

Re: Dorimar, LLC  
d.b.a.: Rumbas Night Club  
Premise: 72-76 Merrimack Street  
City/Town: Lowell, MA 01852  
Heard: November 29, 2006

### DECISION

This was an appeal from the action of the Licensing Board of the City of Lowell in modifying the license of Dorimar, LLC d.b.a. Rumbas Night Club for a period of 6 weeks.

The Local Board decision dated November 8, 2006 stated that the licensee violated:

204 CMR 2.05 (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.

Regulation of the License Commission- requires all licensees to notify police when any violation of law, disorder or disturbance takes place.

Ch.138 §63A - Hindering or delaying investigator

Ch.138 §69 - Sale or delivery to intoxicated persons

Officer Vincent Fernandez, who has been a police officer with the Lowell police for 10 years, testified that he conducted interviews with 2 individuals outside the above referenced establishment. A Mark Russo informed Officer Fernandez that he was a Boston Police Officer and that he had been assaulted inside the club. He stated that he had been struck with a bottle to the side of his head. Officer Fernandez responded to the Commission that he did not see any blood on Mr. Russo's head. Mr. Russo who actually was, not, in fact, a Boston Police Officer, stated that he had lost his police credentials inside the club. Officer Fernandez stated that he smelled a strong odor of alcohol on Mr. Russo and that Mr. Russo had bloodshot eyes and was unsteady. Officer Fernandez responded to the Commission that he did not ask Mr. Russo or any bartenders at the club if Mr. Russo was served at the club. Officer Fernandez stated a second individual who was with Mr. Russo, was very confrontational and intoxicated. Officer Fernandez did not ask any bartenders if they served this individual. Officer Fernandez stated that when he entered the club, no one helped him look for the lost wallet of Mr. Russo.

Officer James Cassella testified that he arrived at the club in his cruiser due to a complaint about a fight. He saw Mr. Russo talking to Officer Fernandez. He further stated that the second individual seemed highly intoxicated.

Sergeant Thomas Siopes testified that he received a call about a fight at the club on October 1, 2006. A woman stated that she had been grabbed and had a bloody lip. Sergeant Siopes stated that the police did not receive any calls from the club about the fight. The licensee did not present any documents to prove that the club made a call to the police.

Michael Rodriguez, the doorman stated that he was on the premises the night of October 1, 2006 and that the man who allegedly grabbed the woman was a minor and not allowed in the club. He further stated that he helped Officer Fernandez look for Mr. Russo's wallet.

Based on the testimony, the Commission approves the action of the local board in finding violations of 204 CMR 2.05(2) and Regulation of the License Commission for failure to call police. The Commission does not find violations of Ch.138 §69 - Sale or delivery to intoxicated persons or Ch.138 §63A - Hindering or delaying. Therefore, the Commission remands the matter to the Local Board with the recommendation that the 2 suspensions imposed by the Local Board for the violations approved by the Commission be time served.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Suzanne Iannella, Commissioner \_\_\_\_\_

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated in Boston this 1<sup>st</sup> day of December 2006.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

SI/kac

CC: Local Board  
Brian W. Leahey, Esq.  
John F. Gallant, Esq.  
File