



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 for MAY 8, 2012 SPECIAL MEETING

1. John & Kimberly Stathakis d/b/a Orchard Park Grill
208-210 Waverley Avenue
Show Cause

The Watertown Licensing Board held a show cause hearing, in accordance with the proceedings of the status hearing the Board held on March 15, 2012, to consider failure to comply with the statutory requirement to maintain workers' compensation insurance and failure to maintain alcohol liability insurance in connection with the operation of your premises at 208-210 Waverley Avenue licensed for all alcohol common victualler service and failure to submit evidence of all required insurance to the Board by March 21, 2012, as stated in the Notice of Action to you dated April 2, 2012.

John Stathakis appeared on behalf of the licensee.

The chairman of the Board read into the record the notice of hearing to the licensee dated April 23, 2012.

Licensing Board clerk Donna Gill reported that during the license renewal application period in November of 2011 the licensee had not submitted evidence of workers' compensation coverage, and that Mr. Stathakis had informed her he was changing insurance companies. In December, Mrs. Gill contacted the new company identified by the licensee, and was informed that a certificate would be sent to her. Not receiving any documentation, Mrs. Gill called the company again in January, 2012 and was informed that Mr. Stathakis had not followed through on obtaining a new policy. Thereafter, the Board scheduled a status hearing for February 16, 2012, which was continued to March 15, 2012 at the request of the licensee. At the March 15 hearing, the licensee was directed to submit evidence of all required insurance by March 21, 2012. The licensee failed to do so. At the March 15 status hearing, Mr. Stathakis had identified the Kirsch agency in Waltham as his new insurance agent; however, on April 24, 2012 the Kirsch agency sent a notice of cancellation of coverage.

Mr. Stathakis stated that the facts reported by Mrs. Gill were accurate. He explained that when he had delivered the renewal paperwork he did not have a declaration of coverage page, but knew that he had coverage. Mrs. Gill had called him about the coverage, but he could not locate the declaration page. He later applied to the Kirsch agency for new coverage, but his check for payment did not clear. However, he was informed by the Kirsch agency that because another of his policies had been cancelled the company to which Kirsch was applying for coverage would not be issuing a policy. Mr. Stathakis has now engaged a new insurance agent, Stephen Nally of Nally Insurance in Belmont. He represented that he could provide a declaration of coverage page for workers' compensation insurance by May 9 and a binder for alcohol liability insurance by May 10.

In response to questions from the Board, Mr. Stathakis stated that the effective date of the policy cancelled in April was to be April 10, 2012. Through November of 2011, the licensee had a policy through Guard Insurance, but it was cancelled for lack of payment. From January to the present date, coverage has not been in effect.

The Licensing Board unanimously found that the licensee had failed to submit evidence of the required insurance coverage and had violated the statutory requirements to maintain workers' compensation insurance and alcohol liability insurance, and unanimously voted to immediately suspend the all alcohol common victualler license until such time as the following requirements have been met:

1. submission of written, notarized verification, by an insurance agent, that workers' compensation insurance and alcohol liability insurance are in place for the business, including the period of coverage.
2. submission of a copy of a letter from the licensee to the insurance agent who provides the evidence of coverage, directing that notice of any cancellation or modification of the coverage be provided to the Licensing Board, together with proof of the agent's receipt of the letter.

Sgt. Grady stated that the premises would be closed on the evening of May 8, and that the Police Department would secure the license.

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

Donna B. Doucette, Chairman

7:25 PM to 7:58 PM