

**City of Somerville
Licensing Commission**

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

**Regular Meeting
TUESDAY
July 27, 2010
6:00 p.m.**

COMMUNICATION

1. Licensing Commission recommending a change to Ordinance, 2-219 regarding The three week newspaper advertisements. (Recommending to change from three consecutive weeks to two consecutive weeks for ads.
2. Razy's, 585 Somerville Ave. notifying Board they are actively looking for an alternative location for the license and will keep the Board updated as to the status of the license.

COMMON VICTUALER LICENSES

3. Dial A Pizza
147 Beacon St.
Leone Mesquita

ENTERTAINMENT LICENSES

4. The Paddock Restaurant, 249 Pearl St., submitting a flex floor plan for approval.

**ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT**

PLEDGE OF LICENSE

5. Bergamot, LLC, 118 Beacon St. requesting approval for a pledge of license,

VIOLATION HEARING CONT'D FROM June 21, 2010

6. New Asia reporting back to the Board regarding status of the re-opening.
(The Commission gave the establishment 30 days to re-open)

New Asia came before the Commission regarding the status of its All Forms Alcoholic Beverages 7 Day Restaurant license on April 26, 2010. The Licensing Commission was informed of the following:

1. You have (a) not taken any action relative to the reconstruction and re-opening of this restaurant, according to information obtained from the Inspectional Service Department, and (b) you have ceased to be engaged in the business you are licensed to pursue, in that you do not offer food and beverages, in accordance with G.L. c. 140, s.9 and (c) failed to operate the licensed premises on the days and at the location authorized under the license to serve alcoholic beverages in accordance with G.L. c 138, s. 77.

VIOLATION

7. B.EEF., Inc., d/b/a Fasika, 145-147 Broadway 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, 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 1.08. 1. Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated

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)-(a) 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;

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 offenses are April 24, 2010 (2:23 AM) see Somerville Police Department Incident Report #10012938, May 7, 2010, see Somerville Police Department Incident Report 10014712, and May 15, 2010 (2:40 AM), see Somerville Police Department Incident Report 10015637.