



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 October 17, 2013

1. ACCEPTANCE OF MINUTES: September 19, 2013

2. Red Lentil, LLC
600 Mt. Auburn Street
Change of Manager
Extension of Wine & Malt Common Victualler
License to include Sunday

3. China Rainbow, Inc.
36 N. Beacon Street
Change of Manager

4. Kiz, LLC d/b/a Kiz Garden
485 Arsenal Street, Store #5767
New Common Victualler

5. Djano V. Keremian d/b/a
Timeless Jewelry
100 Main Street
Second Hand Dealer License

6. New Rotary Grille, Inc.
d/b/a Verona Restaurant
18 Mt. Auburn Street
Show Cause

Continued from September 19, 2013

7. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
 - a. Show Cause
 - b. Show Cause

Continued from September 19, 2013

Continued from September 19, 2013

Donna B. Doucette, Chairman

7:30 PM to 9:25 PM

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

1. Minutes from the September 19, 2013 hearing were approved by the Licensing Board.
2. Red Lentil, LLC
600 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Red Lentil, LLC for approval of a change of manager of its premises at 600 Mt. Auburn Street licensed for wine and malt common victualler service, and for approval of Sunday hours for alcohol service, pursuant to Section IV.C.1.b of the Board's Rules and Regulations.

Attorney Silvia Glick appeared in support of the application, together with Pankaj Pradhan, manager of the LLC and the proposed new manager of the premises. Mr. Pradhan stated he had work experience with Carnival Cruise Lines and Hyatt Hotels, and as a kitchen manager at a Rhode Island restaurant. He is TIPS certified and worked as a bartender for 4-5 years in Providence. Mr. Pradhan noted that another person had previously been serving as manager of the premises because he was not a U.S. citizen, but that he had become a citizen in 2013. Attorney Glick commented that Mr. Pradhan has been present at the premises during most business hours. Mr. Pradhan stated that all servers at the restaurant are TIPS certified.

Board chairman Doucette noted that the applicant had submitted a sales report for the period of September, 2012 through August, 2013 showing a food sales percentage of approximately 96% and an alcohol sales percentage of approximately 4%.

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

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

The new manager, Mr. Pradhan, 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; and copies of all certifications shall be filed with the Town Clerk's office.

The Licensing Board also voted unanimously to approve Sunday service of alcohol subject to the following condition: total Sunday hours of operation shall not exceed 9:00 a.m. to 9:30 p.m. (Alcohol service shall not commence prior to 12 p.m. (noon).)

3. China Rainbow, Inc.
36 N. Beacon Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of China Rainbow, Inc. for approval of a change of manager of its premises at 36 N. Beacon Street licensed for all alcohol common victualler service.

Ricky Li, the proposed manager, appeared in support of the application. Mr. Li stated that he had worked for approximately two years, 2003 to 2005, at the Golden Temple restaurant in

Brookline, and had two years' experience as a bartender, waiter and manager at a restaurant in Newton. He expects to be on the premises approximately 40 hours per week.

The Health Department reported that the license holder must contact the department to update its current application record to reflect the change in manager.

Sergeant Grady stated that the Police Department had no objection to the 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, Mr. Li, 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; and copies of all certifications shall be filed with the Town Clerk's office.
2. All existing conditions of the license shall remain in place.
4. Kiz, LLC d/b/a
Kiz Garden
88 Litchfield Street
Brighton, MA 02135

The Watertown Licensing Board has continued its hearing on 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, 2013 to October 17, 2013, following a brief presentation by Eui Choi, manager, who had stated that with the recent sale of properties at the Arsenal Mall, the rights of the originally designated lessor of the proposed space had ended, and that no hearing notices had yet been sent to the listed abutters.

The continued hearing on this application will be held on November 21, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

5. Djano Kheremian
d/b/a Timeless Jewelry
100 Main Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Djano Kheremian d/b/a Timeless Jewelry for a secondhand dealer's license to be exercised at 100 Main Street.

The hearing had originally been scheduled for September 19, 2013. At that time, Mr. Kheremian appeared in support of the application. The Board acknowledged receipt of a report from the Police Department referencing a department report concerning the application. The Board voted to continue the matter in order for a member of the Police Department to be present for consideration of the application.

On October 17, Mr. Kheremian again appeared in support of the application. Mr. Kheremian explained that he was seeking the ability to buy antique items for cash. Gold acquired would be melted at a Massachusetts refinery and payment for its value would be received.

In response to questions from the Board, Mr. Kheremian stated that his procedures for acquiring items would include making a copy of the seller's identification, photographing the items and holding it for a period of time. If the item was not identified as stolen during the holding period, he would then be free to deal with it. He added he would do whatever the Police Department requested for processing of items, and stated that he would have to keep a log of items purchased for report to the Police. He further stated if the license were granted he would need to invest in the required technology and cameras.

Board member Whitney stated he worried about persons attempting to sell items they did not own.

Board chairman Doucette stated that, historically the Board had not granted licenses for the type of operation proposed, and that a license previously issued to a jeweler had been revoked following a violation of the license terms within 30 days after issuance.

Members of the public, who stated they were customers of Mr. Kheremian, spoke in favor of the application. They commented that approval of the license would help support a local business.

Sergeant Grady stated that the Police Department recommended denial of the application for the following reasons:

- (1) The Department does not believe that the purchase and resale of jewelry items is in the best interest of the Town.
- (2) This type of business would attract a certain clientele with criminal tendencies to the Town of Watertown.
- (3) The purchase and resale of jewelry items is a prime avenue for disposal of stolen property.

Sergeant Grady also commented regarding a July 20, 2011 police report, the date one day prior to the Board's hearing on Mr. Kheremian's previous application for a secondhand dealer's license. A female detective entered the jewelry store and offered a ring for sale. Mr. Kheremian weighed it and made a cash offer to purchase it. Sergeant Grady then entered the store and confronted Mr. Kheremian regarding the attempted purchase. That incident had led to the Police Department's recommendation for denial of the application.

Sergeant Grady added that regulating secondhand dealers is a major undertaking for the Police Department. The department receives weekly reports from several other communities regarding stolen items.

Mr. Kheremian responded that the incident in question had happened when his store had only been open for 30 days. He stated he did not know the rules at the time, and would not have violated them if he did. Board chairman Doucette responded that the restriction against dealing in secondhand goods was not just a local requirement but a state requirement. Persons holding or seeking a license must make the effort to know the applicable law.

The Licensing Board voted unanimously to deny the application.

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 Show Cause Hearing on October 17, 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 scheduled 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 a 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.

By its Notice of Action issued after the June 20 hearing and dated July 10, 2013, the Board informed Mr. Agostino Farese that it would expect additional information and details regarding the proposed transfer of the license and operation of a business at the premises at the September 19 status hearing. It also informed Mr. Farese that the Board would consider whether a Show Cause Hearing should be scheduled to consider any further action with respect to the license. When no one appeared on behalf of the licensee, the Board scheduled the Show Cause Hearing.

Mr. Farese appeared on behalf of the licensee. He apologized for the fact that no one had appeared at the September 19 hearing, and stated that another person was supposed to attend the hearing. He noted that it is his mother and brother who have charge over the business. Mr. Farese reported that he had a letter of intent regarding a proposal to purchase or operate the restaurant business, but that the person submitting the letter could not be present at the hearing. Board chairman Doucette read the letter into the record.

In response to questions from the Board Mr. Farese stated that he did not know if the prospective offeror would buy or lease the premises. Board chairman Doucette noted that the letter of intent gave no indication on that question.

Board chairman Doucette stated that in order for any renewal of the license to be approved for 2014 the business must be in operation, and that would be a requirement of the renewal form submitted to the Alcoholic Beverages Control Commission.

The Licensing Board voted to continue the matter to November 21, 2013, and directed that an application for a change of manager or for transfer of the license be submitted prior to that hearing date. The deadline for submitting the application is November 6.

The continued hearing will be held on November 21, 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 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 been continued from June 20, July 18, August 15 and September 19, 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 and October 4, 2013.

Attorney Paul Rufo appeared on behalf of the licensee together with Michael Moran, president, and presented a letter to the Board dated October 17, 2013. That letter described the licensee's efforts in finding a purchaser for the restaurant business, stated there have been discussions with three prospective purchasers who have expressed serious interest in the business. The licensee has received two verbal offers to purchase the license and the licensed premises. To date there has been no written purchase offer.

Attorney Rufo reported that annual reports to the Secretary of the Commonwealth for years 2010 to 2012 have been filed. He stated that the effort to compile records of food and beverage sales in order to complete the annual sales report required to be submitted to the Board under Section IV.C.1.b had been "shelved."

The Licensing Board voted to continue the matter to November 21, 2013.

The continued hearing will be held on November 21, 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 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 the 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 and September 19, 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 and October 4, 2013.

Attorney Paul Rufo appeared on behalf of the licensee together with Michael Moran, president, and presented a letter to the Board dated October 17, 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 two verbal offers to purchase the license and the licensed premises. To date there has been no written purchase offer. The licensee will be engaging a restaurant business broker to assist with the marketing of the business. Annual reports to the Secretary of the Commonwealth for years 2010 to 2012 have been filed and are available on the state website.

Attorney Rufo stated that the licensee recognizes that time is growing short and noted the statement in the letter that the licensee intends to file a license renewal application regardless of whether a sale has been arranged.

Board chairman Doucette noted she would not be able to sign the renewal application, for submittal to the Alcoholic Beverages Control Commission if the restaurant is not in operation, and Attorney Rufo responded that he understood that. Mr. Moran stated that the decision was made to engage a business broker and noted that he and his brother owned the business in equal shares so that it should be fairly easy to move forward when a purchaser is identified. In response to a question from chairman Doucette, Mr. Moran stated he would prefer not to have to re-open and operate the business because he would not be able to operate it at a level he would find appropriate.

The Licensing Board voted to continue the matter to November 21, 2013. Board chairman Doucette stated that the Board would expect to see evidence of a proposed sale or evidence that an actual offer for purchase had been made.

The continued hearing will be held on November 21, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.