



BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Donna Pawlak

Glenn Fossa

MINUTES OF MEETING

The special meeting of the Board of License Commissioners was held on February 9, 2018 in the Mayor's office at 166 Boulder Drive and called to order by Commissioner Sarefield at 4:07PM. Commissioners Pawlak and Fossa were present. Also present were Mr. Walter Kirby and his counsel, Attorney John Dombrowski. Commissioner Fossa recused himself from the meeting, citing his prior discussion regarding same with the licensee's prior counsel and Fitchburg's City Solicitor, and then left the room.

The agenda consisted of the following:

Partner's Pub: Discussion and vote on the following Decision pending licensee's appeal to the ABCC:

DECISION communicated verbally to Attorney Ryan, Mr. Kirby and Mr. Michaud at Hearing and sent by regular and certified mail:

By vote of 2 in favor and 0 opposed with 2 members present, Board consists of 3 members:

10-day license suspension with four days to be served and six to be held in abeyance for one year.

Suspension is to be served on February 10, 11, 12 and 13, 2018.

Attorney Dombrowski stated that his client was not sure what to do, in light of a criminal application in progress related to the same incident, so he appealed the decision to the ABCC. He stated that prior counsel was not interested in pursuing the appeal and he is now representing Mr. Kirby. He stated that the licensee would like to serve the suspension in April and, if granted, would withdraw the ABCC appeal. He stated that his client's profit margin is not large and that he needs time to prepare financially for a four day closure.

Commissioner Pawlak asked what assurance the Board has that the appeal would be withdrawn if the request is granted and reminded Attorney Dombrowski that the licensee chose the dates of license suspension at the Hearing. Attorney Dombrowski responded that he would file a letter with the Clerk confirming the withdrawal of the ABCC appeal.

Commission Pawlak motioned to stay the four day license suspension until April 14, 15, 16 and 17, 2018 conditional upon the ABCC appeal being confirmed as withdrawn within one week from today. If such confirmation is not received the suspension shall be served on February 24, 25, 26 and 27, 2018. Chairman Sarefield seconded the motion and motion passed by vote of 2/0 with two members present.

The meeting adjourned at 4:20 PM

Respectfully submitted,

Anna M. Farrell
City Clerk

Approved:

Daniel Sarefield

NOT PRESENT
Glenn Fossa

Donna Pawlak