

Minutes of the June 18, 2020 meeting of the City of Chelsea Licensing Commission.

Location: Chelsea City Hall Planning Department Conference Room 500 Broadway, Chelsea, MA.

Meeting opened at 6:10 p.m. by City Solicitor Cheryl Watson Fisher.

Commission members present: Mike Mcateer, Gladys Vega and Emily Cherniack. Also present, City Solicitor Cheryl Watson Fisher, Assistant City Solicitor Strephon Treadway, Licensing Administrator Naomi Libran and Captain Keith Houghton, Officer Santiago and Officer McLaughlin. Not present was Chairperson Mark Rossi and Vice Chair Jim Guido. The Commissioners present because of social distancing granted the City Solicitor the Chair position for the evening.

City Solicitor Fisher asked for a motion to move and to adopt the minutes of the June 4,2020 to the next meeting of July 16, 2020.

City Solicitor informed the Commissioners that he the governor and the City has allowed outdoor seating and have temporary guidelines in place, based on Covid-19 social distancing. The City asked for a motion to adopt the designation of authority to the Licensing Administrator Naomi Libran to issue these temporary licenses. Vega move, McAteer seconded, vote unanimously.

City Solicitor asked for a motion to approve the renewal of all completed Taxi company and Hackney licenses applications. Cherniack moved, Vega seconded, vote unanimously.

City Solicitor Fisher opened the Public Hearing to consider revoking, suspending, or modifying the All Alcoholic Beverages License of Monotas Corp. d/b/a El Carriel at 9-11 Williams Street relative to the police report #20-406-OF. Attorney Jeffrey Turco appeared on behalf of the owner who was in Florida taking care of his elderly mother, and Doug Moran who works for the corporation, Officer Santiago appeared on behalf the CPD. McAteer and Officer Santiago stated that they want to meet the owner of Monotas Corp., which Officer Santiago said he has been trying to meet him for over a year. McAteer motioned to continue hearing for the next licensing meeting, Cherniack seconded, vote unanimously.

City Solicitor Fisher opened the Public Hearing to consider revoking, suspending, or modifying the Wine and Malt Beverages on Premise License of Las Pupusas del Chino, Inc. at 92 Washington Avenue relative to the police report #20-171-AR. Gustavo Serna, owner, Amy DeBano the stepdaughter and Jessica Rivas representing the Licensee, and Manager Lucia Lopez appeared. Officer Nicole McLaughlin of the Chelsea Police Department testified consistently with her report #20-171-AR that she responded to a call to a motor vehicle accident on March5, 2020. When she arrived she saw a vehicle facing the wrong direction and three other damaged vehicles. No one was injured in the accident. Another officer was speaking with the driver. The driver smelled of alcohol, had glazed eyes, and slurred speech. The driver was incapacitated to the point of being unable to answer questions. As identification he produced a temporary paper driver's license, social security card and employment authorization card. The paper license showed the driver to be 20 years old. The driver did not have any other identification. He was taken to the station where he was offered a breathalyzer test. The driver accepted the test, which showed a blood alcohol concentration of 0.15%. The following day, the driver told officers he had been drinking at Las Pupusas del Chino. Officer McLaughlin then said on March 9, 202, requested video surveillance footage from March 5 of the Licensee. Licensee's president, Gustavo Serna provided the requested footage later that day. The provided video covered 50 minutes from four different angles. The footage showed the driver drinking beer at the licensed premises. Officer McLaughlin provided still

photographs from the video showing the driver drinking. Officer McLaughlin further testified that the video showed the driver swaying while standing. The video footage showed the driver leaving the licensed premises at 9:14 pm with the assistance of a woman apparently guiding him by holding his jacket.

Captain Keith Houghton testified that Licensee's president Gustavo Serna was present for a training at which licensees were advised that the only forms of identification on which they might reasonably rely in determining a patron's age were a Massachusetts Driver's License, a Massachusetts Liquor identification card, a Massachusetts identification card, a passport, a passport card or a military identification card. The footage obtained by Officer McLaughlin revealed no examples of employees checking identification.

Bartender Jessica Rivas testified in Spanish, through Amy DeBona as interpreter, that the driver showed her a driver's license indicating he was of legal drinking age and she served him a total of two beers. Licensee's manager Lucia Lopez and president Gustavo Serna testified that they were not present while the driver was at the establishment.

On March 16, 2020 Officer McLaughlin requested further video footage from March 5 to cover the driver's entrance in the licensed premises. On March 23 in response to renewed requests, Gustavo Serna told Officer McLaughlin that the requested footage was "gone" and that the licensee's system did not have the capacity to retain footage for that long. At the hearing, Amy DeBona presented an invoice dated June 15, 2020 showing that the hard drive of the Licensee's video surveillance system had been upgraded to store data for 30 days.

Solicitor asked for the findings of the Commissioners:

Commissioner McAteer moved the following findings which were unanimously adopted:

- Upon due notice and opportunity for a hearing, the Commission finds that the Licensee has violated M.G.L. c.138 §69 and City of Chelsea Licensing Commission Rules and Regulations, Section 2.08(p) by selling or delivering alcohol to an intoxicated person.
- The Commission finds that the Licensee has violated M.G.L. c 138 §34 and City of Chelsea Licensing Commission Rules and Regulations §2.08(f) and (i), by furnishing alcohol to a person under 21 years old.
- The Commission finds that the Licensee has violated Rules and Regulations of the City of Chelsea Licensing Commission, §2.09(h) by failing to maintain an operational video surveillance system saving recordings for 30 days.

McAteer motioned to revoke license. Vega seconded, voted unanimously.

Elections were held and the board voted: Vega motioned, McAteer seconded. voted unanimously.

James Guido –Chair

Mark Rossi – Vice Chair

Chair closed the meeting around 6:45 p.m.

Next meeting July 16, 2020