

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, July 25, 2006, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Franklin Fryer, Town Clerk; Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Police Chief James Thomas; Richard Marino, Director of Public Health; Assistant Town Solicitor James Lampke; Town Solicitor George E. Lane, Jr., Licensing Officer Brian King; Lt. Charles White, Fire Protection Officer and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 23 & 64, VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC CLUB LICENSE OF WEYMOUTH LODGE OF ELKS, 1197 WASHINGTON ST.

Attorney James Lampke, Assistant Town Solicitor, represented the Board on the matter.

Mr. Richards made a motion to take item number 9 out of order as well as other items until the license holder is available. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF NBG, INC. D/B/A TABASCO BAR & GRILL FOR AN ANNUAL ENTERTAINMENT LICENSE, 1166 WASHINGTON ST.

APPLICATION OF NBG, INC. D/B/A TABASCO BAR & GRILL FOR A SUNDAY ENTERTAINMENT LICENSE, 1166 WASHINGTON ST.

Attorney Rocco DiFazio and Mr. Domenic Silvestro, owner/manager, were present.

Mr. Richards read the departmental referrals into the record. Lt. White stated he received the sprinkler system plans and proposal; they are under review.

Attorney DiFazio stated they received approval for the transfer of the All Alcoholic Restaurant license of Twelve Ben's at the last meeting. The Annual Entertainment and Sunday Entertainment licenses were withdrawn so that the sprinkler system requirements could be addressed. Application and plans were submitted and are being reviewed by Lt. White for compliance. They would like to go forward at this time.

Lt. White stated he has the complete submittal and it is under review. The Board may go forward with an approval pending compliance.

Chairman Fryer opened the public hearing for comment; none.

Chief Thomas asked how many pool tables they have.

Attorney DiFazio replied 8.

Chief Leary made a motion to approve the Annual Entertainment license. Mr. Richards seconded.
UNANIMOUSLY VOTED

Mr. Richards made a motion to approve the Sunday Entertainment license. Chief Leary seconded.
UNANIMOUSLY VOTED

APPLICATION OF PABAR CORP. D/B/A UNION BREW HOUSE FOR A SUNDAY ENTERTAINMENT LICENSE, 550 WASHINGTON ST.

Mr. Thomas Powers, manager, was present.

Mr. Richards read the departmental referrals into the record. The Health Department reported no objections. Licensing Officer King reported no public safety objection as long as the number of patrons is kept within the limits of the occupancy permit. Lt. White reported a reminder to observe occupancy limits. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located and the parking is adequate, provided that the current 70 seat capacity is not increased. The proposed license (with no change in capacity) conforms to the applicable requirements of the Town's Zoning Ordinances.

Mr. Powers stated he is applying for the approval of a Sunday Entertainment license so patrons may utilize the juke box on Sundays. No live entertainment will be offered on Sundays.

Chairman Fryer opened the public hearing for comments; none.

Mr. Richards made a motion of approval. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF MONDELLO'S RESTAURANT GROUP, LLC D/B/A A LA. BRIATTA FOR A FOOD VENDOR LICENSE, 148 WASHINGTON ST.

Mr. Richards stated the Board received a letter from the applicant, asking for the application to be withdrawn, as they were unable to reach an agreement with the landlord.

Mr. Richards made a motion to withdraw the application without prejudice. Chief Leary seconded.
UNANIMOUSLY VOTED

APPLICATION OF KCDD, INC. D/B/A MAIN STREET BAR & GRILLE FOR A PLEDGE OF THEIR ALL ALCOHOLIC RESTAURANT LICENSE, 1400 MAIN ST.

Attorney Thomas Orlandi and Mr. Christopher DiMambro, owner, were present.

Attorney Orlandi stated Mr. DiMambro has applied for a loan from Century Bank. The bank is asking for the approval of a pledge of the All Alcoholic Restaurant license. Mr. DiMambro plans on using the money towards renovations.

Mr. Richards made a motion to approve the pledge of the All Alcoholic Restaurant license to

Century Bank. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF MANOLIS PAPANTONAKIS D/B/A CLASSIC II PIZZA FOR A COMMON VICTUALLER LICENSE, 1305 PLEASANT ST.

Mr. Manolis Papantonakis, owner/manager, was present.

Mr. Richards read the departmental referrals into the record. The Health Department reported they met with new owner; essentially a “turn-key” operation; awaiting Food Establishment permit, application and fee. Officer King reported no public safety objection. Lt. White reported he attempted to inspect on July 12th at the store was closed; must have all emergency lighting and exit lights functioning properly; Ansul system must have current inspection certification and be UL 300 compliant. K-Class portable extinguisher in cooking area and all other extinguishers must have current inspection certification. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-2 Zone and parking is adequate for the 32 proposed seats. Accordingly, the proposal conforms to all applicable requirements of the Town’s Building and Zoning Regulations and the requested license may be granted.

Mr. Papantonakis stated he plans to continue his cousin’s business offering good pizza and subs for the neighborhood and town, which currently has a good reputation.

Chairman Fryer opened the public hearing for comment; none.

Chief Thomas asked if Mr. Papantonakis was born into the business.

Mr. Papantonakis replied yes, his father grew up in the business and has a store in Scituate.

Chief Thomas made a motion to approve the license. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF STEPHEN ZERVOS D/B/A PAPA GIORGIO’S PIZZERIA FOR A COMMON VICTUALLER LICENSE, 1600 MAIN ST.

Mr. Stephen Zervos, owner/manager, was present.

Mr. Richards read the departmental referrals into the record. The Health Department reported the owner has contacted them. He knows what he needs to do for Health requirements. Licensing Officer King reported no public safety objection. Lt. White reported sprinkler system must have current inspection certification by licensed contractor; must have all emergency lighting and exit lights functioning properly; Ansul system must have current inspection and be UL300 compliant; K-Class portable extinguisher in cooking area and all extinguishers must have current inspection certification. Mr. Richards reported a 30 seat restaurant is permitted in the B-1 Zone. The site provides adequate parking for the proposed seating capacity. Therefore, the proposal conforms to all applicable requirements of the Town’s Zoning Ordinances. The license may be granted.

Mr. Zervos stated he would like to open a restaurant offering Italian-style pizza and subs to be eaten

there or at home by take out or delivery. He grew up in the business as his father had three pizza places. He also ran his own business in the Cape a few years ago.

Chairman Fryer opened the public hearing for comment.

Mrs. VanWinkle stated Mr. John Smith, 595 Pond Street, stopped by the office earlier today. He reported his concerns about the dumpster location, which is supposed to be up against the building. This in accordance with the Zoning Board of Appeals case. Trash pick up is supposed to be after 7 AM and deliveries after 8 AM.

Mr. Richards made a motion to approve the Common Victualler license. Chief Thomas seconded.
UNANIMOUSLY VOTED

PURSUANT TO M.G.L. CHAPTER 138, SECTION 23 & 64, VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC CLUB LICENSE OF WEYMOUTH LODGE OF ELKS, 1197 WASHINGTON ST.

Attorney Ronald Whitney and Debra Baker, Manager, were present.

Attorney James Lampke, Assistant Town Solicitor, stated the hearing was being held involving an incident which occurred at the Weymouth Elks hall on April 28, 2006. The Elks held a Texas Hold-em event on the said evening. A Bazaar license needs to be obtained through the Town Clerk, which was approved. The license holder also has an All Alcoholic Club license, which is under the jurisdiction of the Board of License Commissioners. Numerous rules and regulations were violated on the evening in question. As the Town Clerk is also the Chairman of the Board, they are holding a joint hearing. He distributed the notice of the hearing; Bazaar License; Chapter 271 Section 7 and section 7A; and 940 CMR section 13 to everyone. He swore in all parties involved.

Officer Brian King testified for the record, stating he had worked at the Weymouth Police Department as the Licensing Officer since 1989. He spoke with Debra Baker a few times over the phone and she also came in to the station to see him. He gave her a copy of the regulations involved for the event and they also went over them. She agreed she would call him if she had any questions. He also stated he spoke with Chief James Thomas regarding the event and proceeded to go over the regulations with him as well. Officer King stated he had a conversation with Detective Carr regarding another event that had taken place involving a blind organization. No Bazaar Permit was on record for such.

Attorney Lampke questioned if Officer King was at the Elks event on the night in question.

Officer King replied no, he was doing another detail at the Weymouth High School. He went over the regulations with Sergeant Fuller and Detective Brennan prior to the Elks event.

Attorney Ronald Whitney, representing the Elks, stated the Weymouth Lodge of Elks has existed in the Town for 45 years. It is a club with many members; raises a lot of money for several charities. There have been two such events involving the Texas Hold-em tournament at the Elks. The first

event was not organized by the Elks, but it was a fundraiser for a blind organization.

Attorney Whitney stated Ms. Baker became aware by advertising through the newspaper that it maybe worthwhile to raise funds through such a tournament. Therefore, she investigated such and came across the name of Gregg Donovan from Bettor Games. He met with her, representing himself as a representative of the company. She obtained a permit, held training prior to the event and hired a police detail. Gift cards were purchased for prizes. They were all set to have a successful event, but the night did not go as well as they thought. 65 players participated instead of 90 as expected.

Attorney Whitney stated the rules of the game were posted on the tables, but as the night went on the tables were moved. Mr. Donovan stayed on to help run the event. He allowed buy-ins; approximately 5 transactions were made. Mr. Donovan was trying to find ways to help the club out as they were going to lose money. Unfortunately, these incidents took place.

Attorney Whitney stated the All Alcoholic Club License and Bazaar License are two very important licenses to the well-being of the club. Without them they could not exist. The Raffle/Bazaar License is needed to operate weekly bingo and other fundraisers.

Attorney Whitney questioned Officer King. He asked him if he knew if the Weymouth Elks had any prior violations.

Officer King replied there have been no priors. Bingo has been a form of entertainment there for 30 years without any prior violations.

Attorney Whitney asked if Det. Brennan had asked for his advice.

Officer King replied yes, he supplied him with the regulations involved.

Attorney Whitney asked Officer King if the Weymouth Elks complied with the regulations in regards to the entry fee, prizes, etc.

Officer King replied he had no idea as he was not present that evening.

Attorney Lampke called Detective Michael Brennan forward for testimony.

Det. Brennan stated he is a Detective in the Weymouth Police Department. He received an outside detail assignment for April 28, 2006 at the Weymouth Lodge of Elks for a Texas Hold-em tournament. Prior to the event he met with Officer King to review regulations he provided to him. He stated he had them on hand at the event and he noted he had showed them to Ms. Baker prior to the event on the evening in question. She agreed she went over them with Officer King previously.

Attorney Lampke questioned Det. Brennan if a representative of the Elks conveyed to him that there were going to be issues that night.

Det. Brennan replied yes, Ms. Baker stated she did not know how to operate the equipment. She

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told him Mr. Donovan was going to stay on to help, which he informed her was a violation. He told Ms. Baker Mr. Donovan would have to leave the premises. The other issue came up that the rules were not posted on the tables. They were offering \$50.00 buy-ins. He informed Ms. Baker of these violations as well.

Det. Brennan stated Mr. Donovan later in the evening came up to him and attempted to give him an unknown amount of cash. He advised Mr. Donovan that he did not want his money and began to walk away from him. He stated Mr. Donovan proceeded to try to drop the money in his pocket. He stopped gave Mr. Donovan back the money and told him to get away from him. Det. Brennan stated he then called Det. Ahlstedt and Sgt. Det. Fuller and asked for them to meet him at the Elks. He advised them of the circumstances and they got in touch with Officer King.

Attorney Whitney questioned Det. Brennan. He asked if Det. Brennan spoke to Ms. Baker about the incidents.

Det. Brennan replied yes.

Attorney Whitney asked Det. Brennan if he knew whether Ms. Baker was involved with the buy-ins or was aware of such.

Det. Brennan replied no.

Attorney Whitney asked if Ms. Baker was aware of the undisclosed amount of cash Mr. Donovan had tried to offer to him.

Det. Brennan replied no. He proceeded to mention another incident of Mr. Donovan setting up \$20.00 tables. He had Mr. Donovan shut those tables down.

Attorney Whitney asked if any further buy-ins took place.

Det. Brennan replied no.

Attorney Lampke gave his closing remarks. He stated Texas Hold-em events look attractive, but are highly regulated and comparable to gambling. Such events are only allowed if the regulations are followed and met. The operator of the equipment remained on the premises as well. Evidence presented shows there has been a violation as noted on the notice of the hearing. He presented Exhibits 1-5 to the Board: Bazaar Permit application; the notice of the hearing; Chapter 271, section 7; Chapter 271, section 7A; and Chapter 271, section 17.

Attorney Lampke further said the Elks is a well-known organization in the community. They and other establishments in Town need to realize the problems that could occur involved with these types of events. The Bazaar Permit is issued by the Town Clerk who is the Chairman of the Board of License Commissioners.

Attorney Whitney questioned Ms. Debra Baker, Manager, Weymouth Lodge of Elks. She stated he is a resident of Braintree, married with children. She took over last year as the manager and has an

extensive background and business degree. She further stated that when arranging for the event, she found out that a police detail had not been hired. Therefore, she made the necessary arrangements. She had done research on the event and a local "go to guy" recommended hiring Mr. Donovan. She met with Officer King regarding the regulations and she obtained a permit with the Town Clerk's Office.

Ms. Baker stated she was not aware of the buy-ins being set up by Mr. Donovan. She also wasn't aware of Mr. Donovan's intention to offer cash to the police officer. In regards to the posting of rules on the tables, once she was aware they weren't going to have the turn out that was expected, she ended up moving the event to a smaller room. As such the tables with the rules were left in the larger room.

Chief Leary asked Ms. Baker who the dealers were.

Ms. Baker replied club members.

Chief Leary questioned if Mr. Donovan was the owner of Bettor Games, not just a representative.

Ms. Baker stated she was under the impression he worked for them.

Chief Leary stated she was lead on by Mr. Donovan.

Ms. Baker agreed.

Chief Thomas asked how much they had to pay for the event.

Attorney Whitney replied \$1,400 for the equipment cost.

Chief Thomas stated the Weymouth Elks intended to work the event on their own; dealers and other members were present.

Ms. Baker replied yes.

Chairman Fryer asked the Board what action they wished to take on the matter.

Mr. Marino questioned Attorney Lampke if they should consider each of the allegations separately.

Attorney Lampke replied they should proceed through the list, make findings of a violation and then make dispositions based on each allegation.

Mr. Marino made a motion of a finding as there was a violation the Elks failed to post rules on April 28, 2006. Mr. Richards seconded.

Chief Thomas stated he felt Ms. Baker made a good faith effort to post the rules. The measure was taken as the rules were posted on the tables originally, they just didn't follow though.

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Chief Leary stated he agreed with Chief Thomas. There was an influx of people and the rules were left behind when the room was changed.

Chairman Fryer stated he felt the entire situation was an innocent one. He had not even heard of the game before. He felt they should give a little leniency.

Mr. Richards repeated Mr. Marino's motion of a finding that there was a violation for a failure to post the rules of which he had seconded. MOTION FAILED (3-2: Chief Thomas, Chief Leary and Chairman Fryer)

Chief Thomas made a motion of a finding that there was a violation of permitting \$50.00 buy-ins. Mr. Marino seconded.

Chief Leary stated the Elks or Ms. Baker did not permit them as they weren't aware of them. Gregg Donovan offered them and the detail officer put a stop to it.

Chief Thomas stated they were involved as the members were playing at the tables.

Mr. Richards repeated the motion made by Chief Thomas of a finding that there was a violation of permitting \$50.00 buy-ins, which was seconded by Mr. Marino. MOTION WAS SO VOTED (4-1: Chairman Fryer)

Chief Thomas made a motion of a finding that there was a violation allowing the provider of gaming equipment to remain on the premises. Mr. Richards seconded.

Chairman Fryer stated Ms. Baker was wrong to allow Gregg Donovan to remain on the premises. He took advantage of the situation.

Chairman Fryer stated there is a motion before the body; all in favor. UNANIMOUSLY VOTED

Mr. Richards made a motion of a finding that there was a violation allowing an attempt occurring at the function to attempt to unlawfully influence the conduct of a police officer by an offer of cash. Chief Thomas seconded.

Chief Leary stated the wording notes "allowing", the testimony sounded like it was Gregg Donovan's doing. None of the other members were aware of the incident. He is opposed to the motion.

Mr. Marino also noted the wording "or there occurring", it happened.

Chairman Fryer stated there is a motion before the body; all in favor. MOTION WAS SO VOTED (4-1: Chief Leary)

Attorney Lampke stated the Board needs to assess penalties based on the violations.

Chairman Fryer asked to take such under advisement.

Chief Thomas noted for the record that the Bazaar Permit does not effect bingo events.

Mr. Marino made a motion for the minimum suspension of the All Alcoholic Club license. NO SECOND

Chief Thomas stated he was opposed to a minimum suspension as there had been past minor events and warnings which have not been heeded.

Mr. Richards made a motion for a first offense and the issuance of a infraction of a three-day suspension. Chief Thomas seconded. MOTION WAS SO VOTED (3-2: Mr. Marino & Chief Leary)

Ms. Baker stated they already have events scheduled. She asked for leniency on the suspension dates.

Chief Thomas suggested three Thursdays in a row.

Attorney Lampke suggested the Board review the bookings to determine the dates.

Mr. Richards disagreed, he didn't want to waiver from the guidelines as it would lighten the suspension.

Chief Thomas made a motion to follow the guidelines for a three day suspension commencing on the third Thursday following today. There is an appeal period. Mr. Richards seconded. MOTION WAS SO VOTED (3-2: Mr. Marino & Chief Leary)

PURSUANT TO M.G.L. CHAPTER 138, SECTION 15, 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF BRADY'S, INC. D/B/A BRADY'S PACKAGE STORE, 1516 COMMERCIAL ST.

Attorney Rocco DiFazio and Mr. George Brady, owner, were present.

Attorney Lampke stated the Weymouth Police Department held an alcohol compliance operation. There is no dispute as to the underlying facts of the matter. Normal procedure is for a person under the age of 21, as instructed beforehand, to enter the establishment with the attempt to purchase alcohol. The underaged person was able to make a purchase at Brady's on the evening of March 21, 2006. The clerk did acknowledge he sold alcohol to the individual.

Attorney DiFazio stated Mr. Brady admitted to the infraction, although, he wasn't present at the establishment that evening. Mr. George Bailey, manager, made the sale. They know there is no excuse for the sale. Attorney DiFazio stated Mr. George Brady became the owner in May of 2005. The family organization had changed as the parents were deceased. Mr. Brady purchased 25 shares and the other 17 shares were left to the estate. The change of ownership was recently approved. Brady's Inc. was established in 1939.

Mr. Richards made a motion for a finding of a first offense and that a violation did occur. Chief Leary seconded. MOTION WAS SO VOTED (4-1: Mr. Marino)

Mr. Richards made a motion for a one-day suspension on August 10, 2006. Chief Leary seconded.

Chief Thomas stated he felt it should be a two-day suspension.

Chief Leary stated he reviewed the past record of the Board's decisions involving violations; a one-day suspension is appropriate.

Chief Thomas noted the premise does not have an open view from the outside window. This is a public safety issue. The boxes and advertisements should be removed to create a clear view.

Chairman Fryer stated there is a motion before the body; all in favor. MOTION WAS SO VOTED (4-1: Mr. Marino).

PURSUANT TO M.G.L. CHAPTER 138, SECTION 15, 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF JASS ENTERPRISES, INC. D/B/A QUICK 6 DISCOUNT LIQUORS, 321 BRIDGE ST.

Attorney Louis Cassis and Mr. Davinder Singh, President, were present.

Town Solicitor George Lane stated they are aware of the disposition and there is no quarrel of the facts. He swore testifying witnesses into the record. He introduced for the record the notice of the hearing and the police report. The incident occurred on Tuesday, March 21, 2006 at 6:38 PM. The 20 year old female underaged operative was involved.

Solicitor Lane read the police report stating, "The female entered Quick 6 Discount Liquors on Bridge Street. She exited carrying a brown paper bag. Upon returning to the motor vehicle, the female handed the bag to Det. Perchard, which contained a six pack of Sam Adams Light bottles. She stated she had purchased the beer from a middle-aged Middle Eastern male. He was the only employee she observed in the store at the time. The clerk asked her for identification. When she stated that she did not have any, he completed the transaction. She was charged \$7.99 for the beer. They later returned to the store and identified the employee as Tarolchan Singh Gidda. He was advised of the situation. He recalled selling to the female and stated she told him her license was in the car."

Solicitor Lane called Detective John Perchard forward. He acknowledged his police report and verified the facts were true.

Solicitor Lane asked for a motion of a finding.

Mr. Richards made a motion for a finding of a violation of a second offense. Chief Leary seconded. UNANIMOUSLY VOTED

Solicitor Lane stated he discussed the incident with the licensee's counsel, who agreed it was a 2nd offense. The first offense occurred on February 8, 2005. The Board assessed a one-day suspension.

Attorney Cassis stated his clients feel very badly about being here. The individual was sold to as she told the clerk her id was in the car. The clerk was under the assumption she was going to come back and he then in turn made the sale. Attorney Cassis asked for leniency for a lower sentence.

Mr. Richards questioned if the licensee had done anything since the last violation.

Mr. Singh replied they attended the classes offered by the Town; since such time employees have been instructed of proper procedure.

Chief Leary asked if the same clerk was involved in both incidents.

Mr. Singh replied no.

Mr. Richards stated the guidelines have a 3 to 6 day suspension for a 2nd offense. As February 8, 2005 was the second offense, he made a motion for a three-day suspension. Chief Leary seconded.

Mr. Marino warned the licensee the Town will continue to inspect and perform similar operations.

Mr. Richards stated there should be a clear view into the store for public safety reasons.

Chairman Fryer stated there is a motion before the body; all in favor. UNANIMOUSLY VOTED

PURSUANT TO M.G.L. CHAPTER 138, SECTION 12, 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE OF ROMANO-STOKES, INC. D/B/A JACKSON SQUARE TAVERN RESTAURANT, 1530 COMMERCIAL ST.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 12, 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE OF WAH LI FAI CORP. D/B/A GOURMET ORIENTAL RESTAURANT, 625 WASHINGTON ST.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 12, 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE OF UPNEET, INC. D/B/A INDIAN DELIGHT, 428 WASHINGTON ST.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 12, 23 & 64, LIQUOR VIOLATION

HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE OF HEARTH N' KETTLE OF WEYMOUTH, INC. D/B/A HEARTH N' KETTLE RESTAURANT, 151 MAIN ST.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 12, 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE OF KCDD, INC. D/B/A MAIN STREET BAR & GRILLE, 1400 MAIN ST.

APPROVALS

- Minutes: 6/27/06

Mr. Richards made a motion to approve the June 27, 2006 meeting minutes. Mr. Marino seconded. UNANIMOUSLY VOTED

Mr. Marino made a motion to approve the Executive Session minutes of June 27, 2006. Mr. Richards seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- **Meeting Schedule**

Mr. Richards noted that the Board voted to suspend their August meeting.

Mr. Richards made a motion to schedule their September meeting for September 26, 2006 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- **Alleged Liquor Violation: Washington Street Liquors, 21 Washington St.**

Chief Thomas stated the license holder was found to have sold to an underaged person during a compliance operation on July 24, 2006. There was also a separate incident on July 3, 2006, in which a police officer witnessed an underaged person purchase alcohol from the location. He asked that the license holder be brought in for a hearing.

Mr. Richards made a motion to schedule liquor violation hearings on July 26, 2006. Chief Leary seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- **Cathay Center Restaurant**

Solicitor Lane reported he spoke with the Alcoholic Beverages Control Commission's attorney, Bill Kelley, regarding the concern of the Board with the continued closure of the establishment. Attorney Kelley informed him that the matter was within the local Licensing Board's discretion and there is no ruling regarding "pocket licenses".

Mr. Richards stated he has discussed Mr. Chu's plans with him recently. They plan to demo the existing house to create additional parking and construct a new building in the old spot of the restaurant. As such they will need to go before the Zoning Board of Appeals for parking changes. They will immediately go forward on filling the hole and cleaning up the property.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 23 & 64, VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC CLUB LICENSE OF WEYMOUTH LODGE OF ELKS, 1197 WASHINGTON ST.

Mr. Richards stated he received a note to be read into the record from Attorney Lampke stating the Elks requested a change of dates to serve the suspension on August 31st through September 2nd.

Chief Thomas made a motion to reopen the public hearing. Chief Leary seconded.
UNANIMOUSLY VOTED

Mr. Richards stated he was concerned in regards to their guidelines about setting a precedent in altering the suspension dates.

Chief Thomas stated they would be changing the dates only, but the suspension will continue to commence on a Thursday. Therefore, he didn't see a problem with it.

Chief Leary stated the intention is to punish the Elks and not the customers. They stated there are functions scheduled for the dates of which the license is to be suspended. He would be open to changing the dates as such so the people who have prescheduled events may still use the facilities.

Chief Thomas made a motion to move the suspension dates to August 31, 2006 through September 2, 2006. Chief Leary seconded. SO VOTED (4-1, Mr. Richards)

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 5:35 PM. Chief Leary seconded.
UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary

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