

## MAKAHA RESTURANT LIQUOR VIOLATION HEARING

November 19<sup>th</sup> Special Meeting for alleged violations

POSTED

DEC 19 2002

TOWN OF ACTON  
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Mr. Diemert outlined his activities during the past several weeks and feels that he has compelling evidence to help his client, however, he has not been able to get the toxicology report from Emerson Hospital as of this evening. He noted that he had cancelled the stenographer for tonight's meeting. But noted his expert witness was at the hearing and available if needed.

He wanted to continue working on the problem and the seriousness of serving liquor and his clients responsibility to not over serve patrons. He noted that the Town Acton is more diligent than most communities. He requested that his client be allowed to voluntary surrender his license for 2 days. He suggested next week on Friday and Saturday after Thanksgiving if it suits the Board. He noted that this not an admission of guilt but that they wanted to continue to work together. He noted that this has already cost his client a substantial amount of money. He asked that if after a year without any violations that they have the incident expunged from the records.

Trey appreciated the willingness to surrender the license.

Trey asked whether or not food would be served, they replied yes.

Peter felt that this is a serious issue and felt the surrender of the license for the suggested two days would address this serious issue, but if any violation occurred within the one-year time period, they would have to re-open the case and conduct a more detailed hearing.

Dore' said he felt that it was fair. He noted that he was disturbed about the conversation Mr. Cheng had with the intoxicated person and then letting the person operate a motor vehicle without calling the Police. He noted that the police would and should be called to get this or any person off the roadways when they are impaired. He felt that the offer to compromise was acceptable as offered.

Walter said again that this was very serious and he felt we could work with them and wanted to be sure the control of the restaurant is up most and keeping people intoxicated off the highways. He said that if it happened again he would agree with the other Board members about re-opening this case.

Chief Widmayer said he was ready to go forward this evening. He noted it too cost the Town money and a lot of work went in to the preparation for this hearing. He would agree with the progressive discipline concept.

Trey made a suggestion on the issue of Scorpio Bowls and other exotic drinks he learned that 1 oz of hard liquor equals 3 /12 oz. of wine or a 12 oz. beer and that the average person can process one ounce of alcohol per hour. Therefore, if the person has

more than 1 ounce of alcohol in an hour, they can begin to become impaired. He noted that Scorpion bowls contain about 6 ounces of liquor in it and suggested they reconsider the limit of two and allow only one in the future. Jake said that it is more in line of 3 ounces. Nonetheless, Trey asked that the Makaha review the policy. Dore' also noted that there was no time limit on the drinks and they might have a better control in place to address that issue. Trey concurred saying that if the drinks are served within a couple of hours of each other, the person could become very impaired.

DORE' HUNTER - Moved to accept the compromise offered by Mr. Cheng's Counsel and accept the suspension of two days following Thanksgiving, November 29 and 30th and that if no future charges are brought in one years time this would be expunged from their records. PETER ASHTON - Second. UNANIMOUS VOTE

Dore' noted that only food would be served during the suspension.

cm  
Recording Clerk

Ronita Hunter Sand  
CLERK

12/16/02  
Date