



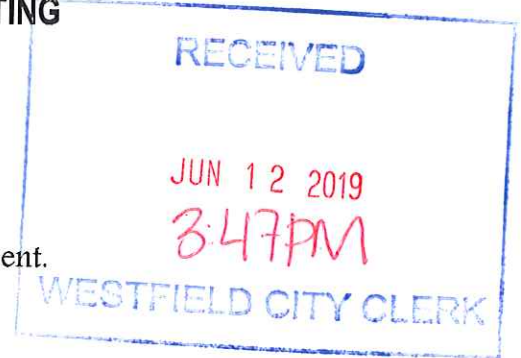
City of Westfield, Massachusetts

LICENSE COMMISSION

Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

CITY HALL
59 COURT STREET
WESTFIELD, MA 01085
Phone 572-6202
Fax 572-6332

LICENSE COMMISSION SPECIAL MEETING Tuesday, May 28, 2019 MINUTES



Meeting convened at 6.02 p.m.

Chairman Mowatt, Commissioner Diaz and Commissioner Dawicki were present.

Chairman Mowatt read the agenda into the minutes.

Chairman Mowatt announced the meeting would be tape recorded.

VIOLATION HEARING.

1. Patel Liquor, LLC d/b/a Westfield Liquors, 95 Main Street, Westfield, MA, Meet Patel, mgr regarding incident# 19-8386 3-28-19 and incident# 19-9508 3-29-19 alleging the following:

204 CMR. 2.05 (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 license premises. The licensee shall be responsible therefore, whether present or not, to wit:

MGL, Chp. 134 Sec. 34 Sale or delivery of alcoholic beverages to a person under twenty-one (21) years Of age (1 count). Police incident# report# 19-9386, dated 3-28-19 attached.

Sale or delivery of alcoholic beverages to a person under twenty-one (21) years of age (1 count). Police incident report# 19-9508, dated 3-29-19 attached

Chairman Mowatt read the summons into the minutes.

Lt. Hall was present and read the incidents into the minutes.

Present was Attorney Brad Moir and Meet Patel, owner.

Attorney Brad Moir stated the following:

- The licensee is embarrassed about this incident.
- He is working on trying to figure out what happened.
- He has a scanner that all employees use.
- He was out of the country for two weeks when these incidents occurred.
- Four to five months ago he found a fake ID that a student was using and turned it into the Westfield Police.
- Four months before that he caught another fake ID but that man ran away so was unable to ID him.
- All his employees are instructed to run id's through the scanner for anyone who looks under 40 years old.
- These students are using good fake id's.
- They are hard to catch.
- If they knew about this incident they could have checked their video.
- Their video only holds tape for 12 days.
- He has college students who are clerks. He believes that they knew the ones coming in to buy.
- He will no longer be hiring college students to work as clerks.
- If an employee runs the id through the scanner and it comes back clean but they are using a fake ID the licensee doesn't know what more he can do.
- They are not looking to pass the buck but the incidents also stated that there was alcohol already in the vehicle.
- It looks as if these kids were driving around and buying at other liquor stores also.

Meet Patel was present and stated the following:

- He has had his license at this store for 2 years.
- He also holds a license at Union Mart for the last 4 years.
- Their clerks scan the id's and when the machine comes up that they are 21 they are allowed to sell the alcohol.
- The clerk was fired as soon as he found out about this incident when he came back from China.

Attorney Moyer asked the commission on guidance on what they can do.

Chairman Mowatt stated that they must also look at the id to detect if the person in front of them is truly the one the ID is issued to. They should look at the face, height, weight and eye color. The ID could show that anyone of these are too far off from the person standing before you.

Commissioner Diaz asked Lt. Hall if the officer asked for the ID's of these underage minors.

Lt. Hall stated the following:

- When they were questioned by the officer, they stated that they used fake id's.
- The scanners that the licensees are using are great but they cannot rely on the 100% of the time.
- They need to check the face, height, weight and eye color stated on the ID's with the person who is in front of them.
- They must also check that the holograms are working on the ID's.
- You are not required to sell alcohol to anyone event if they pass through the scanner. You could also ask for another form of ID.
- Sometimes scanners will pick up that they are fake ID's and sometimes they won't.
- You always have to update the scanner software and not put 100% faith in the scanner.

Attorney Moir stated the following:

- The licensee in the past has caught someone using a fake id because they used a debit card with a different name on it in previous incidents.
- They are relieved that none of these underage patrons drove away and that the Westfield Police Department handled the situation.
- This is the first time he has been before the commission regarding incidents.

Commissioner Diaz stated to the licensee that he is putting his business at risk. He asked the licensee if they have a trainer or a manager working side by side when they hire someone new.

Meet Patel stated the following:

- The clerk ringing the register during those two incidents has been working with him for 2 weeks.
- There was a manager present at the store but he does not know where she was during those times.
- He does not know what happened because he was out of the country and no one told him about these incidents.
- He found out when he was served by the police department.

Commissioner Dawicki stated the following:

- Regarding incident 19-9386 on March 28, 2019 what stands out to her is that the underage patron went into the establishment twice.
- He first bought a 12 pack of beer, put it in the car then went in again to make another purchase.

Commissioner Dawicki asked if this is a flag to him. She also asked if their system requires them to always scan the ID before a sale can be rung up how did this happen when no ID was asked for.

Meet stated the following:

- He cannot tell from a sale that someone is buying for someone outside of the store.
- Some people leave after they make a purchase then they get a call from home that they need to purchase more alcohol.
- The process they use is that they scan the ID, then the register allows them to ring the sale in so the customer can pay.

Commissioner Dawicki stated that the underage patron told the police that he did not get ID'd because he has made purchases there before using an ID. She questioned why he was not carded that evening.

Meet Patel stated the following:

- He does not ask for an ID every time someone comes in.
- If a patron is coming in all the time and they know they carded them before they are not asked again.
- His wife was in charge the evening of the incidents.

Commissioner Dawicki stated that it would be better to card customers every time they come in for situations like this. One employee may not catch a fake ID but maybe another one would.

Meet Patel stated the following:

- This is a failure of a person, not a policy.
- He has policy's in place verbally but not in writing.
- When employees are hired they are told if they sell to an underage patron they are fired right away.
- There is a zero tolerance.
- He does not want to risk losing his license.

Chairman Mowatt stated the following:

- He sees this as a clear violation.
- The Licensee has never been in front of the commission before.
- He wants the licensee going forward to make sure his clerks look more closely at the person in front of them using the ID.

Meet Patel asked if a bunch of kids come in, one is buying alcohol and the others are buying soda and snacks can he still sell to the customer who is 21 years old?

Lt. Hall stated the following:

- As a licensee he should watch out for those situations.
- You are responsible if all kids are in there together and you only card the one that is 21 years old.

- He recommends to the licensee to protect his license.
- If only 1 is buying alcohol that should send red flags to you every day of the week.

With nothing further, a motion was made by Chairman Mowatt, seconded and unanimously VOTED to Move to deliberation.

DELIBERATION.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED that a violation did occur.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED that a violation did occur.

Chairman Mowatt stated the following,

- Based on the licensee's history with this establishment and Union Mart, he feels the licensee does a nice clean job with his business.
- This is their first violation.
- There is no reason to give more than just a warning.
- The Commission is satisfied with the actions of the licensee.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to issue a warning regarding violation# 19-9386 3-28-19 and incident 19-9508 3-29-19.

INFORMATIONAL HEARING.

1. Patel Liquor, LLC d/b/a Westfield Liquors, 95 Main Street, Westfield MA, Meet Patel, mgr regarding incident# 19-10358.

Chairman Mowatt read the summons into the minutes.

Present was Attorney Brad Moir and Meet Patel, owner.

Lt. Hall was present and read incident# 19-10358 into the minutes.

Attorney Brad Moir stated the following,

- This incident also happened when the licensee was in China.
- The clerk was the same one as in the violation hearing.

- He was fired as soon as Meet received the correspondence from the Commission that these incidents occurred.
- He is not sure how the licenses matched up because they could not review the video tapes.
- Clerk fired same clerk as previous
- Not sure how well the license matched up

Meet Patel stated the following,

- The clerk stated that the scanned ID looked like the person standing in front of him.
- He wants to know from the Commission what he can do when this happens?

Chairman Mowatt stated the following,

- The fake ID's are produced very well.
- They must also look closely at the ID's to make sure if they are using a real ID it truly is the person in front of them.
- They need to check the height, weight, hair color, eyes.

Commissioner Diaz stated the following,

- He feels the licensee is doing a good job but the employees are taking advantage of him.
- The clerk on duty that night probably knew they kids or the kids feels it is an easy establishment to buy alcohol when they are underage.
- They are putting your business in a bad position.
- If you catch a few using fake ID's or ID's that are not theirs, you might scare them away.
- He advised to the licensee to look out for himself and to protect his license.

Commissioner Dawicki stated the following,

- She is concerned that all three of these incidents happened in a one week period of time, regardless of the fact that the licensee was out of the country and they were caught by the Westfield Police.
- She is very concerned regarding what is going on at that establishment.

With nothing further, a motion was made by Chairman Mowatt, seconded and unanimously VOTED to move to deliberation.

DELIBERATION:

Commissioner Dawicki stated the following,

- This incident is a little easier to understand because the underage patron used a valid ID but it was his brothers.
- She is nervous and concerned what is happening at this establishment.

Commissioner Diaz stated the following,

- This incident was like the others where it happened during the time that the owner was out of the Country for 2 weeks.
- The same clerk was involved in all these incidents.
- He feels the clerk and the underage patrons knew each other.
- He would feel comfortable issuing a warning to the licensee.

Chairman Mowatt stated the following,

- The patron used a valid ID but he used his brothers.
- The licensee must comply with all regulations and this rests on the owners shoulders.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to file the incident but to include a hard copy of a policy that is created by the licensee for his staff for how ID's are checked, in what way and by who and what criteria the licensee wants to use for determining whether a sale is to be made or discontinued. The licensee must file this to the commission by the July 8, 2019.

Chairman Mowatt suggested to the licensee that he should reach out and consult with Lt. Hall for ideas. He stated to the licensee that he is not alone. He should work with Lt. Hall on how to properly Id the people standing in front of them with the ID that was handed to them.

Lt. Hall stated to the licensee that he will stop in this week to show them how to look for fake ID's and work with them to better handle these situations.

With no further business the meeting adjourned at 6.55 pm.


Christopher Mowatt, Chairman Approved.

SIGN-IN SHEET

Special

License Commission Meeting

Held on: Tuesday May 28, 2019

NAME

ADDRESS

REASON FOR BEING PRESENT

MEET PATEL

24 WOODSIDE CIR

Work

Prasad B Mev

45 Broad St Apt

Attorney