



*Licensing Board*  
**TOWN OF WATERTOWN**  
ADMINISTRATION BUILDING  
149 Main Street  
Watertown, Massachusetts 02472  
TEL. (617) 972-6486  
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BOARD MEMBERS  
DONNA B. DOUCETTE  
GEORGE B. NEWMAN  
STEVEN W. AYLWARD  
  
ALTERNATE MEMBER  
SANDRA KASABIAN HOFFMAN

Minutes February 15, 2018

ACCEPTANCE OF MINUTES

SPECIAL LICENSES:

1. Special Licenses:

- Project Bread/Walk for Hunger  
**May 6, 2018/ Arsenal Park** Approved 2-0

Aaron Nemzer of logistics management company DMSE Sports appeared in support of the application. He explained that this is the annual walk for hunger event. Mr. Nemzer stated that once the food vendor list is finalized, permit processing would be conducted with the Health Department. Sgt. Grady reported that the Police Department had no objection to the granting of a license, subject to the conditions in the department's written report. The Board acknowledged receipt of reports from the Health Department and Department of Public Works, and voted to grant the license subject to the conditions requested by the Police, Health, and Public Works Departments.

- Taxiarche/Hellenic Center  
**One Day All Alcohol License/February 24, 2018/Dance** Withdrawn/Canceled

At the time the application was called for hearing, it was reported to the Board that the event had been canceled.

- 3. Flaming Pit, LLC  
222 Arsenal Street  
**New All Alcohol Common Victualler License** Approved 2-0
- 4. Uncommon Grounds, Inc. d/b/a Uncommon Grounds  
575 Mt. Auburn Street  
**Alteration of Premises** Continued to May 15, 2018

5. Super Target Liquor of Massachusetts, Inc. d/b/a Target 1 Day Suspension  
550 Arsenal Street  
**Show Cause Hearing**
  6. Yogi Resources, Inc. d/b/a General Market 2 Day Suspension  
218 Waverley Ave.  
**Show Cause Hearing**
  7. Talk of the Town, Inc. d/b/a The Talk 1 Day Suspension  
116 Main Street  
**Show Cause Hearing**
  8. Halfway Café, Inc. d/b/a Halfway Café 1 Day Suspension  
392-394 Main Street  
**Show Cause Hearing**
- 7:40 PM-11:00PM

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Donna B. Doucette, Chairman

Present: Sandra Kasabian Hoffman (Alternate Member)

Flaming Pit, LLC  
222 Arsenal Street  
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Flaming Pit, LLC for an All Alcohol Common Victualer License to be exercised at 222 Arsenal Street. [The alcohol license requested is one of the additional licenses authorized by special act of the Legislature, Chapter 73 of the Acts of 2016.]

Tigran Yesayan, Manager, appeared in support of the application. Mr. Yesayan stated that the restaurant opened in 2017 and has been well received by customers. He would like to offer alcohol service now that the business is established. He stated that he has five years of experience, on and off, in the restaurant industry, and that he plans to hire a bartender and train the staff accordingly. Mr. Yesayan added that he does have another business venture, but that he spends about 70 – 80 hours per week at the restaurant. Though the restaurant is licensed to remain open up to midnight, it closes at 11:00 p.m.

Sgt. Grady stated that the Police Department had no objection to the granting of the license, provided that the conditions stated below in items 1 - 6 were imposed.

The Health Department reported that alcohol service operations will be contingent upon inspection and approval of the premises for code compliance.

The Licensing Board voted unanimously to grant an All Alcohol Common Victualer License, subject to the following conditions:

1. The description of the licensed premises is as follows: approximately 2,400 square foot restaurant, kitchen, bar, two restrooms, basement for storage, with two entrances/exits.
2. Hours of operation shall be Sunday through Wednesday 10:00 a.m. to 11:00 p.m., Thursday through Saturday 10:00 a.m. until 12 midnight. No alcohol shall be sold on Sunday
3. Total seating shall be 50 persons, as shown on the plan submitted (plan entitled “Architectural 1<sup>st</sup> Floor Plan Owner 218 Arsenal St Watertown, MA” sheet A-100, by Berdi Consulting, received in the office of the Town Clerk on December 29, 2017).
4. The owner/manager, Tigran Yesayan, and all servers employed by the licensed establishment shall attend and successfully complete an alcohol awareness training program (e.g., TIPS) immediately upon hire or expiration of certification.
5. Copies of all alcohol awareness training certifications shall be maintained by the licensee and reviewable upon request.

6. Issuance of the license shall be subject to the applicant's certification that a bartender has been hired and the servers have been TIPS certified.

Super Target Liquor of Massachusetts, Inc.  
d/b/a Target  
33 S 6<sup>th</sup> Street, CC-1028  
Minneapolis, MN 55402  
Attn: Dot Vannavong

The Watertown Licensing Board held a show cause hearing on a complaint of the Watertown Police Department alleging violations of G.L. c.138 (the Liquor Control Act) on December 13, 2017 at your premises located at 550 Arsenal 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 the sale/delivery of alcohol to a minor.

Attorney Joseph Devlin appeared on behalf of the licensee, together with Ted Marsh – regional director and vice president, Jonathan Livingston – regional asset protection manager, and Molly Freeman – store manager.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on December 13, 2017 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 6- 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, when permitted.

At approximately 5:46 p.m. the operative entered the Super Target store, selected a 6-pack of Bud Light and presented it for purchase at a check-out register. The clerk asked the operative how old he was and the operative stated 19 and stated his date of birth. The clerk responded that he was not supposed to sell the beer to the operative, but that 'this will be between us.' After the sale was completed, Sgt. Grady spoke to the manager, who informed him that the clerk in question was a juvenile because two clerks had switched registers prior to the operative presenting the beer for purchase.

Ms. Freeman testified that the register switch had occurred because the minor clerk had called another clerk to handle a sale of alcohol, but the other clerk did not log out of his register and the minor clerk then serviced customers at the register to which he had moved. She stated that the minor clerk was a seasonal cashier and has been terminated. Ms. Freeman noted that all workers hired do a new employee orientation, on the store floor, and complete an on-line training exercise; the training does include alcohol law requirements.

In response to questions from the Board, Ms. Freeman stated that a manager is always present on the floor of the store. Mr. Livingston stated that the licensee had taken various steps in response to the incident: retraining and certifying all employees; decreasing the number of registers at which alcohol may be purchased; requesting a police detail on busy nights, and utilizing private security officers; training employees regarding licenses and review of identification; and requiring clerks to ask confirming questions when a customer presents alcohol for purchase, such as: what is your middle name, and please sign your name.

On further questioning by Attorney Devlin, Ms. Freeman stated that five aisles have now been designated for alcohol sales, and that no minors are allowed to work the registers for those aisles. She added that there is a daily “huddle” before a clerk takes over operation of a register at one of those aisles.

Board chairman Doucette commented that ordinarily such a violation would warrant a two-day suspension, and that she was concerned regarding laxity in oversight within 10 months of the start of alcohol sales at the store. However, given the steps taken by the store to correct its problem, she stated that she believed a one-day suspension was warranted.

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 Devlin stated that the licensee would consent to the one-day suspension and would waive the right to appeal to the Alcoholic Beverages Control Commission, and that the licensee would designate the date the suspension would be served by subsequent notice to the Board. The Board explained that the license would need to be deposited with the Police Department on the suspension date. By letter dated February 28, 2018, Attorney Devlin reported to the Licensing Board that the suspension would be served on March 7, 2018.

Yogi Resources, Inc.  
218 Waverley Avenue  
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on a complaint of the Watertown Police Department alleging violations of G.L. c.138 (the Liquor Control Act) on December 13, 2017 at your premises located at 218 Waverley Avenue licensed for wine and malt 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 the sale/delivery of alcohol to a minor.

Attorney Sam Vitali, appeared on behalf of the licensee, together with Jenny Guerrier, manager.

Sergeant Grady testified that the Watertown Police Department had conducted a compliance check on December 13, 2017 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 6- 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, when permitted.

At approximately 7:08 p.m. the operative entered the General Market store, selected a 6-pack of Bud Light and presented it for purchase at the check-out register. Mr. Guerrier was at the register and accepted a \$20 bill for the purchase, without questioning the operative regarding identification. Sgt. Grady subsequently entered the store. Mr. Guerrier apologized and stated he had been on the phone with an employee regarding a serious family matter.

Attorney Vitali questioned Sgt. Grady, who testified as follows: The Watertown Police Department uses the ABCC model for its compliance check (“sting”) guidelines; the 2017 ABCC version includes 17 items and the Watertown guidelines include 13 of those. He had a clear view of the store and sales counter from the parking lot, and watched the transaction involving the operative. He spoke with the owner the next day. No receipt was given for the purchase. One operative was used for all the compliance checks on December 13, and he was given the same instructions for all establishments. A \$20 bill was used for each attempted purchase, and the price at General Market was \$7.50.

Mr. Guerrier testified as follows: The employee with whom he was on the phone was upset and he was distracted by that. After he made the sale, he went outside the store to call the operative back but did not see him; he then re-arranged the entry mat and Sgt. Grady approached the store. Mr. Guerrier said he is TIPS certified, and the store has an i.d. scanner and surveillance cameras. He acknowledged there had been a violation when he spoke to Sgt. Grady. In response to a question from Board member Kasabian-Hoffman, Mr. Guerrier stated that he did not ask the operative for identification, and he realized that after the sale had been made and so went outside to look for the operative.

Attorney Vitali stated that this is a family run business, and that since the violation the licensee has posted ABCC-approved signs regarding sales to minors. He commented that the mistake here was not asking for identification, noting that the ABCC guidelines state that if an operative is asked for identification he/she is supposed to leave the premises.

Sgt. Grady confirmed that the Police Department posted advance notice of the compliance check in the Watertown Tab newspaper and on social media.

Board chairman Doucette commented that during the hearing on the licensee’s application for the license, past troubles involving violations at the site had been discussed.

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

The Licensing Board offered the licensee the opportunity to choose the dates the suspension would be served if the licensee chose to waive its right of appeal. Attorney Vitali stated that the licensee would serve the suspension on Tuesday, February 20 and Wednesday, February 21, and would waive the right to appeal to the Alcoholic Beverages Control Commission. The Board explained that the license would need to be deposited with the Police Department on February 19 and retrieved on February 21. Sergeant Grady stated that the beer freezers must be locked and the wine removed from the shelves on the suspension days.

Talk of the Town Diner I, Inc.  
d/b/a The Talk  
617 Main 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) on November 27, 2017 at your premises at 617 Arsenal Street licensed for all alcohol common victualer service, to wit:

1.Sale or Delivery to an Intoxicated Person, in violation of M.G.L. c. 138, § 69.

2.Improper management, in violation of M.G.L. c.138, § 23 for:

a.) Allowing the over service of an alcoholic beverage.

b.) Failure to notify the Police, in violation of Section IV.A.1.b.3) of the Licensing Board's Rules and Regulations for managers: "Notify the police of any disturbance or illegal activity on the licensed premises of which he becomes aware."

Kazar Keuchkarian appeared on behalf of the licensee. Sgt. Grady testified and reported the events of an incident call to the Police Department on November 27, 2017, a disturbance reported by an Uber driver. An investigation and inquiry at the premises revealed the following: a patron was served one alcoholic beverage; the bartender stated the patron showed no signs of intoxication at the time of service, but then began to shown such signs; the Uber driver witnessed another person assist the patron across Main Street to the Uber vehicle; the driver became nervous about taking the fare and called 911; the driver reported the bartender had left the premises with the patron, but the bartender denied assisting the patron; the bartender asked for a person to drive the patron home; the patron was escorted out of the premises to a car to be taken to her home in Newton; after the patron had left the premises Watertown police officers arrived on the scene. The officers acquired the following information: the patron arrived at 6:00 p.m. and stayed about one hour; the Newton Police Department was notified of the situation and it performed a health and welfare check at the patron's home, accompanied by a Watertown police officer; the Newton Fire Department was called and, after an effort of approximately 30 minutes, gained access to the house; the patron told the police officers she had three drinks at The Talk, for which she paid cash, and she said she had not eaten before drinking at the restaurant; while she was speaking to the officers they noticed a call notification on her mobile phone with the

name “Tommy Talk,” who was later identified as the bartender; and the bartender subsequently acknowledged to Watertown police that he knew the patron, though he had previously stated to the Watertown officers at the restaurant premises that he did not.

Mr. Keuchkarian submitted a copy of a restaurant gift card he reported was used by the patron to purchase her drink, a record of the sale, and an affidavit from the patron stating she had been served one drink. He added that the gift card is treated as cash. Mr. Keuchkarian stated that a licensee is not responsible to understand a patron’s alcohol level, noting that the woman had not presented any of the six signs of intoxication listed in the ABCC guidelines and that she had not caused a disturbance. He reported that a restaurant customer, Carol Saul, called for an Uber vehicle, and stated that the comments of the driver presented by the Police Department were not accurate. Mr. Keuchkarian explained that since the incident the restaurant has decided to close earlier in the evening, which has decreased revenues. Sgt. Grady responded that he had telephoned Ms. Saul regarding a witness interview but had received no response.

Bartender Tommy Cole testified that he talked to the patron in question for about eight minutes when she arrived at the restaurant, took her to her seat, and saw no signs of a problem. After she had been at the restaurant for an hour, the patron said she was going to leave, but Mr. Cole thought she should not drive home. He disputed the Uber driver’s report that he had crossed the street and taken the patron out of the Uber vehicle. He explained that he met her on the sidewalk in front of the restaurant and took her to the car of another customer, who drove her home. Mr. Cole stated that after the patron had left he telephoned her to say that the police were on their way but his call was not answered. In response to a question from Board chairman Doucette, Sgt. Grady responded that the Uber driver reported seeing a tall male, dressed in black, cross the street and take the patron from the Uber vehicle back across Main Street.

Carol Saul testified that she knows the patron as a visitor to The Talk, and that she saw her have one drink. Ms. Saul reported that she called for an Uber vehicle when she became concerned that the patron looked like she should not drive home. She explained that she walked with the patron across the street, that the patron got into the car, that the driver yelled to her as she was walking away that the patron was intoxicated, and that she responded by saying ‘take her home.’

Steve Costa testified that the patron sat between him and Ms. Saul on the night in question and that he saw one drink served to her. He stated that Mr. Cole asked him to drive the patron home, that he drove her in his car and she gave directions as they went, and that she walked into her house by herself.

Sgt. Grady responded to the patron’s affidavit, stating he had spoken to her in November of 2017, that she stated she had one drink at The Talk, and that when he pointed out to her that she reported to the police officers at her home that she had consumed three drinks she became argumentative, saying she did not want to cause problems.

Board chairman Doucette asked Ms. Saul what the patron was saying that made Ms. Saul think she should not drive a car, and Ms. Saul responded that the patron spoke of her parents and caregiving, that she had driven to Watertown from Cape Cod and that she had needed to stop on

the way to go to the bathroom. Sgt. Grady stated that the Uber driver reported getting the transport request shortly after 7:30 p.m.

Board chairman Doucette stated she found the patron's statement, at her home, regarding the number of drinks she consumed, to be telling. She commented that neither the patron nor the Uber drive were available to be questioned, but that the evidence showed the patron exhibited behavior demonstrating she was not fit to drive. The chair added that she believed the bartender and patrons had acted responsibly, but that she found there was improper management based on over service of alcohol. \

Sgt. Grady reported that the last show cause hearing incident at the restaurant was in November of 2014, with the hearing held in March of 2015.

The Licensing Board unanimously found that the violations, as alleged, had occurred. The Licensing Board also unanimously found that the violation of improper management had not occurred. The Board unanimously voted 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. Keuchkarian stated that the licensee would serve the suspension on Monday, February 19, and would waive the right to appeal to the Alcoholic Beverages Control Commission.

Halfway Café, Inc.  
d/b/a Halfway Cafe  
193 East Street  
Dedham, MA 02026  
Attention: John Grasso

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) on October 4, 2017 at your premises at 392-394 Main Street, Watertown licensed for all alcohol common victualer service, to wit:

- 1.Sale or Delivery to an Intoxicated Person, in violation of M.G.L. c. 138, § 69.
- 2.Improper management, in violation of M.G.L. c.138, § 23 for:
  - a.) Allowing the over service of an alcoholic beverage.
  - b.) Failure to notify the Police, in violation of Section IV.A.1.b.3) of the Licensing Board's Rules and Regulations for managers: "Notify the police of any disturbance or illegal activity on the licensed premises of which he becomes aware."

John Grasso, president, appeared on behalf of the licensee. Sgt. Grady testified and reported the events of an incident call to the Police Department on October 4, 2017. A male was

observed rolling on the ground outside the premises. Watertown police officers arrived at the premises and were directed to a bus stop, two blocks away, and they encountered a man sitting on the curb and a Halfway Café bartender, Philip Joyce. The assistant manager reported to the officers that he was alerted about the man by a patron – who called 911, and that Mr. Joyce went outside the building with a glass of water. The officers described the man as appearing highly intoxicated, with cuts and scrapes on his legs. The Watertown Fire Department was called and the man was transported to Mt. Auburn Hospital. No field sobriety test was given because of the level of intoxication. In response to questions the officers were told the following: that the man had entered the premises between 2:45 and 3:00 p.m.; that he was served three or four 20 ounce glasses of beer; that the bartender on duty in the afternoon had seen the patron drinking vodka and cranberry juice but did not tell the bartenders who took the next shift what she had served the man; at least two vodka and cranberry were served to the man by the next shift bartenders; the man was observed by another customer falling asleep at the bar, and was then found outside.

Mr. Grasso stated he had discussed the incident with Sgt. Grady. He reported that the day shift employee had left the building with the patron and that they had then come back inside together; the next bartender was unaware of that. Mr. Grasso explained that it is hard to know if a patron is intoxicated or is experiencing some other kind of issue. The day shift employee was dismissed within a week of the incident. Mr. Grasso noted he had been in the restaurant on the night in question but had gotten a call from his daughter in the middle of the events and did not realize all that was happening. He commented that it is difficult to employ quality personnel but acknowledged that a mistake had been made.

Sgt. Grady reported that there had been no violations cited at the premises within the past five years.

The Licensing Board unanimously found that the violations, as alleged, had occurred. The Licensing Board also unanimously found that the violation of improper management had not occurred. The Board unanimously voted 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. Grasso stated that the licensee would serve the suspension would waive the right to appeal to the Alcoholic Beverages Control Commission, and that the licensee would designate the date the suspension would be served by subsequent notice to the Board. Mr. Grasso subsequently telephoned the Police Department to report that the suspension would be served on Wednesday, February 28.

Uncommon Grounds, Inc.  
d/b/a Uncommon Grounds  
575 Mt. Auburn Street  
Watertown, MA 02472

Notice is hereby given that the Watertown Licensing Board has continued its hearing on the application of Uncommon Grounds, Inc. d/b/a Uncommon Grounds for approval of Alteration of its premises at 575 Mt. Auburn Street licensed for common victualer service.

The continued hearing on this application will be held on May 17, 2018 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.