



Licensing Board
CITY OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472
TEL. (617) 972-6486
FAX (617) 972-6595

BOARD MEMBERS

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
JOHN LABADINI

ALTERNATE MEMBER
JIM TSEREKAS

MINUTES SEPTEMBER 15, 2022

ACCEPTANCE OF MINUTES: AUGUST 18, 2022 Approved 2-0

1. Special Licenses:

- **St. James Armenian Church** **Approved 3-0**
Special All Alcohol License – Wedding Event
465 Mt. Auburn Street, October 1 and 2

John Piranosian, the St. James facilities manager, appeared on behalf of the applicant. He explained that the rental party will be using the church's kitchen to prepare meals for the weekend. The estimated number of guests is 500 the first day and about 400 on the second day; this will be similar to an event held at the church last month. They are coordinating on the food service with the Health Department. Chair Doucette asked how cars for that many guests would be accommodated. Mr. Piranosian stated that, as for the event last month, staff walk around the area to make sure parking is compliant. He added that the rental party is aware of the situation, and that he believed a lot of people would be getting driven and dropped off for the events. Wristbands will be issued to confirm who is eligible to be served alcohol. The Health Department reported that any caterer must have a temporary food permit or a Watertown caterer's permit. Sgt. Swift reported that the Police Department had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board voted to grant the license, subject to the conditions requested by the Health and Police Departments. [This application was heard by members Doucette, Labadini, and Tsekrekas, as member Kasabian-Hoffman arrived shortly after the meeting started.]

- **St. James Armenian Church** **Approved 3-0**
Special All Alcohol License – Annual Bazaar and Festival
465 Mt. Auburn Street, October 14 and 15

John Piranosian, the St. James facilities manager, appeared on behalf of the applicant. Chair Doucette reviewed the elements of the application, noting an estimated attendees number of 999.

Mr. Piranosian explained that people would be coming in and out during the day, so it is not expected that the full attendance number will be present at any one time. He stated that the event will be publicized using on-line advertising; it has been held for many years. Tickets will mostly be sold on-site. The church will follow the same alcohol service procedure as for other events; wristbands will be issued to eligible purchasers after identification is checked. Mr. Piranosian stated that there typically is not much consumption of alcohol at the bazaar, and there will be only one service bar. The Health Department reported that a temporary food permit is required. Sgt. Swift reported that the Police Department had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board voted to grant the license, subject to the conditions requested by the Health and Police Departments.

- St. James Armenian Church Approved 3-0
Special All Alcohol License – Wedding Event
465 Mt. Auburn Street, October 22

John Piranosian, the St. James facilities manager, appeared on behalf of the applicant. Chair Doucette reviewed the elements of the application, noting an estimated attendees number of 300 and use of the on-site kitchen facilities for food service. Mr. Piranosian stated that he is present at events as a crowd manager, and that he will walk the parking lots and nearby streets to make sure there is no blocking of access by vehicles. The alcohol service procedure will be the same as for other events at the church; wristbands will be issued to eligible purchasers after identification is checked. The Health Department reported that a temporary food permit is required. Sgt. Swift reported that the Police Department had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board voted to grant the license, subject to the conditions requested by the Health and Police Departments.

- Arsenal Yards 130 Arsenal Yards Blvd Approved 3-0
One-Day Wine & Malt License, and Entertainment License
Fall Falladays Festival October 12 (rain date October 13)
October 26 (rain date October 27)

Jessica Reed, marketing director, appeared in support of the application. Chair Doucette reviewed the elements of the application, noting that service of alcohol would be by Cocktails, LLC. Ms. Reed stated that the event would include decorations and displays in the River Green area. October 12 is a kick-off day; the festival event was held last year and was successful. It will feature apple cider donuts and other fall foods, and an addition for this year is a concluding event on October 26, a talent show. Arsenal Yards is partnering with the Watertown Community Foundation, and there will be a local panel of judges. The talent show will be a ticketed event with a maximum of 200 persons, and tickets will be sold in advance. A fence will be placed around the area for the event. A hand stamp will be given to patrons after identification is checked for approval of alcohol service. Food will be served by Roche Brothers, which will obtain a temporary food permit. For the entertainment, there will be a live band on October 12, performing on the River Green, though the band is not yet confirmed. On October 26, the entertainment is the talent show, and the anticipated presentations will be musicians, small

groups and solo acts. Advertising for the event will start next week, and there will be 10 to 12 'acts' for the 2-hour show. The Health Department reported that a temporary food permit is required if food is served. Sgt. Swift reported that the Police Department had no objection to the granting of the licenses requested, subject to the conditions in the department's written reports. The Board voted to grant the licenses, subject to the conditions requested by the Health and Police Departments.

- Watertown Boys & Girls Club 25 Whites Ave Approved 3-0
**One Day all Alcohol License, Beer Garden for Faire in the Square
September 24**

Dan McCarthy appeared on behalf of the applicant. Chair Doucette reviewed the elements of the application. Mr. McCarthy stated that this would be the third year for the beer garden at the annual Faire in the Square celebration. The average number of patrons is expected to be about 300 persons during the hours of operation, which is only a small fraction of overall Faire attendees. Check-in and sale of tickets will be handled by Donohue's Restaurant. There will be one security person to check id's and issue wristbands, and three TIPS certified bartenders. Barricades will be placed around the beer garden area. Two persons will be stationed at the entrance, a club representative selling tickets and a security person checking id's. Board member Kasabian-Hoffman asked about arrangements for persons under 21, and Mr. McCarthy stated that in the past the club has allowed parents with young children, usually in a stroller, to enter the garden area. The Health Department reported no objection to the license requested. Sgt. Swift reported that the Police Department had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board voted to grant the license, subject to the conditions requested by the Police Department.

Board member Labadini recused himself from participation on this matter, noting that he was a member of the club's board of directors, and member Tsekrekas heard and voted on the application.

2. Taha Grill, Inc. Approved 3-0
d/b/a Jana Grill
2 Watertown Street
Entertainment License
3. RGM Group LLC Continued to
d/b/a Watertown Convenience October 20, 2022
113 Mt. Auburn Street
Wine and Malt Package Goods Store License
4. Condesa Watertown, LLC Approved 3-0
d/b/a Condesa Restaurant
80 Arsenal Yards Boulevard
Entertainment License

5. Zarkadas Fitzgerald, Inc. 1-Day License Suspension Imposed 3-0
d/b/a Fitz's Bar & Grille
451 Main Street
Show Cause Hearing

6. China Rainbow, Inc. 2-Day License Suspension Imposed 3-0
d/b/a China Rainbow
36 North Beacon Street
Show Cause Hearing

7. Comments by Board Clerk and Police Department

Member Labadini reported on a function at Branch Line restaurant where the host was told by the restaurant that there would be a \$25 charge for persons not attending, and asked if this presented any issues for the Board. David Doneski, of City Attorney KP Law, stated that he did not see that issue as within the purview of the Board, though there may be an applicable state regulation.

Regarding Sunday alcohol service hours for restaurants, Noelle Gilligan noted that some establishments have been serving before noon, per the approval action of the City Council and the Board, but without formal amendment to their license document. Chair Doucette stated that the notice to restaurants on Sunday hours should include a statement that they need to get their physical licenses changed to reflect earlier Sunday service hours.

Regarding public notice requirements for application hearings, Attorney Doneski stated he would prepare a possible amendment to the Board's regulations for review at the next Board meeting, but that where publication is required that typically means newspaper publication. Noelle Gilligan stated that the Watertown TAB has an on-line version, and she noted the price difference for an ad between the Wicked Local on-line platform, \$31, and the Boston Globe - \$380. Chair Doucette commented that she would want to have notice in a place where people will see it. Ms. Gilligan stated that notices can also be posted outside the City Clerk's office.

Chair Doucette requested a status hearing notice to Bar Cino on its alcohol license, for the October meeting.

Start: 7:19PM
End: 10:33PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian-Hoffman, John Labadini, Jim Tsekrekas
Also Present: Head Clerk, City Clerk's Office - Noelle Gilligan, Watertown Police Sgt. Ken Swift, Attorney David Doneski

Taha Grill, Inc.
d/b/a Jana Grill
2 Watertown Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Taha Grill, Inc. d/b/a Jana Grill for a Six-Day Entertainment License to be exercised at 2 Watertown Street in connection with operation of the Jana Grill restaurant.

Suren Keryan, president, appeared in support of the application.

Mr. Keryan reported that there was a fire at the premises last year and rebuilding was required. He stated that there is a goal of more service to the restaurant's customers and the neighborhood, noting that it offers the only charcoal grill in New England. He anticipates different types of music, such as a jazz night or saxophone night offering, or Armenian music. Mr. Keryan stated that the music is expected to attract customers. The plan is for only one or two musicians because it is a small space, but the application is to allow for three. Anticipated hours would be between 7:00 p.m. to 11:00 p.m., with a 2-hour set of music. He is planning two or three different types of offerings: saxophone, Armenian and/or Georgian music, and different ethnic music on Saturdays. When music is offered a few seats will be out of use. Mr. Keryan noted that the restaurant has its own in-house audio system, so musicians will not need to bring in their own equipment. He added that the current restaurant license hours include a closing time of 11:00 p.m. Sunday -Thursday and midnight on Friday and Saturday, but that closing time is usually at 9:00 p.m. and 10:00 p.m. for those nights.

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

After hearing, the Licensing Board voted unanimously to grant the requested entertainment license, subject to the following conditions:

1. The number of musicians shall be limited to three, one of which may be a singer
2. Instruments shall be limited to a piano, string and reed.
3. The space to be used for entertainment shall be limited to the area shown on the plan submitted (annotated copy of floor plan entitled "Proposed First Floor Layout").
4. No dancing shall be allowed.
5. The hours of exercise shall be Monday through Thursday, 6:00 p.m. to 11:00 p.m., and Friday and Saturday 6:00 p.m. to 12:00 a.m. (midnight).
6. A full-service menu and kitchen hours must be maintained when entertainment is offered.

7. The restaurant seating shall decrease by eight persons during hours entertainment is offered.

RGM Group LLC
d/b/a Watertown Convenience
119 - 121 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of RGM Group LLC d/b/a Watertown Convenience for a Wine and Malt Package Goods Store License to be exercised at 113 Mt. Auburn Street.

Attorney Stuart Alford appeared in support of the application, together with Rafek Hanna, a manager of the LLC.

Chair Doucette noted that churches and a school were included in the list of abutters who were given notice of the application.

Attorney Alford stated that Mr. Hanna and his wife, Sally Sidhom, are each 50% owners of the LLC. It has a 5-year lease for the subject property, with two 5-year renewal options. They expect to open the business between October 15 and 30. They do anticipate that having the license will attract customers to the store, and will provide a convenience to the neighborhood. Sally Sidhom explained that she had a check-cashing business with her brother at the proposed location, but that he has died so she will no longer continue that business. She stated that they are looking to use the space for the alternative operation of a convenience store.

David Um, pastor of Antioch Baptist Church, which meets at 111 Mt. Auburn Street (the address of Redeemer Fellowship Church), stated that he hoped the store did not open. He stated that he did not think it was a good influence for the neighborhood, that children are present there a lot, and that he was concerned about potential disruptive or poorly behaved customers.

David Doneski, of City Attorney KP Law, referred to the requirements of Chapter 138 of the General Laws regarding a church or school in proximity to a proposed site for exercise of an alcohol license, noting that section 16C provides that except for parts of buildings that are ten or more floors above street level, premises within a 500 foot radius of a school or church shall not be licensed unless the local licensing authority determines in writing that the premises “are not detrimental to the educational and spiritual activities” of the school or church. Section 15A requires a written objection by a church in order to prevent the issuance of a license under section 16C.

A resident, Zoe Doucette (not related to the chair), asked how much of the store would be dedicated to alcohol and how much to other items. She stated she was concerned about deliveries and parking, and noted there was a break-in last year.

Ms. Sidhom responded that the break-in was at the laundromat business, not the premises in question. She stated that the premises were a secure location, and she has operated there for 32 years. She added that she did not anticipate more traffic than for the check-cashing business, and that business was able to accommodate customers with curbside parking. She stated the store would have deliveries once a week, with the truck at the front of the store.

Zoe Doucette stated that the back door of the building opens to her driveway. She reported that last summer she drove in to find police officers there because of the break-in. She stated she was concerned that people get more hot headed when alcohol is involved. Ms. Doucette noted there are two alcohol stores within 500 steps of the proposed business, or .2 miles, stating that she had counted the steps earlier in the day. She added that a convenience store is good, but she would prefer no alcohol sales.

Ms. Sidhom stated that the alcohol product area would be about 50% of the store, and that the rear door would only be used as an emergency exit.

Board member Labadini asked if there was any projection of sales, and Attorney Alford responded that there was no way to measure that.

Another resident, Yelun Qin, a neighbor of Zoe Doucette, commented that there are two alcohol stores within a 5 minute walking distance of the proposed location and they have parking areas.

Attorney Alford stated that comments regarding the character of convenience store customers are not a sound objection to the application. He noted that there is no seating in the store and would be no drinking on the premises. He added that there is a distinction between beer and wine and liquor, and that no hard liquor would be stored or sold at the premises. There would be no deliveries at the rear of the building. He commented that the prior break-in incident was unfortunate, but such things do occur, and in this instance it is anecdotal information at best. He stated he would object to any written objection at the hearing without allowing the applicant to prepare an appropriate response, commenting that the Board could take Rev. Um's statements, but that he would object to the Board receiving a written objection.

Chair Doucette stated that the Board long had a policy of not having an alcohol store within a mile of another one, but has more recently followed a half-mile rule of thumb. She noted that the requirement of "need" in the statute is a subjective one. She commented that the proposed hours of operation are 8:00 a.m. to 8:00 p.m., Monday to Saturday, but church services are on Sunday so direct exposure of a congregation to the sale of alcohol would not be as great as it would be if sales were made on Sunday. Chair Doucette also noted her understanding of the tradition of Baptist communities against alcohol. She stated that she would like to continue the hearing to the Board's next meeting to take account of the legal issues raised and be able to make a ruling addressing the applicant and the concerns of the church. Board member Kasabian-Hoffman stated she would like more time as well; and member Labadini stated he had heard enough to decide on the application.

Attorney Alford responded that he would prefer a continuance to a denial. He stated that the proximity issue is different for liquor than for beer and wine. He commented that a parent shopping with minor children cannot bring them into a liquor store, but can bring them into a convenience store. He added that beer and wine have been judged differently from hard liquor legally. With respect to the statute, he noted that churches may make a written objection, but that is not a veto stamp; the licensing authority must make a decision regarding impact of the proposed business. He also stated that Reverend Um's objection was based on a religious tradition that prohibits the items the applicant intends to sell. He repeated that the store would not be selling on Sunday and there would be no consumption on the premises. Attorney Alford also stated that notice of the application was given to abutters as required, and with a continuance those who are objecting, such as Reverend Um, would have the opportunity to find others and, now being aware of the written objection requirement, would have an unfair advantage. He stated a continuance would prejudice the applicant.

Chair Doucette replied that any prejudice to the applicant would depend on the ability of the Board to make a decision for the good of the community and the applicant, and that a delay would help the Board to address a balance between issues of church and state and religious beliefs not everyone holds, and would help the Board to be more comfortable with a decision.

Attorney Alford stated he did not want an uncomfortable board, and so would request a continuance.

Chair Doucette stated that the Board could receive objections or letters of support, and would like to receive those two weeks in advance of the meeting.

The Board unanimously voted to continue the hearing to the October 20 Board meeting.

Condesa Watertown, LLC
d/b/a Condesa Restaurant and Tequila Bar
80 Arsenal Yards Boulevard
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Condesa Watertown, LLC d/b/a Condesa Restaurant and Tequila Bar for a Six-Day Entertainment License to be exercised at 80 Arsenal Yards Boulevard in connection with operation of the Condesa Restaurant.

Roberto Leon, manager of the LLC, and an associate appeared in support of the application.

Roberto Leon stated that the anticipated program is live music for special events, once a month. His associate noted that a mix of different styles is planned, such as mariachi and light music. He stated that the music would not be loud, with the expectation of having one guitar, or a DJ.

Chair Doucette responded that the restaurant is already piping music to the area outside its building, loud music. Mr. Leon stated that he is not intending to have loud music. Board member Kasabian-Hoffman asked if there have been any objections to the current outdoor music, noting her main concern for the adjacent apartments. Mr. Leon replied, no. Chair Doucette asked if the restaurant is sound proof, and Mr. Leon stated yes.

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

After hearing, the Licensing Board voted unanimously to grant the requested entertainment license, subject to the following conditions:

1. The hours of exercise shall be Monday through Saturday, 6:00 p.m. to 9:00 p.m.
2. The number of musicians shall be limited to three, one of which may be a singer
3. Neither the band nor patrons shall impede the entrance or exits of the restaurant.
4. The space to be used for entertainment shall be limited to the area shown on the plan submitted (annotated copy of floor plan labeled "Condesa Watertown").
5. Music volume must be kept at a reasonable and unobtrusive level.
6. A full-service menu must be available during hours of entertainment.

Zarkadas/Fitzgerald, Inc.
d/b/a Fit-Z's
451-453 Main Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on a complaint of the Watertown Police Department alleging a violation of G.L. c.138 (the Liquor Control Act) on July 22, 2022 at your premises located at 160-168 Belmont Street licensed for all alcohol common victualer service, to wit: sale or delivery of an alcoholic beverage to an intoxicated person, in violation of M.G.L. c. 138, § 69; and improper management, in violation of M.G.L. c.138, § 23 in allowing such over service of an alcoholic beverage.

James Fitzgerald, the treasurer and a director of the corporation, appeared on behalf of the licensee.

Sgt. Swift summarized the contents of Watertown Police Department reports for events of July 22, 2022. At approximately 7:00 p.m., officers responded to a report of a fight at Primo's barber shop, at 449 Main Street, and there was a large crowd at the adjacent address of 445 Main Street. The officers learned that the altercation began shortly before, at Fitz's. Upon questioning, the officers learned that two men had entered Fitz's before 7:00 p.m. Another

patron, who was there with a group, began to tease one of the men about his shirt. After an exchange of words the patron slapped that man on the face. The man then pushed the patron away and the two men ran out of the premises. The group gave chase and an encounter ensued, with the man who had been slapped punching in the face the patron who had slapped him. Neither of the men who were chased appeared to be under the influence of alcohol. The father of the patron, who was part of the group, had to be held back from charging at the man who had been slapped. Observations of the patron included bloodshot eyes, unsteady on his feet, having an odor of an alcoholic beverage, and blood on his clothing and person. He refused to provide a statement to the officers. Observations of the father included slightly slurred speech, unsteady on his feet, and having the smell of an alcoholic beverage on his breath. Officers transported both the father and the son home. The bartender on duty, Andrew Allegro, told officers he had not seen what precipitated the event, but did see some pushing and shoving near the back wall and people leaving the premises in a hurry. He stated that the father and son had arrived between 2:30 and 3:00 p.m., and he provided officers with a copy of their shared tab. It was for: 3 Michelob Ultra, 1 Miller Light bottle, 6 Bud Lites, 3 vodka shots and 1 Guinness. Mr. Allegro stated that the father and son and many of the patrons would order drinks for themselves and buy rounds for other guests, which made it hard to track who was drinking what. He also stated that the father and son did not consume any food while at the premises. A responding officer's report included his opinion that the father and son were under the influence of alcohol. An off-duty Watertown police officer was at the premises when the incident began and he later told the responding officers he had tried to de-escalate the situation and corroborated the descriptions provided at the scene.

Sgt. Swift also read from his own investigation report. On July 24, he spoke with Mr. Allegro, who described slow business on Fridays in the summer. However, a group of about 30 persons that had been at a golf tournament arrived at about 3:00 p.m., unexpectedly. Mr. Allegro notified Mr. Fitzgerald and Mr. Zarkadas, who were out of town, of the situation but they were unable to get additional staff to come in to work. He stated that the patron in question began making fun of the shirt worn by one of the two men who had entered the premises, and that the patron slapped the man on the face. Mr. Allegro asked both of them to leave. Outside the premises the patron had attempted to start a fight, but was punched in the face. Mr. Allegro did not see the fight, but he shut down the premises for the evening shortly after the incident. He reported that the patron and his father had consumed 11 beers and 3 vodka shots in the approximately 4 hours they were at the premises. Mr. Allegro is TIPS certified and has no prior incidents as a bartender. Sgt. Swift also spoke to Mr. Zarkadas, who confirmed that Mr. Allegro had called him on the day in question and that they discussed the larger than expected number of customers, but that Mr. Allegro felt he could handle the situation. Per the Town Clerk's records, the last reported violation at Fitz's was on February 24, 2011, for sale of alcohol to a minor.

Mr. Fitzgerald stated that Mr. Zarkadas had undergone surgery earlier in the day and was unable to attend the hearing. Mr. Fitzgerald stated he was at the premises until about 3:15 p.m. on the day of the incident, that he had been told that the golf group was not coming, and that he would have stayed if he had known the group was going to be there. He offered that it was his mistake, but added that he was not on vacation and that he and Mr. Zarkadas would never take vacation at the same time. He explained that Fitz's is a neighborhood bar and grill, and previously had a small infraction during a sting operation. He noted that the father in question is

his next door neighbor, and that he coached the son in basketball. He stated that the father had tried to apologize to him for the incident and that Mr. Fitzgerald responded that both men were too old for this type of incident to happen, being 62 and 41. He explained that there were six people on the tab of drinks that was described, and stated that Mr. Allegro is his best bartender. He added that things seemed fine when he left in the afternoon, but would take responsibility. Mr. Fitzgerald concluded by stating that Fitz's has been a huge supporter of the community, it made a mistake and was asking for some leniency.

Chair Doucette commented that the police reports state that the bartender reported there was a tab and sharing of drinks by some of the group in question, so it was not possible to know exactly what the father and son had consumed. Member Labadini commented that the patrons may have been drinking at the golf tourney, and Mr. Fitzgerald responded that he did not know. Chair Doucette stated her view that it would be a reasonable assumption, making the service of alcohol an issue. Sgt. Swift stated that the licensee had been extremely cooperative during the investigation.

Chair Doucette stated that given a record of no violations since 2011 and that there were circumstances the bartender and owners could not have foreseen, she would recommend only a 1-day suspension, to be served on a Friday, even though the 'rule of thumb' for the Board is a 2-day suspension for each violation. She commented that in her estimation a 4-day suspension would not serve a desirable purpose, and that there is already a deterrent effect.

After hearing, the Licensing Board unanimously found that the violations as alleged had occurred, and unanimously voted to impose a one-day license suspension. The Board offered the licensee the opportunity to choose the date the suspension would be served, a date within six weeks of the hearing date, if the licensee chose to waive its right of appeal to the Alcoholic Beverages Control Commission. Mr. Fitzgerald stated that he would waive the right to appeal, but that he needed to consult with the president of the corporation, Demetrios Zarkadas, regarding the date the suspension would be served and would then notify the Board.

China Rainbow, Inc. d/b/a
China Rainbow
36-38 North Beacon Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on a complaint of the Watertown Police Department alleging a violation of G.L. c.138 (the Liquor Control Act) on August 11, 2022 at your premises located at 36 – 38 North Beacon Street licensed for all alcohol common victualer service, to wit: sale or delivery of an alcoholic beverage to an intoxicated person, in violation of M.G.L. c. 138, § 69; and improper management, in violation of M.G.L. c.138, § 23 by: not supervising a bartender, which lead to over service of an alcoholic beverage, and not properly maintaining an alcohol awareness program certification.

Tammy Young, appeared on behalf of the licensee.

Sgt. Swift summarized the contents of Watertown Police Department reports for events of August 11, 2022. Officers were dispatched to the premises at 11:10 p.m. on the report of an intoxicated person. They spoke to the patron in question, who said he had consumed a couple of drinks, but was not specific about what he had ordered. He was not observed to be unsteady on his feet or displaying other signs of intoxication. The bartender on duty, Koon Hung Lai, was questioned and reported that the patron arrived at approximately 9:00 p.m. and appeared sober. The patron consumed 4 Mai Tais, and ordered a fifth drink that was not fully consumed; he remained at the bar during the approximately two-hour time frame, and then got up to go outside to smoke a cigarette. When he stood up he appeared unsteady on his feet, and when he returned to his seat he had a sip of the fifth drink. At that point, the bartender took the drink away because he felt the patron was intoxicated, and he also took away his car keys and called the police. Mr. Hung Lai stated that the patron displayed no signs of intoxication prior to getting up from his seat. His receipt showed five drinks and no food. An officer transported the patron to his home.

Sgt. Swift also read from his own investigation report. Since the patron was quickly transported to his home after officers arrived, the patron was not given a field sobriety test or portable breath test. Sgt. Swift spoke with Mr. Hung Lai, who stated he has worked at China Rainbow for over 20 years, but that he had allowed his TIPS certification to expire at some time in the 1980's. On the night in question, he was the only 'front of house' employee. He stated that after the patron had been at the bar about one and a half hours he got loud and began to approach and bother a female customer. Mr. Hung Lai asked the patron to stop, but the patron got upset and began to yell. Mr. Hung Lai asked him to leave, but took his keys away because he had determined that the patron was intoxicated. He offered to drive the patron home, and when the patron refused to leave Mr. Hung Lai called the police.

Ms. Young stated that she had been sick on the day in question, so could not work the whole day and left the restaurant at about 9:00 p.m. She did not know what had happened until the next day. She stated that Mr. Hung Lai apologized to her, and told her that he had asked the patron for his car keys and the patron refused his offer of a ride home, so he felt he had to call the police.

Board member Kasabian-Hoffman asked Ms. Young if she had been aware that Mr. Hung Lai had no TIPS certification. She responded that she normally tends the bar until closing time. She stated he is well qualified, and she has known him for years, but that he had some serious illnesses over a period of years. Ms. Young explained that he has helped her out when she asks him to work, not every night. She stated that she is TIPS certified.

Chair Doucette commented that if the bartender judged the patron to be intoxicated, that makes a point. She stated there was improper management because the bartender did not have TIPS certification, and that Ms. Young, knowing that Mr. Hung Lai was not certified, also had an improper management issue. Chair Doucette added that there is a problem because the management structure is not strict enough to ensure proper service.

After hearing, the Licensing Board found by a vote of 2 – 1 (Member Labadini not in agreement) that there had been a sale to an intoxicated person; and unanimously found that there

had been improper management. The Board unanimously voted to impose a two-day license suspension. The Board offered the licensee the opportunity to choose the dates the suspension would be served, one of which would have to be the same day of the week as the day of the violation, if the licensee chose to waive its right of appeal to the Alcoholic Beverages Control Commission. Ms. Young stated that she would waive the right to appeal, and selected September 21 and 22, 2022 as the suspension dates.