



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
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Watertown, Massachusetts 02472

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BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

MINUTES February 21, 2013

1. ACCEPTANCE OF MINUTES: January 17, 2013 Approved 3-0

2. AMG Motor Group, Inc. d/b/a AMG Motor Group
71 Rosedale Road
 a. New Auto Repair License Withdrawn
 b. New Class II Auto Dealer License

3. Arsenal MW, Inc. d/b/a Master Wok
485 Arsenal Street F03
New Common Victualler Approved 3-0

4. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
 a. Show Cause Continued to August 15, 2013
 b. Status Hearing Continued to July 18, 2013

5. Burnham-Manning Post #1105
VFW of US Inc.
295 Arsenal Street
Show Cause 1-day Suspension Feb. 24, 2013

6. Comments by Board Clerk and Police Department

7:25 PM – 8:45 PM

Donna B. Doucette, Chairman

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

1. ACCEPTANCE OF MINUTES: January 17, 2013 Approved 3-0

2. AMG Motor Group LLC, Inc.
d/b/a AMG Motor Group
71 Rosedale Road
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of AMG Motor Group LLC, Inc. d/b/a AMG Motor Group for a motor vehicle repair license and a Class II Used Auto Dealer license to be exercised at 71 Rosedale Road. The Board acknowledged receipt of correspondence from the applicant stating its intent to withdraw the application. The Licensing Board voted unanimously to grant leave to withdraw the application.

3. Arsenal MW, Inc.
d/b/a Master Wok
485 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Arsenal MW, Inc. d/b/a Master Wok for a common victualler license to be exercised at 485 Arsenal Street, space F03 in the Arsenal Mall.

Qui Lu, manager, appeared in support of the application. Ms. Lu stated that she would serve as a full-time on-premises manager. She has 20 years experience in the food service industry. Her brother, George, will assist in the operation of the business and will be on the premises occasionally, as needed.

The Building Department reported no exceptions to the application.

The Health Department had no comment.

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

The Licensing Board voted unanimously to grant the requested license, subject to the following conditions:

1. The hours of operation shall be 10:00 a.m. to 10:00 p.m., Monday through Saturday.
2. Seating shall be limited to the area defined by the food court within the mall.
3. There shall be no alcoholic beverages on the licensed premises.

4. MJLK, Inc.
d/b/a 21 Nickels

21 Nichols Avenue
Watertown, MA 02472

Michael Moran, president, appeared on behalf of the licensee and stated that the licensee was proposing to close the licensed premises for a period of up to six months. Mr. Moran stated that the restaurant has been closed since February 1, 2013. He stated that it had been the owners' intent to bring in new management to revamp the restaurant operations, but it has now been decided that the better course is to close the restaurant and explore a sale of the business. Mr. Moran noted that the licensee owns the subject property, which is expected to make a sale of the business easier to accomplish.

Board chairman Doucette stated that if the restaurant has not recommenced operation or there has been no transfer by the time of the annual license renewal period in November, it would be unlikely that the Licensing Board would renew the license.

The Licensing Board determined that the show cause hearing would be continued until such time as the licensee has recommenced operation of the business.

The Watertown Licensing Board continued its show cause hearing on the alleged violations of the Liquor Control Act by MJLK, Inc. d/b/a 21 Nickels at its premises at 21 Nichols Avenue licensed for all alcohol common victualler service. The continued hearing will be held on August 15, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

The licensee must file with the Licensing Board a written report on the status of the proposed exercise and/or transfer of its license on or before the Board's meeting of May 16, 2013. Further, the Licensing Board shall conduct a status hearing on July 18, 2013 at the same time and place as noted above in order for the licensee to report on the status of the business and the licensee's efforts to arrange a transfer of the license.

5. Burnham-Manning Post #1105
VFW of US, Inc.
295 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on the matter of alleged violations of the Liquor Control Act by Burnham-Manning Post #1105 VFW of US, Inc. at its premises licensed for all alcohol club beverage service at 295 Arsenal Street, to wit: service of alcohol to an intoxicated person in violation of G.L. c. 138, §69, and allowing the over service of alcohol, in violation of G.L. c. 138, §23.

Attorney Ken Leitner appeared on behalf of the licensee, together with Mark Boucher, president.

Sgt. Grady presented consolidated information from police incident reports for January 20, 2013. At approximately 9:59 p.m. there was a motor vehicle accident at the intersection of Mt. Auburn Street and Walnut Street for which Watertown police officers were dispatched. It was also reported that a vehicle involved had fled the scene. The responding officers located the vehicle a

short distance away and spoke to the operator, a female, who stated that she had been traveling from the VFW post and had been served alcohol at the post. Officers observed that she was unsteady on her feet, had red and bloodshot eyes and thick, slurred speech. She failed all field sobriety tests administered and registered a .177 blood alcohol content when given a portable breath test (PBT). The operator was arrested and charged with operating under the influence and leaving the scene of an accident.

Sgt. Grady subsequently met with Derek Mayerhofer, manager, and Mr. Boucher, both of whom were at the club on the date of the incident and both of whom stated to Sgt. Grady that they did not observe the woman to be under the influence of alcohol. Mr. Mayerhofer observed that the woman, who was present as a guest of a member, was served two Bloody Mary cocktails between 1:00 p.m. and 4:00 p.m. during a club event. She left the premises at approximately 4:00 p.m. and returned about two hours later to watch the Patriots football game. The group watching the game was small, 15 to 20 persons. The woman was served two to three beers during that time. Mr. Mayerhofer stated he sat next to the woman and made no observation of intoxication. Sgt. Grady also spoke with the bartender on duty on the evening in question, Shawn Mannix, who has worked at the club for 20 years. He stated he had arrived at the post at approximately noon to set up for the 1:00 event, and reported that he served the woman two Bloody Marys between 1:00 and 4:00 p.m. and made no observation giving him reason for concern. He stated that the woman left the club at approximately 4:00 p.m. and returned between 6:00 and 6:30 p.m. to watch the game. When she was back at the post she was served two to three beers. The club did not have any receipts for the drinks served; it operates on a cash bar only basis. Mr. Mannix stated he did not observe any signs of intoxication. Sgt. Grady noted that when the woman was booked at the Police Station after her arrest, she indicated she had consumed two to three beers, and maybe up to six during the game watch.

In response to questions from the Board, Sgt. Grady stated that the woman was 5 feet, 5 inches tall and weighed about 200 pounds. She declined a breathalyzer test offered at the Police Station. The beer reportedly served to her was a light beer, Michelob Ultra. There were approximately 15 to 20 people at the club for the Patriots game watch and Mr. Mannix was the only bartender on duty.

Attorney Leitner stated there had been no incidents at the post for 12 to 13 years, and that all bartenders are TIPS certified. He identified the issue as a lack of the servers' familiarity with guests of members. He noted that it is not known where the woman was during her absence from the premises. Attorney Leitner stated that the club apologizes for the incident and will keep a closer watch on invitees of members.

Board chairman Doucette asked what signs servers would look for in assessing whether a patron was intoxicated. The response was inability to walk, stumbling and slurring of words. Mr. Boucher stated he spoke to the woman 10 minutes before she left the post and she appeared to be fine. In response to another question, Sgt. Grady stated the accident had occurred less than two miles from the post.

Attorney Leitner noted that the licensee did not dispute the Police Department's findings. Sgt. Grady stated that Mr. Boucher and Mr. Mayerhofer were cooperative when he contacted them for an interview.

Sgt. Grady stated that his records indicated there had been no violations at the licensed premises since June of 1996, and that the Police Department recommended a one-day suspension for the violations.

Board chairman Doucette stated she would support a one-day only suspension given the licensee's cooperation, the circumstances presented and that it was the first violation since 1996.

The Licensing Board unanimously found that the violations as alleged had occurred and unanimously voted to impose a one day license suspension. After consultation with Mr. Boucher, Attorney Leitner stated that the licensee would waive its right of appeal and requested that the date of the suspension be Sunday, February 24, 2013. The Licensing Board approved service of the suspension on that day, and directed that the licensee deliver its license to the Police Department after the close of business on Saturday, February 23.