalf, Detective Brennan, Officer Sirignano and I were assigned to conduct liquor compliance enforcement in the Town of Weymouth. The officers involved were broken up in two teams. The first team was Sgt. Metcalf and I with UC1 and UC2. The second team was made up of Detective Brennan and Officer Sirignano with UC3 and UC4. All undercover operatives were positively identified as being under the age of 21 through the RMV. All UC's were sanitized prior to enforcement action. They removed all their identification and monies from their persons. The UC's were then provided with currency from the department's drug buy account of \$20 per action.

At approximately 2005 hours, the UC's walked into Pacini's Restaurant located at 824 Washington Street. They sat down at a table and ordered two bud lights from the waitress. She came back to the table, gave them the beers taking the 420 bill and giving them \$10.94 in change. The UC's walked out of the restaurant at approximately 2016 hours and informed us they received two beers for \$9.06 without being asked for identification. Sgt. Metcalf and I witnessed this transaction through the window. They described the waitress as the older female with short hair and glasses, who was later identified as Carol McPhee.

Sgt. Metcalf and I then returned to the establishment to inform them of the situation. We walked into Pacini's and spoke with the waitress Ms. McPhee. We identified ourselves as Weymouth Police Officers and informed her that underage personnel were served in their restaurant. She stated she checked everyone's ID this evening except two people and it had to be them. The Liquor License number was 23507. They were informed they would be contacted by Licensing Officer Chase regarding the infraction."

Solicitor Lane stated he reviewed the case with the President/Manager of the establishment and it was agreed that a one day suspension would be served on March 14, 2014.

Mr. Richards made a MOTION that a violation did occur. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Mr. Richards made a MOTION to suspend the Wine & Malt Restaurant license for one day on March 14, 2014. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

PURSUANT TO M.G.L. CHAPTER 138 LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF SWEET LEMON, INC., 435 COLUMBIAN ST.

Mr. Aroon Neampong, President of Sweet Lemon Inc. was present.

Solicitor Lane swore in all testifying parties. He presented the hearing notice and police report to the Board for the record.

Officer Mark Sirignano came forward and read his report into the record. "On Friday, December 27, 2013, Det. Brennan, Sgt. Metcalf, Off. Sgambato and I were assigned to conduct liquor compliance enforcement in the Town of Weymouth. The involved officers were broken up into two teams. The first team consisted of Sgt. Metcalf, Off. Sgambato and two UC's. The second team consisted of Det. Brennan, I and two UC's who shall be referred to as UC1 and UC2 for the remainder of this report. UC1 was positively identified as a 20 year old male. UC2 was positively identified as an 18 year old female. Their information was run through the Mass RMV and both were photographed prior to beginning our efforts. Both UC1 and UC2 were sanitized prior to the enforcement action. They removed all identification and monies from their person. The UC's were then provided with money from the drug buy account.

At 1959 hours, UC1 and UC2 entered Sweet Lemons Restaurant located at 824 Washington Street. Both UC1 and UC2 approached the bar inside of the establishment. Both UC1 and UC2 requested "a Bud Light bottle" from the server. The server did not ask for any form of identification and provided UC1 and UC2 each with a Bud Light bottle. UC1 left \$10 on the bar and exited the establishment. They then returned to our unmarked police vehicle and informed us of the purchase at 2003 hours. The server was described as a young Asian female with long black hair. She was also said to be wearing a white shirt.

Det. Brennan and I entered the restaurant to attempt a visual identification of the involved server. Upon doing so, we were engaged in conversation with the storeowner, Aroon Neampong. We identified ourselves to Neampong and identified ourselves as police officers. We informed him why we were there and he stated that he understood. We identified the involved server as Wannipa Sangamen. Neampong stated that Sangamen is a student who will be heading home in a few months. Neampong does not have any sort of Mass ID and spoke little to no English. Neampong assisted with the necessary translation and helped to identify the server. We informed Neampong that the Licensing Officer would be contacting him in regards to the violation.

At the conclusion of this operation, UC1 was found to have the proper amount of money on his person after having left \$10 in the establishment for the drinks."

Solicitor Lane stated he reviewed the case with the officer and manager of the establishment. It would be appropriate to make a motion for a finding of a violation.

Mr. Richards made a MOTION for a violation that a violation did occur. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

Solicitor Lane stated the violation would be a first offense and the one day suspension would occur on March 14, 2014.

Mr. Richards made a MOTION to suspend the All Alcoholic Restaurant license for one day on March 14, 2014. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

Officer Chase stated he would pick up the liquor license at closing on the eve prior to the closure and the licensee would retrieve it prior to reopening.

PURSUANT TO M.G.L. CHAPTER 138 LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ**, 800 BROAD ST.

Solicitor Lane swore in all testifying parties. He stated he conferred with Ms. Eleanor McKenzie, owner of the Red Rose Café.

Officer Sirignano came forward and read his report into the record. "On Friday, December 27, 2013, Det. Brennan, Sgt. Metcalf, Off. Sgambato, and I were assigned to conduct liquor compliance enforcement in the Town of Weymouth. The involved officers were broken up into two

teams. The first team consisted of Sgt. Metcalf, Off. Sgambato and two UC's. The second team consisted of Det. Brennan, myself, and two UC's who shall be referred to as UC1 and UC2 for the remainder of this report. UC1 was positively identified as a 20 year old male. UC2 was positively identified as an 18 year old female. Their information was run through the Mass. RMV and both were photographed prior to beginning our efforts. Both UC1 and UC2 were sanitized prior to the enforcement action. They removed all identification and monies from their person. The UC's were then provided with money from the drug buy account.

At 1919 hours, UC1 and UC2 entered the Red Rose Café located at 800 Broad Street. Both UC1 and UC2 approached the bar inside of the establishment. Both UC1 and UC2 requested "a Bud Light bottle" from the server. The server informed UC1 and UC2 that the cost would be \$6.50 for the two beers. The server did not ask for any form of identification and provided UC1 and UC2 each with a Bud Light bottle. UC1 left \$6.50 on the bar and exited the establishment. They then returned to our unmarked police vehicle and informed us of the purchase at 1922 hours. The server was described by UC1 and UC2 as a white female with long brown hair. She was further described as wearing a blue shirt and having large "hoop" earrings. Det. Brennan entered the restaurant to attempt a visual identification of the involved server. Det. Brennan observed the described server that had made the sale to UC1 and UC2.

At 2040 hours, Det. Brennan and I returned to the Red Rose Café. Upon entering the store, Det. Brennan observed the female behind the bar as the female who had sold the beer to UC1 and UC2. Det. Brennan and I identified ourselves as police officers to the bartender and advised her why we were there. The clerk was identified via her Mass. Driver's License as Tara Callow. Callow admitted to not checking the ID's of UC1 and UC2 and apologized several times. She was advised that the licensing officer, Off. Chase, would be following up on the incident and that she should contact the owner of the establishment.

At the conclusion of this operation, UC1 was found to have the proper amount of money on his person after having left \$10 in the establishment for the drinks."

Solicitor Lane stated he discussed the incident with Ms. McKenzie and finding would be in order for a violation for a one day suspension.

Mr. Richards made a MOTION for a finding. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Mr. Richards made a MOTION to suspend the alcohol license for one day on March 14, 2014. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPROVALS

- Minutes: January 28, 2014

Mr. Richards made a MOTION of approval. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Request for Annual Buddy Poppy Dr. – Wessagusset Post #1399, 601 Broad St.

Mr. Richards approved the request by Wessagusset Post #1399 for their Annual Buddy Poppy Drive to be held on May 2, 3, 4, 9, 10 & 11, 2014 as per application. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Liquor Permits: S. S. Initiative, 75 Finnell Dr. (February 28 & March 1)

Mr. Richards made a MOTION to approve One-Day Liquor Permits for the S. S. Initiative to be held at the Weymouth Club for a fundraiser to be held on February 28, 2014 from 8 PM – 11:30 PM and March 1, 2014 from 6 PM – 11:30 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: St. Jerome's Parent Council, 632 Bridge St.

Mr. Richards made a MOTION to approve the application for a One-Day Wine & Malt Permit for a social to be held on April 11, 2014 from 7 PM – 12 AM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, March 18, 2014 to be held at 1:30 PM. Chief Stark seconded and the motion was UNANIMOUSLY APPROVED.

CORRESPONDENCE

- Liquor Compliance Operation Hearings

Mr. Richards stated the remainder of the hearings would be scheduled for the March 18, 2014 meeting of the Board.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:08 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary

BOARD OF LICENSING COMMISSIONERS

Tuesday, February 25, 2014

Page 9 of 9

Approved:

Date:

Jeffrey E. Richards, C.B.O., Clerk, Director of Municipal Licenses & Inspections