



License Commission, Room 118
Phone: 978-420-3623 Fax: 978-373-8490
License_comm@cityofhaverhill.com

The Haverhill License Commission held a **Meeting** on **Thursday November 12 2015 at 6:00 PM,**
Room 301, City Hall.

*Attendees: Chairman Joseph Edwards, Commissioner Sewell and Commissioner Coco
Clerk Laura Angus*

1. **APPROVAL OF THE MINUTES:**

APPROVAL OF MINUTES OF OCTOBER 1 2015

Motion to approve the minutes of October 1 2015 made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote two yeas, one abstain, motion passed.

2. **CONTINUED BUSINESS**

NO SCHEDULE

3. **MISCELLANEOUS APPLICATIONS/REQUESTS**

NO SCHEDULE

4. **ONE DAY APPLICATIONS**

BRENDA DELACRUZ

662 MAIN STREET

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR SURPRISE 50TH BIRTHDAY PARTY AT WINNEKENNI CASTLE ON DECEMBER 31 2015 FROM 8 PM TO 12:30 AM

Brenda DeLa Cruz appeared on her own behalf. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

5. **ENTERTAINMENT APPLICATIONS**

RENEWAL OF 2016 ENTERTAINMENT LICENSES – SUBJECT TO COMPLIANCE WITH REQUIREMENTS

Motion to approve all Entertainment License Renewals for 2016 upon compliance made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

6. COMMON VICTUALLER APPLICATIONS

A. RENEWAL OF 2016 COMMON VICTUALLER LICENSES – SUBJECT TO COMPLIANCE WITH REQUIREMENTS

Motion to approve all Common Victualler License Renewals for 2016 upon compliance made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

B. KIMBERLY HOSFORD, MANAGER

KIMBERLY HOSFORD, D/B/A A SWEET AFFAIR
38 WASHINGTON STREET

APPLICATION FOR NEW COMMON VICTUALLER LICENSE AND NEW ENTERTAINMENT LICENSE FOR RADIO, TELEVISION AND AMPLIFIED MUSIC

Kimberly Hosford appeared on her own behalf. She has a store selling ice cream and penny candy. There are ten (10) seats in the store. Motion to approve the applications made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

C. APU PATEL, MANAGER

LIQUOR KING, INC, D/B/A PERK CITY
387 SOUTH MAIN STREET

APPLICATION FOR TRANSFER OF COMMON VICTUALLER LICENSE

Apu Patel appeared on this own behalf. He is taking the store back from the prior owner. He is the owner of the building and was in there as Perk City before. Motion to approve the transfer application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

D. SHPETIM FEJZOLLARI, MANAGER

SHPETIM FEJZOLLARI, D/B/A STEVE'S FAMOUS ROAST BEEF & MORE
741 SOUTH MAIN STREET

APPLICATION FOR TRANSFER OF COMMON VICTUALLER LICENSE AND NEW ENTERTAINMENT LICENSE FOR TELEVISION ONLY – PENDING RECEIPT OF BUILDING OCCUPANCY PERMIT, UPDATING THE BUSINESS CERTIFICATE TO REFLECT CHANGE OF OWNERSHIP, RECEIPT OF COPY OF LEASE AND RECEIPT OF EXTERIOR PHOTO OF THE BUSINESS

Sheptim Fejzollari appeared on this own behalf. He is taking over from his bother in law, the current owner of the business. Motion to approve the application pending receipt of building occupancy permit, updating the business certificate to reflect the change of owner, receipt of lease and photo of business made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

7. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

8. ALCOHOL/ABCC APPLICATIONS

A. PAUL R KAKNES, MANAGER

KAKNES ENTERPRISES, INC., D/B/A K'S CITGO-RICHDALE STORE
297 LINCOLN AVENUE

APPLICATION TO CHANGE D/B/A TO K'S FUEL STOP

Paul Kaknes appeared on his own behalf. He would like to make the name non-denominational. It was Citgo, then Gulf and now Mobil. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

B. RENEWAL OF 2016 ALCOHOL LICENSES - SUBJECT TO COMPLIANCE WITH REQUIREMENTS

Motion to approve Alcohol License Renewals for 2016, subject to compliance with requirements and subject to the condition the Commission receives a report from the License Commission Clerk at the January meeting as to who has not renewed made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

9. MOTOR VEHICLE APPLICATIONS

A. RENEWAL OF 2016 MVI DEALER LICENSES – SUBJECT TO COMPLIANCE WITH REQUIREMENTS

Motion to approve MVI Dealer License Renewals for 2016, subject to compliance with requirements and subject to the condition the Commission receives a report from the License Commission Clerk at the January meeting as to who has not renewed made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

B. RENEWAL OF 2016 MVII DEALER LICENSES – SUBJECT TO COMPLIANCE WITH REQUIREMENTS

Motion to approve MVII Dealer License Renewals for 2016, with the exception of Royal Crest Motors located at 769 Amesbury Road, subject to compliance with requirements and subject to the condition the Commission receives a report from the License Commission Clerk at the January meeting as to who has not renewed made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

C. RENEWAL OF 2016 MVS LICENSES – SUBJECT TO COMPLIANCE WITH REQUIREMENTS

Motion to approve MVS License Renewals for 2016, subject to compliance with requirements and subject to the condition the Commission receives a report from the License Commission Clerk at the January meeting as to who has not renewed made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

D. HECTOR MORALES, MANAGER

HECTOR MORALES, D/B/A SAVVY AUTO SALES
25 WELCOME STREET

APPLICATION FOR NEW MVII DEALER LICENSE – PENDING RECEIPT OF CERTIFICATE OF INSPECTION AND LICENSE FEE

Hector Morales appeared on his own behalf. Commissioner Sewell inquired about experience and familiarity with the business paper work. Commissioner Coco inquired where his prior business was

located. Commissioner Edwards inquired if he was related to the prior owners. Motion to approve the License subject to receipt of the Certificate of Occupancy made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

10. ISSUES FOR DISCUSSION

SHAWNA KELLEY, MANAGER

SHAWNA KELLEY, D/B/A ARTMOSPHERE CENTER
57 WINGATE STREET, SUITE 103

REQUESTING THE COMMISSION TO CONSIDER BYOB LICENSES

Shawna Kelley appeared on her own behalf. She would like to have a BYOB. Her venue is for art lessons. It's merely an ice breaker for people to get into the art. Her expenses for the liquor license have exceeded the sales. The license is not cost effective. People do not drink much. The Mayor, Andrew Herlihy and Bill Pillsbury are all in favor of the BYOB license, but she does not have any supporting documentation from them. The Commission would like some input from the City Solicitor and other department heads and the ABCC before making their decision. Motion to put on agenda for the December 3 2015 meeting to obtain opinions from Haverhill Police Department, City Solicitor, ABCC and City Department Heads made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

11. SHOW CAUSE HEARINGS

A. INDERPAL S GILL, MANAGER

SAMINDER INC, D/B/A QUIKMART
764 MAIN STREET

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Inderpal Gill appeared with his attorney Brian Aylward and Sugib Geising, the clerk involved in the compliance check. Captain Robert Pistone of the Haverhill Police Department read the report into the record. Mr. Gill indicated that the clerk thought the person was a regular customer and did not ask for an ID. Commissioner Sewell stated that this is not the rule – you need to check IDs every time. The Commissioners inquired if the employee was a relative. The attorney stated that all the employees are trained and this clerk made a mistake. The employees are being retrained. Commissioner Coco asked about the training. Commissioner Edwards asked about the license swiping machine. They do have one in the store. Commissioner Edwards stated that this must not happen again. The clerks must ask for IDs every time. Motion to have the Licensee close at 7:30 on Sunday November 15 and Monday November 16 for the sale of alcoholic beverages made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

B. IVAN YEE, MANAGER

YEE ENTERPRISES, INC., D/B/A ORIENTAL GARDENS
400 LOWELL AVENUE

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Ivan Yee appeared with his attorney Timothy Connors. Captain Robert Pistone of the Haverhill Police Department read the report into the record. Attorney Connors stated that Mr. Yee reviewed the video and

found that there were two people at the bar prior to the person used in the compliance check. One of those people looked very similar to the person used in the compliance check. The bartender may have believed that he had already checked the ID of this person. The bartender was very upset about serving an underage person. He was suspended and made to retake the TIPS class. There are signs posted in the premises and pre-shift meetings reiterating the need to card. Management is very vigilant about their role. They haven't had an underaged violation in 25 years. Commissioner Coco indicated that they should have brought the video with them. The licensee is already on probation. Commissioner Sewell also reminded them that they are still on probation and corrected the attorney about the actual number of underage violations. Discussion among the Commissioners as to the appropriate punishment. Motion to have the Licensee close at 9:00 on Tuesday November 17, Wednesday November 18, Thursday November 19 and Saturday November 21 for the sale of alcoholic beverages made by Commissioner Sewell, seconded by Chairman Edwards. No public comment on the matter. Vote two yeas, one nay, motion passed.

C. DAVID T DALTON, MANAGER

SHADOW LAKE CORPORATION, D/B/A ONE STOP MARKET
651 BROADWAY

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

David Dalton appeared on his own behalf. Captain Michael Wrenn of the Haverhill Police Department read the report into the record. Mr. Dalton stated there was clearly a violation. The clerk was distracted. Chairman Edwards inquired about a swipe machine. Commissioner Sewell inquired about the clerk. She was made to get re-certified for TIPS and was suspended for the weekend. Mr. Dalton indicated that all employees will be retrained and he will look into a swipe machine. Motion to have the Licensee close at 7:30 for three (3) nights beginning Monday November 16 2015 and ending Wednesday November 18 2015 for the sale of alcoholic beverages made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

D. HUSAM MOUSSA, MANAGER

HUSAM MOUSSA, D/B/A 7-ELEVEN
503 RIVER STREET

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Husam Moussa appeared with his attorney Mike Dalrymple. Captain Michael Wrenn of the Haverhill Police Department read the report into the record. Attorney Dalrymple stated Mr. Moussa is extremely embarrassed. He has instituted a new swipe machine that can't be overridden. Chairman Edwards inquired about the employee. He was let go. The problem is the employees are careless. The police are looking for a stringent punishment as this Licensee has never passed a compliance test. Motion to have the Licensee close for four (4) days beginning Monday November 16 2015 and ending Thursday November 19 2015 for the sale of alcoholic beverages and an additional six (6) months probation added to the probation already existing made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

E. PAUL R KAKNES, MANAGER

KAKNES ENTERPRISES, INC., D/B/A K'S CITGO-RICHDALE STORE
297 LINCOLN AVENUE

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Paul Kaknes appeared on his own behalf. Captain Robert Pistone of the Haverhill Police Department read the report into the record. Commissioner Sewell inquired about the clerk, as he feels the clerk should be held accountable. Chairman Edwards indicated that this violation is the second violation in three years. Motion to have the Licensee close at 7:30 for three (3) nights beginning Monday November 16 2015 and ending Wednesday November 18 2015 for the sale of alcoholic beverages made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

F. SOHAN SAINI, MANAGER

426-428 MAIN STREET, INC., D/B/A AMERICAN GROCERY
426-428 MAIN STREET

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Chairman Edwards recused himself from the discussion. Sohan Saini appeared on his own behalf. Captain Robert Pistone of the Haverhill Police Department read the report into the record. Mr. Saini indicated that he watched the camera. The person used in the compliance check was very tall and the clerk was distracted talking to a friend. The clerk was suspended for seven (7) days. He does training with his clerk's and has a system to scan the ID. Commissioner Coco asked about the clerk involved in the prior violations – that clerk is gone. Motion for suspension of license for the sale of alcoholic beverages beginning for four days beginning on January 1, 2016 and ending on January 4 2016 made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote two yeas, one abstain, motion passed.

12. COMMUNICATIONS

NO SCHEDULE

13. OTHER BUSINESS

NO SCHEDULE

MEETING ADJOURNED AT 7:55 PM ON MOTION BY COMMISSIONER COCO.