

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, May 19, 2015, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

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

PURSUANT TO M.G.L. CHAPTER 138, LIQUOR VIOLATION HEARINGS TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF: VINNIE'S EURO, INC. D/B/A CANNOLI'S, 920 WASHINGTON ST.

Mr. Richards made a MOTION to continue the hearing to June 16, 2015 at 2 PM. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF LOAN KIM PHAM D/B/A MIDDLE STREET VARIETY FOR A WINE & MALT PACKAGE STORE LICENSE TRANSFER FROM MIDDLE STREET VARIETY, INC. AT 174 MIDDLE ST.

Attorney Thomas Truax was present with Ms. Loan Kim Pham and Mr. Brandon Pham.

Attorney Truax stated the application is for a Wine & Malt Package Store transfer from father to daughter. She has helped operate the store for the past 10 years. She is serve safe/TIPS trained and they seek to changed reigns.

Mr. Richards announced the public hearing for comment. None were made.

Mr. McCormack stated Health Permits would be required, if the license transfer was granted.

Mr. Richards stated a Certificate of Occupancy is required as well.

Firefighter Myers stated a Fire Department inspection would be performed in conjunction with the Certificate of Occupancy.

Mr. Richards made a MOTION to approve the Wine & Malt Package Store License transfer from Middle Street Variety, Inc. to Loan Kim Pham. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF LOAN KIM PHAM D/B/A MIDDLE STREET VARIETY FOR A FOOD VENDOR LICENSE AT 174 MIDDLE ST.

Mr. Richards made a MOTION to approve the Food Vendor License application of Loan Kim Pham d/b/a Middle Street Variety. Mr. McCormack seconded and the motion was UNANIMOUSLY

VOTED.

PURSUANT TO M.G.L. CHAPTER 138 & 140, VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE WINE & MALT RESTAURANT LICENSE AND COMMON VICTUALLER LICENSE OF SAR, INC. D/B/A PACINI'S ITALIAN EATERY AT 824 WASHINGTON ST.

Solicitor Lane stated the hearing was being held in accordance with M.G.L. Chapter 138 & 140. The licensee of record, Mr. Ramin Doorandish, SAR, Inc. d/b/a Pacini's Italian Eatery, has been notified. The licensee is present and is subject to a hearing today for "Change of persons having a direct or indirect beneficial interest in said license without approval of the Licensing Authority pursuant to MGL Chapter 138, section 12 and 23 and MGL Chapter 140, section 9, and applicable rules of the Licensing Authority; Failure to change and/or maintain Manager with full authority to control the premises described in said License pursuant to MGL Chapter 138, section 12 and 23 and Chapter 140, section 9 and applicable rules of the Licensing Authority; termination of any and all unlicensed activities under MGL Chapter 138 and 140."

Mr. Doorandish came forward and stated that he has left the establishment. Persons interested in buying the business had started the process to transfer. He has not been in contact with the persons nor does he believe they are interested in maintaining the business.

Mr. Richards stated the Weymouth Police Department had reported the location as out of operation on May 4, 2015.

Solicitor Lane said they are talking about revocation of licenses. Both Wine & Malt Restaurant License and Common Victualler License for food. The Licensing Board has fulfilled their duty in notifying the licensee and calling the hearing. As Mr. Doorandish has indicated to the Board today, that he is no longer interested in the operation, he doesn't see any other action that the Board to move forward for the revocation of the licenses.

Mr. Richards questioned if a license surrender would be in order. The licensee has the power to do so.

Solicitor Lane replied that a surrender could be made, but what is to prevent the party from reentering the location to operate.

Mr. Doorandish replied he is okay with the revocation. He notified Mrs. VanWinkle and the Health Department that he was no longer involved and operating. The Town would prevent them from re-operating.

Mr. McCormack said it was about a year ago that someone had come in thinking about taking over the ownership of the business. Since that time they have had numerous complaints and the Health

Department has had a difficult time reaching the individuals to notify them of the corrective action. He was going to suspend the food permit and then this hearing was scheduled. He believes that the Licensing Board has no other choice than to revoke the licenses.

Solicitor Lane said that the people have occupied the establishment and continued to operate without licenses. He would suggest that it be a clean slate and would suggest that the Health Department do the same.

Mr. McCormack stated he thought it was important that the Board notify the property owner so that the persons do not attempt to re-operate.

Mr. Richards made a MOTION to revoke the Wine & Malt Restaurant License and Common Victualler License of SAR, Inc. d/b/a Pacini's Italian Eatery, 824 Washington Street, pursuant to Mass General Laws Chapter 138 and 140. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPROVALS

- Minutes: April 21, 2015

Mr. Richards made a MOTION to approve the minutes of April 21, 2015. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

- One-Day Liquor Permit: The Arc of the South Shore, 371 River St. (6/11/15)

Mr. Richards made a MOTION to approve the One-Day Liquor Permit application of The Arc of the South Shore for a fundraiser on June 11, 2015 from 6:30 PM – 9:30 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting as Tuesday, June 16, 2015 at 2 PM. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

- License renewals have been mailed to license holders (licenses expiring June 30th)

Mr. Richards announced that the license renewals were sent out and would be scheduled for the June meeting for approvals.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn the meeting at 2:15 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

BOARD OF LICENSING COMMISSIONERS

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Respectfully submitted,

Lisa VanWinkle
Recording Secretary

Approved:

Date:

Daniel McCormack, Acting Clerk, Director of Health of Public Health