

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Monday  
October 17, 2011  
6:00 p.m.**

1. Minutes of the August 15, 2011 meeting.

**COMMON VICTUALER LICENSE**

2. Delta Tau Delta Foundation  
of Tufts University, Inc.  
98 Professors Row  
Frank Mairano

**STATUS UPDATES**

3. Patrick Buben, d/b/a Deco Restaurant to give a status update on the All-Forms Alcoholic Beverage License. (Continued from the June 20, 2011 Licensing Hearing).
4. Las Brisas, 561 McGrath Highway to give status report on the re-opening of the business and for the status on the Wine and Malt License pending at the ABCC.

**2:00AM CLOSING**

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

5. **EXTENDED HOURS REVIEW**

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
8/27/07	Fasika	145-147 Broadway
9/29/05	The Independent	75 Union Square
9/29/05	Precinct	70 Union Square
12/21/05	Casey's	171 Broadway

4/26/06	Olde Magoun Saloon	518 Medford Street
11/15/2010	Trina's Starlite Lounge	3 Beacon St.

**ALL FORMS ALCOHOL CLUB LICENSE**

6. Demosthenes Greek American Democratic Club of Ma, 218 Somerville Ave., requesting a change of manager from Kostas Kargatzis to John G. Piantes.

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

**Continued from September 19, 2011 meeting**

**Transfer of License**

**Change of Location**

7. New Asia, 324-328 Somerville Ave. requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Slow Train Coming LLC, d/b/a Redbonita's, 49 Day St. and approval for a Common Victualer and Entertainment license consisting of a mariachi band, video and audio.

**New Officers**

**Transfer of Stock**

**New Manager**

8. Namaskar, Inc., 236 Elm St. requesting approval to transfer shares of stock held by Anver Shaikh to Mandeep Singh and Manu Kaushal also requesting a change of manger from Anver Shaikh to Mandeep Singh and to appoint new officers.

**New License-All Forms Alcoholic Beverages 7 Day  
Restaurant license** (1 available)

9. Fat Hen LLC, d/b/a La Brasa, 118-120 Broadway requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license and for a Common Victualer license.
10. FFDJ,LLC, 89 Holland St. requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license and for a Common Victualer license.

**VIOLATIONS**

11. On the Hill Tavern, 499 Broadway to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License and 2AM Closing 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 1.14.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 of 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.

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 offense is September 12, 2011.

12. George Dilboy Post 529 VFW, 371 Summer St. to show cause why the All Forms Alcoholic Beverages 7-Day 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.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.

The date of the alleged offense was August 20, 2011

**Continued from September 19, 2011**

13. George Dilboy Post 529, Inc., VFW 371 Summer St., requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St and for an Entertainment License for Entertainment by Performers, Patrons and Devices.