



KIMBERLEY DRISCOLL  
MAYOR

CITY OF SALEM, MASSACHUSETTS  
**LICENSING BOARD**  
93 WASHINGTON STREET 2<sup>nd</sup> FLOOR  
SALEM, MA 01970  
TEL. 978-619-5631  
FAX 978-744-1279

ROBERT M. ST. PIERRE, CHAIRMAN  
PAUL FLORES  
DEBORAH A. GREEL

MELISSA PAGLIARO,  
CLERK OF THE BOARD

**MINUTES OF THE SALEM LICENSING BOARD  
SPECIAL MEETING JULY 18, 2019**

On July 18, 2019 at 4:00 p.m. the Salem Licensing Board held a special meeting at 98 Washington Street, Salem, MA. In attendance were Chairman Robert St. Pierre, member Deborah Greel, special investigator Sgt. John Doyle and City Solicitor Elizabeth Rennard.

1. Application for a Street Performers License. Applicant: Maggie Blue Carlberg

Ms. Carlberg, a minor, appeared with her mother to apply for a street performer license. The Board reviewed the regulations with them and confirmed that Ms. Carlberg would perform alongside her father. The Board granted the application.

2. Application for a One Day Liquor License on July 19, 2019 for 60 people for Members Only Reception from 5-8pm at the Marina Deck, 10 White St. Applicant: SH Hawthorne Cove Marina.

A representative of the marina presented the application. The Board approved the application for the license.

3. Application for a One Day Liquor License on July 27, 2019 for 125 people for a Wedding Reception from 5-10pm at House of the Seven Gables, Derby St. Applicant: Gourmet Delights Catering.

A representative of the House of Seven Gables presented the application. The Board approved the application for the license.

4. Application for a One Day Psychic Fair on Saturday October 5<sup>th</sup> at the Salem Waterfront Hotel, Derby St. for one reader. Applicant: Salem Horror Fest and Rachel True.

Solicitor Rennard presented the application for the one-day fair. The Board approved the application.

5. Hearing with Village Tavern continued from June 17, 2019 on a complaint of Overserving & A&B.

Sargent Doyle informed the Board that he was dismissing the charge of over-serving against the Village Tavern. Ms. Greel moved to dismiss the charge of over-serving. Chairman St. Pierre seconded the motion and the matter was dismissed.

On the charge of assault and battery by an employee, Sargent Doyle stated that on May 7<sup>th</sup>, 2019 employees of the Village Tavern removed a patron from the premises due to his alleged intoxication. The patron who was removed was Jacob Treece. Sargent Doyle stated that his witness for the evening is Patrol Officer Sean Whitaker. Patrolman Whitaker testified to the following:

- He is a two-year employee of the Salem police department
- On patrol on May 7<sup>th</sup>, he was dispatched to the loading zone for the Village Tavern. Upon his arrival he witnessed Kyle Grace in an altercation with Jacob Treece. Kyle Grace was identified as

an employee of the Village Tavern who, in 2018, was arrested on charges of assault and battery against a patron. Other officers present included Sargent Rocheville. Whitaker witnessed Grace verbally taunting Treece with a flashlight. The officer witnessed Grace use a metal flashlight to strike Treece in the face. The officer testified that Grace initiated the physical contact. Grace reported that he was not working for the Village Tavern, but was an IT contractor. The officer called for an ambulance for Treece's injuries. Both men were placed under arrest. Grace was wearing a collared shirt and slacks and appeared as though he was a member of the Village Tavern staff. The officer testified that Treece was highly intoxicated, unsteady on his feet, slurred his words, and smelled of alcohol.

Arthur Ingemi, owner of the Village Tavern then testified, under oath, that he has a video of the night in question which shows Grace being hit first. He stated that Treece was in the Village Tavern at 9:30pm, had half a beer and started to become a nuisance. He was escorted out of the building by employee Justin Kim. At approximately 10:55pm Treece was witnessed trying to re-enter through the kitchen. An employee called the police. Ingemi further testified that the video shows nips falling out of Treece's backpack. Ingemi alleges his high level of intoxication was the result of drinking elsewhere and not the Village Tavern. Ingemi stated that Grace is an IT contractor whos wife witnessed the incident. Ingemi stated that Grace is a consultant. He stated that he wants the case dismissed against the Village Tavern.

Chairman St. Pierre stated that the Board needs to see the video. Ingemi added that the video was provided to the Salem Police Department one hour after the incident. The video was not in the custody of Sargent Doyle, however, and as noted by Chairman St. Pierre. Chairman St. Pierre stated that Ingemi's testimony is hearsay and the Board needs to hear from the employee witnesses and Mr. Grace.

Member Greel stated that Kyle Grace was charged with assault and battery in 2018 while working as a bouncer for the Village Tavern. She asked Mr. Ingemi why he was still working for Village Tavern. Mr. Ingemi responded that the judge threw out the charge in 2018 and Mr. Grace was a contractor. He presented a letter from Kym Malik, President of NE Computer Techs stating that Kyle Grace was a contracted vendor for Village Tavern. This letter was marked as exhibit 1.

Chairman St. Pierre asked for a motion to continue the matter to a future date when Mr. Ingemi can arrange for his witnesses to be present and for the Board to view the surveillance camera footage. Ms. Greel made such a motion. The motion carried.

6. Discussion with Bistro 118, Washington St. regarding ownership status of business.

Solicitor Rennard informed the Board that the entity which holds the liquor license, Great New World with Mr. Xu as its manager does not have a lease for the premises at 118 Washington St. and that this entity was dissolved in 2017. The entity holding a lease for the premises is Red Phoenix Group, LLC with Trisha Phan as its manager. Attorney Charles Waters represented Bistro 118 at the meeting. He stated that he was retained by the Bistro 118 within the last several days. He stated that Mr. Xu was unaware of the dissolution until just recently. The corporation was dissolved for failure to file reports with the Secretary of State's office. He stated that the reports will be filed within the next two weeks and the corporation reinstated. Ms. Phan was present and testified that they will resolve the issues and will correct the liquor license to reflect the proper management. The Board agreed to allow Solicitor Rennard to work with Attorney Waters over the next few weeks to address the issues presented. If the issues are not resolved, Bistro will be called before the Board for a hearing.

7. Old/New Business: None
8. The meeting adjourned at 6:00 p.m.

Respectfully submitted,

  
Elizabeth Rennard, City Solicitor

NEComputerTechs.com

EX 1

June 17, 2019

RE: Village Tavern

To whom it may concern:

N E Computer Techs is an independent business which provides professional services to our clients. Depending on the specific needs of our customer, myself and/or the lead engineer, Kyle Grace, answer calls for service. We provide 24 hours support to many clients in New England, one of which is Village Tavern in Salem, MA.

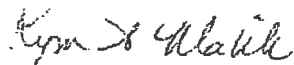
As an independent contractor, our company accepts payment in advance or at the time of service. Our EIN can be and is provided to clients for the issuance of 1099 forms for tax purposes. We are providers for, not employees of our clients.

On the evening of May 7, 2019 we received a call for service related to television sound issues at the Village Tavern and Kyle was dispatched. Upon completion of service, Kyle exited the building through the kitchen where I was waiting for him in the commercial loading dock area. While walking from the building to our vehicle I witnessed Kyle being assaulted and physically attacked by Jacob Treece; Kyle responded to this attack by defending himself.

If I can be of further assistance, please do not hesitate to contact me at the phone number shown below.

Thank you

Respectfully,



Kym A Malik  
President  
KMG Enterprises Inc  
d/b/a N E Computer Techs