

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday
January 23, 2013
6:00 p.m.**

1. Minutes of the November 19, 2012 meeting.

COMMUNICATIONS

- 1a. Communication from the Board of Aldermen expressing their concerns with the recent activities at the Holiday Inn and requesting that the Licensing Commission implement appropriate sanctions based on the findings of its investigation.
2. Foodmaster Super Markets, Inc. d/b/a Johnnie's Foodmaster, 47-49 Beacon St. notifying the Commission that they are closed and currently marketing the sale of the Wine and Malt license.

COMMON VICTUALER LICENSES

3. Valentim Pizza, 505 Medford St. requesting to change the name of the business to Brazilian Churrasco Buffet & Grill, with no other changes to the business.
4. Friends Pizzeria, Inc.
38 Cross St.
Rafiquil Islam
5. KFSS Corp.
d/b/a The Kebab Factory
414 Washington St.
Tarsem Singh
- 5a. North East Foods LLC
d/b/a Burger King
185 Somerville Ave.
Radouane Marmoucha

SPECIAL ALCOHOL LICENSES

- 6 Hellenic Associates of Somerville d/b/a Dormition of the Virgin Mary Greek Orthodox Church, 29 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Trivia Night on February 8, 2013 7:00PM-12:30AM.

ALL FORMS ALCOHOL CLUB LICENSE

Pledge of License

7. Somerville Sports Club, Inc., 203 Somerville Ave. requesting approval for a pledge of license to Paul F. Paone.

Wine and Malt Restaurant License

Alterations to Premises

8. Amelia's Kitchen, 1137 Broadway requesting approval for alterations to the premises by adding a bar.

**ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT**

**Transfer of License
Common Victualer
& Entertainment License**

9. 381 Summer St. Restaurant d/b/a Rosebud requesting approval to transfer the All Forms alcoholic beverages 7 day restaurant license to 381 Jumbo, LLC also approval for a Common Victualer license and Entertainment License for Entertainment consisting of Entertainment by Performers, Patrons and Devices at 381 Summer St.

**Transfer of License
Common Victualer, Entertainment License
& Pledge of License**

10. PLPBDDBG LLC d/b/a Deco Restaurant requesting approval to transfer the All Forms alcoholic beverages 7 day restaurant license to Off Larsen Lane, LLC d/b/a The Kirkland also approval for a Pledge of License to Nadwash, LLC a Common Victualer license and Entertainment License for Entertainment consisting of Entertainment by Performers, Patrons and Devices at 425 Washington St.

VIOLATION

11. DDH Hotel Somerville, LLC, d/b/a Holiday Inn of Somerville to show cause why the All Forms Alcoholic Beverages Innholder license, Common Victualer license, Special Hours Permit, and/or Entertainment 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: (3) The special pass may not entitle the passholder to free drinks or to a discount on drinks.

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 1.04(h). Licensees who permit persons to wait in line for a table or a seat or for entrance to the premises must obey the following rules: (1)Persons who wait inside the premises must be kept in an orderly line and must not be permitted to block fire aisles or exits. The number of such persons waiting inside the premises may not exceed the number of persons allowed as standees; (2)Persons who are permitted to wait in line outside the premises must be supervised by an employee of the licensed premises. Such employee must stand outside with the line during all times when the line exceeds ten persons and shall announce no further admissions to the premises if persons in the line are being loud or disorderly or if the line is blocking the sidewalk or is of a size that could reasonably be expected to cause noise or other problems for residents of the area or for passersby. To the extent that lines in front of a licensed premises become the subject of public complaints, the licensee shall be rebuttably presumed to be inviting a public nuisance and will be subject to disciplinary proceedings for same. It is recommended that licensees in residential areas discourage lines of more than ten persons.

Somerville Licensing Commission Rule 1.06(a). No licenses shall be issued or shall be considered in good standing unless licensed premises comply with all statutory requirements, including all applicable building codes, and fire, health, safety, trash, and other government regulations and laws.

Somerville Licensing Commission Rule 1.07(c). No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the person properly approved of by the Commission and the salaried employees of such persons. The foregoing Rule 1.07.c. does not prohibit the use of revenue for payment of inventory and other operating expenses.

Somerville Licensing Commission Rule 1.07(d). No licensee shall permit any person to work at the licensed premises or to hold him or herself out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee may pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Commission.

Somerville Licensing Commission Rule 1.07(g). No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the premises without the prior approval of the Commission.

Somerville Licensing Commission Rule 1.07(o). Alcoholic beverages licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Commission or unless written permission is first obtained from the Commission. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing, or on the Internet is prohibited unless permission is first obtained from the Commission.

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(c). Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action against the licensee for allowing a public nuisance. Reasonable steps to be taken by the licensee may include, but are not limited to: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) calling the police if loiterers refuse to disperse; (4) requesting a police detail or stationing an employee at the front door to disperse loiterers; (5) refusing to allow the same patrons to walk in and out of the premises at short intervals; (6) maintaining order in lines of patrons

waiting outside to get in; (7) announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.

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 1.11(a). No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, section 183A. Such license must be held in the same name, by the same owners, and with the same manager as the food or beverage licensee; provided, however, that in cases where entertainment on the premises is to be conducted by a person or entity who is an independent contractor at the premises, the food or beverage licensee may seek the approval of the Commission for an exemption from this rule based upon a written contract with the independent contractor to book and/or to produce the entertainment. The food or beverage licensee shall be responsible for the actions of such independent contractor on the premises in addition to the responsibility held by the independent contractor pursuant to the entertainment license. The food or beverage licensee shall pay the independent contractor a fee according to the written contract, said fee to be commensurate with the market value of the services, and the independent contractor shall not be given any direct or indirect interest in the licensed premises other than the fee set out in the contract. Said fee shall not be based upon the number of patrons attending an entertainment event. The food or beverages licensee shall provide in the contract for removing the independent contractor in the event that the entertainment is poorly managed or causes violations to occur at the licensed premises. Any food or beverage licensee who permits entertainment at the licensed premises pursuant to a license held by a person in violation of this rule will be subject to disciplinary action by the Commission.

Somerville Licensing Commission Rule 1.14(a). Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

The date of the alleged offense was December 28, 2012.