



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472

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BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes September 18, 2014

1. ACCEPTANCE OF MINUTES: August 21, 2014 Approved 3-0

2. Arev, LLC d/b/a Armenian Market & Bakery
23 Elm Street
Alteration of Premise Approved 3-0

3. UC Watertown, LLC d/b/a The Upper Crust
92-98 Main Street
Change of Manager Continued to October 16, 2014

4. Miller's Ale House, Inc. d/b/a Miller's Boston Ale House
617 Arsenal Street
Change of Manager Approved 3-0

5. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
Status Hearing Continued to October 16, 2014

6. Magnolia Market, Incorporated d/b/a
The Magnolia Wine Company
130 Belmont Street
Show Cause 1 Day Suspension

7. Ricci's Package Store, Inc. d/b/a
Ricci's Package Store
331 Main Street
Show Cause 1 Day Suspension

8. Dyer Quik Pik, Inc. d/b/a
Dyer Liquors
40 Mt. Auburn Street
Show Cause 1 Day Suspension

9. Francis Food Mart, Inc. d/b/a
Francis Food Mart
1084 Belmont Street
Show Cause 1 Day Suspension

10. Hratch Seth Abrahamian d/b/a
Coolidge Variety & Deli
2 Bigelow Ave.
Show Cause
1 Day Suspension
11. Shiv Shakar Corporation d/b/a
Convenience Plus
99 School Street
Show Cause
1 Day Suspension
12. Ikonomi, LLC d/b/a
General Food & Fish
218 Waverley Ave.
Show Cause
1 Day Suspension
13. Comments by Board Clerk and Police Department

7:25 PM to 10:30 PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Robert J. Whitney, George B. Newman, Sandra Kasabian Hoffman

1. Minutes from the August 21, 2014 hearing were approved 3-0 by the Licensing Board.
2. Arev, LLC
d/b/a Armenian Market & Bakery
23 Elm Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Arev, LLC d/b/a Armenian Market & Bakery for approval of alteration of its premises at 23 Elm Street licensed for common victualler restaurant service.

Jirayr Cinar, owner, appeared in support of the application. Mr. Cinar stated that he was proposing outdoor seating: tables and 16 chairs, with no wait service.

The Board clerk stated that the Zoning Inspector had reported that the number of outdoor seats proposed would not require approval of the Zoning Board of Appeals.

The Health Department reported that the applicant must comply with department provisions including, but not limited to: food establishment plan review for change of premises.

Sgt. Grady stated that the Police Department had no objection to approval of the proposed alteration, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to approve the alteration of premises to allow for outdoor seating, subject to the following conditions:

1. The seating capacity will total 36 seats: 20 indoor and 16 outdoor.
 2. Barriers, to include bollards, shall be constructed in the defined seating area, directly abutting the adjacent parking lot for the safety of the public. The specifications and design shall be subject to Building Department and zoning approval.
 3. There shall be no alcoholic beverages allowed on the premises.
 4. All other conditions of the license shall remain in place.
3. UC Watertown, LLC
d/b/a The Upper Crust
92-98 Main Street
Watertown, MA 02472

At the request of the applicant the Watertown Licensing Board has continued the hearing on the application of UC Watertown, LLC d/b/a The Upper Crust for approval of a change of manager of its premises at 92-98 Main Street licensed for wine and malt beverage service.

The continued hearing will be held on October 16, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

4. Miller's Ale House, Inc.
d/b/a Miller's Boston Ale House
617 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Miller's Ale House, Inc. d/b/a Miller's Boston Ale House for approval of a change of manager of its premises at 617 Arsenal Street licensed for all alcohol common victualler service.

John Mccazzio, general manager of the premises and the proposed licensed manager, appeared in support of the application. Mr. Mccazzio stated that he has many years of restaurant industry experience, having worked at many restaurants and a number of Miller's Ale House operations, including locations in Florida, New Jersey and New York. He has been on-site in Watertown since June 30, 2014. He reported that his TIPS and crowd control certification will be complete in the next week. Mr. Mccazzio added that he is looking to meet the company standards for community involvement and relationships.

Sgt. Grady stated that the Police Department had no objection to the proposed change of manager, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to approve the change of manager, subject to the following conditions:

1. The new manager, John Mccazzio, shall ensure that all bartenders and servers of alcohol attend and successfully complete an alcohol awareness training program (e.g., TIPS) within 90 days of hire or expiration of certification. Copies of all certifications shall be forwarded to the Town Clerk's office.
 2. All other conditions of the license shall remain in place.
5. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a continued session of a show cause hearing on the matter of the closure of your premises at 21 Nichols Avenue licensed for all alcohol common victualler service and your failure to comply with the conditions of the Board's approval of that closure. The matter had been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, March 20, April 17, May 15, June 19, and July 17, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, November 1, December 2, 2013, January 7, January 31, March 10, April 9, May 7, May 27, July 2, and August 5, 2014.

Attorney Paul Rufo appeared on behalf of the licensee, together with Michael Moran and Kathleen Malloy, and presented a letter to the Board dated September 18, 2014, which was read into the record. Attorney Rufo reported that a proposed settlement agreement had been sent to counsel for Sandra Fisher Gavin in connection with the Suffolk Superior Court litigation described at the Board meeting of June 19. The agreement calls for a transfer of Ms. Fisher Gavin's ownership interest. A status conference is scheduled before the court on September 23, 2014.

Mr. Moran stated that he has been concentrating on re-opening the restaurant. Materials have been filed with the Health Department and meetings with the Building Inspector and Fire Department are set for September 22. Interior work for re-opening is underway. Mr. Moran explained that the anticipated manager arrangement with Ayse Gurdal, as described at the July 17 Board meeting, could not be finalized, and from 36 respondents he had selected Kathleen Malloy to serve as manager. In response to a question from the Board, he stated that if a formal agreement with Ms. Malloy could not be arranged, he would begin discussions with one of the other respondents.

Ms. Malloy stated she has been in the restaurant business for 15 years. She operated premises with alcohol licenses in Cambridge, MA from 1999 to 2003 (Aspasia) and in Newton, MA from 2002 to 2011 (Ariadne). Her plan is to extend the current concept of the restaurant to a more high-end dining location. She reported that the condition of the restaurant should not impede an opening in the mid-October to early November time frame. Ms. Malloy stated she had transformed other restaurants she worked at from poor to good performance.

Attorney Rufo noted that there is a current lease for the premises and that the restaurant may be re-opened without Ms. Fisher Gavin's consent. She had asked the court to enjoin such operation, but her request was denied.

The Licensing Board voted to continue the matter to October 16, 2014. The continued hearing will be held at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

6. Magnolia Market, Incorporated
d/b/a The Magnolia Wine Company
130 Belmont Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 130 Belmont Street licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Jay Faber, president, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 5:40 p.m. the operative entered the Magnolia Wine store, selected a 6 pack of Bud Light and presented it for purchase at the check-out register. He was not asked for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke with the clerk who handled the sale, and that person asked the manager on duty to also speak with Sgt. Grady. The clerk stated that the operative had looked like a regular customer and that was why he did not ask the operative for identification. He also informed Sgt. Grady that he had been employed at the store for approximately nine months. Sgt. Grady asked the manager on duty to inform the owner and to expect notice of a hearing before the Licensing Board.

Mr. Faber stated that the Police Department report was accurate. He noted that he had been operating the business for 37 years and on the evening in question had just left the premises. He reported that he constantly reviews sales issues with the staff and has signs at the register regarding requirement of identification and no sales to minors. Mr. Faber stated that he has tried to market his store as a "menacing" place for any attempt at underage purchase. He stated that the manager on duty that evening is a long-time employee, but did miss this attempted purchase. He also noted that whenever a group of patrons enters the store and the members are young looking, the policy is to ask all members of the group for identification, noting that on occasion he will even conduct id checks of persons waiting in the parking lot. He admitted that the clerk was not paying enough attention on the night in question, and was very upset about the situation, even offering his resignation. Previously, the store policy was to request identification from persons appearing to be under 30 years of age, but that limit has been increased to 35.

Sgt. Grady reported that there had been no violations at the licensed premises within the last five years. He stated that the Police Department proposed a one day suspension for the violation.

The Licensing Board unanimously found that the violation of sale to a minor, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Mr. Faber stated that he would waive the right to appeal and proposed the date of September 25, 2014 as the day the suspension would be served. The Board approved that date, and explained that the license would need to be deposited with the Police Department on the morning of September 25 or the preceding evening.

7. Ricci's Package Store, Inc.
d/b/a Ricci's Package Store
331 Main Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 331 Main Street licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Stephen Ricci, owner, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 6:40 p.m. the operative entered Ricci's Package Store, selected a 6 pack of Bud Light and presented it for purchase at the check-out register. He was not asked for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke with the cashier, asking him why he had not requested identification from the operative. The cashier responded that he thought he had checked the operative's identification on a prior occasion. Sgt. Grady asked the cashier to notify the owner and to expect a notice for appearance before the Licensing Board.

Mr. Ricci addressed the Board and acknowledged that the incident had occurred. He stated he had been in business since 1960, and has had very few violations during that time. He noted that there are many signs in the store regarding prohibition on sale to minors. The person on duty on the evening in question has been employed for three years, and told Mr. Ricci that he thought he knew the operative and was very upset about the situation. Mr. Ricci reported that all workers at the store have been recertified for TIPS training. The store policy is to request identification from anyone who appears to be under 30 years of age; after repetitive service of a particular customer, identification is no longer requested.

Sgt. Grady stated that there have been no violations at the subject premises during the last five years, and reported that the Police Department proposed a one day suspension for the violation found.

The Licensing Board unanimously found that the violation of sale to a minor, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Mr. Ricci stated that he would waive the right to appeal and proposed the date of September 25, 2014 as the day the suspension would be served. The Board approved that date, and explained that the license would need to be deposited with the Police Department on the morning of September 25 or the preceding evening.

8. Dyer Quik Pik, Inc.
d/b/a Dyer Liquors
40 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 40 Mt. Auburn Street licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Girishkumar Patel, owner, and Dana Logan, employee, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 6:17 p.m. the operative entered the Dyer Liquors store, selected a 6 pack of Bud Light and presented it for purchase at the check-out register. He was not asked for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke to the cashier on duty, Dana Logan, asking him why he did not request identification from the operative. Mr. Logan responded that the operative had looked like a regular customer. Sgt. Grady asked Mr. Logan to notify the owner to expect notice of an appearance before the Licensing Board.

Mr. Logan stated that he has been employed at Dyer Liquors for 17 years and did not recall any violations during that period of time. He added that he has a practice of checking all identifications and that the store has a scanner. In addition, a new, more comprehensive, scanning system is going to be installed. He noted that the operative had looked like a regular customer, and at the time of the purchase there was another customer whom he knew in line at the register. The person Mr. Logan took the operative for is 28 years old and has been in the store several times and been asked for identification several times. He added that whenever a group is in the store and one of them touches an alcoholic beverage, he will not make a sale if anyone in the group does not have proper identification.

In response to a question from the Board, Mr. Patel stated that the new point of sale system will require id verification; the clerk will not be able to open the register until an identification card is swiped through the scanner.

Sgt. Grady stated that the Police Department proposed a one day suspension for the violation found.

The Licensing Board unanimously found that the violation of sale to a minor, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Mr. Logan stated that the licensee would waive the right to appeal and proposed the date of September 25, 2014 as the day the suspension would be served. The Board approved that date, and explained that the license would need to be deposited with the Police Department on the morning of September 25 or the preceding evening.

9. Francis Food Mart, Inc.
d/b/a Francis Food Mart
1084 Belmont Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 1084 Belmont Street licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Michael Caira, manager, and Roland Caira, owner, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 5:05 p.m. the operative entered the Francis Food Mart store, selected a 6 pack of Bud Light and got in line for the check-out register. He was then directed to another register by Michael Caira, manager, who was in the process of resolving a customer request to return an item. At the second register, the operative presented the beer for purchase. The register clerk was under age and requested approval of the sale by the assistant manager, who approved the sale without asking for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke to Michael Caira, who explained that he could only suggest that the reason was that he had been distracted by the customer complaint with which he was dealing at the time the operative approached the check-out register. He had directed the operative to another register so as not to delay other customers. Mr. Caira was aware that the assistant manager had responded to the clerk's request to approve the sale and was disappointed that it had been approved. Sgt. Grady also spoke to the assistant manager, who had been in that position for only one month, and who stated that she did not request identification because she believed it had already been shown.

Michael Caira stated that he had seen the operative waiting in line and directed him to another register, and assumed that the assistant manager would follow proper procedures regarding the sale of alcohol. He stated that all employees are trained regarding the sale of alcohol and if a customer appears to be under 30, he and any members of a group he is with are asked for identification. Since the date of the incident, the store policy is to now request identification of any person appearing to be under 40 years of age. In addition, there is an effort to confine alcohol sales to one check-out register in order to exercise better control over sales. Twelve employees of the store are now TIPS certified.

Sgt. Grady reported that there have been no violations at the premises during the past five years, and stated that the Police Department recommended a one day suspension for the violation found.

The Licensing Board unanimously found that the violation of sale to a minor, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Michael Caira stated that the licensee would waive the right to appeal and proposed the date of September 25, 2014 as the day the suspension would be served. The Board approved that date, and explained that the license would need to be deposited with the Police Department on the morning of September 25 or the preceding evening.

10. Hratch Seth Abrahamian
d/b/a Coolidge Variety & Deli
2 Bigelow Avenue
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 2 Bigelow Avenue licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Attorney David Barber and Mr. Abrahamian, owner, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 5:55 p.m. the operative entered the Coolidge Variety store, selected a 6 pack of Bud Light and presented it for purchase at the check-out register. He was not asked for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke to Mr. Abrahamian, who was acting as cashier at the time of the sale. When told that the operative was under the age of 21, Mr. Abrahamian appeared very surprised, stating that he was a "big guy."

Attorney Barber stated that Mr. Abrahamian admitted that there had been a sale to a minor, noting that Mr. Abrahamian had been very busy at the store at the time in question as he was planning a 3-week trip. Mr. Abrahamian has owned the business for 12 years and has held an alcohol sales license for 4 ½ years. During the 12 years of ownership, there have been no alcohol or tobacco sales violations.

In response to questions from the Board, Attorney Barber stated that Mr. Abrahamian had told him that the only way to avoid another incident was to request identification of every purchaser, and that is the policy now being followed. Previously, the practice was to request identification if the person appeared to be under 30 to 35 years of age. Cash register changes have been made such that the month and year of birth of a customer is required to be entered before the register will open.

Sgt. Grady stated that there have been no violations at the premises during the four and a half years that Mr. Abrahamian has held the license. He also reported that the Police Department recommended a one day suspension per violation found.

The Licensing Board unanimously found that the violations, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Attorney Barber stated that the licensee would waive the right to appeal and proposed the date of September 25, 2014 as the day the suspension would be served. The Board approved that date, and explained that the license would need to be deposited with the Police Department on the morning of September 25 or the preceding evening.

11. Shiv Shakar Corporation
d/b/a Convenience Plus
99 School Street
Watertown, MA 0247

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 99 School Street licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Amit Dutt, owner and manager, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 6:00 p.m. the operative entered the Convenience Plus store, selected a 6 pack of Bud Light and presented it for purchase at the check-out register. He was not asked for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke with the owner and manager, Amit Dutt, who identified the man at the cash register as his uncle and stated that he did not normally work at the store. A large delivery had been received that day and Mr. Dutt's uncle was assisting him with daily operations. Mr. Dutt further stated that he had been present at the register for the operative's purchase and had bagged the beer; he had observed the operative speaking with a female in line and thought the two were together. He informed Sgt. Grady that he did not ask the operative for identification because he knew the female as a regular customer who was over 21 years of age. After his inquiry, Sgt. Grady asked the operative about the female in line and the operative stated that he had not had conversation with anyone while he was in the store.

Mr. Dutt noted that there had been two persons in line at the time in question and that he had checked the woman's identification; she also purchased Bud Light. He noted that the operative was "a large kid," and that he thought the two persons were together. Mr. Dutt explained that his uncle, who was working at the cash register, had been visiting the United States for a few months, and that he had explained to his uncle alcohol sale liability issues and given him a TIPS book to review. He added that he is now investing in a point of sale automated system with birthdate-controlled access. The store's two employees, he and his father, will be taking a TIPS course again.

Sgt. Grady stated that there had been no violations at the premises during the past five years and that the Police Department recommended a one day suspension per violation.

The Licensing Board unanimously found that the violations, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Mr. Dutt stated that the licensee would waive the right to appeal and requested that he be allowed until the next day to provide the date the suspension would be served. The Board explained that the license would need to be deposited with the Police Department on the morning of the suspension date or the preceding evening.

12. Ikonomi, LLC
d/b/a General Food & Fish Market
218 Waverley Avenue
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, alleging violations of G.L. c.138 (the Liquor Control Act) on July 24, 2014 at your premises located at 218 Waverley Avenue licensed for all alcohol package goods store sales, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34; and improper management, in violation of G.L. c.138, §23, in allowing such sale to take place and in failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board.

Piro Ikonomi, owner, appeared on behalf of the licensee.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on July 24, 2014 for the package stores in the Town. In this exercise, the Department was assisted by a male operative under the age of 21, who was instructed to enter the respective stores and attempt to purchase a six pack of Bud Light beer. The operative was instructed to simply leave the store if he were asked for identification. Officers involved in the exercise maintained surveillance of the operative during the compliance check of each establishment, as permitted.

At approximately 6:49 p.m. the operative entered the General Food & Fish store, selected a 6 pack of Bud Light and presented it for purchase at the check-out register. He was not asked for identification. A purchase was completed and the operative returned to the Police Department's unmarked vehicle and delivered the beer to the participating officers.

After the purchase, Sgt. Grady entered the store and spoke to Mr. Ikonomi, asking him why he had not requested identification from the operative. Mr. Ikonomi responded that he thought he had remembered the operative from a prior visit to the store and that it had been very busy at the time of the sale.

Mr. Ikonomi stated that he had been working at the store by himself on the day in question, and that it had been a busy time. He described the operative as a “big guy,” and acknowledged that he had made a mistake. Mr. Ikonomi typically works at the store 7 days per week. Previously, his policy was to request identification if a person appeared to be under 35 to 40 years of age, but now all purchasers are being asked for identification.

Mr. Ikonomi’s daughter stated that he had obtained TIPS certification when he took over operation of the store, and is so concerned about proper sales procedures that he is reluctant to have others work the cash register.

Sgt. Grady stated that there had been no violations at the premises since the license was transferred to Ikonomi in March of 2011, and reported that the Police Department proposed a one day suspension per violation.

The Licensing Board unanimously found that the violation of sale to a minor, as alleged, had occurred. By a vote of 2 to 1 (member Whitney in the negative) the Board found that the violation of improper management, as alleged, had occurred. The Licensing Board voted unanimously to impose a one-day license suspension.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Mr. Ikonomi stated that the licensee would waive the right to appeal and proposed the date of October 2, 2014 as the day the suspension would be served. The Board approved that date, and explained that the license would need to be deposited with the Police Department on the morning of October 2 or the preceding evening.