

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Monday  
January 24, 2011  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille & Administrative Assistant Jenneen M. Pagliaro

Minutes of the December 13, 2010 meeting were approved as presented.

**COMMUNICATION**

Massachusetts State Lottery Commission re: Keno-To-Go. The Commission took administrative notice.

**STATUS**

Present: Debra McLaughlin and Cesar Salado

Ms. McLaughlin from The Center for Arts at the Armory came before the Commission to give an update regarding the status of the transfer of the Wine and Malt license from The Dali Restaurant, approved by the Licensing Commission in 2010. This application is currently pending at the Alcoholic Beverage Control Commission.

Ms. McLaughlin stated that the application for the transfer of the Beer and Wine License was filed and approved at the April 2010 Licensing Commission Hearing.

A problem with the ABCC investigator handling the paperwork caused a delay in processing the application. The application was being held up until another investigator was assigned to the case.

The new investigator noted some forms were lost and/or incomplete and would have to be re-filed with the City and the State.

The Department of Revenue is currently holding up the application for tax problems with the Dali Restaurant. The Dali Restaurant did not file their tax returns on time.

The Dali Restaurant is in the process of clearing up the tax situation.

Chairman Upton motioned that the parties appear back before this Commission at the February 2011 meeting with documentation that the paperwork has been filed or is in the process of being filed with the DOR.

On a motion duly made and seconded,

It was Voted: to continue until February 28, 2011 hearing.

**COMMON VICTUALER LICENSES**

**Potato Freak-Not Your Average Potato**  
**102 Washington St.**  
**Leonico DaSilva**

Present: Leonica DaSilva

Mr. DaSilva came before the Commission seeking approval of a Common Victualer license at 102 Washington St.

Mr. DaSilva has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**EBI Sushi**  
**290 Somerville Ave.**  
**Juan C. Vidal**

Present: Attorney Ken Levin & Juan Vidal

Atty. Levin, representing EBI Sushi came before the Commission requesting approval of a Common Victualer at 290 Somerville Ave.

Mr. Vidal has restaurant experience.

This is the former location of the Wuchon House Restaurant.

The business plans to be open in a few weeks.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Oriental Chinese Restaurant**  
**513 Medford St.**

Present: Sheng Ping Ou

Mr. Ou came before the Commission to request a change of name on Common Victualer license. Business has recently incorporated. License to read Oriental Chinese Restaurant, Inc. d/b/a Oriental Chinese Restaurant, 513 Medford St. (currently under owners name).

On a motion duly made and seconded, it was

VOTED: To allow the name change as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSES**

**Change of DBA Name**

**New Asia Chinese Restaurant**  
**328 Somerville Ave.**

Present Sally Loh

Ms. Loh came before the Commission requesting a d/b/a name change from New Asia to Union Kitchen and Bar.

Ms. Loh stated this change will reflect a different menu and will be offering more Thai food.

Ms. Loh also stated she wants to change the floor plan. However she did not submit any paperwork to make these changes.

This hearing will be continued until next meeting, so Ms. Loh can submit the proper paperwork for the alteration to premises.

Voted to continue to February 28, 2011 hearing.

**Transfer of License**

**Razzy's, Inc.**

Present: Attorney Ann Vigorito & Binot Pradha

Atty. Vigorito representing Masala Inc. came before the Commission requesting approval to transfer the All Forms Alcoholic Beverages 7 Day Restaurant license from Razzy's, Inc. to Masala, Inc., and for an Entertainment license consisting of Musicians, D.J., Dancing, Karaoke, Audio and Television situated at 1127 Broadway, Somerville, MA

Ms. Vigorito stated that this restaurant will be serving gourmet Indian Food.

The hours will be 11AM-1AM, serving lunch and dinner.

The Chamber of Commerce is in support of the application.

On a motion duly made and seconded, it was

VOTED: To approve the transfer of the All Forms Alcoholic Beverages license and the Entertainment license.

**CLUB LICENSE**

**HEARING CONTINUED FROM DECEMBER 13, 2010 MEETING**

George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Attorney Richard DiGirolamo's Office requested a continuation of this hearing due to ongoing mediation.

On a motion duly made and seconded, it was

VOTED: To continue this matter until the February 28, 2011 meeting.

**VIOLATIONS**

**American Legion Post 388**  
**163 Glen St.**

Present: Assistant City Solicitor Jason Grossfield & David Duggar

American Legion Post 388 came before the Commission to show cause why the All Forms Alcoholic Beverages Club 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 Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.09.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 Rule 1.09.b.- Licensees shall maintain compliance with all health and safety laws for the areas outside and contiguous to the licensed premises.

Somerville Licensing Commission Rule 1.09.d. -Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps may include, but are not limited to:

(1)Having an employee stationed at the door to watch patrons as they leave;

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.

(The date of the alleged offense was November 6, 2010).

Assistant City Solicitor Jason Grossfield read the Somerville Police report into the record. The report stated that on November 6, 2010 there were approximately 250 youths in and around the hall fighting and causing disturbances. The Police Department received a lot of calls from residents regarding the disturbances. A crowd was followed to Burger King on Somerville Ave. A group of individuals began fighting, which resulted in one arrest.

David Duggar stated that the Club is no longer renting to anyone under 21 years of age.

Based on the Police reports and the licensee's stipulation thereto, ASC Grossfield and Mr. Duggar settled on a joint recommended disposition:

\* Effective Friday, 1/28/11 through Sunday, 2/26/11, Licensee shall serve a 30-day rollback of hours to 11:00 PM on its All Alcohol Club License, excepting the date of January 30, 2011 to which a 12:00 AM rollback shall apply for a previously booked family party.

\* Effective Tuesday, 1/25/11 through Monday, 7/25/11 (6 months), licensee shall not use, or allow or permit the use of, the premises for any event which requires an entrance fee, cover charge, ticket or other similar entry ticket or fee, or for any event open to non-members which is operated, managed, controlled, conducted, or promoted for a for-profit purpose.

\* Effective immediately, no concert, dance, exhibition, cabaret or public show, including but not limited to any live entertainment such as disc jockeys, instruments, vocalists, dance performances, dance floors and karaoke equipment, of any description shall be conducted on the premises unless and until an entertainment license is obtained from the Licensing Commission.

Based on the Police report and the licensee's stipulation thereto, the Commission found Post 388 guilty.

On a motion duly made and seconded, it was

VOTED: To accept the recommended disposition of the City and the licensee, as offered by Asst. City Solicitor Jason Grossfield and Post 388 Commander David Duggar.

**Cibobella, Inc. d/b/a Sagra**  
**400 Highland Ave.**

Present: Assistant City Solicitor Jason Grossfield and George Tavares

Cibobella, Inc. d/b/a Sagra came before the Commission 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 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 1.05. (3)-Licensees must ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner must take appropriate steps which may include a police detail to supervise the leave-taking of the patrons at closing

time. Said police detail shall be in addition to, and not instead of, the licensees own personnel;

Somerville Licensing Commission Rule 1.12. a.- Premises licensed for the consumption of food or beverages at the premises are public places where members of the public are invited and expect to be treated in the same manner as in other public places with regard to the provision of a decent and non-offensive environment. Food and beverage licensees are not permitted to have, create, produce, or tolerate any environment at the premises that is intended to hold any person or any group of people up to ridicule or derision such that said person or said group of persons would not feel comfortable at the premises.

Somerville Licensing Commission Rule 1.12.a. h.- It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts or any simulation of any of the acts hereinbefore listed  
(The date of the alleged offense is November 28, 2010).

Police Inspector Chaille read the police reports into the record.

Officer Chaille stated that some inappropriate material had been playing on the televisions and the manager on duty was requested by the Police detail to turn the televisions off, However the manager did not comply with the officers request.

A large unruly crowd was gathering outside the establishment.

Three arrests were made.

ASC Grossfield stated this took a great deal of Police intervention to control. This is the second violation since December 2009.

The license was suspended in 2009.

ASC Grossfield made a recommendation to pull the 2AM license and for a 90 day rollback and to restrict the Entertainment license.

However Mr. Tavares would not agree to the recommended disposition.

Mr. Tavares submitted for the record a letter from the Police Officer on Detail at Sagra the evening of the incident. The letter contradicted the police reports. The letter stated that the establishment did everything they could do to try prevent this. Mr. Tavares also submitted for the record, the detail slip from that evening with a note on it stating "No Incidents". A slip from Comcast was also submitted stating that no movies had been rented that night.

The Police Officers who submitted the police reports were asked to attend the Licensing hearing, but neither officer could be in attendance.

ASC Grossfield feels the Police reports speak for themselves, but respects the Boards decision.

Mr. Tavares stated that this business is being transferred at the next Licensing Commission meeting.

On a motion duly made and seconded, it was

VOTED: To require Sagra to have an additional detail on Saturday nights and appear back before this Commission in 90 days time for a review. Also the 2AM license be rolled back to 11PM for 90 days. The 90 days to be held in abeyance. No violations for one year or the establishment will have to serve the 90 days and what ever else the Commission feels necessary.

This sanction to be vacated upon transfer of the license and The ABCC approval.

### **COMMON VICTUALER LICENSES**

**Markandeshwar, LLC d/b/a Jimbo's Roastbeef**

**40 Bow Street**

**Harkirat Singh**

Present: Harkirat Singh

Mr. Singh came before the Commission requesting approval of a Common Victualer at 40 Bow St.

This will be a new owner with no other changes to the business.

Mr. Singh has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

### **SPECIAL ALCOHOL LICENSES**

**Taza Chocolate**

**561 Windsor St.**

Present: Stephanie Larason

Ms. Larason came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at Second Glass Wine & Chocolate Pairing Seminar on February 3, 2011 from 6:30PM-8:30PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Taza Chocolate**  
**561 Windsor St.**

Present: Stephanie Larason

Ms. Larason came before the Commission requesting approval of Special Alcohol licenses for the purpose of dispensing and selling alcoholic beverages at Pop Up Restaurant Event to be held February 11, 12, & 13 & 2011 from 7PM-10PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant