



License Commission, Room 118
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The Haverhill License Commission held a **Meeting** on **Thursday August 6 2020 at 6:00 p.m.**
Room 202, City Hall.

Attendees: Chairman Edwards, and Commissioner Carter, Commission Sewell
Clerk Linda Koutoulas

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE MINUTES:

A. APPROVAL OF MINUTES OF JUNE 15 2020 – REMOTE

B. APPROVAL OF MINUTES OF JULY 2 2020

C. APPROVAL OF MINUTES OF JULY 22 2020 - REMOTE

MOTION TO APPROVE BY COMMISSIONER SEWELL, SECONDED BY
COMMISSIONER CARTER, NO PUBLIC COMMENTS. CHAIRMAN EDWARDS APPROVED JULY 2 AND 22
MEETING MINUTES (ABSENT FOR JUNE 15 MEETING). COMMISSIONERS CARTER AND SEWELL APPROVED
ALL MINUTES.

3. CONTINUED BUSINESS

4. MISCELLANEOUS APPLICATIONS/REQUESTS

5. ONE DAY APPLICATIONS

6. ENTERTAINMENT APPLICATIONS

7. COMMON VICTUALLER APPLICATIONS

a. THE FAT GREEK, 15 WASHINGTON ST
PANAGIOTIS PANOURGIAS, MANAGER

PANAGIOTIS PANOURGIAS APPEARED AS APPLICANT. COMMISSIONER CARTER ASKED ABOUT THE
BUSINESS. CHAIRMAN ASKED ABOUT THE LEASE.

MOTION TO APPROVE BY COMMISSIONER CARTER PENDING BUSINESS OCCUPANCY APPROVAL, SECONDED
BY COMMISSIONER SEWELL, NO PUBLIC COMMENTS, VOTE UNANIMOUS YES.

8. OUTDOOR DINING APPLICATIONS

9. ALCOHOL/ABCC APPLICATIONS

10. MOTOR VEHICLE APPLICATIONS

a. ANTHONY POLIZZOTTI DBA 210 RIVER ST AUTO SALES

ANTHONY POLIZZOTTI, MANAGER

CLASS 2 USED CAR

TRANSFER OF LICENSE FROM FERNANDO GARCES, MANAGER

ANTHONY POLIZZOTTI APPEARED AS APPLICANT. CHAIRMAN EDWARDS SPOKE OF MR POLIZZOTTI'S GOOD REPUTATION. MOTION TO APPROVE TRANSFER OF LICENSE BY COMMISSIONER CARTER, SECONDED BY COMMISSIONER SEWELL. NO PUBLIC COMMENT. VOTE UNANIMOUS YES.

b. SOUTH ELM AUTO SALES

193 SOUTH ELM ST

ELISABETH DUPONT, MANAGER

SUBMITTING NEW FLOOR PLAN FOR LOT – (NO ADDITIONAL SPACES)

ATTY BRYAN CHASE APPEARED ON BEHALF OF APPLICANT. PARKING PLAN HAS SAME AMOUNT OF SPOTS BUT ASSIGNED ONE SPOT FOR HP. CHANGE OF CONFIGURATION ONLY. MOTION TO APPROVE BY COMMISSIONER SEWELL, SECONDED BY COMMISSIONER CARTER. NO PUBLIC COMMENT, VOTE UNANIMOUS YES.

11. CARRY IN LICENSE APPLICATIONS

12. ITEM FOR DISCUSSION

13. SHOW CAUSE HEARING

B. TOP LINE AUTO

534 RIVER ST

PIERRE EL HAYEK. MANAGER

CONSUMER COMPLAINTS AND QUESTIONABLE BUSINESS PRACTICE

COMMISSIONER SEWELL RECUSED HIMSELF – HAS HAD PRIOR BUSINESS WITH TOP LINE.

SERGEANT KEVIN LYNCH APPEARED FOR THE HPD.

3 MATTERS – FIRST, JULY 3RD DISTURBANCE OVER SALE OF VEHICLE. CUSTOMER WAS INTERESTED IN A VEHICLE, WAS SHOWN ANOTHER MORE EXPENSIVE VEHICLE. SHE TOLD SALESPERSON SHE COULD NOT AFFORD AND SALES PERSON TOLD HER NOT TO WORRY, THEY COULD MAKE IT LOOK LIKE SHE COULD AFFORD CAR. TOLD SHE NEEDED A CO-SIGNER. SHE HAD HER FATHER COME BACK WITH HER AS CO-SIGNER TO RIVER ST LOCATION. WHEN THEY ARRIVED THERE, THEY WERE TOLD THEY NEEDED TO GO TO METHUEN LOCATION. FATHER SAID HE DID WANT TO GO TO METHUEN. FEMALE EMPLOYEE CAME OUT OF OFFICE AND THERE WAS A PHYSICAL ALTERCATION. CUSTOMER WAS TOLD SHE NEEDED TO SHOW PROOF OF RESIDENCY. SHE SAID SHE DID NOT THINK SHE COULD DO THAT – SALESMAN TOLD HER NOT TO WORRY, THEY COULD FIX THAT. CUT AND PASTE, DO THAT ALL THE TIME.

ON JULY 8, HPD TOWED A VEHICLE THAT HAD NO PLATES. OWNER SAID SHE HAD PURCHASED A VEHICLE AT TOP LINE AND HAD TRADED IN THE TOWED VEHICLE TO THEM. SHE DID A TRANSFER BUT HAD NO PAPERWORK. SHE STATED SHE HAD PAID ALL FEES BUT STILL HAD NO TITLE.

ON JULY 28, CUSTOMER PURCHASED A CAR, PAID \$5K IN METHUEN BUT 2 WEEKS LATER, STILL DOES NOT HAVE CAR. SHE WENT TO METHUEN TO GET HER MONEY BACK AND THEN WAS TOLD TO GO TO HAVERHILL. SHE HAS SINCE OBTAINED HER MONEY BACK.

SGT LYNCH CITED STATE LAW CONCERNING SALE OF MOTOR VEHICLES. STATES THAT BUSINESS NOT FOLLOWING THE LAW.

CHAIRMAN EDWARDS ASKED IF THERE WERE ANY RECENT COMPLAINTS AGAINST BUSINESS. CLERK TOLD HIM OF EMAIL COMPLAINT.

ATTORNEY ANTHONY BISTANY APPEARED FOR THE OWNER PIERRE EL HAYEK.

TOP LINE SELLS 50 CARS PER MONTH. THE POLICE REPORT ONLY TELLS ONE SIDE OF THE STORY. ALSO THE REPORT WAS WRITTEN 2 WEEKS AFTER THE INCIDENT. THEIR SIDE: MR COWELL WAS VERY ANGRY WHEN ARRIVED WITH DAUGHTER – HE ALSO SMELLED OF ALCOHOL. ANGRY WHEN TOLD THERE WAS NO ONE AVAILABLE IN HAVERHILL AND TO PROCESS PAPERWORK IN METHUEN. THE EMPLOYEE APOLOGIZED SEVERAL TIMES AND TRIED TO CALM HIM DOWN. WHEN EMPLOYEE TOLD HIM HE HAD TO HELP WITH ANOTHER CUSTOMER, MR. COWELL WENT TO THE OTHER CUSTOMER AND “GOT IN HIS FACE.” MS. LACHANCE WHO WAS TRYING TO DIFFUSE THE INTERACTION AND MR COWELL STRUCK MS. LACHANCE (EMPLOYEE) ALMOST PUSHING HER TO THE GROUND. ANOTHER EMPLOYEE CALLED THE POLICE. MR. COWELL THEN WENT INTO THE OFFICE TO SPEAK WITH MS. LACHANCE ASKED HIM TO LEAVE. “YOU WILL SEE ME, WITHIN ONE MONTH, THIS DEALERSHIP WILL BE CLOSED AND YOUR WILL BE OUT OF A JOB.” WAS STATED BY MR COWELL ON HIS WAY OUT.

DEALER VEHEMENTLY DENIES ALL COMMENTS ABOUT DOCUMENTS, APPLICATION FIXING, ETC.

COMMISSIONER EDWARDS ASKED ABOUT COVID, ASKED IS HE RECEIVED PPP MONEY FROM THE GOVERNMENT DEALER STATED HE RECEIVED ABOUT \$20,000 TO COVER PAYROLL BUT THE EMPLOYEES HAD LEFT, THAT HE COULDN’T USE THE PPP FOR EMPLOYEES AS THEY WORK ON COMMISSION. HE SAID HE USED THE MONEY FOR EMPLOYEES, BILLS, AND RENT/UTILITIES. (ALL CARS ADVERTISED ON THE INTERNET.) HE SAYS MOST OF THE MONEY WAS SPENT ON EMPLOYEES.

RE: PLATE ATTACHMENT. ATTY BISTANY READ THE LAW. HE STATED BUYER ONLY NEEDS THE BILL OF SALE, NO TITLE REQUIRED REGARDING THE CUSTOMER WHO NEVER RECEIVED THE CAR, THE ISSUE WAS FINANCING. SAYS THE CUSTOMER HAS POOR CREDIT RATING BUT BLAMES THE LENDER FOR DELAYED PAYMENT.

COMMISSIONER EDWARDS ASKED WILLIAM AND MEAGAN COWELL TO COME SPEAK.

COMMISSIONER ASKED MS. COWELL IF SHE RECEIVED HER MONEY BACK, SHE STATED SHE DID.

HE THEN ASKED MR COWELL HOW HE WAS TREATED. MR COWELL RESPONDED, INITIALLY FINE.

THERE WAS A DISCUSSION ABOUT MS COWELL BEING TOLD CAR WAS READY AND ON THE LOT. SHE WENT TO LOT AND THEN WAS TOLD CAR WAS NOT READY AND STILL BEING WORKED ON. THEN SHE WAS TOLD TO CALL HER FATHER AS SHE NEEDED A CO-SIGNER. SHE TOLD THE SALESPERSON TO CALL HIM.

COMMISSIONER EDWARDS ASKED IF OWNER WAS STILL RENTING FROM MR POWELL AND HE SUGGESTED THE MR HAYEK TAKE A LESSON FROM MR POWELL HOW TO RUN A BUSINESS.

YARITZA HERNANDEZ CAME TO SPEAK REGARDING ANOTHER COMPLAINT SHE HAD WITH TOP LINE. SHE WENT TO TOP LINE WITH HER SON TO BUY A CAR. SHE LEFT \$300 DEPOSIT FOR A CAR. THEN NEVER HEARD FROM THE DEALER. SO THEY WENT BACK. WAS TOLD THEY WERE ALL SET AND THAT THE HONDA CIVIC WAS ALL SET. SHE TOLD SALES PERSON SHE WANTED THE HONDA ACCORD. THEY SAID TO COME BACK WITH \$5400 TO ALSO REGISTER CAR WHICH SHE DID. STILL WAITED FOR A RESPONSE. IN THE MEANTIME HER SON CHANGED HIS MIND AS THE PROCESS WAS TAKING TOO LONG AND THEY STILL DID NOT HAVE CAR, EVEN THOUGH PAYMENTS WERE REQUIRED SOON. THE SALES PERSON TOLD HER THAT WHEN THE BANK CALLS TO TELL THEM THEY HAVE THE CAR ON THEIR PROPERTY SO PAPERWORK WOULD MOVE FASTER. SHE THOUGHT SHE WOULD HAVE CAR IN 3 DAYS.

SHE THEN CONTACTED DEALER AND WAS TOLD TOO LATE TO GET MONEY BACK FROM DEALER AND WAS TOLD CAR WAS READY. BUT THEN CAR WAS NOT READY, BACK AND FORTH. SHE SAID FINANCING WENT THROUGH. FINALLY SHE GOT HER MONEY BACK. ATTY BISTANY SAID HER FINANCING WAS DELAYED BECAUSE OF HER CREDIT RATING. HER MONEY WENT THROUGH ON FRI JULY 24. SHE DID GET HER MONEY BACK.

3RD COMPLAINT: JOHANNA BONDS. SHE PURCHASED VEHICLE AND STILL HAS NOT RECEIVED TITLE AFTER 1 ½ MONTH. SHE IS 22 AND RECENTLY MOVED TO HAVERHILL. SHE MADE \$2K DOWNPAYMENT FOR CAR. SHE FINANCED WITH FINANCE COMPANY. SGT LYNCH SAID CUSTOMER NEEDS TITLE TO REGISTER CAR WHICH THEN GOES TO FINANCE COMPANY.

SHE CAR IS STILL NOT REGISTERED. SHE SAYS SHE PAID \$50 EXTRA FOR DEALERSHIP TO REGISTER AND TITLE CAR. SHE HAD TRADED IN HER OLD CAR. SGT LYNCH SAYS SHE CAN'T REGISTER CAR AS SHE DOES NOT TITLE. SHE HAS CAR BUT DOES NOT HAVE TITLE. ATTY SAYS SHE CAN GET TITLE AFTER SHE PAYS TO DEALER RMV CHARGES \$530. BUT SHE HAS PAPER STATING SALES TAX WAS PAID. ATTY SAYS SALES TAX WAS NOT PAID. CUSTOMER STATES SHE IS VERY CONFUSED AND THE DEALERSHIP WAS NOT CLEAR ABOUT DEAL. ALSO, HER TRADE IN CAR WAS TO BE PICKED UP BY DEALERSHIP AS IT WAS ON THE STREET WITH NO PLATES. SHE HAD BEEN CALLED BY SGT LYNCH AND TOLD THAT SHE WOULD BE IN TROUBLE HAVING UNREGISTERED CAR ON STREET. SHE SAID SHE HAD GIVEN KEY AND TITLE TO DEALERSHIP. IT WAS TOWED BY CITY.

SGT LYNCH BELIEVES THIS IS NOT A SINGLE ISSUE BUT A SERIES OF ISSUES BETWEEN DEALERSHIP AND CUSTOMERS.

CAPTAIN PISTONE THEN SPOKE. HE IS MORE AND MORE CONCERNED ABOUT TOP LINE. HE FEELS CUSTOMERS ARE BEING TAKEN ADVANTAGE OF. BAD BUSINESS PRACTICE. GOING FORWARD HE RECOMMENDS THAT ALL DEALS ARE SCRUTINIZED. ALL STEPS SHOULD BE RECORDED AND REVIEWED BY HPD.

CHAIRMAN EDWARDS RECOMMENDS THAT DEALERSHIP BE PUT ON PROBATION UNTIL SEPTEMBER MEETING. AND THAT SGT LYNCH REVIEW ALL DEALS.

ATTY BISTANY SUBMITTED WITNESS AFFIDAVITS.

MOTION TO PUT TOP LINE ON PROBATION TILL SEPTEMBER MEETING, 30 DAYS SUSPENSION HELD IN ABEYANCE MADE BY CHAIRMAN EDWARDS. SECONDED BY COMMISSIONER CARTER. NO PUBLIC COMMENT. VOTE 2 YEAS, 0 NAYS, 1 ABSTAIN.

C. ARAMIAN AUTO SALES

46 GILE ST.

JAMES ARAMIAN. MANAGER

CONSUMER COMPLAINT AND QUESTIONABLE BUSINESS PRACTICE

SGT LYNCH APPEARED ON BEHALF OF THE HPD. STATES HE RECEIVED AN EMAIL COMPLAINT JULY 10TH. SGT LYNCH STATED DEALER AND CUSTOMER IN ARBITRATION. STATES BUYER PURCHASED CAR THROUGH 3RD PARTY AND HAS HAD PROBLEMS AND LOOKING FOR REFUND.

MR. JAMES ARAMIAN APPEARED IN REPRESENTATION OF SELF. STATED HE IS TAKING VEHICLE BACK AND HAS ARRANGEMENT WITH CUSTOMER. MOTION TO CONTINUE TO SEPTEMBER MEETING TO MAKE SURE EVERYTHING ALL SET MADE BY CHAIRMAN EDWARDS, SECONDED BY COMMISSIONER CARTER, NO PUBLIC COMMENT. VOTE UNANIMOUS YES.

D. DREAM TEAM AUTO

100 WHITE ST

VALENTINE KONG, MANAGER

USE OF LICENSE IN OTHER COMMUNITY AND CONSUMER COMPLAINT

VALENTINE KONG DID NOT APPEAR FOR SHOW CAUSE HEARING.

SGT LYNCH APPEARED FOR HPD AND DESCRIBED COMPLAINT. HE HAS RECEIVED NUMEROUS COMPLAINTS REGARDING SALES MADE BY DREAM TEAM. RI STATE POLICE HAVE ONGOING INVESTIGATION. MR. KONG STATES HE WAS NOT PERSON MAKING THE SALE AND THE SOMEONE ELSE WAS USING HIS LICENSE. SGT LYNCH STATES HE HAS RECEIVED 3 OR 4 SIMILAR COMPLAINTS FROM CUSTOMERS STATING ISSUES WITH CARS SOLD BY DREAM TEAM AND MR. KONG STATING IT WAS NOT HIM WHO SOLD CAR. SGT LYNCH PROVIDED MR KONG WITH A PHONE NUMBER WITH THE NAME OF A BUSINESS AND MR KONG STATED IT SOUNDED LIKE SOMEONE NAMED GUY AND THAT HE WOULD LOOK INTO IT AND PROVIDE INFORMATION TO SGT LYNCH. SGT EMAILED MR KONG AND NEVER RECEIVED ANY INFORMATION. THESE ARE ALL INTERNET SALES.

CHAIRMAN EDWARDS ASKED CLERK HOW MR. KONG WAS CONTACTED. CLERK STATED CERTIFIED MAIL AND REGULAR MAIL. DID NOT RECEIVE CERTIFIED MAIL CARD BACK BUT ALSO REGULAR WAS NOT RETURNED.

CHAIRMAN EDWARDS SUGGESTS REVOKING HIS LICENSE UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION.

MOTION MADE BY COMMISSIONER SEWELL THAT LICENSE BE SUSPENDED UNTIL HE APPEARS BEFORE LICENSE COMMISSION. SECONDED BY COMMISSIONER CARTER. NO PUBLIC COMMENTS. VOTE UNANIMOUS YES.

14. COMMUNICATIONS

15. PUBLIC PARTICIPATION

16. OTHER BUSINESS

CHAIRMAN EDWARDS PROPOSES AD HOC COMMITTEE TO REVIEW RULES AND GENERAL ACTIVITIES OF CAR DEALERS, USED CAR DEALERS AND INTERNET SALES. APPOINTS COMMISSIONER CARTER AS CHAIRMAN, AND COMMISSIONER SEWELL TO COMMITTEE.

17. ADJOURN

MOTION TO ADJOURN MADE BY COMMISSIONER CARTER, SECONDED BY COMMISSIONER SEWELL, UNANIMOUS – ADJOURNED AT 7:40PM.