



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 November 21, 2013

1. ACCEPTANCE OF MINUTES: October 17, 2013
2. A & A Auto Repair, Inc. d/b/a A & A Auto Repair
81 Elm Street
Auto Repair License Approved 3-0
3. Solomon S. Birhanie d/b/a Eyuwel Livery Service
62 Cottage Street
Livery/Limousine License Approved 3-0
4. Kiz, LLC d/b/a Kiz Garden
485 Arsenal Street, Store #5767
New Common Victualler Approved Withdrawal 3-0
5. Luis Alonso Flores d/b/a
Acapulco Mexican Restaurant
45 Lexington Street
Status Hearing Continued to December 19, 2013
6. New Rotary Grille, Inc.
d/b/a Verona Restaurant
18 Mt. Auburn Street
Show Cause Continued to December 19, 2013
7. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
a. Show Cause Continued to December 19, 2013
b. Show Cause Continued to December 19, 2013
8. Comments by Board Clerk and Police Department

Donna B. Doucette, Chairman

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

1. Minutes from the October 17, 2013 hearing were approved by the Licensing Board.
2. A & Auto Repair, Inc.
d/b/a A & A Auto Repair
81 Elm Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Antranik Helvadjan d/b/a A & A Auto Repair, holder of a Motor Vehicle Repair License exercised at 81 Elm Street, Watertown, for approval of a change of name and ownership to A & A Auto Repair, Inc. d/b/a A & A Auto Repair.

Antranik Helvadjan, president of A & A Auto Repair, Inc., appeared in support of the application. Mr. Helvadjan stated that he has operated the motor vehicle repair business at the Elm Street site for seven years. He has 45 years' experience in motor vehicle repair. He explained that this is a name change only; the business operation will remain the same.

Sergeant Grady stated that the Police Department had no objection to approval of the change in ownership and licensee, provided that the condition stated below was imposed.

The Health Department, Building Department, Fire Department and Zoning Officer had no comment.

The Licensing Board voted unanimously to approve the change in name and ownership, subject to the following condition: all conditions of the existing license shall remain in place.

3. Solomon S. Birhanie
d/b/a Eyuwel Livery Service
62 Cottage Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Solomon S. Birhanie d/b/a Eyuwel Livery Service for a livery/limousine license to be exercised from 62 Cottage Street, Watertown.

Solomon Birhanie appeared in support of the application. Mr. Birhanie stated that he currently works as a driver for Uber Company, and has previous experience with Central Parking. He is seeking the license so he can develop his own customer base for a livery service. The livery vehicle will be parked in the driveway at 62 Cottage Street. That property is owned by Mr. Birhanie's step-father.

Sgt. Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated below were imposed.

The Health Department, Building Department, Fire Department and Zoning Officer had no comment.

The Licensing Board voted unanimously to grant the requested license, subject to the following conditions:

1. The license shall be limited to pre-arranged transportation of persons rather than on-the-street pick up of persons.
2. The licensee shall maintain a current motor vehicle driving record of all employees hired as a driver of any motor vehicle to be used in connection with the license.
3. If any driver for the licensee is cited for more than three moving violations or is involved in more than one surchargeable accident in a 12-month period, he/she shall be required, within 90 days of exceeding those limits, to attend a defensive driving training course.
4. The licensee shall keep all records on file and they shall be made available for review by any agent of the Licensing Board.
5. The license is for one vehicle, to be parked at 62 Cottage Street, in the driveway, as shown on the sketch plan received in the office of the Town Clerk on October 1, 2013.

4. Kiz, LLC d/b/a
Kiz Garden
88 Litchfield Street
Brighton, MA 02135

The Watertown Licensing Board met to consider the application of Kiz, LLC d/b/a Kiz Garden for a Common Victualler License to be exercised at 485 Arsenal Street, store space #5767 in the Arsenal Mall. The hearing had been continued from September 19, to October 17 and to November 21, 2013.

Eui Choi, manager, appeared on behalf of the applicant and stated that the new owner of the Arsenal Mall was holding off on the leasing of any store spaces for the immediate future. Therefore, Mr. Choi requested to withdraw the application.

The Licensing Board voted unanimously to grant withdrawal.

5. Luis Alonso Flores
d/b/a Acapulco Mexican Restaurant
45 Lexington Street, Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing concerning the failure of Luis Alonso Flores d/b/a Acapulco Mexican Restaurant to comply with the Board's Rules and Regulations regarding the wine and malt common victualler license issued for exercise at 45 Lexington Street.

Luis Alonso Flores appeared on behalf of the licensee.

The Licensing Board's rules and regulations require notice to the Board by any holder of an on-premises alcohol license proposing to close the business for more than two consecutive business days. (Section IV.C.4) In addition, section 77 of Chapter 138 of the General Laws provides that the local "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."

Mr. Flores stated that he was unaware of the regulation regarding closure of licensed premises. He explained that he has operated the restaurant at the current location for 13 years, but that for the past one and a half years the business has been fluctuating. With four children, his family obligations have increased. In addition, he was having difficulties with employees not performing well. Therefore, in late September of 2013 he decided to close the restaurant while he planned to sell the business or the license.

Board chairman Doucette noted that at license renewal time, in December, the Board must certify to the Alcoholic Beverages Control Commission that licensed premises are in operation. She stated that if there is a potential buyer, the Board could grant a provisional renewal. Mr. Flores responded that he had been negotiating with a buyer but that the financial terms had not yet been settled. He stated that he intended to file a renewal application, and that he would be re-opening the restaurant in a few days.

Board chairman stated that while the licensee had violated the Board's rules and regulations he had made an effort to remedy the situation.

The Licensing Board will conduct a hearing on the status of any license or business transfer on December 19, 2013 at 7:15 PM, in the Philip Pane Hearing Room of the Administration Building, 149 Main Street, Watertown, MA.

The Licensing Board unanimously found that the licensee had violated Section IV.C.4 of the Board's rules and regulations by ceasing operations at the licensed premises for more than two consecutive days, without notice to the Licensing Board. The Licensing Board voted unanimously to issue a letter of warning for the violation. The Notice of Decision shall serve as that letter.

6. New Rotary Grille, Inc.
d/b/a Verona Restaurant
c/o Agostino Farese
20 Fayette Street
Watertown, MA 02472

The Watertown Licensing Board held a continued session of a Show Cause Hearing on November 21, 2013 to consider what action to take in connection with the licensee's failure to operate a business at the premises located at 18 Mount Auburn Street and licensed for all alcohol common victualler service. The hearing was opened on October 17, 2013, the date set following the failure of anyone to appear on behalf of the licensee at the September 19, 2013 status hearing on the license. That status hearing had been scheduled following the report to the Board, at its June 20, 2013 hearing, regarding plans and activity in connection with a possible sale of the restaurant business for which the license is issued. The matter is under review because the restaurant has been closed for business, with the approval of the Board, since December 23, 2012.

The proceedings of the October 17, 2013 hearing session are described in the Board's Notice of Action and Continuance dated November 1, 2013.

Mr. Farese appeared on behalf of the licensee. He stated that an agreement for sale and transfer of the license had been reached. In addition, a lease of the premises to the prospective buyer has been prepared and signed by the buyer. Mr. Farese submitted a copy of the purchase agreement and the lease to the Board.

Board chairman Doucette stated that a license transfer application must be submitted, and that the licensed premises must be inspected for license renewal purposes.

The Licensing Board voted to continue the matter to December 19, 2013 for a status hearing.

The status hearing will be held on December 19, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

7a. 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 and October 17, 2013, 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 and November 1, 2013.

Attorney Paul Rufo appeared on behalf of the licensee. He stated that Michael Moran, president, had been in attendance earlier in the evening but was unable to stay. Attorney Rufo presented a letter to the Board dated November 21, 2013. That letter described the licensee's efforts in finding a purchaser for the restaurant business, and stated there have been discussions with three prospective purchasers who have expressed serious interest in the business. The licensee has received a verbal offer to purchase the license, but the accompanying offer to purchase the licensed premises is not acceptable to the licensee, and discussions with the offeror are ongoing. Attorney Rufo also reported that he had earlier in the day received an e-mail from the restaurant broker retained by the licensee regarding a prospective buyer. The entity's board of directors will be meeting on December 6 to consider the purchase transaction.

The letter requested that the license be renewed and that the Board permit the premises to remain closed for up to another six months, through May 31, 2014.

Attorney Rufo stated that the alcohol liability insurance for the premises had been renewed. He noted that the licensee had prepared its license renewal application and would submit it on November 25.

Board member Newman asked whether the restaurant would be re-opened by the licensee. Attorney Rufo replied that Mr. Moran had stated at the October 17 hearing session that he would rather not re-open because he could not at present operate the business at the level he would like.

Board chairman Doucette stated that the law does not permit a so-called “pocket license” and that she was concerned about the licensee holding out for better offers. Attorney Rufo replied that there had not yet been a written offer. Board chairman Doucette stated that she believed a continued closure period through May of 2014 was too long.

The Licensing Board voted to continue the matter to December 19, 2013, at which time the renewal of the license will also be under consideration.

The continued hearing will be held on December 19, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

7b. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a show cause hearing concerning the violation of Section IV.C.1.b of the Rules and Regulations of the Watertown Licensing Board, which requires that a restaurant authorized to sell alcohol on Sundays submit an annual report, by May 1 of each year, confirming that the licensed establishment derives 60% or more of its gross revenues from the sale of food, to wit: your failure to submit an annual report for 2012. The matter had previously been continued from June 20, July 18, August 15, September 19 and October 17, 2013, 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 and November 1, 2013.

The continued hearing will be held on December 19, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.