

Minutes for the Lowell License Commission meeting for Thursday, March 14, 2019 at 6:00 p.m., held in the City Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852.

Present: John Descoteaux, Commissioner, Chairman, Commissioners Terry McCarthy, Martha Howe, and Joseph Donahue; Assistant City Solicitor Gary Gordon, and Captain James Hodgdon of the Lowell Police Department.

Absent: Commissioner Clifford Krieger

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the meeting minutes for February 28, 2019.

The Commission reviewed the following applications for special one-day license to sell/dispense malt beverages and wines only, or either one:

Ashley Roper, Catering Manager, Aramark, for the following events:

Five Year Celebration for Alumni & Community Master of Science in Autism Studies, Thursday, March 21, 2019, 4:00 p.m. to 9:00 p.m. at the Allen House, 2 Solomont Way;

Keynote Speaker Renee Elliot, Thursday, March 21, 2019, 3:00 p.m. to 9:00 p.m. at the iHub, 110 Canal St., 3rd floor;

Toast to Senior Chancellor Leadership Society Members, Monday, May 13, 2019, 4:00 p.m. to 8:00 p.m. at the Allen House, 2 Solomont Way;

Dean's Scholars Reception, Thursday, May 16, 2019, 4:00 p.m. to 9:00 p.m. at the Saab Building, 40 University Ave. Ashley Roper was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve licenses for Ashley Roper of Aramark.

Richard S. Barrett of Kilkenny Pub, for St. Patrick's Day, Sunday, March 17, 2019, 2:00 p.m. to 11:00 p.m. within an enclosed area at parking lot adjacent to Kilkenny Pub, 660 Rogers St. Richard Barrett was present. The Commission also reviewed the application for special events permit for the amplification of sound from Richard S. Barrett, for a sound system for band, disc jockey, St. Patrick's Day, Sunday, March 17, 2019, 2:00 p.m. to 10:00 p.m., in an enclosed area at the parking lot adjacent to Kilkenny Pub, 660 Rogers St. The Commission, on the motion by Commissioner Howe, second by Commissioner

Donahue, approved special one-day license and special events permit for Richard Barrett of Kilkenny Pub for March 17, 2019.

Heather Jones Kring, representative for American Lebanese Syrian Associated Charities, Inc. (ALSAC) of Memphis, TN appeared before the Commission regarding the ratification of the license for Charity Wine Pouring for the event “Fitness for a Cure benefiting St. Jude Children’s Research Hospital” to be held at Lowell Memorial Auditorium, 50 East Merrimack St. on Saturday, March 16, 2019. Ms. Kring stated that 120 bottles of wine had been donated for the event. The application was filed March 4, 2019, and approved on March 5, 2019 subject to License Commission ratification March 14, 2019. The application was approved on March 11, 2019 by the Alcoholic Beverages Control Commission. The licensee/concessionaire, for the Lowell Memorial Auditorium, Julian Lenzi Hospitality Group, Inc., will provide the service. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to ratify the approval and issuance of the Charity Wine Pouring license for the March 16th event.

The Commission reviewed the status of MBOA Alliance LLC, Stanley Takang Tabi, Manager of Record, and LLC Manager, Peter Tamajong, LLC Manager, all alcoholic beverages restaurant licensee at 135 Central Street. The premises are under construction, certificate of inspection pending, 2019 license has not issued. Peter Tamajong and Mike Rogers, construction supervisor for MBOA Alliance, were present. Mr. Tamajong stated that he and his business partner, Stanley Tabi, have invested a large amount of capital in renovating the premises at 135 Central St. Mr. Rogers offered a professional perspective as to the hiring of electrical, plumbing, and building contractors for the work. Chairman Descoteaux, reminded of Mr. Tabi’s appearance before the Commission on December 13, 2018, questioned when the construction phase would be finished. Mr. Rogers stated he anticipates the middle of May [2019]. The Commission reviewed the packet of information presented by Mr. Tamajong. Chairman Descoteaux stated satisfaction with the progress to date. Chairman Descoteaux stated there will be a follow-up review by the Commission the last meeting in May, scheduled for May 23, 2019.

The Commission reviewed the application by The Last Safe, Inc., d/b/a The Last Safe & Deposit, the all alcoholic beverages restaurant licensee at 160 Merrimack Street, for change of manager to Timothy Kelleher of Littleton, MA. The following individuals were present: Timothy Kelleher and Attorney John J. Hartigan, legal counsel for The Last Safe, Inc. Attorney Hartigan presented a summary of the previous manager's departure in September 2018, and the owners' tardiness in filing application for change of manager. Attorney Hartigan stated that Mr. Kelleher and Alan Kaplan are co-owners of The Last Safe. Since the previous manager's departure, Mr. Kelleher has been acting manager. Commissioner McCarthy asked Mr. Kelleher the number of hours he will work at The Last Safe. Mr. Kelleher stated approximately 25hrs a week, 10 p.m. to 2 a.m., six days a week; he will go back and forth from The Village Smokehouse, another restaurant he co-owns with Mr. Kaplan, which is located at 92-98 Middle St. Chairman Descoteaux, citing the License Commission's rules and regulations, admonished Mr. Kelleher for the delay in filing application. At the conclusion of discussion, the Commission, on the motion by Chairman Descoteaux, second by Commissioner Donahue, voted to approve Timothy Kelleher as manager of record for The Last Safe, Inc.

The Commission reviewed the application by 495 Cars, Inc., Majid Ghandchi, President, Shaheen Ghandchi, Secretary, for a license for Second Hand Motor Vehicles, Use Car Agent, Class I, for premises at 720 Rogers Street. Presently, Lannan Motors Ltd., d/b/a Lannan Mazda, Stephen P. Lannan, Jr., President, is the licensee for premises at 720 Rogers Street. The following individuals were present: Majid Ghandchi, and Attorney Michael Zaim, legal counsel for 495 Cars, Inc. Attorney Zaim stated that Majid Ghandchi is buying the dealership from Lannan Motors Ltd. The property is being purchased by Mr. Ghandchi. The closing on the transfer of the dealership from Lannan Mazda to 495 Mazda is to take place at the end of March [2019]. Commissioner Howe asked about the corporate name. Attorney Zaim stated the corporate name had changed with the Secretary of State Corporations Division. Commissioner Donahue asked if 495 Cars, Inc. is requesting a conditional license, to which Attorney Zaim stated that an agency letter from Mazda will confirm the transfer of the dealership, anticipated on or about April 1, 2019. The Commission, on the motion by Commissioner Donahue, second by Commissioner McCarthy,

voted to approve conditionally a license for used car Agent, Class I, to 495 Cars, Inc., d/b/a 495 Mazda, Majid Ghandchi, President, [license # 208-A] premises at 720 Rogers Street for the license year to expire January 1, 2020. The Class I Agent license issued to Lannan Motors Ltd., d/b/a Lannan Mazda, # 207-A, for license year to expire January 1, 2020 shall be cancelled effective April 1, 2019 per order of the Commission.

The Commission opened the hearing continued from February 14, 2019 on allegations of misconduct as charged by Raymond Kelly Richardson, Superintendent of Police, dated January 3, 2019, against Bhumi Liquors, Inc., d/b/a Pacific Liquors, 421 Central Street, Ila Bhagat, Manager of Record, an all alcoholic beverages package goods store licensee. The following individuals were present: Ila Bhagat, Vimalkumar Patel, and store clerk Savy Tham, and Attorney Peter J. Nicosia, legal counsel for Bhumi Liquors, Inc. Officer Paul W. Robbins of the Lowell Police Department was present. The Executive Secretary requested the Commission consider a motion to vote to enter into executive session to comply with, or act under the authority of, MGL Chapter 30A Section 21 in order to view the store video of a purchase of an nip bottle of alcohol by customer who was arrested by Lowell police upon leaving the store on charges of assault and battery. Commissioner Donahue made the motion to go into executive session, second by Commissioner McCarthy. Roll call: Chairman Descoteaux – yes; Commissioner McCarthy – yes; Commissioner Howe – yes; Commissioner Donahue – yes. The vote was four (4) yeas for executive session. Attorney Nicosia requested to make a quick point before the Commission exited the Council Chamber that the licensee will stipulate to the sale transaction of one nip of an alcohol beverage. At 6:30 p.m., the Executive Secretary announced that the Commission would return to the Council Chamber to vote to resume regular session. At 6:34 p.m., the Commission, on the motion by Commissioner Donahue, second by Commissioner McCarthy, voted by roll-call to resume regular session - Chairman Descoteaux – yes; Commissioner McCarthy – yes; Commissioner Howe – yes; Commissioner Donahue – yes. Attorney Nicosia requested to question Officer Robbins. Chairman Descoteaux informed Attorney Nicosia that on the advice of the City attorney, questions for Officer Robbins are to be directed to the Chair. Officer Robbins answered several questions allowed by

Chairman Descoteaux. Officer Robbins stated that he did not make a determination that the customer was intoxicated by the customer's brief responses to the Officer's questions. The only indication that Officer Robbins had of the customer's sobriety was his manner of walking on the sidewalk adjacent to Charles Street from Jay's Convenience Store, at the corner of Gorham St., to Pacific Liquors. Attorney Nicosia introduced Savy Tham, store clerk. Ms. Tham stated that she has worked at Pacific Liquors for one year. She acknowledged the sale of one nip of root beer alcohol beverage which was approximately thirty seconds without any indication the customer was intoxicated. Chairman Descoteaux questioned Vimalkumar Patel about the number of years he has owned the package store. Mr. Patel stated six (6) years; he works at the store as does his wife Ila Bhagat. Ms. Tham is the only other store employee. Chairman Descoteaux stated the Commission reviewed the compliance checks conducted in 2014 and 2015. Chairman Descoteaux made the recommendation that the Commission place the Superintendent's letter on file and that the licensee schedule training for the store clerk. Commissioner Donahue made the motion, having concurred with the Chairman's rationale. Commissioner Howe stated that she finds the store clerk's testimony very credible. Commissioner McCarthy seconded the motion, so voted.

The Executive Secretary addressed the Commission about the communication dated March 12, 2019 from Robes Barboza of Lowell Steakhouse, Inc., 490 Central Street, who requests the cancellation of all alcoholic beverages restaurant license for 2019. There is an unpaid personal property tax of \$740.00 from 2018, 2019. After a brief discussion, Assistant City Solicitor Gordon offered to review the matter of the City attaching a lien on the property.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to adjourn the meeting at 6:50 p.m.

Respectfully submitted by Ryan Wynn, Executive Secretary, present at meeting.

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