

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
August 17, 2009
6:00 p.m.**

MINUTES

1. Minutes of the preceding meeting

SPECIAL ALCOHOL LICENSES

2. Hellenic Associates of Somerville requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Annual Festival to be held at the Greek Orthodox Church Grounds, 29 Central St. on Sept. 11, 12Noon-10PM, Sept. 12, 12Noon-12Midnight & Sept. 13, 2009 12Noon-9PM.

COMMON VICTUALER LICENSES

3. SPUN
Jon Staff
860 Broadway
4. Capresse Pizza N Grill
Mariyan Valchev
516B Medford St.

**ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT**

Extension of Premises

5. Bread & Co., Inc., 349 Broadway, requesting approval to serve alcoholic beverages in the outdoor patio area. (All Forms License still pending final approval).

New Licenses

6. 74 LTD Inc., d/b/a Snappy Sushi, 420 Highland Ave., requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of audio, one musician & 3 televisions.
7. East Bridge International, Inc., d/b/a Taipei Tokyo, 7 Holland St., requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License.
8. A & C Food Corp., d/b/a Zoe's Chinese Restaurant, 296-298 Beacon St., requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of audio and two televisions.
9. Out of The Blue Restaurant, Inc., 215 Elm St., requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License. (Currently hold a beer and wine license and will surrender upon approval of a new All Forms License).
10. Flatbread Somerville, Inc., d/b/a Flatbread Company at Sacco's Bowl Haven, 45 Day St., for a new All Forms Alcoholic Beverages 7 Day Restaurant License and a New Common Victualer License.

VIOLATIONS

11. H.I.O. Restaurant, Inc., d/b/a Café Belo, 120 Washington St., to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license should not be modified, suspended or revoked or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of the following, to wit:-

MASSACHUSETTS GENERAL LAWS CHAPTER 138, SECTION 12 (in pertinent part) - The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian ...

MASSACHUSETTS GENERAL LAWS CHAPTER 138, SECTION 41. The delivery of alcoholic beverages in or from a building, booth, stand or other place, except a private dwelling house, or in or from a private dwelling house if any part thereof or its dependencies is used as an inn, eating house or shop of any kind, or other place of common resort, such delivery in either case being to a person not a resident therein, shall be prima facie evidence that such delivery is a sale.

SOMERVILLE LICENSING COMMISSION RULE 1.04.j. Licensees are not permitted to allow any patron or any guest or any employee who is not working

that shift to enter the premises after the official closing hour posted on the license or prior to the official opening hour posted on the license.

SOMERVILLE LICENSING COMMISSION RULE 1.05.a. Licensees may have persons, including employees, on the premises only during the following hours: (1) The hours on the license, except that patrons who are already on the premises prior to the official closing hour may remain on the premises and consume food and beverage served before the official closing hour for up to one-half hour after the official closing hour; provided, however, that no new patrons are admitted after the official closing hour and that no beverages are served after the official closing hour and that no food is served after the official closing hour. No employee or owner shall serve any alcoholic beverages before the official opening hour or after the official closing hour, provided, however, that any alcoholic beverages served prior to the official closing hour must be consumed no later than one-half hour after the official closing hour; (2) Personnel may be on the premises after the official closing hour and prior to the official opening hour but only if they are actively engaged in cleaning, making repairs to, or providing security for such premises or preparing food for the day's business or opening or closing the business in an orderly manner. No other persons, friends, or relatives may be on the premises with the owners, managers or employees of licensed premises during the hours when the public is excluded from the premises;

The date of the alleged offense is July 27, 2009 as reported to this commission by Somerville Police Inspector Warren Chaille.

12. H.I.O. Restaurant, Inc., d/b/a Café Belo, 120 Washington St., to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license of the above-referenced establishment should not be modified, suspended or revoked or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of the following, to wit:-

G.L. Chapter 138, §34-Sale, Delivery or Furnishing Alcoholic Beverages to a person under 21. 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.

Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

Somerville Licensing Commission Rule 108.i.- Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one 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 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

The date of the alleged offense is July 31, 2009 as reported to this commission by Somerville Police Inspector Warren Chaille.