



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

TEL. (617) 972-6486
FAX (617) 972-6595

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

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

REVISED MINUTES for May 19, 2011

Acceptance of Minutes from hearing on April 21, 2011

Approved 3-0

1. The Upper Crust – Watertown, LLC
92-98 Main Street
(a) Change of Stockholders

Approved 3-0

(b) Pledge of License

Approved 3-0

2. Burnham-Manning Post #1105
VFW of US, Inc.
295 Arsenal Street
Change of Manager

Approved 3-0

3. Dino Spahilari d/b/a Dino's Transportation
62 Carey Ave. #7
Livery/Limousine License

Continued to June 16, 2011

4. Big Sky Bakery, Inc.
142 Main Street
Common Victualler

Approved 3-0

5. Spindle City Pawnbrokers, Inc. d/b/a
Spindle City Precious Metals
485 Arsenal Street C10
Second-Dealer License

Denied 3-0

6. Maslow Restaurant Concepts d/b/a
StripT's Restaurant
93-95 School Street
Extension of W&M CV License to Include Sunday

Approved 3-0

7. Donohue Holdings, Inc. d/b/a Donohue's
85-87 Bigelow Ave.
Alteration of Premise

Approved 2-1

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| 8. | Henley Enterprises, Inc.
Valvoline Instant Oil Change
78-80 Galen Street
Show Cause | Warning | | | | | | | | |
| 9. | Shiraz Cuisine, Inc.
72 Bigelow Ave.
Show Cause | 2-day Suspension | | | | | | | | |
| 10. | Lazziz Restaurant, Inc. d/b/a
Lazziz Restaurant Fine Indian Cuisine
51 Main Street
Show Cause | 2-day Suspension | | | | | | | | |
| 11. | J.M.R. Incorporated d/b/a
Mount Auburn Grill
643-649 Mt. Auburn Street
Show Cause | Warning | | | | | | | | |
| 12. | Not Your Average Joe's Inc. d/b/a
Not Your Average Joe's
55 Main Street
Show Cause | Request continuance to June 16, 2011 | | | | | | | | |
| 13. | Watertown Restaurant Corp.
d/b/a Porcini's
68 School Street
Show Cause | Warning | | | | | | | | |
| 14. | Spring Renewals: <table border="0" style="display: inline-table; vertical-align: top; margin-left: 20px;"> <tr> <td style="padding-right: 10px;">17</td> <td>Open-Air Parking</td> </tr> <tr> <td style="padding-right: 10px;">54</td> <td>Auto Repair</td> </tr> <tr> <td style="padding-right: 10px;">2</td> <td>Second Hand Dealer</td> </tr> <tr> <td style="padding-right: 10px;">3</td> <td>Letting Out of Motor Vehicles</td> </tr> </table> | 17 | Open-Air Parking | 54 | Auto Repair | 2 | Second Hand Dealer | 3 | Letting Out of Motor Vehicles | Approved 3-0
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| 54 | Auto Repair | | | | | | | | | |
| 2 | Second Hand Dealer | | | | | | | | | |
| 3 | Letting Out of Motor Vehicles | | | | | | | | | |

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

1. Upper Crust-Watertown, LLC
94 Main Street
Watertown, MA 02472

On May 19, 2011, the Watertown Licensing Board met to consider the application of the Upper Crust-Watertown, LLC for approval of a change in the stockholders of the licensee for the wine and malt beverages license exercised at 94 Main Street, and approval of a pledge of the license.

Attorney Jeffrey Blum appeared in support of the application. Attorney Blum explained that the reason for the stockholder change was to correct a mistake in the initial license application, which listed the individual names for Messrs. Tobins, Higgins and Huggard as the owners instead of the Upper Crust, LLC. He explained that all of the Upper Crust restaurants are sole member LLCs, that member being the Upper Crust, LLC.

In December, 2010, all of the Upper Crust locations entered into a loan agreement with TD Bank for funding of expansion activities. A condition of the loan is a pledge of each alcohol license. The funds under the loan have been disbursed, but completion of the pledge process is required.

Sergeant Grady stated that the Police Department had no objection to the change in stockholders, nor to the pledge of the license.

The Licensing Board voted unanimously to approve a collective change in the stockholders from Jordan S. Tobins, Brendan F. Higgins, Jr. and Joshua Huggard, as individuals, to the Upper Crust, LLC. In addition, the Licensing Board voted unanimously to approve a pledge of the license to TD Bank, NA.

2. Burnham-Manning Post #1105
VFW of U.S., Inc.
295 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Burnham-Manning Post #1105 for approval of a change in the manager of its premises at 295 Arsenal Street licensed for all alcohol club beverage service.

Derek Mayerhofer, the proposed manager, appeared in support of the application. Mr. Mayerhofer stated that he is the incoming commander of the Post and that the manager named on the license is no longer working for the Post. Mr. Mayerhofer is scheduled for TIPS training on June 26, 2011, together with 12 other persons who will take the class. He stated that he will be on the premises approximately 30-40 hours per week, and that the hours of operation are 3:00 p.m. to 10:00 p.m. Monday through Saturday and 3:00 p.m. to 8:00 p.m. on Sunday.

In response to a question from board member George Newman, Mr. Mayerhofer stated that three members of the Post currently have TIPS training.

The Health Department reported that the licensee must contact the department to update its application to reflect the change of manager.

Sergeant Grady stated that the Police Department had no objection to the change in manager, provided that the conditions stated below were imposed.

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

1. The new manager shall be required to attend and successfully complete an alcohol awareness training program (e.g., TIPS) within 90 days of the Licensing Board's decision, and a copy of the certification shall be supplied to the Licensing Board and the Police Department.
2. Any members of the club selected to serve alcohol on the premises must update their certifications and/or attend an alcohol awareness training program in accordance with the requirements stated in condition No. 1. A list of members selected and certified to dispense alcohol shall be supplied to the Licensing Board and the Police Department.
3. Dino Spahillari
d/b/a Dino's Transportation
62 Carey Avenue, No. 7
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Dino Spahillari d/b/a Dino's Transportation for a livery/limousine license to be exercised from 62 Carey Avenue, No. 7, Watertown, MA. The Watertown Licensing Board voted to continue the hearing on this application to June 16, 2011 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

4. Big Sky Bakery, Inc.
164 Noanett Road
Needham, MA 02494

The Watertown Licensing Board met to consider the application of Big Sky Bakery, Inc. for a common victualler license to be exercised at 142 Main Street.

Sofia Maxman, general manager, appeared in support of the application. Ms. Maxman stated that the applicant is moving its business from a current location in Newton Centre to Watertown. The Newton Centre operation was in business for 8 years. The bakery will consist of a retail store with an 8-seat café. Baking for the business is done in Waltham. The store will offer a full service bakery and sandwiches.

The Building Department reported that review of the proposed floor plan and a final inspection is pending. Ms. Maxman stated that the final building inspection was scheduled for May 20.

The Health Department reported that the applicant has contacted the department and is engaged in the food service establishment plan review process.

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

1. The hours of operation shall be 6:00 a.m. to 8:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. on Saturday; and 9:00 a.m. to 6:00 p.m. on Sunday.
 2. The number of seats shall not exceed 8, as shown on the floor plan sketch submitted, received in the office of the Town Clerk on April 6, 2011.
 3. There shall be no alcoholic beverages on the licensed premises.
5. Spindle City Pawnbrokers, Inc.
d/b/a Spindle City Precious Metals
582 Highland Avenue
Fall River, MA 02740

The Watertown Licensing Board met to consider the application of Spindle City Pawnbrokers, Inc. d/b/a Spindle City Precious Metals for a second hand dealer's license to be exercised at 485 Arsenal Street, Unit C10 in the Arsenal Mall.

Ernest Sprague, the proposed general manager, appeared in support of the application. Mr. Sprague explained that the applicant offers old jewelry, old metal and coin buyback programs. It includes an appraisal process and payment for items is made in the form approved by the municipality in which the business operates. Seller's information is logged and a government issued photo ID is required for a sale.

Spindle City currently has operations at the Cape Cod Mall in Hyannis and the Independence Mall in Danvers. It has been in business for 15 years. It traditionally holds items that it buys for 30 days, and transfers records to the local police department in either hard copy or electronic format, according to the department preference. A criminal background check is done for all employees. In response to questions from the Board, Mr. Sprague stated that the applicant has approximately 50-60 employees and in addition to its mall locations, conducts temporary operations in various locations in Massachusetts, for example, on a Thursday through Sunday basis. Current staffing is 2-3 persons at the Cape Cod Mall location and 1-2 persons at the Independence Mall location. Employee attrition is approximately 1-2 persons per year.

Angeline Kounelis, District A Councilor, stated that she had opposed such businesses in the past, and noted that they were difficult to regulate.

It was noted that application documents were signed by various individuals, including Aaron Tetrault, who is listed as the president of Spindle City Pawnbrokers in its Articles of Organization, and Brian Belliveau, who was reported by Mr. Sprague to be a manager of the company.

Sergeant Grady stated that the Police Department recommended denial of the application for the following reasons: the Department does not believe purchase and resale of jewelry items is in the best interest of the Town of Watertown; this type of business would attract certain clientele with criminal tendencies to the Town of Watertown; and the purchase and resale of jewelry items is a prime avenue for disposal of stolen property.

The Licensing Board voted unanimously to deny the application.

6. Maslow Restaurant Concepts, Inc.
d/b/a Strip T's Restaurant
93-95 School Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Maslow Restaurant Concepts, Inc. d/b/a Strip T's Restaurant for approval of Sunday service of alcohol at its premises at 93-95 School Street licensed for wine and malt beverage common victualer service, and for an extension of its hours of operation.

Paul Maslow, owner and manager of the subject property, appeared in support of the application. Mr. Maslow explained that the restaurant is proposing an extension of its hours because of increased overhead costs. According to the CPA report prepared, the beer and wine sales account for approximately 10% of total sales.

A resident of School Street stated his opposition to the application, citing noise made by people leaving the restaurant during the evening, such as car door slamming, cell phone use, and talking. The statements of two other residents, in opposition to the extension of hours, were read into the record. The Board also received a statement of objection signed by various residents of the Town.

Sergeant Grady noted that currently the restaurant does not operate on Sundays.

District A Councilor Angeline Kounelis noted that the East End of Watertown, where the restaurant is located, is a densely populated area.

Board Member Kasabian Hoffman noted that Porcini's Restaurant is also located in the area of the applicant's restaurant and a representative of Porcini's present at the hearing stated that its hours extended to 10:00 p.m.

The Health Department noted that the licensee must contact the department to update its application to reflect any change of hours.

Sergeant Grady stated that the Police Department had no objection to the change of hours, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to approve Sunday service of alcohol, from 12:00 noon to 8:00 p.m., and to approve overall hours of operation of 7:00 a.m. to 10:00 p.m. Monday through Wednesday, 7:00 a.m. to 11:00 p.m. Thursday through Saturday, and 10:00 a.m. to 8:00 p.m. on Sunday, subject to the following conditions:

1. A full service kitchen must be in operation during Sunday business hours.
2. There shall be no alcohol service except with a food order.
3. All other conditions of the license shall remain in place.

7. Donohue Holdings, Inc.
d/b/a Donohue's
85-87 Bigelow Avenue
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Donohue Holdings, Inc. d/b/a Donohue's for approval of an alteration of its premises at 85-87 Bigelow Avenue licensed for all alcohol common victualer service.

Attorney Timothy McGoldrick appeared in support of the application, together with John Donohue, president. Attorney McGoldrick stated that the restaurant is currently licensed for 211 seats: 71 in the main room, 60 in the bar area and 80 in the function room. However, the actual seating is less than this total: 51 seats in the main area, 50 seats in the bar area and 60 seats in the function room, which is set up for six, 10-person tables. Outdoor seating for 40 persons is shown on the plan submitted. Therefore, the application reflects a seating capacity reduction to 201 persons, including the outdoor seating.

Attorney McGoldrick explained that the restaurant business has become more difficult and the outdoor seating is proposed for Monday through Thursday until 10:00 p.m., Friday and Saturday to 11:00 p.m. and Sundays to 9:00 p.m. The applicant proposes to construct an 8-foot fence around the perimeter of the property, which in one area will be placed on top of an existing 3-foot beam for an 11-foot screen.

The Board acknowledged receipt of a letter of support for the application from the Watertown Boys & Girls Club. Robert Airasian of the Watertown-Belmont Chamber of Commerce stated his support for the application.

A letter of objection signed by 62 of the 87 residents of the Coolidge Village Condominium was read. A number of residents present commented regarding noise from the restaurant during evening hours. One inquired regarding the use of sound baffling fencing. Mr. Donohue responded that Ideal Fence had recommended a vinyl fence, which is hollow and absorbs sound. He also noted that the outdoor seating area will be landscaped and umbrellas will be above each table and both will act as sound absorbers.

A member of St. Stephen's Church, which operates a school at the Armenian Cultural Center adjacent to the property, noted that classes are in session until 3:00 p.m. and that windows are open during warm weather because there is no air conditioning. Sunday School takes place between 10:00 and 12:00 noon on Sunday morning and other weekend activities, such as scouting are conducted.

Mr. Donohue noted that the restaurant offers breakfast on weekends, starting at 8:00 a.m. on Saturday and 9:00 a.m. on Sunday.

The executor of the estate of the house located at 77-79 Bigelow Ave., which directly abuts the restaurant, stated that his property would be most directly affected by outdoor seating. He expressed concern regarding noise and smoke and his opposition to the proposal.

The pastor of St. Stephen's Church, and president of its elementary school board, requested that the Board consider a limit on the time of year during which outdoor seating would be offered. He stated that the school runs through mid-June and starts up after Labor Day.

District A Councilor Angeline Kounelis stated that the application raised a quality of life/neighborhood issue. She noted that an application for outdoor seating had been made approximately 6-7 years previously, but had been withdrawn. She stated her support for the residents who were objecting to the outdoor seating.

Attorney McGoldrick noted that there are other businesses in the area and the application represents an issue of business survival. He stated that Donohue's looked to develop a plan that was better than that submitted with its prior application. He noted that if no outdoor bar is permitted, the number of seats would be reduced to 34.

The Health Department reported that the licensee must contact the department and comply with department provisions including food establishment plan review application requirements.

The Board acknowledged receipt of a memorandum from the Zoning Officer noting the restaurant's use status.

The Town Clerk read a statement of proposed conditions developed in consultation with Town departments, as described in a memorandum to the Licensing Board dated May 18, 2011.

Board Chairman Doucette noted her view that a service bar should not be permitted in the outdoor seating area, nor should music be permitted as it would increase the volume of patrons' speaking voices. Mr. Donohue stated that he could operate without a service bar in the patio seating area.

The Licensing Board voted 2-1 to approve (George B. Newman voting no) an alteration of the premises to include an outdoor seating area, as shown on the sketch plan entitled "Proposed Courtyard Donohue's Bar & Grille," received in the office of the Town Clerk on April 6, 2011, subject to the following conditions:

1. Outdoor seating shall be limited to the period of May 1 through September 30.
2. The maximum outdoor seating capacity, to be designated patio seating, shall be no more than 40 persons, and the total seating capacity shall not exceed 201 persons.
3. The area of the license shall be increased by 1,200 sq. ft. for the patio seating.
4. The hours of operation for patio seating shall not exceed 8:00 a.m. to 9:00 p.m. Sunday through Thursday, 8:00 a.m. to 10:00 p.m. Friday and Saturday, and no alcohol shall be served prior to 12:00 noon on Sunday.
5. No televisions shall be displayed outside for entertainment purposes, and no music shall be permitted in the patio seating area.
6. There shall be no bar or service bar in the patio seating area.
7. Patrons must enter and exit the patio seating area through the main entrances of the restaurant. The only access to the street from the patio seating area shall be for emergencies, via emergency exits as shown on the plan submitted.
8. No smoking shall be allowed in the patio seating area.

9. The patio seating area shall be fenced and landscaped, as shown on the sketch plan submitted and described by the applicant, for purposes of sound absorption/reduction.
8. Henley Enterprises, Inc.
d/b/a Valvoline Instant Oil Change
78-80 Galen Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the request of the Watertown Police Department, for violation of Section III.1 of the Licensing Board's Rules and Regulations (licensed activities to be conducted only during the dates and times specified in the license) at the premises at 78-80 Galen Street licensed for motor vehicle repair.

Michael McLaughlin and the licensee's regional president appeared on behalf of the licensee.

Sergeant Grady summarized the substance of Watertown Police Department report 11-391-0F. On Sunday, March 6, 2011, he made a check of the premises and observed the business to be opened and operating. At that time, he spoke with the assistant manager, who verified that the business had been open on Sunday for over a year. Sergeant Grady identified the posted license for the establishment in the window and noted the restriction against Sunday operation. At that time, Sergeant Grady also had a phone conversation with the general manager for the business, Gregory Sawyer, who stated he did not realize that Sunday opening was an issue. Sergeant Grady advised Mr. Sawyer and the assistant manager that the business was to be closed for the remainder of the day and can only operate in the future within the terms of its license.

In response to a question from the Board, Sergeant Grady stated that there have been no Sunday operations at the premises since the time of his inspection.

Attorney McLaughlin stated that the licensee admitted to the Sunday opening and explained that it was the result of a corporate oversight inadvertence. The business has been operating at the present location since 1993. Valvoline has 125 similar operations in the United States, and Sunday hours were begun at those businesses a number of years ago to accommodate customer requests. The Sunday restriction for the Galen Street location was not identified during a license review.

Sergeant Grady stated that the Police Department recommended a 3-day license suspension for the violation.

The Licensing Board unanimously found that a violation had occurred and voted to issue a letter of warning regarding the need for compliance with the terms of the license and the Board's rules and regulations. Sunday business operations are not permitted

9. Shiraz Cuisine, Inc.
d/b/a Shiraz Cuisine
72 Bigelow Avenue
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) at your restaurant premises at 72 Bigelow Avenue, to wit: operation of the licensed premises beyond the time allowed under a permit for extended hours for the night of March 19 - 20, 2011 in violation of the requirements of the Watertown Licensing Board and G.L. c.138, §12.

Parisa Anbardar, wife of manager and owner Mohammad Anbardar, appeared on behalf of the licensee.

Sgt. Thomas Grady reported the contents of Watertown Police report 11-489-OF, filed by Sgt. John MacLellan. On March 20, 2011, Sgt. MacLellan was on patrol when he noticed the Shiraz restaurant open at 2:20 a.m., with people entering and exiting the premises. He stopped and entered the business, which was full to capacity with people waiting to be seated, and asked to speak to the manager. Mr. Anbardar came to the front of the dining area and Sgt. MacLellan informed him that the restaurant was in violation of its extended hours permit, which authorized operations only until 2:00 a.m. Mr. Anbardar stated that he had a permit to stay open until 3:00 or 3:30 a.m. When asked for it, Mr. Anbardar could not produce a copy of the permit. Mr. Anbardar asked if those seated could finish their meal, as it was a Persian New Year celebration. Sgt. MacLellan explained that 2:00 a.m. was the permitted limit of the extended hours. Mr. Anbardar then went to another room and did not return. After waiting for Mr. Anbardar's return and asking staff to request his return, Sgt. MacLellan announced to the room that all patrons must leave the premises. Mr. Anbardar then returned to the dining area and stated that those eating or who had not yet eaten could remain. Sgt. MacLellan again stated to Mr. Anbardar that all patrons would have to leave and Mr. Anbardar then made an announcement in his native language and the patrons began to exit. The last patron left the building at 2:46 a.m.

Mrs. Anbardar stated that her husband is not fluent in English and that she believed he had meant to say that a request for a 3:00 a.m. closing had been made, not that the permit extended to 3:00 a.m. The extended hours permit had been requested because of the Persian New Year. The restaurant had advertised a dinner to take place following a concert in Boston. There had been a delay in the concert's conclusion and so patrons arrived at the restaurant later than expected. Mrs. Anbardar stated that the seating of patrons was stopped at 2:00 a.m., but that some people refused to leave. The staff was waiting for those who were eating to leave when the police arrived. The restaurant did not charge those customers who had to leave before they finished their meals.

In response to a question from Sgt. Grady, Mrs. Anbardar stated that the restaurant had received an extended hours permit in 2009 and 2010 for the Persian New Year with a 2:00 a.m. closing time. In response to questions from the Board, she stated that she was aware of the 2:00 a.m. closing time requirement for this year's permit; that customers arrived at the restaurant between 12:30 and 12:50 a.m.; that the staff thought it could expedite the meals; and that she told people who were waiting to be seated after 2:00 a.m. that the restaurant was closed and they could not be served.

Sgt. Grady stated that the Police Department recommended a 4-day suspension, 3 days for improper management and 1 day for violation of the extended hours permit.

The Licensing Board unanimously found that the violation as alleged had occurred and unanimously voted to impose a two-day license suspension. The Board also offered the licensee the opportunity to choose the date the suspension would be served if it chose to waive its right of appeal of the suspension. Mrs. Anbardar stated that the licensee would waive its right of appeal and would notify the Police Department on May 20 of the dates the suspension would be served

10. Lazziz Restaurant, Inc. d/b/a
Lazziz Restaurant Fine Indian Cuisine
51 Main Street
Watertown, MA 02472
Attn. Bushan Kumar

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) at 51 Main Street, 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, by allowing such sale and failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board, in violation of G.L. c.138, §23.

Bushan Kumar, manager, appeared on behalf of the licensee.

The Licensing Board unanimously found that the violation of sale to a minor had occurred, and unanimously found that the violation of improper management had occurred. The Board unanimously voted to impose a two-day license suspension, and offered the licensee the opportunity to choose the date the suspension would be served if it chose to waive its right of appeal of the suspension. Mr. Kumar stated that he agreed to waive the right of appeal, and selected May 25 and 26 as the dates for service of the license suspension.

Sgt. Grady testified that on February 24, 2011, the Watertown Police Department conducted a compliance check of several alcohol service establishments in town. The compliance check involved two female volunteers, aged 19, entering licensed premises with instructions to order a beer. Each volunteer's dress and appearance were consistent with her age. Photographs of the volunteers were taken prior to the compliance check operation. The volunteers were required to keep their cell phones with them and were directed to contact the police after any service of alcohol.

At approximately 8:30 p.m. the volunteers entered the Lazziz Restaurant. Each ordered and was served a bottle of beer. They then contacted the participating police officers. Sgt. Grady entered the restaurant and observed both volunteers seated at a table with open bottles of beer on the table.

Sgt. Grady questioned the person who had served the alcohol, the manager on duty, who stated that he forgot to ask for identification but that he usually does. He also stated he had worked at the restaurant approximately 8 months, but was not TIPS or Servesafe certified. Sgt. Grady noted that the license for the restaurant requires that servers obtain alcohol awareness training within 90 days of hire.

Mr. Kumar testified that he was not at the restaurant on the night in question, nor was his wife, who is TIPS trained. In response to a question from the Board, he stated that the server in question

normally serves alcohol to patrons and that he, Mr. Kumar, was not aware of the alcohol awareness training requirement.

Sgt. Grady stated that the Police Department recommended a 3-day suspension, 2 days for service to a minor and 1 day for improper management.

The Licensing Board unanimously found that the violation of sale to a minor had occurred, and unanimously found that the violation of improper management had occurred. The Board unanimously voted to impose a two-day license suspension, and offered the licensee the opportunity to choose the date the suspension would be served if it chose to waive its right of appeal of the suspension. Mr. Kumar stated that he agreed to waive the right of appeal, and selected May 25 and 26 as the dates for service of the license suspension.

11. J.M.R. Incorporated d/b/a
Mt. Auburn Grill
643-649 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) at 643-649 Mt. Auburn Street, 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, by allowing such sale and failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board, in violation of G.L. c.138, §23.

Malcolm Atamian, manager, appeared on behalf of the licensee.

Sgt. Grady testified that on February 24, 2011, the Watertown Police Department conducted a compliance check of several alcohol service establishments in town. The compliance check involved two female volunteers, aged 19, entering licensed premises with instructions to order a beer. Each volunteer's dress and appearance were consistent with her age. Photographs of the volunteers were taken prior to the compliance check operation. The volunteers were required to keep their cell phones with them and were directed to contact the police after any service of alcohol.

At approximately 7:30 p.m. the volunteers entered the Mt. Auburn Grille. Each ordered and was served a bottle of beer. They then contacted the participating police officers. Sgt. Grady entered the restaurant and observed both volunteers seated at a bar table with open bottles of beer on the table.

The volunteers identified the server who waited on them and Sgt. Grady questioned the server, who stated that she did not request identification because she thought the women were of legal drinking age. She stated she had been TIPS certified many years ago.

Mr. Atamian testified that he has been operating the restaurant for 33 years and that this was his first time before the Board for a disciplinary matter. He stated that all wait staff is TIPS certified, and that the server in question has been at the restaurant for 12 years and has been a bartender for many years. He suspended her for a period of one month on account of the violation.

Sgt. Grady stated that the Police Department recommended a 2-day suspension.

Board member Newman stated his view that since the licensee had no prior record and had taken the step of suspending the server in question, a strong warning should be issued, rather than a suspension.

The Licensing Board unanimously found that the violation of sale to a minor had occurred, and unanimously found that improper management had not occurred. The Board unanimously voted to issue a letter of warning that the licensee must be vigilant in ensuring that service of alcohol complies with the law of the Commonwealth and the rules and regulations of the Licensing Board.

12. Not Your Average Joe's, Inc.
d/b/a Not Your Average Joe's
55 Main Street
Watertown, MA 02472

On the request of the licensee, the Watertown Licensing Board voted to continue the show cause hearing on the alleged violation of the Liquor Control Act at your premises licensed for all alcohol common victualer service at 55 Main Street. The continued hearing in this matter will be held on June 16, 2011 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

13. Watertown Restaurant Corp. d/b/a
Porcini's
68 School Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) at your restaurant premises at 68 School Street, 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, by allowing such sale and failing to obey all laws, rules and regulations of the Commonwealth, the Alcoholic Beverages Control Commission and the Watertown Licensing Board, in violation of G.L. c.138, §23.

Rodney Moriera and Bridgette Moloney, manager, appeared on behalf of the licensee.

Sgt. Grady testified that on February 24, 2011, the Watertown Police Department conducted a compliance check of several alcohol service establishments in town. The compliance check involved two female volunteers, aged 19, entering licensed premises with instructions to order a beer. Each volunteer's dress and appearance were consistent with her age. Photographs of the volunteers were taken prior to the compliance check operation. The volunteers were required to keep their cell phones with them and were directed to contact the police after any service of alcohol.

At approximately 7:55 p.m. the volunteers entered Porcini's restaurant. Each ordered and was served a bottle of beer. They then contacted the participating police officers. Sgt. Grady entered the restaurant and observed both volunteers seated at the bar with open bottles of beer in front of them.

The volunteers identified a bartender as the server who waited on them. Sgt. Grady questioned the server, who stated that she did not request identification because she had been very busy.

Ms. Moloney testified that the server in question had been suspended for two weeks. The server's TIPS certification had expired. Ms. Moloney explained that when she took over as manager approximately a year ago she directed all servers to obtain TIPS certification. She had told the server in question to get certified and then the incident of February 24 occurred. In response to a question from the Board, Ms. Moloney stated that she warns servers every night regarding service of alcohol, and noted that the restaurant is a family restaurant that does not get many young people as customers.

Sgt. Grady stated that the Police Department recommended a 2-day suspension.

Board member Whitney noted that there had been no prior violations at the restaurant under the current owner.

The Licensing Board unanimously found that the violation of sale to a minor had occurred, and found by a vote of 2-1 (yes vote - Robert J. Whitney) that improper management had not occurred. The Board unanimously voted to issue a letter of warning that the licensee must be vigilant in ensuring that service of alcohol complies with the law of the Commonwealth and the rules and regulations of the Licensing Board.

14. The Watertown Licensing Board voted to renew the following renewals:

- | | |
|---------------------------------|---------------------|
| 17 Open-Air Parking | Approved 3-0 |
| 54 Auto Repair | Approved 3-0 |
| 2 Second Hand Dealer | Approved 3-0 |
| 3 Letting Out of Motor Vehicles | Approved 3-0 |