

## TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Wednesday, November 18, 2009, in the G.A.R. Room at City Hall. Present were Chairman James E. Holmgren; Commissioners Edward F. Cotter, Paul D. Sullivan, Joseph P. Kelley and Bruce G. Dansby. Also present were License Agent Lieut. John Crowley and Administrative Assistant Bonnie Tucker.

1. Approval of the following police officers as license agents for the month of December, 2009: Lieuts. John Crowley, Thomas LaFratta, John Flynn, William Barry and Brian Leary; Sgt. Paul Bonanca; Dets. Michael Schaaf, Erik Hilliard, John Lonergan, Sanford Gurney, James Smith, Dominic Persampieri and Ernie Bell; and Officers Scott Uhlman, and William Healy.

A motion was made by Commissioner Sullivan to approve the police officers as listed as license agents for the month of December, 2009. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

2. Requests for Special One-day Permits:

- (a) **Wine and Malt Beverages** – Temple Beth Emunah – Stuart Kirsch, Manager, for a Las Vegas Night function to be held at 479 Torrey Street on Saturday, November 21, 2009, from 7:00 p.m. to 12:00 midnight.

Present was Stuart Kirsch, 99 Fuller Street, Middleboro, who stated the Temple is holding a poker tournament and casino night on this coming Saturday and would like to serve wine and beer. There will be a police officer on duty and Mr. Kirsch stated they are familiar with the gambling laws.

A motion was made by Commissioner Cotter to approve the permit which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

3. Hearing on the request from Belle Epoque Foods, LLC for a Common Victualer license at 793 Crescent Street.

Present was Carolle Devais, 42 Althea Road, Randolph and Djenann Devaris of the same address.

The applicants stated they would like to open a café at 793 Crescent Street. Hours will be from 10:00 a.m. to 11:00 p.m.

Paperwork is in order with the exception of the department inspection approvals.

A motion was made by Commissioner Kelley to approve the license pending receipt of the inspection approvals. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

4. Hearing on the request from Bertucci's Restaurant Corp. dba Bertucci's Brick Oven Restorante – 1285 Belmont Street, to transfer stock.

This matter was heard at the end of the meeting.

Representing Bertucci's was Attorney Greg Demakis, 56 Central Avenue, Lynn, who stated that there are 95 Bertucci restaurants throughout the country with 42 locations in Massachusetts. They are transferring stock at the grandparent level. He indicated that some of the creditors are owed money and what they have done is taking 90 percent of the stock in exchange for the debt. At the present time there is no change in officers or directors, this will take place at a later time. It will be the same operation. Attorney Demakis stated that because of the volume of locations and the nature of the transaction, they went to the ABCC initially for the approval and each of the cities and towns are required to act on the request.

A motion was made by Commissioner Dansby to approve the request which motion was seconded by Commissioner Kelley. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Chang Feng Restaurant, Inc. – Alphonse Dao, Manager, to transfer the Wine and Malt Restaurant license at 379 Belmont Street to Beijing Kitchen, Inc. – Keith Trieu, Manager.

Present were Alphonse Dao, 135 Dow Avenue, Arlington and Kathy Leung, 65 Howland Road, Stoughton.

Mr. Dao stated he is requesting to transfer his licenses to Ms. Leung and Mr. Trieu. He stated he has been in operation at this location for 25 years.

Paperwork is in order with the exception of the department inspection approvals.

A motion was made by Commissioner Kelley to approve the transfer pending inspection approvals. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

6. Hearing on the request from the Naked Chicken, LLC dba The Naked Chicken Restaurant – Evelyn Knight, Manager, 532B North Quincy Street, for an All Alcoholic Restaurant license. (Currently licensed to sell beer and wine at this location.)

Present was Evelyn Knight, 524 North Cary Street, who stated they are requesting a license to sell all alcoholic beverages in their 40 seat restaurant. Hours of operation are from 5 a.m. to 10 p.m. The Adm. Asst. reminded everyone that the hours on a liquor license cannot be restricted between 11 a.m. and 11 p.m.

The Chairman asked if there was anyone present wishing to be heard and no one came forward.

A motion was made by Commissioner Cotter to approve the license pending the department inspection approvals which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

7. Hearing on the request from Harry Corey to transfer the Lodging House license at 164 Belmont Street to Yanick Boursiquot dba Casimer Residence.

Present were Attorney Dan Kelman, 258 Main Street, Buzzards Bay and his client, Harry Corey, 601 Wareham Street, Middleboro. Also present was Yanick Boursiquot, 162 West 33<sup>rd</sup> Street, Bayonne, NJ.

Paperwork being in order with the exception of the department inspection approvals, a motion was made by Commissioner Sullivan to approve the transfer of the license pending receipt of the approvals. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Harry Corey to transfer the Lodging House license at 168 Belmont Street to Yanick Boursiquot dba Casimer Residence.

(Refer to agenda item number 7)

A motion was made by Commissioner Sullivan to approve the transfer pending receipt of the department inspection approvals. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

9. Hearing on the request from Wilson Kin Ting Lee and Robert Huk Kwan dba Chang Chun Restaurant to transfer the All Alcoholic Restaurant license at 776 Centre Street to Lee-Fai, Inc. dba Chang Chun Restaurant.

Present were Attorney Jon Aieta, 18 Russell Park, Quincy and Wilson Kin Ting Lee, 7 Rita Road, Braintree.

Attorney Aieta stated that this is a transfer of the license from the partnership to a corporation. Mr. Kwan will no longer be involved and Mr. Lee will be named as the manager. There will be no change in the day to day operation and no change in hours of operation.

A motion was made by Commissioner Cotter to approve the transfer which motion was seconded by Commissioner Kelley. All members voting in the affirmative, the motion carried.

10. Hearing on the request from No. 1 Buffet Hong Kong, Inc. – Jessica Qin Chan, Manager, 861-863 Belmont Street, to transfer the All Alcoholic Restaurant license to City Buffet, Inc. – Kei Di Zhang, Manager.

City Buffet, Inc. makes application for an Entertainment license for Disc Jockey and Karaoke on Thursday through Saturday from 5:00 p.m. to 11:00 p.m. and Televisions and Radios from 11:00 a.m. to 10:30 p.m. on Monday through Wednesday (Sunday – 12 noon to 10:30 p.m.) and from 11 a.m. to 11:00 p.m. on Thursday through Saturday.

Present was Attorney Stephen Wainwright, 839 Washington Street, North Easton and his client Ken Zhi Zhang. Attorney Wainwright stated he also represents Mr. Zhang's father, Kei Di Zhang, 3 Sycamore Lane, West Bridgewater.

Attorney Wainwright stated this is a transfer of the license from Ken Zhang to his father.

Attorney Wainwright stated they are in the process of getting the required inspections.

The Adm. Asst. reviewed that there had been a change in officers some time ago from Zhi Eric Zhang to Zhi Ken Zhang. Attorney Wainwright has submitted an affidavit which will be forwarded to the ABCC.

In response to questions from the Chairman, Mr. Zhang stated his father has managed a restaurant in Boston for 4 or 5 years.

It was then reviewed that they have never been licensed for live entertainment in the forms of karaoke and disc jockey.

A motion was made by Commissioner Cotter to approve the change in officers which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Cotter to approve the transfer of the license. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

After discussion, a motion was made by Commissioner Kelley to approve entertainment for Disc Jockey and Karaoke on Thursday through Saturday from 5:00 p.m. to 11:00 p.m. and Televisions and Radios from 11:00 a.m. to 10:30 p.m. on Monday through Wednesday (Sunday – 12 noon to 10:30 p.m.) and from 11 a.m. to 11:00 p.m. on Thursday through Saturday. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

11. Hearing (postponed from meeting of August 19, 2009) on the charge brought by the local police against Luigi's V, Inc. dba Gigi's Pub – Samuel C. Sergio, Manager, 189-195 Crescent Street, of an alleged violation of M.G.L. Chapter 138,

Section 34, to wit: “. . . whoever makes a sale or delivery of any such beverages to any person under twenty-one years of age, either for his or her own use”, on May 17, 2009 at approximately 7:15 p.m.

Present was Samuel Sergio, 170 Rockland Drive.

Chairman Holmgren advised Mr. Sergio that Det. Congdon would not be present until 6:30 p.m. and that they would wait or go forward if he wished. Mr. Sergio admitted to the finding and stated the bartender who made the sale has been released.

A motion was made by Commissioner Cotter to find the licensee guilty. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Sullivan to place a letter of warning in the file. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

### 13. Communications

Communications had been distributed to the members and were reviewed at the meeting.

Hearings will be scheduled on reports submitted by Officer Uhlman regarding alleged violations at Gloria's Auto Imports, M & T Auto Sales, CV Auto Sales, Trim Line South Shore and Bay State Motors. Lieut. Crowley agreed that they should all be brought in.

A letter from the Campello Business Association regarding Bar Dino's was reviewed. Chairman Holmgren indicated that Lieut. Crowley had done an investigation and found no liquor violations. Chairman Holmgren indicated he was quite shocked when he read the letter and suggested that Lieut. Crowley perhaps interview the directors of the Campello Business Association to ascertain whether they have information the Commission is not privy to.

### 14. Any other business to properly come before the Commission

- (a) B.A.M.N., LLC dba Progressions – Request to change dba to NFuzion

Paperwork being in order the Commission signed the Form 43 which will be sent to the ABCC.

The Commission will meet again on December 9 and 29, 2009.

The Chairman reviewed that a letter from the District Attorneys Office was received requesting the postponement of the hearing on Progressions due to a murder investigation.

A motion was made by Commissioner Cotter to adjourn the meeting. The motion was seconded by Commissioner Kelley. All members voting in the affirmative, the meeting was adjourned.

Respectfully submitted,

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James E. Holmgren  
Chairman

APPROVED:

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Edward F. Cotter, Commissioner

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Joseph P. Kelley, Commissioner

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Paul D. Sullivan, Commissioner

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Bruce G. Dansby, Commissioner