

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
December 14, 2009
6:00 p.m.**

1. Approval of Extension of hours until 2:00AM on New Years Eve for All Forms Restaurants.

COMMON VICTUALER LICENSE

2. Red Peppers Convenience & Pizza
67 Summer St.
Jamilson Conceicao
3. Blessing Caribbean Restaurant
Fritz Richard
89 Broadway
4. Primo's Pizza
Stephen Rasetta
284 Broadway
5. Somerville Community Baptist Church
Paul Tammaro
31 College Ave.

SPECIAL ALCOHOL LICENSES

6. St. Anthony's Church requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Reveillon Feast to be held at the school gymnasium, 12 Properzi Way on December 19, 2009 from 9PM-1AM.

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 at an Acoustic Music Showcase on January 8, 9, 15 & 16, 2010 from 7PM-11PM.
8. B.E.E.F, Inc. d/b/a Fasika, 145-147 Broadway reporting back to the board on the status of the Feb. 27, 2009 violation.

STATUS REPORT-CONTINUED FROM NOVEMBER 16, 2009 MEETING

9. H.I.O. Restaurant, Inc., d/b/a Café Belo, 120 Washington St. returning back before the Board Regarding the report from Affiliated Monitors, Inc. also why he did not show up for the last Licensing Meeting.

NEW LICENSE-CONTINUED FROM NOVEMBER 16, 2009 MEETING

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

VIOLATION HEARING CONTINUED FROM NOVEMBER 16, 2009 MEETING

11. 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.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT LICENSE

12. Orleans Restaurant, 59-65 Holland St. requesting approval to extend its official closing hour from 1AM to 2AM.

NEW LICENSES

13. Michael Pergantis d/b/a Greek American Social Construction Club, Inc., 79 Bow St. requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license and a Common Victualer License.
14. Rockwell Restaurant Group, LLC, d/b/a Davis Square Theater, Restaurant & Lounge, 255 Elm St. requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license., Common Victualer License and an Entertainment license consisting of shows, plays, music performances, televisions and a juke box.
15. Dina A. Posada d/b/a The Salvadorean Restaurant, 402 Mystic Ave. requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license.
16. Federal Wine & Spirits Belmont, Inc., d/b/a Journeyman Restaurant, 9 Sanborn Court, requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license, a Common Victualer license and an entertainment license consisting of audio.

VIOLATIONS

17. Kirkland Café d/b/a Studley
Robbat's Villa Capri, Inc., d/b/a The Genoa
Good Times Billiard, Inc.
New Asia Chinese Restaurant

All of the above establishments are here before the Board for a hearing pursuant to the provision of G.L. Chapter 138, §77, see below, and G.L. c. 140, §9, see below, and Somerville Licensing Commission Rules and Regulations, Rule 1.15.a.(1) and (2), see below, to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license and Common Victualler license of the above establishment should not be revoked, or not renewed;
to wit:-

G.L. c. 138, Section 77. The licensing authorities may, after hearing or reasonable opportunity therefor, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business. If the local licensing authorities determine that a license should be cancelled as aforesaid the licensee may appeal to the commission as if such authorities had refused to grant the license upon an original application therefor, and the decision of the commission upon such appeal shall be final.

Chapter 140: Section 9. If, in the opinion of the licensing authorities, a licensee as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by this chapter, they shall immediately revoke his license. If a licensee at any time conducts his licensed business in an improper manner, the licensing authorities, after notice to the licensee and reasonable opportunity for a hearing, may upon satisfactory proof thereof suspend or revoke his license. An innholder who violates section seven shall forfeit his license. A licensee who is convicted a second time of the violation of any of the provisions of sections six to eighteen, inclusive, shall forfeit his license.

Somerville Licensing Commission Rule 1.15.a.(1) and (2) a. Any license issued pursuant to General Laws Chapter 138 and Chapter 140 for the service of food or beverages to the public may be modified, suspended, revoked, or have their operating hours reduced for any of the following causes:

(1) fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Commission in connection with such petition, request, or application affecting the rights of the licensee;

(2) failure to operate the premises covered by the license.