

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
October 19, 2009
6:00 p.m.**

MINUTES

1. Minutes of the September 21, 2009 meeting.

COMMUNICATION

2. Massachusetts State Lottery notice of Keno to Go applicants.

COMMON VICTUALER LICENSES

3. Los Paisano
Morris Lopez
62 Broadway
4. Martsa on Elm
Dawa Thoulutsang
233A Elm St.
5. Jimmys Café
Oscar Escobar
300 Beacon St.
6. Rodizio Brazilian Steakhouse
Ernesto Perez
129 Broadway

SPECIAL ALCOHOL LICENSES

7. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Skatalites Music Concert on Oct. 21, 2009 from 6PM-10PM.

8. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Silent Film screening of Phantom of the Opera with Alloy Orchestra on Oct. 30, 2009 from 5PM-11PM.
9. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Halloween Week-end silent film screening with live music on Oct. 31, 2009 from 5PM-11PM.
10. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an acoustic concert, Andy Dunlop & Fran Healy of Travis, on Nov. 1, 2009 from 6PM-10PM.
11. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for acoustic concerts, Dan Blakeslee on Nov. 5, Nov. 12 & Nov. 19, 2009 from 6PM-10PM.
12. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Somerville Community Corp. 40th Anniversary fundraiser on Nov. 13, 2009 from 5PM-11PM.
13. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Somerville Writers Festival on Nov. 14, 2009 from 1PM-11PM.
14. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Music Concert, Pete Sutton on November 20, 2009 from 6PM-11PM.

CLUB LICENSE

CHANGE IN MANAGER

15. Nucleo Sportinguista, 282-284 McGrath Highway requesting approval for change of manager from Miguel Correia to Paulo Bizarria.

ALL FORMS PACKAGE GOODS STORE

TRANSFER OF LICENSE

16. M.B. Market, Inc., d/b/a Paul Revere Beverage, requesting approval to transfer its All Forms Alcoholic Beverage Package Goods Store license to T & T Ocean, Inc., d/b/a Paul Revere Beverage, Think Duc Nguyen, 8-10 Main St.

**TRANSFER OF LICENSE AND LOCATION
CONTINUED FROM SEPT. 30, 2009 MEETING**

17. New Bombay Market, Mohammad Nurpasha, 359 Somerville Ave., requesting approval to transfer the Wine and Malt Package Goods Store License to Fauji Corporation d/b/a Farmer's Bounty, 234 Elm St.

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

NEW LICENSE

18. Tamario Inc., d/b/a Dali Restaurant, 415 Washington St. requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License (currently hold a Wine and Malt Restaurant License).

NEW LICENSE-CONTINUED FROM SEPT. 30, 2009 MEETING

19. Ty Sun Corporation d/b/a Yoshi's, 132 College Ave., requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License.

STATUS REPORT-CONTINUED FROM SEPT. 21, 2009 MEETING

20. H.I.O. Restaurant, Inc., d/b/a Café Belo, 120 Washington St. returning back before the Board with the report from Affiliated Monitors, Inc.

STATUS REPORT

21. VIZ Inc., d/b/a Choices, 379-381 Somerville Ave. for a hearing on the hours of operation. (Currently on three month trial of Fridays and Saturdays until 2AM and Sundays until 1AM).

VIOLATION HEARING CONTINUED FROM SEPT. 21, 2009 MEETING

22. Armur, Inc., d/b/a The Joshua Tree, 256 Elm St. to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant License, 2AM Closing, Common Victualer License, Entertainment License and Dance License should not be revoked or the hours during which alcoholic beverages made 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 1.13.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: 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;

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.

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.

The date of the alleged offense was July 18, 2009.