

**MINUTES
LICENSE COMMISSION MEETING
MARCH 12, 2014**

A SPECIAL HEARING OF THE Revere License Commission was called to order by Chairman Joseph W. Quarantello, Jr., at 8:45 a.m. on March 12, 2014. Vice Chairperson Linda Guinasso, Commissioner John M. LaCroix, Police Lt. Sean Randall, Liaison with the Revere License Commission, and Maggie Haney, Recording Secretary, present.

SHOW CAUSE HEARING:

Show Cause Hearing for Taqueria Eucalipto Corp. d/b/a **Taqueria Eucalipto Mexican Restaurant**, 107 Shirley Avenue, Raul Santos, Manager, concerning multiple police reports of instances of: serving intoxicated persons; fights/disturbing the peace; serving alcoholic beverages past the legal closing hour; and service to a person under twenty-one years of age.

Lt. Randall explained that on the morning of Saturday, March 8th, the police responded to a call reporting an altercation within the establishment. One of the participants identified herself as a sixteen-year-old, and said she had been drinking in the establishment before she got into a fight with one of the employees. An assault case will be heard in this matter. In the police report, the reporting officer, Officer Jorge Romero, noted that there have been multiple infractions at this establishment, indicating a worrisome trend.

Sgt. Patricia Carey of the Revere Police testified. She has responded to many of the calls at this establishment, including February 15th, when she found it open after 2:00 a.m. with 20 – 30 patrons still at tables and the bar, including one patron who needed help walking out due to his intoxication; March 1st and 2nd, for drunk and disorderly patrons (resulting in arrests at both calls); and on the call of March 8th. The official reports from February 15th and March 8th were read into the record. The March 8th report indicated that patrons were still being served alcohol at 1:40 a.m. in contravention of regulations, and that the security personnel of the establishment stated that he had been instructed not to card anyone entering. The report also noted a pattern of service to intoxicated patrons. Chairman Quarantello read a list of recent police calls indicating the reported trend of infractions related to intoxicated patrons.

Attorney Daniel Buckley represented the establishment. He stated that the young woman who identified herself as a sixteen-year-old was an employee of the establishment, and that her identification indicated that she was over twenty-one. A copy of the identification was provided to the Commission. He also noted that this young woman had been charged with assault in the matter of March 8th. Mr. Raul Santos testified that he had had one problem with the young woman during the month-long term of her employment. She quit approximately two weeks ago, but then returned, and worked one day the week before the incident, as well as the night of the incident, but quit at approximately 11:00 p.m. that night. He testified that she was sober when she arrived, and that she began drinking at 11:00, but that he believes she only had one drink, and that her reaction to that one drink was disproportionate.

Chairman Quarantello called Sgt. Carey back to ask if she believed the young woman could have only had one drink. Sgt. Carey stated that she did not believe it to be possible, as the young woman was highly intoxicated. Sgt. Carey listed several signs of severe intoxication that she had observed, and stated that Officer Romero had needed to take the young woman home to her parents due to her state.

Attorney Buckley rose to address the issue of the establishment's security being instructed not to check identification. He said that this instruction was because the establishment is a restaurant, and therefore it isn't required for patrons to be over twenty-one to come in for a meal. The kitchen closes at midnight. It was not stated whether identification is checked at that time. The establishment has a capacity of 40 people, and there is only one security guard. He then went on to describe the owner's plans to avoid future problems. This plan would be to add a security guard at 11:00 p.m. with two-way radios, allowing one guard to remain at the door and the other to walk the inside and observe patrons. They also plan to start checking identification at the door at 11:00 p.m. He stated that the restaurant has been open since 2010, and has had no issues prior to this current trend.

Chairman Quarantello expressed concern about the number of heavily intoxicated people. Atty. Buckley referenced the other establishments on the street, and suggested that some of the issues with drunk and disorderly people might have been from other establishments. However, he said that the proposed security measures should help with the problem.

It was established that there had been only one reported instance of being open past 2:00 a.m. Commissioner Guinasso asked about the identification which had been provided to the Commission, noting that the identification had a different last name than that of the young woman listed in the police report. Lt. Randall said that the copy appeared to have several marks indicative of a fake identification, but that he would need to see a better copy to be certain. Atty. Buckley stated that his clients had believed the young woman's last name to be that on the

identification and that they had no way of knowing if it were a fake. Sgt. Carey stated that she had not seen any identification, since the young woman had none; however, when asked about the fact that the identification indicates an address in Worcester, Sgt. Carey was able to definitively state that the young woman lives in Revere, since they had taken her home to her parents and verified that she lived there. The young woman had given the police her birth date, last name, and address, all of which were different from the presented identification.

Commissioner LaCroix suggested that the incident with the young female employee could be considered an isolated incident, and addressed the issue of the pattern shown by the many other incidents. He would like to see systems in place to prevent future problems. Atty. Buckley pointed out that this pattern is relatively recent, and his clients had previously had an unblemished record. When asked what had changed to result in this pattern, he replied that he wasn't certain, and referenced the neighboring establishments. He then reiterated his clients' plans to increase their security. Commissioner Guinasso pointed out that an establishment with a capacity of only forty people should be able to better police their customers, and that the ultimate responsibility lies with the management. She referenced the letter sent to all on-premises liquor license holders at the end of February, reminding them of the closing procedures. She and Chairman Quarantello both held that the Commission has made the closing hours and procedures very clearly, and that all license holders are aware of the law's requirements in dealing with intoxicated patrons.

Chairman Quarantello recapitulated the Commission's concerns: even assuming the young woman to be a disgruntled employee, it was clear that she was heavily intoxicated; there have been multiple incidences of intoxication; multiple calls for the police to respond to the restaurant; and remaining open past 2:00 a.m. He proposed a ninety-day rollback of closing hours from 2:00 a.m. to 1:00 a.m., effective immediately and extending to June 10th, which would give the establishment an opportunity to show the effectiveness of their new procedures. They would be required to appear at the next meeting for the Commission to review their record during the interim period. Commissioner Guinasso said that she would prefer a six-month rollback. Commissioner LaCroix said that ninety days was fine with him, but that he wanted to see a written plan outlining the establishment's proposed procedures to avoid future problems. Chairman Quarantello agreed that adding a written plan to the motion was a good idea.

There were neither opponents nor proponents when called. The motion was duly made and seconded to roll back the closing hours from 2:00 a.m. to 1:00 a.m. for ninety days, effective immediately, and extending through June 10th, with music shut off and last call at 12:30 a.m. and all patrons out of the establishment no later than 1:00 a.m., and to review the case at the June meeting of the License Commission. It was also made part of the motion that a written plan of proposed procedural changes be submitted to the Commission as soon as is practicable. It was VOTED to pass this motion, with Commissioner Guinasso voting in opposition.

Following the foregoing, there being no further business to come before the Board upon Motion duly made and seconded, it was VOTED to adjourn the meeting at 9:40 a.m.

Joseph W. Quarantello, Jr., Chairman

Maggie Haney, Recording Secretary

Minutes of the meeting of March 12, 2014