



Haverhill

License Commission, Room 118
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LICENSE COMMISSION MINUTES

Wednesday, November 22, 2023, at 11:00 a.m.-Room 202
VIRTUAL and in person meeting

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

- 1) PLEDGE OF ALLEGIANCE
- 2) APPROVAL OF THE MINUTES
No Schedule
- 3) CONTINUED BUSINESS
No Schedule
- 4) ONE DAY APPLICATIONS
No Schedule
- 5) BUSINESS CERTIFICATES
No SCHEDULE
- 6) ENTERTAINMENT APPLICATIONS
No Schedule
- 7) COMMON VICTUALLER APPLICATIONS
No Schedule
- 8) OUTDOOR DINING APPLICATIONS
No Schedule
- 9) ALCOHOL/ABCC APPLICATIONS
No Schedule
- 10) MOTOR VEHICLE APPLICATIONS
No Schedule
- 11) CARRY IN LICENSE APPLICATIONS
No Schedule
- 12) ITEM FOR DISCUSSION
No Schedule
- 13) SHOW CAUSE HEARING

13.1 Noreen Frances O'Neil, Manager
Haverhill Lodge # 165 B.P.O.E of Haverhill
d/b/a Elks Club
24 Summer Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: (2) No Licensee for the sale of alcoholic beverages shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The Licensee shall be responsible therefor, whether present or not.

-Failure to maintain a safe environment for Patrons.

-Incident that occurred on or about October 28, 2023, at approximately 21:21

Sergeant Lynch described the incident as the following on October 28, 2023, at 9:30pm, Officers were dispatched to the Elks Lodge located at 24 Summer Street for a large group fighting and a report that a knife was involved. When officers arrived, they observed several juveniles leaving the area. Officers spoke with the employee who stated there was music and dancing and solo cups and Jello shots present. When the Officers noticed there was outside alcohol brought in, they advised the party host they were shutting the party down. At that time the party host told HPD that she invited some friends and that several unwanted guests showed up.

When the lights went on and all the partygoers were leaving, they were walking through the hall, they began pushing and a fight started. Officers asked to see the security cameras and were told the system was outdated and not able to be reviewed at the time.

Later on, that day a reporting party said there was a knife and a firearm that fell to the floor during the pushing and the shoving. The following day an officer reported to a residence to take a report of a women's son that was assaulted at the Elks Club.

The victim reported that he was jumped by several men at the Elks Club. The victim also stated that while he was at the Elks Club one of the males who assaulted him pointed a firearm at him. He also stated that at least 10 individuals that were at the party had firearms. The victim said when he was leaving the Elks Club males began to push him and stomp on his head. While he was on the ground, they removed his expensive sneakers and when the police were arriving that is when everyone scattered.

Chairperson Angus spoke and reminded everyone that these are two separate incidents. The Commission is hearing these two separate incidents today. There are two separate show cause hearings, and the Commission will take the October 28, 2023, show cause hearing first.

Carol Duggin appeared for the Elks Club. Chairperson Angus asked Carol how many people were at the party. Carol said there was only supposed to be 50-60 people. Carol said it was told to her it was going to be a close family party. Chairperson Angus asked Carol how many people showed up? Carol said it was about that number and the problem was that the girl did not know who people brought to the party.

Commissioner Koutoulas asked Carol who was the member that was in charge of the party?

Carol said that was the bartender. Commissioner Koutoulas reminded Carol that the bartender cannot be the person to sign people in and that is a clear violation. Commissioner Koutoulas reminded them that bartenders are not allowed to sign people in and that is the law.

Chairperson Angus asked if these party members signed the book? Joe Michaud was also present for the Elks Club and said no they did not, and they messed up on that part.

Commissioner Koutoulas asked them how long the video system has been out? Carol said the system is not out, that it can be viewed just not downloaded. Carol said HPD did not come in to look at the footage, but they sent someone from IT to get a disk and they do not have a disk system. Carol said you can watch the video, but you have to sit there and watch it.

Carol said there was a bartender upstairs and downstairs and their function room is downstairs.

Chairperson Angus asked when it was discovered that there was outside alcohol? Carol said that she did not know about outside alcohol. Joe said that he went down and gave the girl a warning that if he saw outside alcohol, he would shut the party down. He went down 20 minutes later and shut the party down.

Commission Koutoulas asked them if they called the Police. Joe and Carol and said no the

mother of the girl having the party called the police. Commissioner Koutoulas said that they were asked to leave and no one from your staff called the police. Joe and Carol said that the fights were happening outside and across the street not inside Elks Club. Chairperson Angus reminded them that the parking lot is their responsibility also.

Chairperson Angus asked Joe why he shut the party down? Joe said it was because the party started getting out of control not because he saw outside alcohol. He said that the party got rowdy. Joe said that it got loud, and people were yelling at each other.

Sergeant Lynch said the bartender told the officers on the scene that she saw solo cups and Jello Shots. Sergeant Lynch said the bartender found these outside and he said his question was why was the bartender outside and who was inside of the building? Sergeant Lynch said that means that nobody was monitoring the crowd, and they were all left unattended, and it does not make any sense.

City Solicitor Tom Fallon asked if the bar serves Jello Shots? Carol said no they do not. Tom also asked if they use solo cups. Carol said yes, they do have black and red solo cups.

Commissioner Koutoulas asked Sergeant Lynch if the City Hall Videos have been looked at? Sergeant Lynch said he was not sure, and the incident is still under investigation.

Suzynne Cummings came up to speak. She was the bartender working during both incidents. Suzynne said she is a bartender at the Elks Club and mostly works functions. Suzynne also spoke to the girl who booked the event and was told that she wanted to have a small gathering. Suzynne said they brought in food and at the beginning of the party there was no outside beverages, the only thing that happened was that 2 kids went to the bar asking for drinks and she did not serve them because they were underage. She said the function stayed fairly calm until the twerking contest started. The girl who lost the contest was not happy, there were comments made and there was an altercation. The altercation seemed to be a bunch of people assaulting one person. Suzynne stated she mostly served soda and Shirley temples that night. Suzynne did take an outside beverage away from someone in the hallway who was of age. She spoke to the girl's mother after this, and the girl's mother said she was checking people for outside beverages. Suzynne stated it was after the incident occurred when she was cleaning up that she found empty plastic cups that looked like they were Jello shots. Suzynne said the bar was covered at all times except when she did parameter checks, and she locked the door when she did that.

Commissioner Koutoulas asked Suzynne how many people she thought were there that night. Suzynne said 60-65.

Commissioner Koutoulas asked Suzynne what the age range she thought the kids were and if the mother found any contraband? Suzynne said she guesses from 17-22 and the mother told her that she did not find anything. Suzynne thinks the party started at 7pm.

Commissioner Driscoll said that he does not understand why the as the bartender, that she should have the responsibility to check around the building. Suzynne said that particular night the bar was quiet, and she was walking around a lot.

Commissioner Driscoll said that he thinks she is a diligent worker and that it should not fall on her to do checks.

Chairperson Angus asked Joe and Carol if it is normal to have just a bartender downstairs for functions? Joe said they always watch on camera and go downstairs right away if something happens.

Commissioner Driscoll reminded Joe and Carol they do not have to accept every party because ultimately, they are responsible for what happens.

Chairperson Angus said that what Commissioner Driscoll is saying is that it is the club's

responsibility to monitor people at events, not the bartender and not the parents. There should have been more people from the Club staff there.

Tom Fallon asked who the manager is on the liquor license? Joe said that she passed away. Joe said he had a difficult time getting the DOR certificate.

Tom Fallon told Joe that if they are in the process of changing, they currently do not have a manager.

Sergeant Lynch said another concern is that members that are not trained or TIPS certified are coming down to check on employees.

Chairperson Angus asked who signs the crowd manager book? Joe told her that they do not have one. Chairperson Angus said that is part of your training. The crowd manager is responsible for opening the club every day, ensuring everything is secure and signing the book that has been done.

Carol turned in the bar receipts for October 28, 2023.

Commissioner Koutoulas told Joe and Carol that when establishments have had violations the Commission has been requiring them to upgrade their security system. Commissioner Koutoulas said that one of her recommendations is the upgrade of their equipment. Joe said it does record onto the hard drive.

Commissioner Koutoulas asked Sergeant Lynch what the police need for the minimum for these security recordings.

Sergeant Lynch said they need a system that they can attach a thumb drive to or attach a cd to download the footage. Commissioner Koutoulas asked what about the coverage areas? The Sergeant said ideally the entrances and exits, outside of the entrances, parking lot, and the function room. Commissioner Koutoulas said the current cameras are not functioning to the degree that we need them to.

Commissioner Koutoulas said she wanted to make it part of the motion to include 4 cameras and a system that allows downloading.

Commissioner Koutoulas stated that the 4th camera they would like to have covering the parking lot because that is part of their responsibility.

Joe said the parking lot is not lit well because the electric company shut the light off. Sergeant Lynch said that is something that you should look at lighting the parking lot.

Tom Fallon said if there are all these reasons why the establishment cannot have events safely with proper lighting, security, and cameras than these events should not be happening.

Chairperson Angus said the safety plan for the functions needs to be improved immediately. She does not think that leaving a single bartender with a party is remotely safe.

Commissioner Koutoulas said she wanted to remind everyone that bartenders are not supposed to be signing in people. There is supposed to be another member signing people in and staying with them the entire time.

Commissioner Koutoulas made a motion to find there is a violation of the CMR. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

Commissioner Koutoulas made a motion that the Elks Club illuminate the parking lot, update their security system, complete and submit the new manager paperwork to the ABCC, and a 7-day suspension held in abeyance until December 31, 2023. If there are no violations during that time the suspension goes away if there is a violation during that time the suspension goes in effect immediately. This was seconded by Commissioner Driscoll. No

public comment, vote unanimous, motion passed.

13.2 Noreen Frances O'Neil, Manager
Haverhill Lodge # 165 B.P.O.E of Haverhill
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-Failure to maintain a safe environment for Patrons.

-Overserving

-Incident that occurred on or about November 19, 2023, at approximately 17:50

Sergeant Lynch described the incident as the following: On November 19, 2023, at 17:50 officers were dispatched to the Elks Club for a male party that was having an anxiety attack and allegedly punched a mirror in the bathroom. Upon arrival officers requested additional units to respond because approximately 40 people were yelling and fighting inside. The Officer in charge requested the assistance of the state police. Upon arrival most of the parties on scene had a strong smell of alcoholic beverage coming from their breath.

These people were coming from a baby shower. The bartender said the fight began because someone called someone a name. After that the male went to the restroom and became angry. The bartender went into the restroom to find out what was going on. She got in the middle of a fight about to happen. She saw the mirror was broken and she called 911. After she called 911 she was assaulted by several parties. The president of the Elks Club stated that she believed numerous parties were drinking in the parking lot during the baby shower and were not served during the event.

Sergeant Lynch said that was not reported to the police that people were going to the parking lot and drinking. There was a male party that had blood shot glassy eyes, unsteady on his feet and slurring his speech and he attempted to drive away with his 10-year-old son. Officers were able to stop him from doing so.

Sergeant Lynch said the scene was very dangerous for all responding officers.

Joe and Carol appeared for this item also. Carol said she was not there for the incident, and she came afterwards.

Commissioner Driscoll asked her how many people were there. Carol said she does not know offhand she would need to check her documents. Commissioner Driscoll said his next question was what were the bar sales? Carol said \$410. Chairperson Angus asked to see the bar receipts. Chairperson Angus asked if that was mostly alcohol? Carol said they cannot tell and that she tried to separate it but was not able to. Carol got the application for the event and said it says 75-100 people.

Chairperson Angus asked Carol about the statement that the club president indicated there was drinking going on in the parking lot? Carol said that she did not know about that. Joe came up and said that was the first time he had heard of that.

Sergeant Lynch said that the concern of HPD is that they knew there was drinking in the parking lot, and no one brought it to the attention of the police. People drinking in the parking lot and then they enter the club and now the club is responsible for them. All this is after we had an

incident a few weeks prior.

Joe came up to speak and said that he never said drinking in the parking lot, but he said drinking outside and coming into the building. Joe said that he was not there for the incident either. Joe also said that the parking lot is definitely an issue, and he will make sure the cameras are working. He also said he would have the spotlight put back on. Joe said that he now understands what he needs to do.

Chairperson Angus said the biggest issue is the security plan. Joe said he would sit down with the board and come up with a plan. Chairperson Angus said there should be someone at the door and if they go out to the parking lot they should not be readmitted. If people are intoxicated, you cannot turn them away, you need to call the police.

Chairperson Angus reminded Joe that is his liquor license on the line, and it is not the responsibility of the people hosting the functions, it is their responsibility.

Suzynne came up to speak. She said that she opened the bar, and it was a calm opening. She said she had carded a dozen and a half people that came up to the bar and they were all of drinking age.

Suzynne came up to speak and she said that she got a call from Tracey, and she was told that there were people outside drinking, and she was going to need to go outside and take care of it. Suzynne said when she went outside, she found a 1–2-year child outside alone and she found who the mother was to return the child. The bar was closed during this when she came back in after that. A man ran up to the bar grabbed a big stack of napkins and ran into the men's bathroom. Suzynne said she also heard noises and went to the men's room to see what was happening. When she went into the bathroom, she saw the father of the baby and a smashed mirror. Suzynne became very upset.

Chairperson Angus asked her if that when she was assaulted? She shook her head yes and Chairperson Angus told her she did not have to go into detail.

Suzynne said she had her phone on her, and she called 911. When she called 911 everyone in the bathroom flipped out on her. Suzynne said they tried to grab the phone from her, and one guy put his hands around her throat. Suzynne said she was still on the phone with 911 and they continued to punch her and push her. More and more people joined in to do this and to get the man outside before the police came. Suzynne said members came to help and they were pushed also. The man that sells the Christmas trees came to assist as well. Suzynne told them they could not leave, and they started beating her against the doorway and stomping on her. Suzynne said they shoved the father of the child outside and everyone started going outside. When the officers arrived, they started getting in the faces of the officers.

Suzynne said after the police came and started breaking up the incident, she went inside, closed out her drawer and she started losing consciousness. Suzynne eventually agreed to get medical attention. At this point Carol and Joe arrived and took possession of the club.

Chairperson Angus spoke. She said this woman should not be standing here like this. If there was a better security plan in place this would not have happened. Joe and Carol said they were both upset about what happened also.

Sergeant Lynch spoke and said that he wanted to see the event book and what events are planned and also the logbook to see how many people are signing in. He said if they want to have functions, they need to have people other than the bartender providing security to prevent these things.

Commissioner Koutoulas asked if the police had a recommendation. Sergeant Lynch said whatever the board feels is fitting. He also said they want a plan in place going forward and they

can address how things are going at the next meeting.

Chairperson Angus asked if there were any events planned this weekend. Carol said they have a baby shower planned on Sunday from 2-6 for an employee and they are expecting 50 people and they have a birthday party from 5-9 on Saturday and do not have a count on the people yet.

Commissioner Driscoll said that he is concerned because with the seriousness of the last event there is still not a safety plan in place. Or any additional staff in place. Commissioner Driscoll said he would not want to see any more functions happening until this is addressed.

Carol said that she could have someone work the door and a book for signing. Chairperson Angus said at this point they need more than one person, and the bartender does not count. She said they need someone at the door and someone patrolling the party at all times. It has to be someone who is tips certified in the function room the whole time.

Chairperson Angus said she wants someone at the door signing people in, inside the function hall and watching the parking lot and if the person who is signing people can watch the parking lot that is ok. That would be 2 in addition to the bartender.

Commissioner Driscoll said this the plan until you have an updated security plan to be open and operating for functions. This might not be in place for ever.

Joe asked how he should make the safety plan.

Chairperson Angus said her suggestion is to start with the number of people. If the event is less than a certain number of people, this is what we will do, if you have this amount of people to this amount this is what we are going to do. If the police review it and they have concerns, we will send you back to the drawing board. Chairperson Angus reminded them to keep in mind what happened and also reminded them to not shortchange the staff.

Sergeant Lynch reminded everyone that they should also be keeping in mind how many times people are coming and going from the function. If someone is repeatedly going out and coming back in something is going on.

Commissioner Koutoulas reminded everyone that they do need to also have a member who signs everyone in and stays with them the entire time and this is separate from the additional 2 people that are needed for security. There should be 2 security members, the member sponsoring the event, and the bartender. 4 people in total.

Commissioner Koutoulas made a motion that there was a violation of the CMR. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

Commissioner Koutoulas made a motion for the suspension to held in abeyance until December 31, 2023, and no further violations, a security plan must be filed by the next meeting December 7, 2023. There will be no more events unless a member signs everyone in and there are 2 security people present for each function. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

14) COMMUNICATIONS

15) No SCHEDULE

16) PUBLIC PARTICIPATION

No SCHEDULE

17) ADJOURNMENT

Commissioner Driscoll made a motion to adjourn at 12:51 pm.