

Framingham Police Department

June 24, 2019

**5 Stars Restaurant Group, Inc. d/b/a Samba Steak House
Disposition Agreement for Violation of Statutes, Regulations and City of Framingham
Rules and Regulations Governing Alcoholic Beverages**

5 Stars Restaurant Group, Inc. d/b/a Samba Steak House ("Samba Steak House" or "license holder") located at 1138 Worcester Road, Framingham, MA House holds an All Alcohol Restaurant License, under M.G.L. c. 138, § 12 issued by the City of Framingham's Board of License Commissioners ("Board"). On June 10, 2019, after continuances requested by the license holder, the Board convened its public hearing on the alleged violations of provisions of Massachusetts General Laws, Regulations of the Alcoholic Beverages Control Commission promulgated as 204 CMR 2.00 ("ABCC Regulations") and Framingham Rules and Regulations Governing Alcoholic Beverages ("Framingham Alcohol Regulations") on August 4, 2018; September 29, 2018 and November 19, 2019 detailed in a certified letter notice dated March 13, 2019, which notice is appended hereto and incorporated herein by reference as Exhibit A.

August 4, 2018 - Framingham Police Department Incident # 1805570:

On August 4, 2018, Shiyun Zhang, also known as Shi ("Joe") Zhang, was assaulted by a patron of Samba Steak House. During this assault, Mr. Zhang was placed in a choke hold by the patron and nearly lost consciousness. As a result of this assault, the patron was arrested and charged by the Framingham Police department with: M.G.L. c. 265, § 16: Attempt to Murder; M.G.L. c. 265, § 13A: Simple Assault and Battery; and M.G.L. c. 272, § 53: Disorderly Conduct. During the investigation of Incident# 1805570 the Framingham Police Department ("FPD") identified the patron and learned that the patron was 20 years old and had been sold alcoholic beverages by Samba Steak House restaurant employees.

Alleged Violations:

1. **Sale or delivery of an alcoholic beverage to an underage person is a violation of M.G.L. c. 138, § 34 and Framingham Alcohol Regulations, specifically:**

Massachusetts General Laws c. 138, § 34: No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or

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alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

2. **Allowing an illegality to occur on the licensed premises (sale of alcoholic beverage to an underaged person; assault on Mr. Zhang) is a violation of ABCC Regulations and City Rules.**

204 CMR 2.05(2), Permitting illegality to take place on the licensed premises, states in relevant part that: "[n]o 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 therefor, whether present or not."

Framingham Alcohol Regulations Article V.2.d states in relevant part that the Board shall hold the Manager responsible for "[e]nsuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises."

September 29, 2018 - Framingham Police Department Incident # 1806920:

On September 29, 2018 at 2:15 a.m., the FPD was notified by MetroWest Medical Center (hospital) that a stabbing victim had been treated at the hospital, FPD Incident #1806920. Officers responded to the hospital and were able to determine that the stabbing had occurred shortly before the closing time in the parking lot of Samba Steak House, 1138 Worcester Road. During the course of the investigation, the FPD spoke with several members of the Samba West staff who were working on the night that the stabbing had occurred.

An interview was conducted of Shiyun ("Joe") Zhang, who is the owner of Samba Steak House, who identified himself as the Manager and Risheng Xu as the Assistant Manager. Mr. Zhang was aware that there had been a stabbing in the parking lot as he had been informed by Sgt. Michael Sheehan during the course of the stabbing investigation, FPD Incident #1806920.

In a telephone interview conducted after the incident, the victim stated that he was walking towards the back parking lot of Samba Steak House [at approximately 1:45 a.m.], where he

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observed two other males in the lot who were intoxicated and had been kicked out of Samba by security. He saw [the person with whom he had arrived at Samba Steak House] thrown to the ground by a member of the security team, but that he was unsure exactly who the security team member was. He stated that at this point he was "jumped by unknown people in the lot" and felt pain in his buttocks (stabbed). He stated that he had consumed 4-5 mixed drinks while at Samba Steak House and that he had paid cash for the drinks. He described his level of intoxication as near "blackout drunk".

According to the records of the Board, the Manager of Record for Samba Steak House is Traci N. Simpson. During follow-up telephone interviews, the Framingham Police Department learned that that Traci N. Simpson was unknown to the bartender and the three Framingham Police Officers who had previously supervised the Framingham Licensing Bureau.

In-house Framingham Police Department records indicate that:

- a. Traci N. Simpson's Framingham Alcohol server ID expired on 02/04/2013;
- b. Wenderson Dosreis, who had been at the door all night until 1:00 a.m. checking IDs, did not have a Framingham Alcohol server ID and was not registered with the Framingham Police Department;
- c. Jessica Prioa, working as a bartender, did not have a Framingham Alcohol server ID and was not registered with the FPD; and
- d. Marlin Fiahlo, identified as a promoter, did not have a Framingham Alcohol server ID and was not registered with the FPD.

Alleged Violations:

1. **Allowing an illegality to occur on the licensed premises is a violation of ABCC Regulations and Framingham Alcohol Regulations, specifically:**

204 CMR 2.05(2). Permitting illegality to take place on the licensed premises states in relevant part that: "[n]o 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 therefor, whether present or not."

Framingham Alcohol Regulations Article V.2.d states in relevant part that the Board shall hold the Manager responsible for: "[e]nsuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises."

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2. **Serving alcohol or viewing identifications cards to determine age without successfully completing an alcoholic beverage server training program which has been approved by the FPD is a violation of the Framingham Rules and Regulations:**

Framingham Alcohol Regulations, Article II. 2 states in relevant part that: “[a]ll employees serving alcohol or viewing identifications cards to determine age are required to successfully complete an alcoholic beverage server training program which has been approved by the Framingham Police Department, Licensing Bureau. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification cards to determine the age of patrons for service of alcohol.”

3. **Failure to have a Manager on the licensed premises for at least 40 hours per week is a violation of Framingham Alcohol Regulations, specifically**

Framingham Alcohol Regulations Article v.3, which states in relevant part that: “[t]he Manager must be on the licensed premises at least forty (40) hours per week in the course of business, consistent with the permitted hours of operation.”

4. **Sale or delivery of alcoholic beverages to an intoxicated person is a violation of Massachusetts law and the Framingham Alcohol Regulations, specifically:**

M.G.L. c. 138, § 69 states that: “[n]o alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.”

Framingham Alcohol Regulations Article XIII.5 states in relevant part that: “[n]o alcoholic beverages shall be sold or delivered to an intoxicated person.”

November 19, 2018 – Framingham Police Department alcohol compliance check

On November 19, 2018, at approximately 6:23 p.m. as part of a City-wide alcohol compliance check, the FPD sent an 18-year old operative into Samba Steak House located at 1138 Worcester Road in an attempt to purchase alcohol at the restaurant. Prior to entering the establishment, the underage operative was instructed to attempt to purchase a beer at the bar with a \$20.00 bill supplied by the FPD. Shortly after entering Samba, the underage operative notified the FPD via text message that he had ordered, and been served, a bottle of BUD LIGHT beer at the bar by a female bartender.

Alleged Violation:

1. **Sale or delivery of an alcoholic beverage to an underage person is a violation of M.G.L. c. 138, § 34 and Framingham Alcohol Regulations, specifically:**

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Massachusetts General Laws c. 138, § 34: (quoted previously, pp. 1-2 herein).

FPD DISPOSITION RECOMMENDATION

Samba Steakhouse and the FPD propose the following agreed upon-Disposition Agreement, subject to the approval vote of the Board:

1. License holder shall serve a suspension of its All Alcohol Restaurant License for 30 days commencing on July 1, 2019; of these 30 days, 16 days shall be served consecutively from July 1, 2019-July 16, 2019, and the remaining 14 days would be held in abeyance for a period of two (2) years from the date of the Board's approval of this agreed upon disposition ("abeyance suspension"). If the license holder is cited for any further violations of the Framingham Alcohol Rules and Regulations (hereinafter, "further violation(s)"), and such citation is upheld by the Board, then the 14-day abeyance suspension shall be served before and in addition to any additional penalty imposed by the Board. If the license holder appeals such further violation(s) to the Alcoholic Beverages Control Commission ("ABCC"), then such 14-day abeyance suspension shall be served by the license holder on dates dictated by the Board notwithstanding the pendency of an appeal regarding such further violation to the ABCC.
2. During the suspension period, a copy of this Disposition Agreement shall be prominently displayed on the exterior front entrance door and all alcohol will be covered or removed from public view if the license holder remains open during the suspension of its All Alcohol Restaurant License.
3. The license holder will have the current camera system on the premises operational and running on or before August 31, 2019, to be inspected by the FPD on or subsequent to September 1, 2019.
4. As a condition precedent to execution of this Disposition Agreement the license holder shall:
 - a. Ensure that all staff requiring server identification cards have obtained current Framingham Alcohol Server identification cards. See Framingham Alcohol Rules and Regulations, (6th Rev.), Article II.2 and 3. Copies of the server identification cards and a list of all employees requiring server identification cards must be provided to the FPD and the Board by July 15, 2019. The license holder must update these lists and provide updated lists to the Board during the abeyance suspension period on or before December 31, 2019, June 30, 2020, December 31, 2020 and June 24, 2021. The license holder shall provide such list under a Certification of Manager of Record in the form attached hereto as **Exhibit B**. The Manager Certification shall recite that (a) the employees listed on such certification constitute a true and accurate list of all persons employed by Samba requiring a Framingham server ID; and (b) that all such employees have obtained and hold valid Framingham server ID. The failure of Licensee to provide such

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Manager Certification and associated lists will expose the license holder to serving the 14-day abeyance suspension without further appeal by the license holder. The only requirement in such a circumstance is that the Board provide written notice to the license holder that the 14-day suspension must be served and provide the applicable dates of the same. The requirement set forth in this subsection 4(a) shall survive and remain fully enforceable even if the City modifies or discontinues the requirement for server identification cards in any future amendment of the Framingham Alcohol Rules and Regulations.

- b. receive approval from the Board for a Manager of Record, who shall “be a full-time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed business, and must be a qualified seller or server of alcoholic beverages registered with the Framingham Police Department. The Manager must be on the licensed premises at least forty (40) hours per week in the course of business, consistent with the permitted hours of operation.” See, Framingham Alcohol Rules and Regulations, (6th Rev.), Article V.3; IV.
5. License holder agrees to reimburse the City of Framingham \$300 for the cost of investigation. Such \$300 reimbursement fee shall be made by check payable to the Town of Framingham and delivered to Christopher J. Petrini, City Solicitor, Petrini & Associates, P.C., 372 Union Avenue, Framingham, MA 01702, by August 1, 2019.
 6. To warrant the above sanctions, the license holder admits to the following alleged violations alleged to have occurred on the dates as stated:
 - a. On August 4, 2018 (a Saturday), the license holder violated 204 CMR 2.05(2) by permitting an illegality to occur on the license premises, i.e., a person under the age of 21 possessing alcoholic beverages;
 - b. On September 29, 2018 (a Saturday), the license holder violated 204 CMR 2.05(2) by permitting an illegality to occur on the licensed premises, namely assault and battery and further violated Framingham Alcohol Rules and Regulations Article V.3 requiring the license holder’s manager to be on the licensed premises at least 40 hours per week in the course of business; and
 - c. On November 19, 2018 (a Monday), the licensee violated M.G.L. c. 138, § 34 by selling or delivering an alcoholic beverage to a person under the age of 21, while that person was the operative for an alcohol compliance check conducted by the Framingham Police Department.
 7. License holder hereby waives and relinquishes any right to appeal this Disposition Agreement to the ABCC or any other forum.

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Recommendation:

The Police Department recommends the terms of this Disposition Agreement.




Ronald S. Brandolini
Deputy Chief

Dated: June 24, 2019

Resolution:

I voluntarily agree with and fully accept terms of the Disposition Agreement as set forth herein.




Shiyun ("Joe") Zheng
Owner, 5 Stars Restaurant Group
d/b/a Samba Steak House

Date: June 24, 2019

06/24/2019

Date: _____

Approved as to Legal Form:



Christopher J. Petrini, City Solicitor
Date: June 24, 2019

AS Amended by
Hickory Commission
vote of Jun, 24, 2019.



2019.06.17 PROPOSED Disposition Agreement - Samba Steak House (600-422)

Exhibit A



City of Framingham

License Administration

150 Concord Street – Memorial Building – Room 203

Framingham, MA 01702-8325

Telephone: 508-532-5402 FAX: 508-532-5769

Diane Willoughby
Licensing Coordinator

**BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED
AND BY REGULAR FIRST CLASS MAIL**

March 13, 2019

Ms. Traci N. Simpson
5 Stars Restaurant Group, Inc.
d/b/a Samba Steak House
1138 Worcester Road
Framingham, MA 01702

Mr. Shiyun Zhang
5 Stars Restaurant Group, Inc.
d/b/a Samba Steak House
1138 Worcester Road
Framingham, MA 01702

Dear Ms. Simpson and Mr. Zhang;

Pursuant to Article XV.B.9 of the Framingham Rules and Regulations Governing Alcoholic Beverages (the "Rules and Regulations"), the Framingham Board of License Commissioners (the "Board" or the "Board of License Commissioners") has scheduled a hearing to be held in the Peter W. Ablondi Meeting Room, Memorial Building, 150 Concord Street, Framingham on Monday, March 25, 2019 at 7:00 PM pertaining to alleged violations of 5 Stars Restaurant Group, Inc. d/b/a Samba Steak House's All Alcohol Restaurant License, and law occurring at the above-referenced establishment located at 1138 Worcester Road, Framingham, MA. This letter serves as written notice of the Board of License Commissioners' hearing in this matter. The bases for this hearing are as follows:

On August 4, 2018 Shiyun Zhang, also known as Shi Zhang, also known as "Joe Samba" or "Joe", was assaulted by a patron of Samba Steak House. During this assault, Joe was placed in a choke hold by the patron and nearly lost consciousness. As a result of this assault, the patron was arrested and charged by the Framingham Police department with the following criminal violations:

- Provision alleged to have been violated: MGL. Chapter 265 Section 16: Attempt to Murder**
- Provision alleged to have been violated: MGL. Chapter 265 Section 13A: Simple Assault and Battery**
- Provision alleged to have been violated: MGL. Chapter 272 Section 53: Disorderly Conduct**

During the investigation of Incident# 1805570 (EXHIBIT C*) the Framingham Police Department reported the following violations of the Rules and Regulations:

Provision alleged to have been violated: Rules and Regulations Governing Alcoholic Beverages Section XIII 4.d, which states:

Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises;

Provision alleged to have been violated: 204 CMR 2.05(2), Permitting illegality to take place on the licensed premises, which states:

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 therefor, whether present or not.

During the investigation of Incident# 1805570 the Framingham Police Department also identified the patron and learned that the patron was 20 years old and had been sold alcoholic beverages by Samba Steak House restaurant employees. Sale or delivery of an alcoholic beverage to a person under the age violates the following law, regulation and Rules and Regulations:

Provision alleged to have been violated: MGL. Ch. 138 Section 34: Sale or delivery of an alcoholic beverage to an underage person, which states:

No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Provision alleged to have been violated: 204 CMR 2.05(2), Permitting illegality to take place on the licensed premises, which states:

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 therefor, whether present or not.

* Exhibits A & B are not included in this notice. These exhibits are part of Lt. Ruiz's report dated February 5, 2019.

Provision alleged to have been violated: Framingham Rules and Regulations Governing Alcoholic Beverages Article XIII.3, which states in relevant part:

No alcoholic beverages shall be sold to anyone under the age of 21 years.

On September 29, 2018 at 0215 hours, Framingham Police Department (**Framingham Police Incident # 1806920, EXHIBIT D**) was notified by MetroWest Medical Center (hospital) that a stabbing victim had been treated at the hospital. Officers responded to the hospital and were able to determine that the stabbing had occurred shortly before the closing time in the parking lot of Samba Steak House, 1138 Worcester Road, invoking the following regulation and Rules and Regulations:

Provision alleged to have been violated: 204 CMR 2.05(2), Permitting illegality to take place on the licensed premises, which states:

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 therefor, whether present or not.

Provision alleged to have been violated: Framingham Rules and Regulations Governing Alcoholic Beverages Article V.2.d, which states:

Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises.

During the course of this Alcohol investigation Lt. Jorge E. Ruiz spoke with several members of the Samba West staff who were working on the night that the stabbing had occurred. An interview was conducted of Shiyun Zhang, (**EXHIBIT E**) also known as Joe Samba who is the owner of Samba Steak House. When asked, Joe identified himself as the manager and Risheng Xu, also known as Sam, as the Assistant Manager. Joe stated that he was the manager on duty the night of the stabbing and that he hired a promoter for that night as well as a security team to maintain order. Joe stated that he had personnel at the front door checking ID's as well as other security staff posted inside the restaurant and that the Restaurant was 21 and over that evening. Joe was aware that there had been a stabbing in the parking lot as he had been informed by Sgt. Michael Sheehan during the course of the stabbing investigation. Joe was surprised to hear that someone had been assaulted in the parking lot as he had security in the parking lot at the end of the night.

During a follow up phone conversation, Joe was asked who Traci N. Simpson was as she was listed as the Manager of Record on the Alcohol license. Lt. Ruiz had learned that neither the Samba Steak House bartender nor the Framingham Police Department were familiar with Traci. Joe stated that Traci was his wife, that she was the Manager of Record and that Traci does some of the accounting and some Public Relations work for the business. Upon checking the Police in-house records, it was determined that Traci's Server ID had expired on 02/04/2013. Failure to hold a valid Server ID is a violation of the following Rules and Regulations:

Provision alleged to have been violated: Framingham Rules and Regulations Governing Alcoholic Beverages Article II.2 which states, in relevant part:

All employees serving alcohol or viewing identifications cards to determine age are required to successfully complete an alcoholic beverage server training program which has been approved by the Framingham Police Department, Licensing Bureau. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification Cards to determine the age of patrons for service of alcohol.

It was also determined via the Police in-house records that Joe's server ID had expired on 05/07/17.

When advised of this, Joe stated that he had lost his wallet and therefore lost his server ID and did not realize his server ID had expired. Joe stated that he had a valid Alcohol server training certificate and he would get a new Server ID. Joe was informed that the Rules and Regulations Governing Alcoholic Beverages for the City of Framingham required that the Manager must be a full-time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed business, must be a qualified seller or server of alcoholic beverages registered with the Framingham Police Department, and must be on the licensed premises at least forty (40) hours per week in the course of business, consistent with the permitted hours of operation.

Joe stated that Traci did work for Samba Steak House, that he was the Manager/owner and that between him and his Assistant Manager (Sam), there was always someone on premises. Joe was re-read the requirements of the Rules and Regulations Governing Alcoholic Beverages for the City of Framingham and asked if Traci was meeting those obligations and if she was on premise the minimum 40 hours per week, Joe replied that "Yes she was". Joe was cooperative during this investigation and provided information for all of the employees requested.

As part of this investigation, Lt. Ruiz also contacted the City of Framingham Licensing Coordinator Diane Willoughby and asked the name of the Manager of Record on the All Alcohol Liquor License for Samba Steak House. He was informed that the Manager of Record on the All Alcohol Liquor License was Traci N. Simpson.

Lt. Ruiz also spoke with the three Framingham Police Officers who had previously supervised the Licensing Bureau with regards to Traci Simpson: Deputy Chief Ron Brandolini, Deputy Chief Victor Pereira and LT. Harry Wareham. Of the three, only DC Brandolini had a vague recollection of Traci and her being a Manager at Samba Steak House at some point. DC Brandolini also reported that he mainly dealt with Shiyun Zhang, a/k/a Joe Samba on all matters concerning the All Alcohol Liquor License. Failure of a Manager to be present on the licensed premises for at least forty hours per week is a violation of the following Rules and Regulations:

Provision alleged to have been violated: Framingham Rules and Regulations Governing Alcoholic Beverages, Article V.3 which states, in relevant part:

The Manager must be on the licensed premises at least forty (40) hours per week in the course of business.

Lt. Ruiz spoke with Ray Bradford, who Joe identified as the Head of Security for Samba Steak House. During this conversation (**EXHIBIT F**), Lt. Ruiz learned that Ray was checking ID's at the front door with Wenderson Dosreis who was a member of the hired security team. Ray explained that as part of his duties he would check ID's and also roam inside the restaurant to check on the patrons and members of the security team. Ray stated that in his absence, Wenderson checked patrons' ID's as they entered.

During the course of this investigation it was confirmed that while Ray was alcohol server trained, had a City of Framingham Server ID card, Wenderson was not alcohol server trained. Lt. Ruiz spoke with Wenderson (**EXHIBIT G**) and confirmed that he was working for the security team on the night of the stabbing. Wenderson stated that he had been hired by the promoter and that he had been at the door all night until 0100hrs checking ID's. He stated that at 0100 hours he went inside to monitor patrons. Wenderson stated that he had seen a bottle of Champagne popped by a friend of the male who was later stabbed in the parking lot. The patron began spraying Champagne on other patrons of the restaurant and Wenderson then took the bottle of Champagne away from the male and escorted him out of the restaurant.

When asked, Wenderson stated that he was not alcohol server trained and had not registered with the Framingham Police Department. A check of the in-house Police records confirmed that Wenderson did

not have a Framingham Alcohol server ID and was not registered with the Framingham Police Department. Serving alcohol or viewing identification cards without complete an alcoholic beverage server training program which has been approved by the Framingham Police Department is a violation of the following Rules and Regulations:

Provision alleged to have been violated: Framingham Rules and Regulations Governing Alcoholic Beverages, Article II.2 which states, in relevant part:

All employees serving alcohol or viewing identifications cards to determine age are required to successfully complete an alcoholic beverage server training program which has been approved by the Framingham Police Department, Licensing Bureau. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification Cards to determine the age of patrons for service of alcohol.

Lt. Ruiz spoke with Jessica Prioa, who Joe identified as a Bartender working on September 29, 2018. During the conversation, (EXHIBIT H) Jessica stated that she had been working at Samba Steak House for what she described as "several years". Jessica confirmed that she had been working on the night of the stabbing and had become aware that someone had been stabbed in the parking lot the next day when she returned to work. Jessica was asked if she had been aware that a bottle of Champagne had been popped by a patron inside the restaurant. Jessica stated that she did not know where the bottle had come from, that she had not seen it being popped and that she had not sold any bottles of champagne. She went on to state that the Champagne is usually given to parties that come in for birthday parties and that it was the only type of bottle that is allowed to be given away. Jessica was asked if she had a Framingham Server ID card and she stated that she did not, but that she had received her Alcohol Server training and had the certificats. A check of the in-house Police records confirmed that Jessica did not have a Framingham Alcohol server ID and was not registered with the Framingham Police Department. Serving alcohol or viewing identification cards without complete an alcoholic beverage server training program which has been approved by the Framingham Police Department is a violation of the following Rules and Regulations:

Provision alleged to have been violated: Rules and Regulations, Article II.2 which states, in relevant part:

All employees serving alcohol or viewing identifications cards to determine age are required to successfully complete an alcoholic beverage server training program which has been approved by the Framingham Police Department, Licensing Bureau. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification Cards to determine the age of patrons for service of alcohol.

Lt. Ruiz spoke with Stacey Gala who Joe had identified as one of the bartenders on September 29, 2018. During the interview (EXHIBIT I) Stacey stated that she tends the bar at the Samba every Friday night and has worked at the establishment for over a year. When asked if she was aware of any assaults that had taken place in the parking lot on September 29, 2018, she stated that she had been told the following day by Ray Bradford, another employee of Samba. Ray had told her that someone had been stabbed in the parking lot but that no one had seen it and that the victim had gone to the hospital.

Stacey and Lt. Ruiz then discussed the activity inside Samba on September 29, 2018. Stacey stated that there was a party type theme going on and that there was a promoter for the night as well as a DJ playing music. She also stated that the "party" was being held in the area where the Hibachi tables were located, and that the DJ set up in front of the large Buddha statue. When asked if she checked ID's and if not, who was checking ID's and where, Stacey stated that a male that she described as being Latino, possibly Brazilian, was at the door checking ID's. When asked if Ray Bradford also checked ID's, she stated that he did not. Lt. Ruiz asked her about the bottles of champagne, he informed Stacey that he had been made

aware that a bottle of champagne had been popped in what was being described as the VIP area which may have led to the assault. Stacey informed Lt. Ruiz that the VIP area is an area that is sectioned off and that the bottles of Champagne are given away by the promoter, Marlin Fialho. She stated that he would get the bottles from the bar and bring them to the VIP table. She stated that she did not see the bottle of champagne popped, as she was working at the bar and would not be able to see that area from where she was.

Lt. Ruiz spoke with Marlin Fialho who Joe identified as the promoter he had hired on the night of the stabbing. During the conversation (**EXHIBIT J**), Marlin confirmed that he was a promoter and had been hired by Joe from Samba Steak House. Marlin also stated that had been working for Samba Steak House for approximately one (1) year. Marlin informed Lt. Ruiz that he had delivered a bottle of Champagne along with approximately 4-6 plastic cups to the party which included the individual who was later stabbed in the parking lot. The bottle was delivered in a bucket of ice and was given to the group as they were celebrating a birthday. Marlin stated that he had not seen the bottle of Champagne popped and did not know anything else that happened as a result of the bottle of Champagne. When asked where he got the bottle of Champagne from, Marlin stated that he had gotten the bottle from the bar. A check of the in-house Police records confirmed that Marlin did not have a Framingham Alcohol server ID and was not registered with the Framingham Police Department. Serving alcohol or viewing identification cards without complete an alcoholic beverage server training program which has been approved by the Framingham Police Department is a violation of the following Rules and Regulations:

Provision alleged to have been violated: Rules and Regulations, Article II.2 which states, in relevant part:

All employees serving alcohol or viewing identifications cards to determine age are required to successfully complete an alcoholic beverage server training program which has been approved by the Framingham Police Department, Licensing Bureau. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification Cards to determine the age of patrons for service of alcohol.

Lt. Ruiz spoke with the victim of the stabbing, Fellype DeSouza. During the conversation, (**EXHIBIT K**) Fellype stated that he had gone to Samba on that night with 2 friends to celebrate his birthday. Prior to arriving at Samba, Fellype explained that he had been drinking at a friend's house and had started drinking earlier in the day.

Upon arriving at Samba, his ID had been checked at the entrance door and he had also been searched at the entrance door for weapons. Fellype stated that he had been contacted by the promoter via social media and invited to Samba to celebrate his birthday. Fellype explained that once inside Samba, he was set up in a VIP section of Samba with his friends, Fellype was not clear as to what the VIP section exactly was. Fellype stated that at some point towards the end of the night, Fellype's friend, Jonathan DeOliveira popped a bottle of champagne that had been given to him. Jonathan was subsequently removed from Samba by several members of the Security team through what Fellype described as the back door.

Fellype went outside to check on Jonathan and as he was walking towards the back parking lot of Samba, he observed two other males in the lot who were intoxicated and had been kicked out of Samba by security as well. Fellype stated that he saw Jonathan thrown to the ground by a member of the security team, but that he was unsure exactly who the security team member was. He stated that at this point he was "jumped by unknown people in the lot" and felt pain in his buttocks (stabbed). Realizing he had been stabbed, he reunited with Jonathan and was driven to the hospital. Fellype stated that he had consumed 4-5 mixed drinks while at Samba and that he had paid cash for the drinks. He also informed Lt. Ruiz that he was very intoxicated when he walked out of Samba to check on Jonathan, he described his level of

intoxication as near "blackout drunk". Sale or delivery of an alcoholic beverage to an intoxicated person is a violation of the following Rules and Regulations:

Provision alleged to have been violated: M.G.L. Ch. 138 C. 69, which states: No alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.

Provision alleged to have been violated: Rules and Regulations, Article XIII.5 which states: No alcoholic beverages shall be sold or delivered to an intoxicated person.

Provision alleged to have been violated: 204 CMR 2.05(2), Permitting illegality to take place on the licensed premises, which states:

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 therefor, whether present or not.

At approximately 6:23 p.m. on November 19, 2018 as part of a City-wide alcohol compliance check, Lt. Jorge E. Ruiz sent an 18-year old Underage Operative into Samba Steak House located at 1138 Worcester Road in an attempt to purchase alcohol at the restaurant. Prior to entering the establishment, Lt. Ruiz instructed the operative to attempt to purchase a beer at the bar.

The Underage Operative was sent into the restaurant with a \$20.00 bill which was supplied by the Framingham Police Department. Shortly after entering Samba, the Underage Operative notified Lt. Ruiz via text message that he had ordered and been served a bottle of BUD LIGHT beer at the bar. The underage operative informed Lt. Ruiz that he had been served by a female bartender and gave Lt. Ruiz a brief description of her. Lt. Ruiz then entered the establishment and introduced himself and interviewed the violating bartender who was identified as Devin Marcotte-Burgett. Ms. Marcotte-Burgett recalled the sale and stated she thought the individual who purchased the BUD LIGHT draft was over 21 years old; therefore, she did not ask for any identification to verify the operative's age. Sale or delivery of an alcoholic beverage to an underage person is a violation of the following Rules and Regulations and regulation:

Provision alleged to have been violated: MGL. Ch. 138 Section 34: Sale or delivery of an alcoholic beverage to an underage person, which states:

No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this

chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Provision alleged to have been violated: 204 CMR 2.05(2), Permitting illegality to take place on the licensed premises, which states:

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 therefor, whether present or not.

Ms. Marcotte-Burgett did have a valid Server ID. Lt. Ruiz spoke with the on-duty Manager of the establishment, Mr. Shiyun Zhang, (Joe Samba) and explained the violations to Mr. Shiyun Zhang and its repercussions to follow. (EXHIBIT L)

The Board of License Commissioners will address the above-referenced alleged incidents, among any others raised during the hearing process, and consider whether to impose penalties or sanctions in accordance with its authority under the Rules and Regulations and other legal authority, including the Framingham's Bylaws and statutory (e.g., under G.L. c. 138 §§ 23 and 64, G.L. c. 140, etc.) and regulatory provisions.

The Police Department has recommended that the Board impose the following penalties and sanctions to require that Samba Steak House:

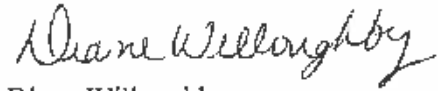
- (a) serve a twenty-eight (28)-day suspension of the All Alcohol Restaurant License;
- (b) roll back its hours for the All Alcohol Restaurant and Entertainment Licenses to closing at 1:00 a.m. on Fridays;
- (c) install a new state-of-the-art surveillance system to monitor inside restaurant and exterior areas to include parking lot;
- (d) remove or cover all alcohol if Samba Steak House remains open during suspension;
- (e) reimburse the City of Framingham \$300 for the cost of investigation, such \$300 reimbursement fee to be made by check payable to the City of Framingham and delivered to Christopher J. Petrini, City Solicitor, Petrini & Associates, P.C., 372 Union Avenue, Framingham, MA 01702, no later than the conclusion of the Suspension Term.

In accordance with G.L. c. 138, §§ 23 and 64, and G.L. c. 140 the Board may "after hearing or opportunity therefor modify, suspend, revoke or cancel such license." The foregoing alleged facts and circumstances, as well as other alleged facts and circumstances surrounding the above-referenced alleged events, may support the Board of License Commissioners' finding of additional violations of the License. The Board of License Commissioners expressly reserves its right to find additional violations related to the above-described alleged event should factual support therefor be presented during the hearing, including violations of statutes, regulations, rules and laws not expressly recited in this notice.

You are requested to appear before the Board of License Commissioners at its above-mentioned hearing on Monday, March 25, 2019 at 7:00 PM, to address these issues. Please note that you are "entitled to retain counsel to represent [you] at the hearing if [you] so desire." See, Rules and Regulations, Article XV.B.9. In addition, the Framingham Rules and Regulations Governing Alcoholic Beverages, Article II. 3 States that "[a]ny server who allegedly violates any provision of Chapter 138, the Bylaw or these Regulations is required to attend the Board hearing conducted in accordance with Article XV herein. Failure to attend said hearing may result in the revocation of the server's Alcohol Server Identification Card by the Framingham Police Department. Violation of this section shall further subject licensees and servers to penalties under Article XV as may be imposed by the Board."

This letter serves as written notice of the Board of License Commissioners' hearing in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Diane Willoughby".

Diane Willoughby
Licensing Coordinator

Enclosures: Exhibits C - M

cc: Deputy Chief Victor Pereira, Framingham Police Department
Attorney Christopher Petrini, City Solicitor



Framingham Police Department Booking Report



Incident # 1805570 OBTN/Booking # 0076422

Name SANTOS, TAYOAN DELIMA DOB [REDACTED]

Address ***27 KELLY CT City BRIGHTON ST MA ZIP 02135

Sex M Race U HGT 6'00 WGT 210 Hair BLN Eyes GRN

File # 107903 POB BR Age 20

Mother [REDACTED] Father [REDACTED]

Arrest Location: 1138 WORCESTER RD, SAMBA Booking Date & Time 08/04/18 01:20

Arresting Officer: LEWIS, ANDREW J Booking RUIZ, JORGE

Assisting Officers: CESAR, RONY

Seached By: SISTRAND, ARTHU

Miranda Officer: Physical Condition: INTOXICATED

Miranda Time: Miranda Location:

	Chapter	Section
Offense: [REDACTED]	[REDACTED]	S16
Notes: VICTIM- SHI ZANG- [REDACTED]		
Offense: [REDACTED]	[REDACTED]	S13A
Notes: VICTIM-SHI ZANG- [REDACTED]		
Offense: [REDACTED]	[REDACTED]	S53
Notes:		
Offense:		
Notes:		
Offense:		
Notes:		
Offense:		
Notes:		
Offense:		
Notes:		
Offense:		
Notes:		

CELL #

Booking Report Page 2

Incident # 1805570 OBTN/Booking # 0078422

Name SANTOS, TAYOAN DELIMA DOB [REDACTED]



Remarks: SEE REPORT

I hereby acknowledge that the following property / money was taken from me and that I have been advised that I have the right to use the telephone within 1 hour of arrival:

Cash: 0.00 Property: HAT, KEYS, CELLPHONE

Name _____ Booking Officer RUJIZ, JORGE

I hereby acknowledge that the money/property listed above was returned to me.
Property taken at booking which is not claimed after 30 days from today may be disposed of at public auction.
Please promptly reclaim your property

Signature from Defendant that their property was returned

Officer Releasing Prisoner

Release Date & Time	Bail Commissioner	
Received by:	Cell #	WMS/Q1/BOP/Q5



Framingham Police Department

1 William Welch Way
Framingham, MA 01702



Offense/Incident Report

Incident				
Incident Number	Incident Start Date/Time	Incident End Date/Time	Date/Time Reported	
1806920	09/29/2018 02:15	09/29/2018 03:13	09/29/2018 02:15	
Location		Body Camera	County	Coverage Area
1138 WORCESTER RD, SAMBA STEAK AND SUSHI, Framingham MA 0170			Middlesex	C

Offense List
INVESTIGATION-ADULT

VICTIM									
Name: [REDACTED]						Role:		Phone:	
Address 139 PLEASANT ST MARTINBOROUGH, MA 01701						VICTIM		[REDACTED]	
Employer Name:				Employer Address:				Work Phone:	
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	
	[REDACTED]	27	N/A			W	M		

Officer Narrative
INCIDENT: 1806920
FRAMINGHAM PD
INVESTIGATION ASSAULT

On Saturday, September 29, 2018, I, Officer Susan Machado was assigned to uniform patrol, in fully marked cruiser #964 in Area B for the 0000-0800HRS shift. At approximately 0215HRS, Sergeant David Loureiro, Officer Roni Cesar and I, responded to the Framingham Metro West Hospital (emergency room) for a report of a male patient that had checked in into the emergency room with stab wounds. The emergency room nurse relayed to Dispatch that the victim had informed her he was stabbed at Samba East (1138 Worcester Road) in the parking lot. It should be noted that Sergeant Sheehan and Officer Alves returned to Samba to follow up.

Upon arrival, I parked the cruiser in front of the hospital triage entrance, where I observed two males pacing around the hospital parking lot. I observed one male, later identified as Mr. Jonathan De Oliveria (DOB:02/27/85), wearing a torn shirt and pacing back and forth, Sergeant Loureiro, Officer Cesar and I approached Mr. De Oliveria, and the other male, later identified as Mr. Emerson Henrique De Souza (12/29/84) and asked them if they were at the hospital for the stabbing victim, to which they replied yes.

Mr. De Oliveria and Mr. Henrique De Souza stated they were friends with the victim that was later identified as Mr. [REDACTED]. Mr. De Oliveria stated that they had transported Mr. [REDACTED] to the hospital after Mr. [REDACTED] was stabbed. Mr. De Oliveria stated due to the injuries they rushed him to the hospital and did not report it to the police at that time.

Mr. De Oliveria stated that they were at Samba celebrating Mr. [REDACTED] birthday. Mr. De Oliveria stated that he was in the parking lot when the fight broke out, but he did not witness what

Case Status		Approval Status	
INACTIVE	Investigating Officer	Approved	Supervisor
	Date		Date
0 MACHADO, S (355)	09/29/18	S REARDON, G (283)	09/30/18

Offense/Incident Report (Continuation)

Incident			
Incident Number	Incident Start Date/Time	Incident End Date/Time	Date/Time Reported
1806920	09/29/2018 02:15	09/29/2018 03:13	09/29/2018 02:15

Officer Narrative

had happened to Mr. [REDACTED]. He stated he only saw Mr. [REDACTED] on the ground and went to help him.

Mr. De Oliveria stated helped Mr. [REDACTED] to his mother's vehicle and immediately transported him to the hospital. Mr. De Oliveria stated he did not know who might have stabbed Mr. [REDACTED] but informed me that Mr. [REDACTED] had got into a verbal altercation with the Samba's security guards and was escorted out of Samba before the incident.

Mr. Henrique De Souza stated he was not present during the fight nor observed what transpired after. Mr. Henrique De Souza denied having any involvement in the incident and stated he only helped with transportation.

Mr. De Oliveria advised Mr. Henrique De Souza to just tell the truth. However, Mr. Henrique De Souza continued to deny any knowledge or involvement in how Mr. [REDACTED] got stabbed and how it happened.

Officer Cesar and Sergeant Loureiro continued speaking with Mr. De Oliveria and Mr. Henrique De Souza. Mr. De Oliveria showed Officer Cesar the vehicle that Mr. [REDACTED] was transported in. The vehicle was covered in Mr. [REDACTED] blood on the rear seat. Using Framingham Police Department Patrol Camera#1, Officer Cesar took ten photos of the car (MA REG#7ZF696).

Meanwhile, I went to the emergency room#15 speak with Mr. [REDACTED]. As I walked into the room, I observed Mr. [REDACTED] lying face down on the hospital stretcher without any clothes on. Mr. [REDACTED] body was exposed entirely while the nurse was treating him. I observed around the area of [REDACTED]; there were bandages wrapped around him covering up the wounds. Also around his [REDACTED], there was a pool of blood stains. The ER nurse stated that the bandages and gauze are placed to reduce and prevent further bleeding. The ER nurse stated the Mr. [REDACTED] suffered from three large lacerations, two on his left buttocks and one on the lower side close to his inner thighs. It should be noted that the ER nurse stated she could not remove the gauze and bandage due to the bleeding.

I introduced myself to Mr. [REDACTED] and asked him what had occurred tonight. Mr. [REDACTED] stated that he was celebrating his birthday at Samba. Mr. [REDACTED] stated that he had a feeling that something bad might happen therefore wanted to leave the restaurant. Mr. [REDACTED] stated that he walked out of Samba towards Mr. De Oliveria vehicle when he observed a large group fighting in the rear parking lot. Mr. [REDACTED] stated that he proceeded to walk through the fight towards the car when he fell to the ground. Mr. [REDACTED] stated he felt some type of pain coming from his [REDACTED] and when he touched his [REDACTED], he felt warm liquid and realized it was his blood. Mr. [REDACTED] stated shortly after, Mr. De Oliveria and Mr. Henrique De Souza helped transported him to the hospital.

Mr. [REDACTED] stated that he did not see the person who stabbed him. I asked Mr. [REDACTED] if he had any issues or altercations with anyone at Samba before the incident to which he denied. I asked [REDACTED] was there anyone who witnessed the incident to which he stated he did not know. Mr. [REDACTED] could not give me any information or description of a suspect and continued to inform me that he had no issues with anyone that night and did not know why he was

Investigating Officer	Date	Supervisor	Date
O MACHADO, S (355)	09/29/18	S REARDON, G (283)	09/30/18

Offense/Incident Report (Continuation)

Incident			
Incident Number	Incident Start Date/Time	Incident End Date/Time	Date/Time Reported
1806920	09/29/2018 02:15	09/29/2018 03:13	09/29/2018 02:15

Officer Narrative

attacked. While speaking with Mr. [REDACTED], Sergeant Loureiro and Mr. De Oliveria came into the room. Mr. De Oliveria advised Mr. [REDACTED] to tell the truth and tell us what happened. Mr. [REDACTED] stated he was telling us the full story, however later recanted and stated that he believed the suspect might be a Brazilian male, wearing a pin-striped polo shirt. Mr. [REDACTED] could not give me any further description. After speaking with all parties, the ER nurse advised me that Mr. [REDACTED] [REDACTED] for treatment.

Sergeant Sheehan and Officer Alves returned to Samba for a follow-up. Sergeant Sheehan was able to speak with employees who stated that the cameras at Samba haven't been fixed and have not been working for a while, therefore would not have captured the incident. Using Framingham Police Department Patrol Camera #2, Officer Alves took eleven photos Samba's parking lot, where there were blood stains from the incident.

It should be noted that Officer Cesar was unable to take photos of the Mr. [REDACTED] visible injuries. Officer Cesar took three photos of Mr. [REDACTED] bandage wounds and property using Framingham Police Patrol Camera 1#. It should be noted that all photos that were taken by Officer Cesar and Officer Alves were logged into evidence.

The following morning, I called [REDACTED] Medical Center and spoke with the Nurse in charge, Mary LYKENS of Mr. [REDACTED] who informed me that he was in [REDACTED].

It should be noted that I called Samba and spoke to their employee, Benson in regards to the cameras. I asked Benson if he knew whether the camera was working or not. Benson stated that he does not believe that the cameras are working, however, cannot confirm that information with me, until he speaks to the owner, Joe. I asked Benson if he can call Joe and confirmed that to which he agreed. Benson was able to confirm with the owner that the cameras were not working.

Also, I followed up with Mr. Raymond Bradford who works for Samba as a security officer. I asked Mr. Bradford if knew the security officers that worked last night to which he stated yes and that he knew them all. I asked Mr. Bradford if he can give me their names and contact information to which he agreed and informed me he could grab all their information through Samba's promoters. Mr. Bradford stated that he would speak with the promoters and provided me with the all the information.

I asked Mr. Bradford if he or any of the security officer witness the stabbing last night to which he stated no. Mr. Bradford stated that a few fights broke out last night, but he did not see anything involving a male getting stab.

At this time, no charges are filed pending investigation, and no suspect has been identified.

Respectfully submitted,

Officer Susan Machado, PSN#355

Investigating Officer	Date	Supervisor	Date
O MACHADO, S (355)	09/29/18	S REARDON, G (283)	09/30/18

Offense/Incident Report (Continuation)

Incident			
Incident Number	Incident Start Date/Time	Incident End Date/Time	Date/Time Reported
1806920	09/29/2018 02:15	09/29/2018 03:13	09/29/2018 02:15

Officer Narrative
 Framingham Police Department
 Patrol Division

REPORT PARTY									
Name: HOSPITAL, FRAMINGHAM METRO WEST						Role: REPORT PARTY		Phone:	
Address: 115 LINCOLN ST FRAMINGHAM, MA 01702						Driver's License:			
Employer Name:				Employer Address:				Work Phone:	
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	
			N/A						

ALL OTHER									
Name: DESOUZA, EMERSON HENRIQUE						Role: ALL OTHER		Phone: (██████████)	
Address: 566 LINCOLN ST FRAMINGHAM, MA 01702						Driver's License:			
Employer Name:				Employer Address:				Work Phone:	
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	
		33	N/A			W	M		

ALL OTHER									
Name: DEOLIVEIRA, JONATHAN						Role: ALL OTHER		Phone: (██████████)	
Address: 19 HAMILTON ST FRAMINGHAM, MA 01701						Driver's License:			
Employer Name:				Employer Address: ROWLEY MA				Work Phone:	
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	
		33	N/A	6'00	175	W	M	R	

Investigating Officer	Date	Supervisor	Date
O MACHADO, S (355)	09/29/18	S REARDON, G (283)	09/30/18



Framingham Police Department



1 William Welch Way
Framingham, MA 01702

Supplement Report

Supplement	
Incident Number 1806920 - 1	Date/Time of Report 09/29/2018 13:06
Location 1138 WORCESTER RD, SAMBA STEAK AND SUSHI, Framingham MA 01701	

Offense List
INVESTIGATION-ADULT

Victim	Accused

Officer Narrative
1806920
Continued Investigation

On Saturday, September 29, 2018, at approximately 1045 hours while assigned to the Framingham Police Detective Bureau, I, Detective Sean Wilson and Detective Sean O'Hare responded to the [REDACTED] Medical Center in Boston, MA.

We spoke with Mr. [REDACTED] in room five of the [REDACTED] Mr. [REDACTED] had been transported by ambulance to [REDACTED] Center earlier in the morning to be treated for [REDACTED]. I asked Mr. [REDACTED] if he could recollect what happened when he was at Samba Sushi and Steak. Mr. [REDACTED] stated that he arrived at the bar at approximately midnight. He stated he had his friend, Jonathan Oliveira drive him there because it was his birthday and he did not want to drink and drive. He continued that they were inside the restaurant until "The lights went on," which I took to mean last call when the bar is shutting down (approximately 0200 hours). Just prior to the lights being turned on at last call, Mr. Oliveira asked him if he wanted to pop a bottle of champagne for his birthday. Mr. [REDACTED] stated sure, because it was his birthday. Mr. Oliveira then popped open a bottle of champagne, which Mr. [REDACTED] stated the bouncers (security) in the bar didn't like that.

Mr. [REDACTED] then stated after Mr. Oliveira popped the bottle of champagne the security staff had grabbed Mr. Oliveira, removing him from the restaurant through the back door to the parking lot. Mr. [REDACTED] stated when he saw the Mr. Oliveira was being removed through the back door, he went out the front door and was going to meet up with him (Mr. Oliveira) in the rear parking lot to go home. Mr. [REDACTED] did state that he was "really drunk" and does not remember everything that happened. Mr. [REDACTED] stated when he went out the front door and to the rear parking lot he remembered two different groups of people fighting in the rear lot. One group appeared to be involved in an active fist fight, while another group appeared to be kicking someone on the ground. Mr. [REDACTED] stated he saw his friend, Mr. Oliveira on the ground when he went to the rear lot and yelled to the security to let him go, and they were going to leave. At some point while he saw Mr. Oliveira he felt like he got struck. He could not elaborate what it felt like as he was highly intoxicated. Mr. Desouza stated he well to the ground on his buttocks, and at that time felt a sharp pain coming from his [REDACTED] He felt his [REDACTED] with his hand, which felt "wet and warm." He then looked at his hand and noticed a lot of blood on his hand. He then [REDACTED] stated at that time Mr. Oliveira and Mr. [REDACTED]

Case Status		Approval Status	
INACTIVE	Approved		
Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	09/29/18	DS SIBILIO, R (284)	09/30/18

Supplement Report (Continuation)

Supplement	
Incident Number 1B06920 - 1	Date/Time of Report 09/29/2018 13:06

Officer Narrative

Oliveira's friend, who Mr. [REDACTED] did not know got into Mr. Oliveira's vehicle at which time they drove to the Metrowest Medical Center (Framingham).

Mr. [REDACTED] was then transported to [REDACTED] Medical Center in Boston, MA where he was taken into surgery [REDACTED].

I spoke with his doctor, Dr. Paulino at approximately 1115 hours. Dr. Paulino stated that Mr. Desouza had three stab wounds. [REDACTED]

[REDACTED]

By the time we were able to interview Mr. [REDACTED] his wounds had already been sutured, and bandaged. We were not able to obtain any pictures at this time as the stab wounds had already been operated on and wounds had been closed up.

Respectfully Submitted,

Detective Sean Wilson 336
Framingham Police Department
Bureau of Investigative Services

Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	09/29/18	DS SIBILIO, R (284)	09/30/18



Framingham Police Department



1 William Welch Way
Framingham, MA 01702

Supplement Report

Supplement	
Incident Number 1806920 - 2	Date/Time of Report 10/02/2018 10:38
Location 1138 WORCESTER RD, SAMBA STEAK AND SUSHI, Framingham MA 01701	

Offense List
INVESTIGATION-ADULT

Victim	Accused

Officer Narrative

1806920
Continued Investigation

On Sunday, September 30, 2018 at approximately 1415 hours, while assigned to the Framingham Police Detective Bureau, I, Detective Sean Wilson attempted to speak with several of the security staff that was working at Samba Sushi and Steak in the early morning of Saturday, September 29, 2018.

I spoke with Mr. Miguel Souza on the phone in regards to the incident. Mr. Souza stated that he is the "team leader" of the security staff which is hired by Samba. Mr. Souza continued that he heard that someone had been stabbed in the parking lot the night he and his staff were working. He stated that he did not see anything outside as he was working inside the entire night. Mr. Souza also stated that he was not outside at any point.

I then spoke with Mr. Rodrigo Mercedo. Mr. Mercedo stated that he was outside around closing time (0150-0200) with security manager, Ray Bradford. He stated that he saw a brawl break out between two guys and a large group in the parking lot. Mr. Mercedo stated he attempted to disperse the large group along with Mr. Bradford by yelling, "Get out of here! Get in your cars!" He stated that at no time did he see anyone with a knife or anyone get stabbed. He stated that he knew of a male that went by the nickname "Empolga" get removed from the bar at the end of the night. He stated when he was outside he saw "Empolga" attempting to start a fight outside. He stated he told him to leave and at that time he got into a BMW and drove away.

I spoke with Mr. Mario Montenegro who works security for Samba. He stated he was inside the entire night and that he was not in the parking lot at any point during the incident. Mr. Montenegro stated "By the time I got outside there were three Framingham Police cars already in the lot dispersing people from the lot.

On Monday, October 1, 2018 at approximately 1115 hours I spoke with Mr. Wenderson "Todinho" Dosre. Mr. Dosre was working as part of the security staff the night of the incident. Mr. Dorse stated he was inside the bar most of the night. He continued that he went outside at approximately 0220-0230 hours to assist in getting people into their cars to go home. He stated he is typically inside all night and his job in the parking lot is to direct cars out of lot and to see that people don't get

Case Status		Approval Status	
INACTIVE		Approved	
Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	10/02/18	DE TERSONI, B (214)	10/02/18

Supplement Report (Continuation)

Supplement		Date/Time of Report
Incident Number 1806920 - 2		10/02/2018 10:38

Officer Narrative

hit by cars walking through the parking lot. Mr. Dorse stated he did see Mr. [REDACTED] in the bar earlier in the night because it was his birthday. He does not know him personally, but was aware that it was his birthday. He also stated that he witness Mr. [REDACTED] friend, later identified as Mr. Jonathan Oliveira pop a bottle of champagne within the bar area. I asked what had happened to Mr. Oliveira when he popped the bottle of champagne, which Mr. Dorse stated "I removed him from the club out the back door." He stated after he removed him that he went back to where he was stationed inside the bar. He overheard at a later time over the weekend that Mr. Oliveira was causing a fight in the parking lot, but did not witness it, and does not remember from whom he heard it from.

I attempted to speak with Mr. [REDACTED] on the phone at approximately 1345 hours. Mr. [REDACTED] stated he was out of the hospital, however still under the [REDACTED] provided by the doctor's. Another attempt to speak with Mr. [REDACTED] will be conducted at a later date once he is off [REDACTED] medication.

On Tuesday, October 2, 2018 at approximately 1015 hours I spoke with Flavio Dos Santos on the phone. Mr. Dos Santos was working security at Samba the night of the incident. He was stationed inside the bar near the DJ booth. Mr. Dos Santos stated at approximately 0130 hours a fight had broken out inside the club. The people involved in that fight were removed from the bar through the front door. Mr. Dos Santos then stated at approximately 0145 a male only known to him as "Empolga," which he stated is Portuguese for "Hyper," had sprayed a bottle of champagne in the bar area, and had sprayed people with it. He stated security escorted "Empolga" out the rear door of the bar to the parking lot. Mr. Dos Santos continued that he was inside clearing people out from that point on, and by the time he went outside two to three police cars were already on scene.

It should be known that based on statements made by the parties involved that the male known as "Empolga" is the nickname for Mr. Oliveira.

I have attempted three times to call Mr. Oliveira. Each time it states that his voice mailbox is full.

A supplemental report will be conducted when I am able to speak with Mr. [REDACTED] further about the incident. At this time there are no known suspects, and I will attempt through my next interview with Mr. [REDACTED] to gather more information pertaining to parties involved in the multiple altercations that occurred at Samba between the late evening of Friday, September 28 and the early morning hours of Saturday, September 29.

Respectfully Submitted,

Detective Sean Wilson 336
Framingham Police Department
Bureau of Investigative Services

Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	10/02/18	DL TERSONI, B (214)	10/02/18

Supplement Report (Continuation)

Supplement	
Incident Number 1806920 - 2	Date/Time of Report 10/02/2018 10:38

WITNESS										
Name: SOUZA, MIGUEL							Role:		[REDACTED]	
Address: 728 WAVERLEY ST FRAMINGHAM, MA 01702							Driver's License:			[REDACTED]
Employer Name:				Employer Address:				Work Phone:		[REDACTED]
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	[REDACTED]	
	[REDACTED]	33	33			W	M	R		

WITNESS										
Name: MERCEDO, RODRIGO							Role:		WITNESS	
Address: 203 ARLINGTON ST FRAMINGHAM, MA 01702							Driver's License:			[REDACTED]
Employer Name:				Employer Address:				Work Phone:		[REDACTED]
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	[REDACTED]	
	[REDACTED]	38	38			W	M	R		

WITNESS										
Name: MONTENEGRO, MARIO							Role:		WITNESS	
Address: 260 BEAVER ST FRAMINGHAM, MA 01702							Driver's License:			[REDACTED]
Employer Name: SAMBA WEST				Employer Address:				Work Phone:		(508) 875-7800
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	[REDACTED]	
	[REDACTED]	45	45	5'06	175	W	M	R		

WITNESS										
Name: DOSREIS, WENDERSON P							Role:		WITNESS	
Address: ***4 DAWSON RD WORCESTER, MA 01606							Driver's License:			[REDACTED]
Employer Name:				Employer Address:				Work Phone:		[REDACTED]
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	[REDACTED]	
	[REDACTED]	33	33			W	M	N		

WITNESS										
Name: DOSSANTOS, FLAVIO							Role:		WITNESS	
Address: ***104 GRAVES RD APT. B REVERE, MA 02151							Driver's License:			[REDACTED]
Employer Name:				Employer Address:				Work Phone:		[REDACTED]
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:	[REDACTED]	
	[REDACTED]	33	33			W	M	N		

Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	10/02/18	DL TERSONI, B (214)	10/02/18



Framingham Police Department



1 William Welch Way
Framingham, MA 01702

Supplement Report

Supplement	
Incident Number 1806920 - 3	Date/Time of Report 10/16/2018 14:02
Location 1138 WORCESTER RD, SAMBA STEAK AND SUSHI, Framingham MA 01701	

Offense List
INVESTIGATION-ADULT

Victim	Accused

VICTIM								
Name:							Role:	Phone:
							VICTIM	
Address:	139 PLEASANT ST marlborough, MA 01701						Driver's License:	
Employer Name:							Employer Address:	Work Phone:
Type of Victim:	Date of Birth:	Inc Age:	Sup Age:	Height:	Weight:	Race:	Sex:	Resident:
	09/27/1991	27	27			W	M	N

Officer Narrative
1806920
Continued Investigation

On October 1, 2018, I continued the investigation into the stabbing of Mr. [REDACTED]. I attempted to speak with Mr. [REDACTED] on the phone in regards to the incident to obtain a further statement. While speaking with Mr. [REDACTED] on the phone he made me aware that he was still not feeling well and that he was still [REDACTED] medication. I advised Mr. [REDACTED] that I would reach out in the near future to arrange a time to speak further when he was not under the [REDACTED] medicine.

On October 7, 2018 I called Mr. [REDACTED]. I asked if Mr. [REDACTED] if he would be able to come down to the police station to speak with me and provide a statement. He stated he was feeling better, however could not make it down on this day. I then asked if he could come to the police station the following day, October 8, 2018 at 0900 hours. Mr. [REDACTED] agreed to come down to the police station and meet with me on October 8.

On October 8, 2018 at approximately 0900 hours, Mr. [REDACTED] had not arrived to the police station. Thinking he may be running a little late, I waited approximately an hour and a half. At 1030 hours I called Mr. [REDACTED] on the phone. Mr. [REDACTED] did not answer, and I was unable to leave a voicemail, as I received an automated message stating, "The mailbox has not been set up yet."

I then called Mr. [REDACTED] on October 10, 2018 and October 11, 2018. Both attempts were unsuccessful, as I received the same automated voice message as I did on October 8, 2018.

Case Status		Approval Status	
INACTIVE		Approved	
Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	10/16/18	OS SIBILIO, R (284)	10/18/18

Supplement Report (Continuation)

Supplement	
Incident Number 1806920 - 3	Date/Time of Report 10/16/2018 14:02

Officer Narrative

Ten days have now passed and I have reached out to Mr. [REDACTED] four times for him to provide a statement with negative results. While Mr. [REDACTED] was in the hospital I handed him my business card, which contains my contact information. At this time there is no further information regarding the incident that occurred in the early morning of September 29, 2018 at Samba Steak and Sushi at 1138 Worcester Road, Framingham, MA.

Respectfully Submitted,

Detective Sean Wilson 336
Framingham Police Department
Bureau of Investigative Services

Investigating Officer	Date	Supervisor	Date
D WILSON, S (336)	10/16/18	DS SIBILIO, R (284)	10/18/18

Exhibit E

Case # 1806290

10/24/18

Interview of Shiyun Zhang, (Joe) conducted on 10/17/2018

On 10/17/2018, I Lieutenant Jorge E. Ruiz conducted an in-person interview of Shiyun Zhang, better known as Joe, the Manager/owner of Samba Steakhouse, 1138 Worcester Road, Framingham. The interview was conducted at the Samba restaurant as part of an investigation into possible liquor violations that occurred on 09/29/2018.

During the interview I asked Joe if he had been working on 09/29/2018 and he stated that he was the manager on-duty that night and primarily works nights at Samba. Joe stated that he was aware that there had been a stabbing in the parking lot, and that he had been informed by Sgt. Michael Sheehan during the course of the stabbing investigation. Joe stated that he was surprised to hear that someone had been assaulted in the parking lot as he has security in the parking lot at the end of the night. Joe also informed me that he hires the security team.

I asked Joe for a list of employees that were working on 09/29/2018, he provided contact information for the following:

Ray Bradford- Security, front door, ID checking

Marlo- Security, walks around inside

Miguel- Security, Front door

Flavio- Security

Rodrigo- Security

Eduardo- Security

Stacey Gala- Bartender

Jessica Proia- Bartender

Erin Hines- Bartender

Marlin Flalho- Promoter

During the interview I also asked Joe to clarify who the exact names and positions of the Manager and Assistant Manager at Samba were. Joe stated he was the Manager, Shiyun Zhang and the Assistant Manager is Risheng Xu who is also known as Sam. Joe was cooperative and pleasant during our meeting and was emphatic that he did not know that the assault had occurred prior to the police arriving and notifying him.

As part of this investigation I contacted the City of Framingham Licensing Coordinator and asked for the Manager of Record for Samba. I was informed that the Manager of Record on the All Alcohol License is Traci N. Simpson.

On 10/25/2018 I spoke again with Joe from Samba in an attempt to find out who Traci N. Simpson is. Joe informed me that Traci is his wife and that she is the Manager of the Alcohol License. Joe also informed me that Traci does some of the accounting and some PR work for the business. Upon checking the Police in-house records, I was unable to find Traci listed as having a Server ID and as a result, unable to determine if she is Alcohol Server Trained. Joe informed me that he is Alcohol server trained and upon checking the police records, I learned that his server ID had expired on 05/07/17. When I advised Joe of this, he told me that he had lost his wallet and therefore lost his server ID. I advised Joe that the Rules and Regulations Governing Alcoholic Beverages for the City of Framingham required that the Manager must be a full time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed business, and must be a qualified seller or server of alcoholic beverages registered with the Framingham Police Department. The Manager must be on the licensed premises at least forty (40) hours per week in the course of business, consistent with the permitted hours of operation. Joe stated that Traci did work for Samba, that he was the Manager/owner and that between him and his Assistant Manager, there was always someone on premises. I then re-read the requirements of the Rules and Regulations Governing Alcoholic Beverages for the City of Framingham and asked Joe if Traci was meeting those obligations and if she was on premise the minimum 40 hours per week, Joe replied that "Yes she was".

End Report

Exhibit F

Interview of Ray Bradford, 06/08/1982, conducted on 10/17/2018 via phone (508-309-8655)

On 10/24/2018, I Lieutenant Jorge E. Ruiz conducted a phone interview of Ray Bradford over the phone, 508-844-7457. The interview was conducted as part of an investigation into possible liquor violations that occurred on 09/29/2018. I had spoken to the Manager/Owner of Samba, Shiyun Zhang (Joe) who had identified Ray as one of the members of the security staff on the night in question and had given me his phone number.

During the interview, Ray informed me that he works as the head of security, among other things for Samba. He is directly employed by Samba and Joe is his boss. I asked Ray what his specific duties entailed on 09/29/2018. Ray informed me that he worked at the front door with another member of the security team, Wederson checking ID's. He was also floating around the restaurant checking on patrons as a member of the security team. I asked him who checked ID's in his absence and he informed me that it was Wenderson, I confirmed with him that it was Wenderson Dosreis, which he confirmed. Ray informed me that he was Alcohol server trained and had an alcohol server ID card, which I confirmed through the in-house computer records check.

I asked Ray what he knew about the assault that occurred and he informed me that he had been told that there had been a stabbing by the Police units that had responded to investigate the assault, approximately 30 minutes after closing. Ray stated that the stabbing must have occurred earlier than 0145hrs as he usually goes into the parking lot around 0130 to ensure that the patrons do not hang around once they exit Samba. He also informed me that on the night in-question, there had been a fight that had broken out in the parking lot, not a large fight, but what he described as a smaller scuffle that he had broken up around closing time. This was about the time Framingham Police Officers had arrived at the restaurant at the same time they do every Friday night. I know that Framingham Police does a compliance check when able to on Friday nights/ Saturday around 0145 as there have been numerous noise complaints when patrons are exiting the building. The Officers arrive to ensure that patrons quickly leave the parking lot.

I asked Ray about the bottle of Champagne that had been popped earlier in the night, Ray did not have any information in regards to the bottle on that night. Ray did inform me that Samba customarily will hand out a bottle of Champagne to patrons that are celebrating a party. The bottle is usually accompanied by plastic cups and is delivered in a bucket with ice. I then concluded the interview.

End report

Exhibit G

Interview of Wenderson Dosreis, 05/28/1985, conducted on 10/17/2018 via phone (508-933-1678)

On 10/24/2018, I Lieutenant Jorge E. Ruiz conducted a phone interview of Wenderson Dosreis over the phone, 508-933-1678. The interview was conducted as part of an investigation into possible liquor violations that occurred on 09/29/2018 at Samba Restaurant, 1138 Worcester Road. I had spoken to Ray Bradford, Head of Security for Samba who had identified Wenderson as one of the Security staff on the night in question. Wenderson had been interviewed by Detectives in regards to the assault and they had submitted his name and phone number in the police reports.

I asked Wenderson what his duties entailed on the night in question, he informed me that he was acting as security and had been hired by the promoter, Marlin Fialho. I asked him to tell me exactly what he did on 09/29/2018. Wenderson explained that he was at the front door until 0100hrs checking ID's as patrons entered Samba. At 0100, he went inside to monitor the patrons.

I asked him if he had seen a bottle of champagne popped inside by the VIP section and he informed me that a friend of the assault victim had popped a bottle of champagne and was spraying it over other patrons. At that point, Wenderson took the bottle of champagne away and escorted the male out of the restaurant. Wenderson stated that he was inside the restaurant for the rest of the evening and did not see the assault that had taken place in the lot. I asked Wenderson if he was alcohol server trained and he stated that he was not. I confirmed that he was not registered with the Framingham Police department in the in-house records as having a server ID. I then concluded the interview

End Report

Exhibit H

Case # 1806290

10/24/18

Interview of Jessica Proia, 04/24/1996, conducted on 10/24/2018 via phone (508-309-8655)

On 10/24/2018, I Lieutenant Jorge E. Ruiz conducted a phone interview of Jessica Proia over the phone, 508-309-8655. The interview was conducted as part of an investigation into possible liquor violations that occurred on 09/29/2018. I had spoken to the Manager/Owner of Samba, Shiyun Zhang (Joe) who had identified Jessica as one of the bartenders on the night in question and had given me her phone number. I had attempted to speak to Jessica on 10/17/2018, but due to lack of cellular coverage, we agreed to speak at a later date.

During the interview Jessica informed me that she Bartends at the Samba and had been filling in for a different bartender who was out of the country, and has worked at the establishment for several years. I asked her if she was aware of any assaults that had taken place in the parking lot on 09/29/2018. She stated that she was aware of the assault that had taken place, she had been told the following day.

I asked her if she checked ID's and if not, who was checking ID's and where. She informed that there are usually 2-3 bouncers at the door that check ID's and a girl that takes the cash. When I asked her about the cash, she informed me that the cash was for the cover charge for the evening. I also asked her about the bottle of champagne that had been popped during the evening. She informed me that she did not know where the champagne came from and had not seen it, but that she had not sold any champagne that night. She informed me that the champagne is usually given to parties that come in for birthday parties and stated that is the only type of bottle allowed to given away.

I asked if she had been Alcohol server trained and she indicated that she had and was looking at her certificate. When I attempted to look her up her registration in the in-house computer records I was unable to find it. Jessica informed me that she had attended the class but had never gone to the Police Station to get a server ID card. She further informed me that her sister Marissa, who is also a bartender had a server ID card, which I verified through the in-house computer records check. I advised Jessica that she needed to get a server ID card before serving alcohol and she stated she would be in the next day. I then concluded the interview.

End Report

Exhibit I

Case # 1806290

10/24/18

Interview of Stacey Gala, 04/05/1990, conducted on 10/17/2018 at Samba Steak House

On 10/17/2018, I Lieutenant Jorge E. Ruiz conducted an In-person interview of Stacey Gala at the Samba Steakhouse, 1138 Worcester Road, Framingham. The interview was conducted as part of an Investigation into possible liquor violations that occurred on 09/29/2018. I had spoken to the Manager/Owner of Samba, Shlyun Zhang (Joe) who had identified Stacey as one of the bartenders on the night in question.

During the interview Stacey informed me that she Bartends at the Samba every Friday night and has worked at the establishment for over a year. I asked her if she was aware of any assaults that had taken place in the parking lot on 09/29/2018. She stated that she was aware of the assault that had taken place, she had been told the following day by Ray Bradford, another employee of Samba, that someone had been stabbed in the parking lot but that no one had seen it and that the victim had gone to the hospital.

We then discussed the activity inside Samba on 09/29/18, she informed me that there was a party type theme going on and that there was a Promoter for the night as well as a DJ playing music. She also informed me that the "party" was being held in the area where the Hibachi tables are located, and that the DJ sets up in front of the large Buddha statue. I asked her if she checked ID's and if not, who was checking ID's and where. She informed that a male that she described as being Latino, possibly Brazilian was at the door checking ID's. I asked her if Ray Bradford also checked ID's and she stated that he did not.

I then asked her about the bottles of champagne, I informed her that I had been made aware that a bottle of champagne had been popped in what was being described as the VIP area which may have led to the assault. Stacey informed me that the VIP area is an area that is sectioned off and that the bottles of Champagne are given away by the promoter, Marlin Fialho. She said that he gets the bottles from the bar and brings them to the VIP table. She stated that she did not see the bottle of champagne popped, as she was working at the bar and would not be able to see that area from where she was. I then concluded the interview.

End report

Exhibit J

Interview of Marlin Fialho, 04/24/1996, conducted on 10/17/2018 via phone (508-816-2760)

On 10/17/2018, I Lieutenant Jorge E. Ruiz conducted a phone interview of Marlin Fialho over the phone, 508-816-2760. The interview was conducted as part of an investigation into possible liquor violations that occurred on 09/29/2018. I had spoken to the Manager/Owner of Samba, Shiyun Zhang (Joe) who had identified Marlin Fialho as the Promoter on the night in question and had given me his phone number.

During the interview Marlin informed me that he was a Promoter hired by Samba and that he had been working for Samba for approximately 1 year. I asked Marlin if as the promoter he hired the DJ and security and he informed me that he hired the DJ, but that Joe from Samba hires the security.

I asked Marlin if he had delivered the bottle of champagne to the male that had popped the bottle and subsequently had been removed by security. Marlin informed me that he had delivered the bottle along with approximately 4-6 plastic cups. The bottle was delivered in a bucket of ice and was given to the group as they were celebrating a birthday. I asked Marlin where he had gotten the bottle from and he informed me that he got it from the bar. He said he did not see the bottle of Champagne popped and did not know anything else that happened. He also stated that he was unaware that anyone had been assaulted in the parking lot at the time, but had been told at a later time by the bouncers that someone had been stabbed. He stated he knew the victim and had seen him leave sometime around 0140. I checked the in-house records at Framingham Police and was unable to locate a server ID card for Marlin. I then concluded the interview

End report

Exhibit K

Interview of Fellype DeSouza, 09/27/1991, conducted via phone (978-493-2107)

I Lieutenant Jorge E. Ruiz conducted a phone interview of Fellype DeSouza over the phone, (978)-493-2107. The interview was conducted as part of an investigation into possible liquor violations that occurred on 09/29/2018.

I asked Fellype to tell me what had happened on 09/29/18 before he was assaulted (stabbed) in the parking lot of the Samba Restaurant, 1138 Worcester Road. Fellype explained to me that he had gone to Samba on that night with 2 friends to celebrate his birthday. Prior to arriving at Samba, Fellype explained that he had been drinking at a friend's house and had started drinking earlier in the day. Upon arriving at Samba, his ID had been checked at the door and he had also been frisked at the door for weapons. Fellype stated that he had been contacted by the promoter via social media and invited to Samba to celebrate his birthday. Fellype continued and explained that once inside Samba, he was set up in a VIP section of Samba with his friends, he was not clear as to what the VIP section exactly was. At some point towards the end of the night, Fellype's friend, Jonathan DeOliveira popped a bottle of champagne that had been given to him. Jonathan was removed from Samba by several members of Security through what Fellype described as the back door after popping the bottle of champagne. Fellype said that he then saw security reenter the restaurant. Fellype then went outside to check on Jonathan as he was concerned for his safety. Fellype was walking towards the back parking lot of Samba when he observed two other males in the lot who were intoxicated and had been kicked out of Samba by security as well. Fellype stated that as he walked towards the back of Samba, he saw Jonathan thrown to the ground by a member of the security team, he was unable to tell me exactly who. He stated that at this point he was "jumped by unknown people in the lot" and felt pain in his buttocks (stabbed). Realizing he had been stabbed he reunited with Jonathan and was driven to the hospital.

I asked Fellype how many drinks he had consumed while at Samba and he informed me that he had drank 4-5 mixed drinks and that he had paid cash. He also informed me that he was very intoxicated when he walked out of Samba to check on Jonathan, he described his level of intoxication as near "blackout drunk". Fellype was unable to provide any other relevant information, I then concluded the interview. I asked Fellype to contact me or Detective Wilson with any other pertinent information.

It should be noted that when I spoke with Fellype, he stated that he had been taking medication for the pain and was still experiencing pain from the assault.

End Report

Exhibit L

11/19/2018

On November 19th 2018 I, Lt. Jorge E. Ruiz conducted Alcohol compliance checks of Restaurants with Alcohol licenses in the City of Framingham. These checks are done on an annual basis and are done for all Restaurants with Alcohol licenses in the City of Framingham. The checks were done with the assistance of an Underage Operative.

At approximately 6:23pm I, Lt. Jorge E. Ruiz sent the Underage Operative into Samba Steak House located at 1138 Worcester Road in an attempt to purchase alcohol at the restaurant. Prior to entering the establishment I instructed the operative to attempt to purchase a beer from the bar. The Underage Operative was sent into the restaurant with a \$20.00 bill which was supplied by the Framingham Police Department. Once inside, the Underage Operative notified me via text message that he had ordered and been served a bottle of BUD LIGHT beer at the bar. He informed me that he had been served by a female bartender and gave me a brief description of her.

I then entered the establishment and introduced myself and interviewed the violating bartender who was identified as Devin Marcotte-Burgett.

Ms. Marcotte-Burgett recalled the sale and stated she thought the individual who purchased the BUD LIGHT draft was over 21 years old therefore she did not ask for any identification to verify the operatives age. Ms. Marcotte-Burgett did have a valid Server ID.

I spoke with the on-duty Manager of the establishment, Mr. Shiyun Zhang, (Joe Samba) and explained the violations to Mr. Shiyun Zhang and it's repercussions to follow.

Violations:

Chapter 138 section 34: Sale or delivery of an alcoholic beverage to an underage person

204 CMR 2.05: Permitting an illegality to take place on the licensed premises

Respectfully Submitted,

Lt. Jorge E. Ruiz

Exhibit M

MAYER, ANTONELLIS, JACHOWICZ & HARANAS, LLP

William H. Mayer
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December 4, 2018

Framingham Police Department
1 William Welch Way
Framingham, MA 01702

RE: Samba Steak & Sushi/1138 Worcester Road

To whom it may concern,

Regarding our meeting with your office last week (11/27/2018), my client can agree to a 3 day suspension of his license along with an appropriate fine (\$2,000-\$3,000).

My client understands the department's concern, however, the Department's proposed suspension term is unduly harsh under the circumstances. A suspension that long would not only cause severe financial harm to the owner, but would also cause significant financial harm to the numerous employees of the restaurant, as they would not be operating anywhere near full staff/capacity.

In the order of which they were discussed, we feel the first two matters should not impact the Restaurant's license.

The first, was a case where the Restaurant's security were in process of removing an individual and my client was attacked. The person was identified and arrested, that he later made an unsubstantiated claim that he 'may have had a few drinks', is not something we feel requires a disproportionate response that puts my client's business in jeopardy. While I understand the technical points, here, we feel that it is pretty clear my client was the victim.

The second appears, again, to be an issue that is unrelated to the Restaurant's use of the license. While it is obviously very unfortunate that someone was injured, the report does not appear to show that there were not really any issues until the Restaurant was being emptied – and while it appears the security staff did have to provide some assistance in this, it does not at all appear clear that the incidents following had anything to do with the operation of the Restaurant or its use of the license.

The third incident, my client does accept full responsibility for. While he believes he took all steps possible (hiring an experience server, providing the property training, etc.) to avoid the issue which occurred, clearly a violation occurred.

In making this proposal, we feel it should be very much considered that they have not had a violation since 2011, and being one of the busiest and most popular locations in the area, this is a testament to the amount of time, effort and expense being put forth by my client to maintain and service the community in providing a vibrant lunch and dinner crowd, as well as an active night-life location.

As another quick note, we have prepared an application to change to the manager to Shi Yun Zhang (Joseph), which will be submitting shortly, per the department's recommendation.

Please review and advise.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Haranas", written over the printed name.

Peter Haranas

Exhibit B

**EXHIBIT B TO 5 STARS RESTAURANT GROUP, INC.
d/b/a SAMBA STEAK HOUSE 6/24/19 DISPOSITION AGREEMENT**

CERTIFICATION OF MANAGER OF RECORD

ADD DATE

I, INSERT NAME HERE, am the Certified Manager of Record for 5 Stars Restaurant Group, Inc., d/b/a Samba Steak House ("Samba"). I hereby certify that:

1. all Samba employees requiring server identification cards under the Framingham Alcohol Rules and Regulations (6th Rev.), Articles II.2 and II.3, possess valid server identification cards as of the date of this Certification,
2. the attached list of employees constitutes a complete and accurate list of all employees working for Samba who require server identification cards under the Framingham Alcohol Rules referenced above and possess server identification cards.
3. Attached are copies of these server identification cards for these employees.

SUBSCRIBED TO AND SWORN UNDER THE PENALTIES OF PERJURY THIS ___ DAY OF _____ 20xx

Signature

Title: **Manager**

5 Stars Restaurant Group, Inc.
d/b/a Samba Steak House