



LICENSE COMMISSION AMENDED MINUTES
Thursday, July 11, 2024, at 6:00 p.m.-Room 202
VIRTUAL and in person meeting

Attending: Chairperson Laura Angus, Commissioner Patrick Driscoll, Commissioner Linda Koutoulas, Lic. Comm Clerk Jennifer Sanchez, Sergeant Kevin Lynch, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the Minutes of June 6, 2024

Commissioner Driscoll stated he had an opportunity to review the minutes and he would like to approve them.

Commissioner Driscoll made a motion to approve the minutes. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

3) CONTINUED BUSINESS

No Schedule

4) MISCELLANEOUS APPLICATIONS/ REQUESTS

No Schedule

5) ONE DAY APPLICATIONS

5.1 Carlie Hornbook, Applicant

Emmaus Inc.

127 How Street

-Application for one day beer and wine license for September 15, 2024, for the Cycle for Shelter event located at NECC 100 Elliott Street from 12pm to 3pm.

-Pending updated insurance and pending police approval.

Carlie appeared for this item online. Carlie said this is the annual cycle for shelter event. It is held at NECC on Sunday September 15, 2024. They have approximately 100- 120 cyclists. There are 4 different courses. They raise about \$200,000. They leave early in the morning, and they return around lunch time. When they return, they have a cookout with beer and wine. The food is provided by the local businesses. Last year they had a beer tent, and they ordered the alcohol from Barewolf Brewery. They are going to do the same thing this year. The college provides Simply Elegant catering, they take care of serving the alcohol. There are 1-2 beers per person.

Commissioner Koutoulas said she did not see the city listed as additionally insured. Carlie said she would go back to Simply Elegant and ask for the updated insurance. Commissioner

Koutoulas said under certificate holder you need to have the City of Haverhill listed.

Commissioner Koutoulas made a motion to approve the application pending the updated insurance policy. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

5.2 Kim Dandurant, Applicant

Armenian Church at Hye Point
1280 Boston Road

-Application for one day all alcohol liquor license for the baby shower event on July 27, 2024, from 3:30pm to 8:30pm.

-Has Police Approval.

Kim Dandurant sent an email to the clerk with a request to cancel this event.

Chairperson Angus said this event has been postponed. The family had an emergency and submitted a request to cancel the event.

Commissioner Driscoll made a motion to accept the withdrawal of the application. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

6) BUSINESS CERTIFICATES

No Schedule

7) ENTERTAINMENT APPLICATIONS

7.1 Noreen Frances O'Neil, Manager

Haverhill Lodge #165 B.P.O.E. of Haverhill
d/b/a Elk's Club
24 Summer Street

-Application for amendment of entertainment license- to include Karaoke, D.J., Comedy Show, Dancing by Patrons only, Movies and other events- Queen of Hearts, Texas Holdem, and 45's.

This was postponed to the end of the meeting.

Carol and Joe were present. All items were heard together.

Sergeant Lynch said because of the way that things happened with the sporting event and not getting the proper licensing and state licensing, the police department is not inclined to grant the amendment application.

Sergeant Lynch said ignorance to the law is no excuse. If you run the club, it is your responsibility to follow the rules. He said at this time the Police department is not inclined to accept any changes to the entertainment license. He said they asked for card games. Do they have prizes for these games. They come for forgiveness every time. In turn this causes the Police Department to do extra work. Friday at 4pm we had to have Police, Fire and Inspectional services go over. The police department had to have Officers take time out of other duties to go over there.

Commissioner Koutoulas made a motion to deny the changes to the entertainment license. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

7.2 Belle Lee, Manager

Friendly House of Pho Inc.
d/b/a Friendly House of Pho
114 Washington Street

-Application for amendment of entertainment license. Requests to add indoor entertainment Amplifiers, D.J., Karaoke, Instrumental Music, Vocalists, Live bands, Dancing by Patrons only, and amplified music. Requests to add live bands for outside entertainment.

This item was taken together with item 13.2. Chairperson Angus said they are not allowing outside entertainment in that area because there have been several issues with downtown neighbors. The music carries down the river. It gets very loud, and it disrupts their lives. The live bands outside are not something they are going to approve of. Bill said that he heard there were issues with other buildings, and he would like to withdraw that. Commissioner Koutoulas said across the river it really carries and she appreciates that.

Chairperson Angus asked Bill if he knew what the total occupancy is. Bill said it is 130.

Chairperson Angus told them that the entertainers count against their occupancy number. If there are 5 band members, that is 5 less people you can have in the establishment.

Commissioner Koutoulas made a motion to approve amendment for indoor entertainment (with the withdrawal of outdoor entertainment). This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

7.3 Brian P. Murphy

Uno of Haverhill, Inc,
d/b/a Uno's Pizzeria & Grill
30 Cushing Ave

-Continued from June- Application for amendment of entertainment license to include outside entertainment in the parking lot.

-Pending police approval.

Christina Williams appeared virtually for this item. She said that Brian no longer works for the company and that he retired. Chairperson Angus said he is the named manager on record and asked if they are working on getting a change of manager application together. She said Anita is working on that application. Chairperson Angus asked if she is still looking to do entertainment in the parking lot. She said she is looking to do the car show. She is going to hold off on the movies. Commissioner Koutoulas asked if she has spoken with the police department. Christina said yes, she did. She met with Sergeant Lynch. Christina said they will be using their cars as barricades. This prevents cars from getting into the back area. She contacted the Police Department for a Police detail. The event will take place on August 4, 2024, from 9am to 5pm. Christina said at this time it is only one day and if they decide to have another one, she will come back to make a request.

Christina showed the pictures on the arial, she drew lines where they will use the vehicles to barricade. She said they will still have the front parking lot for the customers. She showed them on the map where they would be parking their cars. She said there will be about 60 cars. She said there is a team of 23 people that will be patrolling the event. She said they will not be having any music at the event. The only speaker they will be using is for the prizes.

Chairperson Angus said the only other concern they have is with the occupancy. She reminded them to stay within the occupancy number. Christina said the building has a limit of 210. She said she would make sure they do not go over that. Commissioner Koutoulas said this includes the outside people. Chairperson Angus asked if the Police had any objections to approving car shows at this location with prior notice.

Sergeant Lynch said on the application he said the car shows would require a detail. The Police department would have to be notified every time that they have a car show.

Chairperson Angus said she appreciates the due diligence in getting this resolved.

Commissioner Koutoulas made a motion to approve the entertainment amendment with required prior notice and approval by the police department for each event. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

8) COMMON VICTUALLER APPLICATIONS

8.1 Ailing Liu, Manager

New Haverhill Jade inc.,
d/b/a New Haverhill Jade
203 Winter Street

-Application for new common victualler license for the hours of Sunday 12pm-9pm, Monday 11am-9pm, Tuesday closed, Wednesday and Thursday 11am-9pm, Friday and Saturday 11am-9:30pm.

-Pending inspectional services approval and building occupancy.

Attorney Russell Chin appeared virtually. He is representing the applicant. Ailing Liu was also present online. It is a 3400 square foot restaurant with 16 seats, and they are seeking approval for a new common victualler license. Attorney Chin said they would not be doing any remodeling or any significant changes to the restaurant.

Chairperson Angus asked what her experience is in the business.

Attorney Chin said she has significant restaurant experience and that she operated and managed other restaurants in the past. She has an allergy awareness certificate and food safety certificate. Attorney Chin said there are no plans to have any TV or radios in the restaurant.

Chairperson Angus said if it changes to make sure to put in the application.

Commissioner Driscoll made a motion to approve the common victualler license pending business occupancy. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

8.2 Walter Gorrell, Manager

Damgeuda Food LLC
d/b/a Damgeuda

21 Washington Street

-Application for new common victualler license for the hours of Sunday 8am-11pm, Monday 9am-11pm, Tuesday 9am-9pm, Wednesday 9am-11pm, Thursday 9am-9pm, Friday 9am-11pm, Saturday 8am-11pm.

-Pending business occupancy.

Walter Gorrell appeared for this item. Walter said Damgeuda is a Korean word, and that the restaurant is a Korean inspired café. Chairperson Angus asked Walter what his experience is in the business. Walter said he and his wife have been working in restaurants for a decade each in various roles. Chairperson Angus asked him if he could submit a missing page from the Lease. Walter said they need to do minor renovations before they can get a business occupancy. Chairperson Angus asked if he has an anticipated opening date. Walter said about 2 months. Commissioner Koutoulas asked Walter if he plans on having any radio or TV. Walter said he doesn't know but maybe Radio. Commissioner Koutoulas told him that he would need to apply separately for that and if he decides that to come back to the Commission.

Commissioner Koutoulas made a motion to approve the common victualler license pending business occupancy and completed lease. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

9) OUTDOOR DINING APPLICATIONS

No Schedule

10) ALCOHOL/ ABCC APPLICATIONS

No Schedule

11) MOTOR VEHICLE APPLICATIONS

No Schedule

12) CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

13) ITEM FOR DISCUSSION

13.1 Jonus Rustani, Manager

The New Lantern Café Inc.,
d/b/a The New Lantern Cafe
240 Essex Street

-Item for discussion: Incident that occurred on or about June 4, 2024, at approximately 01:18

Sergeant Lynch said on May 26, 2024, at 1:18 am, Officers were dispatched to the area of Essex and High Street, for a male party that was unconscious on the sidewalk. The call came from the manager of the New Lantern Café. The investigation showed that all parties were in the New Lantern Café throughout the night. One party was buying drinks for another party involved. Allegedly there was a female party that was indecently assaulted. That is what this whole incident stemmed from. There was an argument inside of the bar towards the end of the night. The parties did leave the bar and the assault resulted in 1 male party being transported to the hospital by ambulance. The detectives returned to the bar to do the investigation, and they said the security system was very dated. They were unable to extract video that night. The owner was

unavailable to assist police for 2 days after the incident. As a result of this investigation 2 people were charged with crimes.

The Sergeant's concerns are the video and that the Police had to wait 2 days. He is also concerned that when there was an argument in the bar that the Police were not called, and they were not called until there was an unconscious victim.

Jonus Rustani was present for this item. He was sworn in. Jonus said he gave the detective access to the video. He said there were no arguments in the bar that night. He said everyone left around 1:15. When he was leaving, and he turned the corner he saw the person lying on the sidewalk. He said he called 911 because he wanted to get the person help. He said he went to check on the victim to see if he was alert at all and he was not, he was snoring. He called 911 to get the man help. He said again there were no incidents inside of the bar that night. Jonus said he remembers that night very clearly and no one argued that night. Jonus said he gave the detective access to the video and if there were any altercations this would be on the video.

Chairperson Angus said it is not an issue of an altercation it is an issue of an assault. Jonus said the lady that claimed the assault should not be believed at all but that is not for him to say.

Commissioner Koutoulas said she wonders how the victim could be snoring when the friend is hysterical (as listed in the police report). Jonus said the person who was on the sidewalk was snoring. Jonus said his brother claims to know what happened. His brother also says he has witnesses to what happened. He said if they want to talk to him, he can go over to the bar and stay there so he can come to City Hall. Jonus said he called and asked, and they told him that they wanted to see him. Commissioner Koutoulas told him that he could have brought anyone. Commissioner Koutoulas said we are having the meeting right now.

Chairperson Angus asked Sergeant Lynch if they got access to the video. He said yes, they did but it took 2 days. They could not do anything with it that night because the system was very dated.

Chairperson Angus asked if they were able to see the assault on the footage.

Chairperson Angus asked Jonus if his brother told him that they needed to get an updated camera system, and this was discussed at one of the meetings that he went to for Jonus. Jonus said he is in the process of selling the business. Chairperson Angus said that does not answer the question. Jonus said he can get an updated camera system. Chairperson Angus said they asked his brother for this months ago.

Sergeant Lynch said one of the parties is alleging that something happened inside of the bar, but it does not say if they observed that on video or not. The female is alleging that she was indecently assaulted in the bar. Chairperson Angus asked if that is something they can have clarified for August.

Commissioner Koutoulas made a motion to postpone this matter and bring it back for a show cause hearing on August 1, 2024, and they would like updated status of the video system at this time. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

13.2 Belle Lee, Manager

Friendly House of Pho Inc.

d/b/a Friendly House of Pho

114 Washington Street

-Item for discussion: Approved Entertainment at 114 Washington Street

This item was taken together with item 7.2

Bill Rand and Belle Lee were present for this item. Chairperson Angus reminded them that when they applied for the entertainment license they applied for Jukebox and TV only. She said she had seen advertised D.J.s and other forms of entertainment.

Bill said that is an oversight on his part. Bill said he did not realize they were not permitted for live bands. Chairperson Angus asked them if they have the entertainment license posted on the wall. Bill said yes, he has it posted. Commissioner Koutoulas told them that it is listed on the entertainment license. Bill said he did not look at it because everything is in there and they must get a larger window. Bill said he has not had a D.J. there. Commissioner Koutoulas asked if he has had any activity outside of what was approved on his entertainment license. Bill said no he has not. Commissioner Koutoulas said so it was advertised, and you rectified that but there has been no past violation as far as you know. Bill said no there has not.

13.3 Jessica Williams, Manager

ACF LLC

d/b/a 978 Lounge

101- 103 Washington Street

-Item for discussion: Entertainment License for 978 Lounge

There was no one present for this item on the first call. It was put off until the end of the meeting.

Commissioner Driscoll made a motion to elevate to a show cause hearing for the August meeting. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.

14) SHOW CAUSE HEARING

14.1 Jeremy M. Dul, Manager

Bradford Social & Athletic Club Inc.

d/b/a Bradford Social & Athletic Club

187-189 South Elm Street

-Show cause hearing: Violation of M.G.L. Ch. 138 §1 Failure to provide Officers and Compensation.

Daniel McDonald appeared for this item. He appeared for Mr. Dul. He said he is here to provide the information. Daniel said the first notice they did not receive maybe because that area of South Elm Street is under total construction. They did not get the first notice, but they did get the second notice.

Chairperson Angus asked if the paperwork that he brought lists all the people that serve alcohol and their pay. Daniel said it is all volunteer. Chairperson Angus said the letter must state that they do not receive compensation. She told him if it is not in the letter, he can either add it in or submit another letter. Daniel said he would add that on to the letter.

Commissioner Koutoulas asked him if the list is the same as the last list that we have on file.

Daniel said no there is one change on the list.

Chairperson Angus told Daniel that they will need to file the Officer and Director paperwork, separate from this and it needs to be approved by the ABCC. She reminded him anytime there is a change of Officers that paperwork needs to be submitted.

Chairperson Angus told him to remind Jeremy that this is something that needs to be done every year. It must be submitted by law, by April of every year. If there is any change of Officers and Directors within that year you must submit paperwork for that change.

Chairperson Angus told him the paperwork is on the ABCC website under amend your license, the change of Officers and Directors application is under that. She also told him there is other paperwork that is needed for the application.

Chairperson Angus also told Daniel that there have been some issues in the past with the club not attending the renewal meeting. She reminded him this meeting is mandatory and there is a lot of useful information.

Commissioner Koutoulas said that if there are any updates to the mailing address or a new email address it can be changed to make it easier for the Commission to contact them.

He turned in the letter to the Commission.

Commissioner Koutoulas made a motion to place this on file. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

14.2 Charle Maroun, Manager

CM Direct of MA LLC

d/b/a Smith's Tavern

124 Essex Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) permitting an illegality of the licensed premises to wit: Failure to maintain a safe environment for Patrons.

-Show cause hearing: Alleged violation of 204 CMR 4.03 – Happy Hour Violation

Charle Maroun appeared for this item. A video was played that showed employees consuming alcohol while working, offering free drinks and a wrestling move. Charle said in the first video it looks like he is spraying champagne in the air, but it is not champagne. He said it is sparkling cider. He said in the video that shows an employee's consuming alcohol, that they are not really shots. He said the drinks being consumed by the servers are promotional to make it look like they are having fun, but no alcohol was consumed. He said the last video that shows the wrestling move (someone getting thrown through a table), was at the private employee Christmas Party. He said the bar was closed to the public and only employees were present. Charle said he knows the rules and he always calls the police when there is a problem. Charle said all these things are done as marketing schemes. He said he uses his Instagram as a marketing tool. Since he got the letters for this meeting, he has deleted the videos. He said Instagram is not real, it is only perceived as real. He said his intentions behind the videos are to make it look like it is a fun place. He said business has been slow and he made the videos for that reason. He apologized for the videos. Charle said he is known to have a very safe place.

Chairperson Angus told him if that is the type of advertising that he is using to lure customers in, it is not the right advertising. Charle said it is not to lure people in, it was done because it is slow this time of year and he was trying to show it is a fun place. He also said some of the videos are old and time stamped in December. Charle said he is not drinking, and he will never be seen

intoxicated at the establishment. He said anytime the Officers came he has never been intoxicated. He said everything is to keep up an image that Smith's is the fun spot to be. Chairperson Angus told him that one of the videos also says the next 10 people that come in get a free shot. Charle said that no one gets anything for free, because anytime that anyone gets anything for free someone else pays for it. Charle said the man in the video prepaid for 10 shots. Once the people come in, he buys the shot in front of them. He said it is not a shot that is given away. He said that he understands there cannot be happy hour. Chairperson Angus told Charle that he cannot advertise free alcohol, and that is what you are doing.

Charle said he apologizes, he did not think that is how it is coming off like that. She said she understands that Instagram has fictitious things on it but as the License Commission they cannot see things like this. Charle said that is why he deleted the videos; he would rather be a slower business and looked with respect, then a business that is not looked at favorably.

Chairperson Angus told Charle since he purchased the establishment, this is the third time that he has been here and he told them that he was going to run a clean business, and that safety and responsibility come before anything. She said throwing someone into a table is not safe or responsible.

Charle said his cameras were only recording up to 12 days and after talking with Sergeant Lynch he has upgraded his camera systems to record for 30 days. Charle said last call for him is everyday at 12, and everyone is off the premises by 1 am. Commissioner Koutoulas asked about the Christmas Party. Charle said the Christmas party started at 6pm and ended at 10pm. He said he was still within his hours. He said if it is an issue he can have the Christmas parties at his sister's place. Charle said he is very strict with his rules. Chairperson Angus said that is why this is so shocking.

Chairperson Angus told Charle that even if his bartenders are not drinking while they are working you are still portraying that that are.

Commissioner Driscoll made a motion to do a letter of advisement and 30-day probation barring no other issues. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

14.3 Edward DiBurro, Manager

Barnboard Pub, Inc.

d/b/a Academy Lanes

725 South Main Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 Chapter 138, § 34 Sale or delivery of an alcoholic beverage to a person under 21 years of age.

-Alleged violation of 204 CMR 2.05 (2) Failure to display required signage.

Edward DiBurro appeared for this item and was sworn in.

Sergeant Lynch said on June 13, 2024, an underage alcohol compliance check was conducted.

Detectives and 4 underage operatives assisted in the compliance check. There were 42 establishments that were visited and there was 1 establishment that sold alcohol to an underaged person. At 17:22 detectives and the underage operatives went to Academy Lanes. Each underaged operative asked for a Bud Light. The underaged operatives did not pay any money at the time and the bartender did not ask for an ID. The bartender placed the Bud Lights in front of each underaged operative. A short time later detectives advised the establishment of the

violation. The bartender stated he recognized the 2 operatives as prior customers. Detectives did not see a liquor license posted on the wall when they asked the bartender about the license, he was unable to locate the license.

Edward says he has no defense for this. He has no idea why he served the operatives. He was not at the premises that day. He said at the time there was no one else in the establishment. He said the bartender is good at checking for identification. There was an undercover sting before, and he passed. He said the Licenses are posted in the bowling center. The bartender did not know where they were posted. He said all the licenses are posted in the bowling center.

Chairperson Angus asked Edward how long the employee has been working for him. Edward said about a year. He works part time 2-3 days per week. He works at TGI Fridays, and he is certified though them for serving safe alcohol. Edward said this is the only issue they have.

Commissioner Koutoulas told Edward that he should make photocopies of the licenses and put them in the bar area also. She also said if the Haverhill License Commission does not have copies of his certifications we need to get copies of the certification.

Sergeant Lynch said the bartender passed the sting last time. The last time the drinks were in the bartender's hand, and he put them down in front of the operatives and then asked for a ID.

Sergeant Lynch said they passed him on that because the bartender still maintained control of the drinks and he did ask for ID before they were served. Sergeant Lynch said clearly, he is making poor judgment calls because he should be checking for ID for everyone.

Commissioner Driscoll said we are going to ask for all front of house staff to be recertified with in person training and submit that to our clerk.

Chairperson Angus told Edward if he cannot get the training done within 60 days to come back to the Commission or submit something to the clerk.

Commissioner Driscoll made a motion to have all front of house staff retrained with in person training and submit to clerk and 60-day probation. Training must be done within 60 days. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

14.4 David Brogna, Manager

Grande Mexico LLC
d/b/a Grande Mexico
108 Plaistow Road

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit; Possible overserving

Craig Difeo was here for this item. He is 50 percent owner. David had an operation on his throat, and he cannot talk for at least 7 days. He prepared something for the meeting. He gave the Commission of a copy. Craig was sworn in.

Sergeant Lynch said on June 18, 2024, at 12:15am, officers were dispatched to 147 Grove Street for a motor vehicle crash. When Officers spoke with the operator of the motor vehicle, he had blood shot glassy eyes, moderate odor of alcoholic beverage emanating from his person, swaying side to side, and unsteady on his feet. The operator advised the officers that he worked at Grande Mexico, and he had 3 tequila shots after work. There was a report from a witness that was following the operator before the crash and stated he was all over the road. The Sergeants concerns are consuming alcohol after work, and letting employees leave intoxicated.

Craig said himself and David were not there when this happened. They tried to piece this together by talking to employees. The employee started at 8:30am and clocked out at 10:30pm. After he clocked out, he sat at the bar, and he ordered 1 drink. 1 hour later was the last call he ordered another drink and was served another drink. He cashed out at 11:34pm. At midnight everyone left, and the bartender locked the door.

After being notified of the incident the kitchen manager who speaks Spanish and English well talked to Jose. Jose said that he had 2 drinks at Grande Mexico and 3 shots after leaving. Craig said it was noted in the Police report that nips were found in and around his vehicle. He brought a copy of the employee clock in and clock out time log. He also had a copy of Jose's bar slip. The bar slip shows 2 margaritas and no shots. They asked the bartender if he was served any shots, the bartender said no. Craig said he did not have the shots at Grande Mexico, and they cannot control what someone does when they leave. Sergeant Lynch said he left the bar at 12 and even if he had 3 shots it would not impair him in 15 minutes. It would have taken time for the shots to impair him, and 15 minutes is not the time frame. Commissioner Koutoulas said in March they were asked to update their cameras. She asked if the Police had reviewed the footage. Sergeant Lynch said no they did not review the footage.

Craig said their camera system records for 7 days and on the 8th day it starts recording over. Commissioner Koutoulas told Craig that it needs to be updated to 30-day retention time. The Commission has started to ask for this.

Commissioner Driscoll said he agrees with the length of the footage, and he also knows that they are not in front of the Commission often. He knows they run a good ship and did say there were nips in his car. Chairperson Angus said there was a serious accident a little over a year ago with similar circumstances.

Commissioner Koutoulas said she wanted to mention that the employee worked 13 hours that day and he was allowed to have a drink after the shift. She suggested that working that long may have caused him to be more impaired. She suggested that he should train the employees on that. Chairperson Angus asked Craig if the employee ate that night. Craig said he cannot say if he did or did not and that he was not there that night. He also said they can eat while they are working. Attorney Fallon said he thinks Sergeant Lynch is correct. He does not see how 3 nips could hit that quickly. Sergeant Lynch reminded Craig that the bartenders have to be diligent and talk to the Patrons and look for the signs they are impaired.

Commissioner Driscoll made a motion for tips or serve safe certification within the next 30 days, for all front of house staff and probation for 45 days. The training will be done in person and update the camera system to a 30-day retention time. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

14.5 Nancy Ann Pegnam, Manager

Crescent Yacht Club

d/b/a Crescent Yacht Club

30 Ferry Street (rear)

-Show cause hearing: Alleged violation of 204 CR 2.05 (2) Permitting an illegality on the licensed premises, to wit:

Richard Willet appeared for this item. As well as Rick the Commodore. They were both sworn in. Chairperson Angus said there were some events that were publicly advertised. She told them

they are a private club they are not supposed to be advertising. Richard said the advertisements were not put on by them. He said they were put on by the band. He said it has happened twice since he got the notification for the meeting. He said when they put something on it is always done by the same person and it says the members invite you. Chairperson Angus asked if they put the post up. Richard said no. Chairperson Angus asked if they all signed in the book and they were all sponsored by a member. Richard said yes, they did. Richard said they have a book at the door and a book at the bar. It is the bartender's responsibility to make sure everyone is signed in. Richard said the members sign their guests in it is not the bartender's responsibility to sign them in but to make sure they are signed in. When they have a special party, they have a special book. He said the sponsoring member is there from start to finish.

Commissioner Koutoulas said she can understand the band wanting to advertise. When you are a private club, it puts the club into a situation. She recommends having a conversation with the people that use the facilities. She suggested adding in must be signed in by a member. Rick said they sent out a letter after this incident. He said they notify the bands and advertise the members of the Crescent Yacht Club or the Crescent Yacht Club and its members. This is what they have been doing. They sent this letter to all the bands that they use. He said they are aware they can't just invite their friends, and the members are good at making sure everyone is signed in.

Attorney Fallon asked when people came with the band what happened when they were at the door. Richard said there is a door person that is certified and has them sign in and the door person signs in next to them. The door person stays there for the entire event.

Commissioner Koutoulas asked if the members know the people they are signing in. Richard said about half and half. Commissioner Koutoulas said that is where it gets a little gray. She said she knows they are doing fundraising but it on the edge of the intention.

Attorney Fallon said the members are allowed to bring guests and you are basically vouching for those people, rather than just letting people sign in. Rick said for the most part during the day almost everyone is a known person. Rick said they try to follow the rules and they are not in front of the board very often. He said they have 16 cameras that last 30-60 days.

Attorney Fallon said it just blurs the lines. Being a privately owned club there are certain benefits that you get. It sounds like if he went there now, and he did not know anyone that he would get signed in.

Commissioner Koutoulas thanked them for their attention to the safety and the diligence of the members. She said advertising has been an issue everywhere. They want to address the issues as they come up. Rick said they addressed the issues as soon as they were aware. He also said they have more than one bartender on duty if it is busy.

Commissioner Koutoulas asked him about who the manager is. Rick said that Nancy was the manager, but her husband had taken a turn for the worst medically and she had retired. They did interviews have selected Richard as the new manager.

They said they do plan on making Richard the permanent manager and brought the application in.

Commissioner Koutoulas made a motion to place this on file. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

14.6 Noreen Frances O'Neil, Manager

Haverhill Lodge #165 B.P.O.E. of Haverhill
d/b/a Elk's Club

24 Summer Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: Publicly advertising and service of non-members.

Joe and Carol appeared for these items. They were heard together. Chairperson Angus said they had an event on June 21 called Midgets with attitude. They were contacted by Jennifer before the event. It was the same day as the event. That is the first time that we had found out about the event. She called to let you know that you are in violation of your entertainment license. Her understanding was the response to Jennifer was we don't care we are going to do it anyway. Joe said he had a conversation with Jennifer, and he did not know about an entertainment license for sporting events. He said he did not know the Midgets were considered a sport. Carol said it was more of a comedy show. Chairperson Angus said all these things are a violation of your entertainment license. Joe said he told Jennifer that it is 3 hours before the show there is now way that he can cancel the show.

Commissioner Koutoulas said it appeared based on the advertisement, that the event is all ages. Carol said there was a comment that she made on the advertisement that you must be 18. Chairperson Angus asked them what they did to determine who was able to drink and who was not. Joe said the drinkers had a band and the non-drinkers had 2 bands. Commissioner Koutoulas said they could have taken that off and been considered a drinker. Joe said they only had 3 people that were underage. Chairperson Angus said if you put the band on a non-drinker, they can go into the bathroom take the band off and now they are a drinker. Chairperson Angus said her concern is the non-drinkers go in the bathroom, take their band off and now they are a drinker. Who is checking to make sure the non-drinkers are still not drinking. Chairperson Angus asked if they are getting carded at the bar. Joe said no they are not getting their ID checked at the bar because they already got checked at the door. Chairperson Angus said what you should have done was put bands on the drinkers.

Attorney Fallon said this method is designed to fail. There could not have been a worse way to do this.

Chairperson Angus said she has a copy of the book for that night. She asked if they are mostly nonmembers. Joe said no, they are mostly all members. Commissioner Koutoulas said how do you know who a member is and who is not a member by these lists. Carol said they know the names. Commissioner Koutoulas suggested a change to the way they are signing people in. Chairperson Angus said, if they are not a member, then the sponsoring member's name should be there as well.

Carol said some of these advertisements were not done by them they were done by the Wrestlers on the wrestling page. Commissioner Koutoulas said it was also posted on their page also. Carol said that is because members were posting it. Chairperson Angus said someone needs to be in control of the page so you can control the advertisement that is coming out of your establishment. If you are allowing other people to have events at your establishment, you must tell them they cannot publicly advertise. Chairperson Angus said it is not good enough to say it wasn't us. She said it is your event and you must make sure that your event is compliant with the law.

Attorney Fallon said whatever goes on there, you are responsible for.

Commissioner Driscoll made a motion for the Elks Club to close completely on Friday July 12, 2024, Saturday July 13, 2024, and Sunday July 14, 2024, for everyone including

members and no service of alcohol. They may reopen on Monday July 15, 2024. They will also be on probation for 6 months. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

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Haverhill Lodge #165 B.P.O.E. of Haverhill

d/b/a Elk's Club

24 Summer Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit:

-Violation of your entertainment License.

-Event on June 21, 2024

Joe and Carol appeared for these items. They were heard together. Chairperson Angus said they were notified before the event that the event was a violation, but they did not care they held the event anyway. Joe said he could not cancel the event at such short notice and that he brought over an application for an amendment of the entertainment on Monday. Chairperson Angus asked if they applied for the license from the state athletic department. Joe said he had no clue until Jennifer called that he needed to apply for that. Joe said this was the first time they had done an event like this, and he did not know that he had to do all these additional things. Carol said the inspectors came over and showed her how to set everything up and she did not go over capacity.

Commissioner Driscoll said the responsibility is always on the owner of the License to make sure they have all the proper licenses. Commissioner Driscoll said he knows that they have listed on Coldwell Banker that they are for sale, and he wants to make sure they are not disregarding all the rules. Joe said that he is not trying to pull anything. He said he is still waiting for police approval for the entertainment amendment.

Attorney Fallon said from the License it looks like you do not have permission now to do a comedy show, so even if it was a comedy show it was still not permitted. Commissioner Koutoulas told them they should have it posted so you would know what is on the License.

Attorney Fallon said the responsibility is on you to comply with your license. He said it is not Jennifer's duty to give you a warning, but she was kind enough to do that. Your comment was that you could not cancel. Basically, what you did, you were told that something was illegal, and you did something that you knew was illegal. Technically the city does not have to give you a warning.

Chairperson Angus asked if they have more events that are 18 and over. Carol said no that is the only one. Commissioner Koutoulas said she suggests 21 and up from now on. Chairperson Angus asked how many people the security team was. Joe said 3 people. Joe said they hired a security team, and they brought as many people as needed. He is a member, and he is tips certified.

Commissioner Koutoulas asked how many members they have. Joe said about 350.

Commissioner Koutoulas asked if private clubs are not making enough money on their membership why don't they apply for a regular section 12 License. Joe said they are mandated by the lodge to be a private club. He said all Elks Lodges throughout the country must follow their rules and their bylaws. Joe said he is trying to do the right thing. He said he has been

working hard since January to do everything the Commission has been requesting. Commissioner Koutoulas said all you must do is make a simple phone call to check and ask can I do this event?

Commissioner Driscoll said, we know you follow the Grand Lodge rules, but you have a problem following some of our rules. He also said his biggest fear is that they have given up because they are for sale and are moving on to the next thing.

Chairperson Angus said for that event we had to get fire, police, and inspectional services out there. We had to use City resources to make sure you are following the rules. That is not how it should be.

Chairperson Angus said we want you to ask for permission and not forgiveness. Chairperson Angus inquired about the status of the new manager application.

Joe said they submitted all the information to Rose with the ABCC they are waiting to hear back on the application for the new manager.

Commissioner Koutoulas said she wanted to make mention that 2016 was the last time they had a show cause hearing until this year.

There was some discussion about the show cause hearings that took place last year and what caused the baby shower melee. Commissioner Koutoulas said because people were not being watched and guests were signing people in who they did not know.

Commissioner Driscoll said he recommends closing for the upcoming weekend, including member. He said close Friday, Saturday and Sunday and reopen on Monday. He wants to make sure that the club and the membership understand this is a serious situation and they understand things need to change.

Commissioner Koutoulas said for the future it is considered a sporting event because people are physically engaging with each other. The wrestlers should have provided you with a license from the Massachusetts Athletic Commission.

Attorney Fallon said he is very concerned because the defense they did not know better was the same defense that was used at the baby shower melee event. It is very concerning because Jennifer was nice enough to tell you it was illegal, and you went for it anyways.

Commissioner Driscoll made a motion for the Elks Club to be closed completely Friday July 12, 2024, Saturday July 13, 2024, and Sunday July 14, 2024, for everyone including members and no service of alcohol. They may reopen on Monday July 15, 2024. They will also be on probation for 6 months. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed

15) COMMUNICATIONS

NO SCHEDULE

16) PUBLIC PARTICIPATION

No Schedule

17. OTHER BUSINESS

18. ADJOURNMENT