

SPECIAL SAFETY SERVICES & LICENSES COMMITTEE

Special meeting of the Safety Services and Licenses Committee was held on Tuesday, May 19, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:30 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair
Councilman Paul H. Archetto (appeared at 6:45 P.M.)
Councilman Emilio L. Navarro
Councilman Robert J. Pelletier
Councilwoman Michelle Bergin-Andrews
Council President John E. Lanni, Jr.

Absent: Council Vice-President Terence Livingston, Vice-Chair

Also Present: Councilman Anthony J. Lupino
Gerald Cordy, Deputy Director of Administration
Major Ronald Blackmar, Police Department
Chief James Gumbley, Fire Department
Evan Kirshenbaum, Assistant City Solicitor
Rosalba Zanni, Assistant City Clerk/Clerk of Committee
Heather Finger, Stenographer

Show Cause Hearing

El Tapatio

355 Atwood Avenue

Assistant Solicitor Kirshenbaum stated that there was an incident at this establishment on May 5, 2009. Following this incident, he received a phone call from Attorney John DiBona, attorney for the owners of the establishment. From the onset, Attorney DiBona and the owners of the establishment took full responsibility for the incident that occurred and he and Attorney DiBona discussed this and the owners are willing to take full responsibility and are willing to rectify the problem.

Assistant Solicitor Kirshenbaum stated that his recommendation to the Committee would be that the applicant close one weekend night and applicant voluntarily pay fine of \$3,000 and he urged the Committee to take this recommendation. The owners have agreed to mandatory tips training for bartender and they will refrain from all entertainment at this facility.

Attorney DiBona, appeared to represent owners of the establishment and stated that since his clients have obtained the liquor license, to his knowledge, there has never been an incident where Police were called. As to the May 5, 2009 incident, his clients are aware that things got out of hand that day and they accept responsibility and apologize to this Committee and the Fire and Police Departments, who were present on May 5th. Since this incident, his client have had two meetings with their employees and all the employees are tips certified and the rest that are not, will be tips certified very soon. As to the entertainment, they have no intention of having entertainment of over 100 people there. As to the fine, he asked that his client be allowed to pay it within sixty days in a form of a bank check, as suggested by the Chair.

Chief Gumbley appeared to speak and stated that since the Station Fire, the State of Rhode Island established a strict Fire Code for night clubs. He appreciates this Committee's cooperation and support in diligence.

Councilman Pelletier asked how many people were reported to be at this establishment when the Police were dispatched. Major Blackmar stated that Officers do not take a count, but he believes it was overcrowded.

Council President Lanni asked if there was Police Detail present on May 5, 2009. Major Blackmar stated that there was one Police Detail. Council President Lanni stated that there seems to be lack of communications, since there was Police Detail for entertainment, but they do not have an Entertainment License. Major Blackmar stated that an establishment can call for Police Detail at any time.

Chair thanked the Police Officers who responded on May 5, 2009 for their services and for being there that night because it could have been a very serious situation.

Francisco Lepe, Secretary Clerk of El Tapatio and Ricardo Lepe, Manager, appeared to speak.

Councilwoman Bergin-Andrews addressed the owners and stated to them that any entertainment, at all, even birthday parties, is not allowed since they do not have an Entertainment License.

Councilman Pelletier asked owners of this establishment if they have thought about installing a sprinkler system in or purchasing the building or if they have addressed this to the landlord. Ricardo Lepe stated that they have thought about installing sprinkler systems in certain parts of the building, but with the economy, he has not addressed this to the landlord.

On motion by Council President Lanni, seconded by Councilman Pelletier, it was voted to fine the owners of this establishment \$3,000 within sixty days by bank check and close one weekend night, either Friday or Saturday.

The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees