

**City of Somerville
Licensing Commission**

**Senior Center
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Wednesday
February 22, 2012
6:00 p.m.**

1. Minutes of the December 20, 2011 & January 18, 2012 meetings.

COMMUNICATIONS

2. Alcoholic Beverage Control Commission notice of Decision- Woody's Liquors, 523 Broadway.
3. Alcoholic Beverage Control Commission notice of Decision- George Dilboy Post VFW, 371 Summer St.
4. Alcoholic Beverage Control Commission notice of Hearing, Pavan Restaurant Group, Inc., d/b/a Diva, 246-248 Elm St.
- 4a. Alcoholic Beverage Control Commission notice of Decision, Las Brisas, 561 McGrath Highway.

RULES

CONTINUED FROM JANUARY 18, 2012 MEETING

5. Assistant City Solicitor Jason Grossfield along with Cory Mashburn from Somerville Cares About Prevention submitting a proposed amendment to change to the Somerville Licensing Commission Rules and Regulations to require that new liquor license applicants undergo training for the sale of alcohol to underage individuals.

Non-Renewal of Common Victualer Licenses

6. Las Brisas, 561 McGrath Highway

SPECIAL ALCOHOL LICENSES

7. Boston Jewish Music Festival requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Post Concert Reception to be held at Mr. Crepes, 51 Davis Sq. on March 1, 2012 from 9:30PM-11:00PM

COMMON VICTUALER LICENSES

8. Roc Group, Inc. d/b/a Zing Wings Pizza & Grille
711 Broadway
Roberta Evangelista
9. Café Tango
16 Bow St.
Vicky Magaletta
10. MDD Operations, LLC d/b/a Amsterdam Falafelshop
248 Elm St.
Matthew D' Alessio
11. Elm Street Donuts, LLC d/b/a Dunkin Donuts
244 Elm St.
David Cafua
12. Highland Ave. Donuts, LLC d/b/a Dunkin Donuts
154 Highland Ave.
David Cafua
13. Powder House Donuts, LLC
Dunkin Donuts
David Cafua

Status Update

Continued from January 18, 2012

14. Las Brisas, 561 McGrath Highway to give status update on the Wine and Malt license pending at the Alcoholic Beverage Control Commission.
(This matter is being continued from the January meeting. The Board suggested that the applicant contact the ABCC for an answer before the next meeting).

Wine and Malt Package Store
Change of Location

15. Hingiri Enterprises, Inc. d/b/a K-2 Beer & Wine requesting approval for a change of location of the Wine and Malt package Store license from 545 McGrath Highway to 514 Medford St. (Alderman O'Donovan has requested a continuance to allow the applicant to conduct neighborhood outreach).

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

Change of Floor Plan

16. Terranova Inc., d/b/a Mikes Restaurant, 9 Davis Sq. requesting approval for a change of floor plan.

Alterations To Premises

17. SDH Assoc. Corp., d/b/a Five Horses Tavern, 400 Highland Ave. requesting approval to serve alcoholic beverages at the outdoor seating area.

Transfer of License
Change of Location

18. Requesting transfer of the All Forms Alcoholic Beverages 7 Day Restaurant License from New Asia Restaurant to Broadway BBQ, also approval for a Common Victualer license and Entertainment consisting of Entertainment by Performers, Patrons and Devices to be situated at 118-120 Broadway.

NEW ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT
NON TRANSFERRABLE
(2 AVAILABLE)

19. Fat hen LLC, d/b/a La Brasa, 130 Broadway requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license and a Common Victualer license.
20. FFDJ, LLC d/b/a The Wine Bar, 89 Holland St. requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license and a Common Victualer license.
21. Yuksel-Berti d/b/a Istanbul'Lu, 237 Holland St., requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license.

VIOLATIONS

22. Sligo Pub, 237A Elm St. to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of the above referenced General Laws, Code of Massachusetts Regulations and the Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.14.b.- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

Somerville Licensing Commission Rule 1.13.a.(5)- Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: (5) calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information.

The date of the alleged is October 10, 2011.

23. Pavan Rest. Group, Inc., d/b/a Diva, 246-248 Elm St., came before the Commission to show cause why the All Forms Alcoholic Beverages 7 Day Restaurant license, Common Victualer license, Entertainment and 2AM Closing License issued to the above establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violations of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.04. (c) No licensee may issue special admissions passes or "V.I.P." cards except according to the following rules:

(1)A licensee may issue special passes;

- (2)The special passes must state the calendar year on the face of the pass;
- (3)The special pass may not entitle the passholder to free drinks or to a discount on drinks;
- (4)The licensee must keep a list of the names and addresses of all pass-holders and must have such list available if requested by the Commission;
- (5)The licensee is responsible for ensuring that persons are picked to be passholders on a rational basis and not on any basis that invidiously discriminates.

Somerville Licensing Commission Rule 1.04.(g) Licensees shall not permit entrance to the premises by more persons than the number approved by the Commission for the capacity of the premises minus the number of employees working in the public areas at the time; provided, however, that at premises where the Commission has approved a capacity which is less than the capacity figure approved by the Inspectional Services Dept., the licensee need not deduct the number of employees from the capacity figure set by the Commission so long as the total number of individuals does not exceed said capacity figure approved by the Inspectional Services Department.

Somerville Licensing Commission Rule 1.06.b. The licensed premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Commission and the prior approval of the Commission. The floor plan shall be drawn to scale. It shall include the location and dimensions of all equipment

Somerville Licensing Commission Rule 1.06.e. No outside area may be used as a waiting area or other gathering place for patrons without prior approval by the Commission.

Somerville Licensing Commission Rule1.09.a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule1.09. e. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

204 CMR 4.00: **PROHIBITION OF CERTAIN PRACTICE**

204-4.03: Certain Practices Prohibited

(1) No licensee or employee or agent of a licensee shall:

(d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

(2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

The date of the alleged offense was December 31, 2011.