



Deborah A. Clayman
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City of Chelsea
LICENSING COMMISSION
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NOTICE

There will be a meeting of the Chelsea Licensing Commission on Tuesday, May 5, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Minutes of Licensing Commission meeting of April 28, 2015
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) Acunha Restaurant Corporation
d/b/a Plaza Mexico
168-170 Washington Ave. (public hearing re police reports)

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May 5, 2015

Meeting of Chelsea Licensing Commission commenced on this date at 6:00 p.m. at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA. Present: Chairperson Silvia Guzman, Commissioners Joe Cooney, Roy Avellaneda, and Mark Rossi. Absent: Commissioner Ken Umemba. Also present: City Clerk Deborah Clayman and Captain Keith Houghton of the Chelsea Police Department.

Commissioner Avellaneda opened meeting at 6:00 p.m. (Chairperson Guzman arrived at 6:10 pm)

Minutes of Licensing Commission meeting of April 28, 2015 were tabled.

April 30, 2015 communication from Jimmy Chan on behalf of Chappy Pantry, Inc., d/b/a Heller's Liquor at 429 Broadway re Sunday operating hours change from 10 am to 11 pm was read by Avellaneda and unanimously approved, accepted and filed.

Communication of May 1, 2015 from Attorney Kendra Kinscherf of Davis Malm & D'Agostine re Phantom Ventures LLC Entertainment License was read by Avellaneda. Public hearing will be scheduled.

Communication of May 4, 2015 from Attorney Kendra Kinscherf of Davis Malm & D'Agostine re Phantom Ventures LLC Entertainment License was read by Avellaneda.

Email communication of 5/5/15 from City Councilor Matt Frank to Debbie Clayman and Roy Avellaneda re Plaza Mexico was tabled pending Plaza Mexico public hearing scheduled for this evening.

Public hearing commenced re Acunha Restaurant Corp dba Plaza Mexico of 168-170 Washington Ave. Chairperson Guzman noted for the record that there is a stenographer present to take notes and minutes of the public hearing re Plaza Mexico. Guzman further requested that everyone wishes to speak, sign in noting name and address. Guzman read public hearing notice.

Attorney Samuel Vitale of 60 Andrew St., Lynn, MA, identified himself as being present on behalf of Plaza Mexico and noted by way of housekeeping that the licensee received a notice that had particularized reports which were not noted in the public hearing notice read by Guzman. Guzman clarified that one is the Chelsea Record notice and the other is the notice to Plaza Mexico. Guzman read public hearing notice provided to licensee. Atty Vitali noted that report 15-1019 is not on the notice and due to Grand Jury investigation it may be a concern to proceed re that report this evening. Discussion commenced re report 15-1019 and it was unanimously determined that report 15-1019 is not technically before the Commission this evening.

Guzman noted in the form of housekeeping, she doesn't believe she has to recuse herself on any of these; however, she wants to disclose that there is one person that was arrested in one of these reports, which she did represent for bail purposes only at arraignment, never had contact with him after that.

Atty Vitali introduced Gerardo Acunha as principal and manager; assistant manager Tulio Maldonado; Miguel Sanchez; and Misael Angulo.

Capt Houghton addressed the Commission and noted the summary of a several month investigation re violations of sec. 2.13 Illegal Activity on Licensed Premises – subsection a – 1-6

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and b.; sec. 2.5, subsections d and g; sec. 2.08, sections; m and n; sec. 2.09, Environs of Licensed Premises, subsections a, c and e.

Lieutenant Ed Noseworthy identified himself and gave background re how drug dealers operate. He noted that video was voluntarily given to him by employees of Plaza Mexico and was 16 hours long. They have 16 cameras inside and outside; he got one hour each on it and it's been condensed to about a half an hour. Lieutenant Noseworthy showed video and gave details of what occurred inside and outside the establishment re violations (noted in detail in stenographer transcript; pages 26-71). Noseworthy concluded his presentation.

Capt Houghton stated there is a lot of evidence to show the public. The Commission took a 10 minute recess.

Officer Chodrick identified himself and referenced report #14-4613-OF and stated that the report is Officer Chung's report; he was her partner that night and he was just starting because she was somewhere else, but she will take the lead.

Officer Chung testified re report #14-4613-OF (transcript pages 75-78).

Detective Carlos Vega testified re report 14-4613-OF (transcript pages 79-86).

Officer Edward Marchese testified re report #14-4802 (p. 88-90).

Detective Carlos Vega testified re a series of at least two hours of video, down to 32 minutes (p. 90-100).

Capt Houghton noted that the summary had been concluded. He believes the police department showed the place is not run properly and they had a drug conviction. They are responsible for anything that goes on in their property. They tend to take things in their own hand. Violations speak for themselves and he asked the Commission to take appropriate action.

Atty Vitali questioned Lieutenant Noseworthy (p. 106-157).

Commission unanimously voted to suspend for this evening and continue public hearing to 5/19/15.

Meeting adjourned at 10:30 p.m.

Deborah A. Clayman 6/16/15
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