



Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, November 14, 2017** at 5:15 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Members Present: Frank Thompson, Shawn Byrne, Zachary Luster, Robert Cameron

Staff Present: Aaron Hobart, Rich Alves

Meeting Agenda

Public Hearings

Special Liquor License

Petition from Steven Katsurinis representing The ***Polar Bear Plunge*** for a ***Special Entertainment License***, on January 1, 2018 from 11 a.m. to 1 p.m., at 363 Commercial St., Provincetown, MA.

Speaker Brandon Quesnell represented the Polar Bear Plunge event. Permission was received from the Town Manager to use the Johnson Street parking lot. A disc Jockey will be on site for entertainment and annulments, Police and rescue personnel will also be on site.

Motion to Approve made by Shawn Byrne, Second by Robert Cameron. Approved 3-0

Regulation Changes

8.00 VEHICLE FOR HIRE REGULATIONS

8.01 VEHICLE FOR HIRE OWNERS

- k) ~~All vehicle for hire vehicles shall have the business name and the business telephone number posted on the two front doors along with a vehicle for hire number, posted on the two front fenders and the rear of the vehicle for hire in letters no less than three (3) inches high and one-half inch wide. In addition, the assigned vehicle for hire number and the vehicle for hire business name shall be posted on the rear of the vehicle for hire also in letters no less than three (3) inches high and one-half inch wide. All lettering must be, when required, in the form of painted or self-adhesive contrasting lettering (magnetic or other removable signs are not permitted).~~

8.02 VEHICLE FOR HIRE OPERATORS

- d) Drivers with an out of state driver's license must provide corresponding driver's history from their corresponding state. ~~To be eligible for a new license or the renewal of a license, the applicant must meet the following requirements:~~
- ~~1. Any applicant convicted of any felony or misdemeanor may be barred from receiving or holding a license for up to the maximum of the following periods of time:~~

- ~~a. Five (5) years after the incident leading to the applicant's or license holder's conviction or admission of sufficient facts or plea of *nolo contendere* for the sale or possession of a controlled substance, or conspiring to violate the controlled substance laws.~~
- ~~b. Five (5) years after the incident leading to the applicant's or license holder's conviction or admission of sufficient facts or plea of *nolo contendere* for driving under the influence of alcoholic beverage, or narcotic drugs, or operating to endanger.~~
- ~~c. Three (3) years after the incident which led to a revocation, or one (1) years after the incident which led to the suspension of a driver's license.~~
- ~~d. Ten (10) years after the incident which led to the applicant's or license holder's conviction or admission of sufficient facts or plea of *nolo contendere* for a sexually related crime.~~
- ~~e. Five (5) years after the incident which led to the applicant's or license holder's conviction or admission of sufficient facts or plea of *nolo contendere* for assault and battery.~~
- ~~f. Applicants with a single conviction for another felony or misdemeanor shall be barred for a reasonable time in reasonable proportion to the time for the foregoing felonies and misdemeanors.~~
- ~~g. Applicants with two (2) or more such convictions may be barred for a reasonable time for the foregoing felonies and misdemeanors.~~

8.03 VEHICLE FOR HIRE OPERATOR - DISQUALIFYING CONDITIONS

a) Violent Crimes

<u>Definition</u>	<u>Any violent crime, as defined in G.L. c. 140, §121, punishable by 10 years or more in state prison, or conspiracy, solicitation, attempt, or accessory to the same.</u>
<u>Disposition</u>	<u>Conviction or CWO</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>Unlimited</u>

b) Violent Crimes 2

<u>Definition</u>	<u>Any violent crime, as defined in G.L. c. 140, §121, or any assault or assault and battery, or any threat to commit such a crime, or any violation of a G.L. c. 209A restraining order, or any crime involving the illegal use or possession of weapons.</u>
<u>Disposition</u>	<u>Conviction or CWO</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>7 years</u>

c) **OUI**

<u>Definition</u>	<u>G.L. c. 90, §24 (Operating M/V Under the Influence)</u>
	<u>G.L. c. 90, §24G (OUI motor vehicle homicide)</u>
	<u>G.L. c. 90, §24L (OUI causing serious bodily injury)</u>
	<u>G.L. c. 90B, §§ 8, 8A, 8B (operating watercraft under the influence)</u>
	<u>G.L. c. 90F, §11 (OUI by commercial operator)</u>
	<u>G.L. c. 265, §13½ (OUI manslaughter)</u>
<u>Disposition</u>	<u>Conviction or CWOFF</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>Unlimited for OUI/motor vehicle homicide, OUI/serious bodily injury, OUI/manslaughter</u>
	<u>7 years for all others</u>

d) **Multiple Serious Driving Offenses**

<u>Definition</u>	<u>Two or more convictions or continuations without a finding for operating under the influence or leaving the scene, or any offense under G.L. c. 90, §24(2)(a), or any combination thereof.</u>
<u>Disposition</u>	<u>Conviction or CWOFF</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>Unlimited</u>

e) **Reckless Operation of a Motor Vehicle**

<u>Definition</u>	<u>G.L. c. 90, §24(2)(a)</u> <u>- reckless operation</u> <u>- negligent operation to endanger</u> <u>- leaving the scene of property damage</u> <u>- false statement to RMV</u> <u>- use without authority</u>
	<u>G.L. c. 90, §24(2)(a½)(1) (leaving the scene of an accident causing personal injury)</u>
	<u>G.L. c. 90, §24(2)(a½)(2) (leaving the scene of an accident causing death)</u>
<u>Disposition</u>	<u>Conviction or CWOFF</u>

<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>7 Years</u>

f) **Sex, Abuse, and Exploitation Offenses**

<u>Definition</u>	<u>“Sex Offense” as defined in G.L. c. 6, §178C (incl. conspiracy, solicitation, attempt, or accessory to same)</u>
	<u>G.L. c. 209A, §7 (Violation of an Abuse Prevention Order)</u>
	<u>G.L. c. 265, §13L (Child Endangerment)</u>
	<u>G.L. c. 265, §43 (stalking)</u>
	<u>G.L. c. 265, §43A (criminal harassment)</u>
	<u>G.L. c. 272, §6 (owner of place inducing or suffering person to resort in such place for sexual intercourse)</u>
	<u>G.L. c. 272, §7 (Support From, or Sharing, Earnings of Prostitute)</u>
	<u>G.L. c. 272, §8 (Soliciting for Prostitute)</u>
	<u>G.L. c. 272, §12 (Procuring Person to Practice, or Enter a Place for Prostitution; Employment Office Procuring Person)</u>
	<u>G.L. c. 272, § 13 (Detaining, or Drugging to Detain, Person in Place for Prostitution)</u>
	<u>G.L. c. 272, § 16 (Open and Gross Lewdness and Lascivious Behavior)</u>
	<u>G.L. c. 272, §53 (Indecent Exposure)</u>
	<u>G.L. c. 272, §53 (Accosting or Annoying a Person of the Opposite Sex)</u>
	<u>G.L. c. 272, §53A (Engaging in Sexual Conduct for a Fee)</u>
<u>G.L. c. 272, §105 (Upskirting)</u>	
<u>Disposition</u>	<u>Conviction or CWOFF</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>Unlimited</u>

g) **Sex Offender Registration**

<u>Definition</u>	<u>Required to register as a sex offender</u>
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<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>Unlimited</u>

h) **Felony Convictions**

<u>Definition</u>	<u>Any offense with an available maximum penalty of more than 2½ years' imprisonment.</u>
<u>Disposition</u>	<u>Conviction</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>7 years</u>

i) **“Felony Robbery”**

<u>Definition</u>	<u>G.L. c. 265, §14 (armed burglary)</u>
	<u>G.L. c. 265, §17 (armed robbery)</u>
	<u>G.L. c. 265, §18 (assault to rob)</u>
	<u>G.L. c. 265, §19 (unarmed robbery)</u>
	<u>G.L. c. 265, §21 (stealing by confining or putting in fear)</u>
	<u>G.L. c. 265, §21A (carjacking)</u>
	<u>Attempt, solicitation or conspiracy to commit these offenses, or being an accessory thereto.</u>
<u>Disposition</u>	<u>Conviction or CWOFF</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>Unlimited</u>

j) **“Felony Fraud”**

<u>Definition</u>	<u>G.L. c. 266, §§30 (Larceny – over \$250 only), 30B (unlawful possession of theft detection shielding device or deactivator), 30C (use of counterfeit receipt with intent to defraud), 30D (organized retail crime), 31 (obtaining signature by false pretenses), 32 (fraudulent conversion of property by captain of vessel), 33 (larceny by false pretenses relating to contracts, banking transactions or credit), 35A (false material statements in connection with mortgage lending), 37 (uttering fraudulent checks), 37C (fraudulent use of credit cards – felony form only), 40 (common and notorious thief), 39</u>
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	<p><u>(destruction or concealment of will), 50 (fraud or embezzlement by state treasury employee), 51 (fraud or embezzlement by city, town or county employee), 52 (fraud or embezzlement by bank officer or employee), 53A (misconduct by bank officer or employee), 55 (embezzlement by liquidating agent or receiver), 56 (embezzlement by broker or agent), 57 (embezzlement by fiduciary), 60A (buying or selling stolen trade secrets), 66 (fraudulent issue of stock), 67 (false entry in corporate books), 67A (false statement in procurement), 67B (presentation of false claims), 67C (false entry in records relating to capital construction projects), 73 (obtaining goods under false pretenses), 74 (fraudulent use of corporate credit), 75 (obtaining property by trick – over \$250 only), 76 (gross fraud or cheat at common law), 110 (false invoice of cargo), 111 (false affidavit or protest), 111A, 111B, 111C (insurance fraud)</u></p> <p><u>G.L. c. 267, §§1 (false or forged records), 2 (forged tickets), 3 (forged seal of land court), 4 (forged railroad company stamp), 5 (uttering false record), 6 (uttering forged ticket), 7 (forged bill of credit issued by treasurer), 8 (forged bank bill or note), 9 (possession of ten or more counterfeit notes), 10 (uttering counterfeit note), 11 (common utterer), 12 (possession of counterfeit notes), 13 (possession of tools for counterfeiting), 17 (possession of ten or more counterfeit coins), 18 (possession of fewer than ten counterfeit coins), 19 (common utterer of counterfeit coins), 20 (tools for making counterfeit coin), 27 (possession of worthless bank notes), 28 (uttering worthless bank notes).</u></p> <p><u>G.L. c. 268, §§1 (perjury), 2 (subornation of perjury), 3 (attempt to procure perjury), 6 (report before state departments), 13 (corrupting masters, auditors, jurors, arbitrators), 13B (willfully misleading to obstruct a criminal investigation), 13E (tampering with record document for use in judicial proceeding), 36 (compounding or concealing a felony), 39 (perjury related to motor vehicle theft)</u></p> <p><u>Or Attempt, Solicitation or Conspiracy to commit these offenses, or being an Accessory thereto</u></p>
<u>Disposition</u>	<u>Conviction or CWOFF</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>7 years</u>

k) **Habitual Traffic Offender**

<u>Definition</u>	<u>G.L. c. 90, §24 (Habitual Traffic Offender)</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>7 years</u>

l) **Open or Unresolved Driving Infractions**

<u>Definition</u>	<u>Any outstanding or unresolved driving infractions that would result in a negative suitability determination by the Police Chief.</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>

m) **Suspension of Driver's License**

<u>Definition</u>	<u>Any suspension of driver's license for reasons related to the operation of a motor vehicle.</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>7 years</u>

n) **Multiple Violations of Traffic Laws or At Fault Accidents**

<u>Definition</u>	<u>More than 4 violations of the Traffic Laws and/or At Fault Accidents (211 CMR 134).</u>
<u>Jurisdiction</u>	<u>Any jurisdiction</u>
<u>Look-back Period</u>	<u>2 years</u>

o) **Interlock Device**

<u>Definition</u>	<u>Interlock device present in an applicant's vehicle.</u>
<u>Jurisdiction</u>	<u>Massachusetts</u>
<u>Look-back Period</u>	<u>Present</u>

8.04 DEFINITIONS

c) **CWOF – Continuance without a finding**

Motion to Approve the new regulations effective on renewal or receiving a new license made by Shawn Byrne, Second by Robert Cameron. Approved 3-0

Public Statements - None

Other Business

Amend/Transfer License

New License

Renew License

Lodging

Motion to Approve the renewals as a group made by Shawn Byrne, Second by Robert Cameron. Approved 3-0

1. James, Foss, mgr., d.b.a. ***Watership Inn***, 7 Winthrop St., Provincetown, MA 02657
2. Elliot Denault III, mgr., d.b.a. ***7 Masonic Place***, 7 Masonic Place, Provincetown, MA 02657
3. Crown & Anchor, Inc., Richard Murray, mgr., d.b.a. ***Victoria House***, 5 Standish St., Provincetown, MA 02657
4. Hudson Harbor RE Properties, LLC, Mitchell Klein, mgr., d.b.a. ***Archer Inn***, 26 Bradford St., Provincetown, MA 02657
5. Stephen Katsurinis, mgr., d.b.a. ***8 Dyer Hotel***, 8 Dyer St., Provincetown, MA 02657
6. Inn at 7 Central, Inc., Cory Conley, mgr., d.b.a. ***Inn at 7 Central***, Provincetown, MA 02657
7. Lovinger Nominee Trust, Gurli Lovinger, mgr., d.b.a. ***Lotus Guest House***, 296 Commercial St., Provincetown, MA 02657
8. Bulleta Services, LLC, Peter Bullis, mgr., d.b.a. ***Chicago House***, 6 Winslow St., Provincetown, MA 02657
9. Bulleta Services, LLC, Peter Bullis, mgr., d.b.a. ***The Captain's House***, 350A Commercial St., Provincetown, MA 02657
10. Ju Mar, LLC, Loren Holtz, mgr., d.b.a. ***Secret Garden Inn***, 300A Commercial St., Provincetown, MA 02657
11. Caltonio, Inc., Ruth Leach, mgr., d.b.a. ***Bayberry Accommodations***, 16 Winthrop St., Provincetown, MA 02657
12. White Horse Inn, Inc., Mary Martin, mgr., d.b.a. ***White Horse Inn***, 500 Commercial St., Provincetown, MA 02657
13. Carl Gregor, mgr., d.b.a. ***Carl's Guest House***, 17 Court St., Provincetown, MA 02657

Motion to Approve made by Shawn Byrne, Second by Robert Cameron. Approved 3-0

Outdoor Artist

1. ***Margaret Reynolds*** – 3 Winthrop Street

Motion to Approve made by Robert Cameron, Second by Shawn Byrne. Approved 3-0

Art Gallery

1. Provincetown Center For Coastal Studies, Richard Conley, mgr., d.b.a. ***S.E.A. Space***, 333R Commercial St., Provincetown, MA 02657

Motion to Approve made by Shawn Byrne, Second by Robert Cameron. Approved 3-0

Correspondence - None

Minutes

Motion to Approve the minutes of August 8, 2017 and August 27, 2017 made by Shawn Byrne, Second by Robert Cameron. Approved 3-0

Enforcement - None

Code Compliance

Show cause hearing might be scheduled in December for Toy of Eros.

Old business - None

New Business - None

Licensing Board Statements

Board members welcomed Robert Cameron to the board

The liquor renewals will be done at the next meeting and at least three board members need to be present.

Licensing Agent Statements

Thanked the individuals who have attended to their liquor renewals . If the necessary signatures are not obtained by the end of the month they will forfeit their license. That would be a big deal.

Motion to Adjourn made by Robert Cameron , Second by Shawn Byrne.

Approved 3-0. 5:35pm

Respectfully submitted by Sandy Fay