

City of Malden
Massachusetts
110 Pleasant Street
Malden, MA 02148
Malden Licensing Board

James S. Conway, Chairman
Lee Kinnon, Vice Chairman
Andrew Zeiberg, Member
Diane M. Anthony, Clerk



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MINUTES OF MEETING
MALDEN LICENSING BOARD
JUNE 19, 2018

Present:

James S. Conway, Chairman
Lee A. Kinnon, Board Member
Andrew Zeiberg, Board Member
Captain Marc Gatcomb, Malden Police Liaison to Board
Sargent Michael Powell, Malden Police Department
Kathryn M. Fallon, City Solicitor

The meeting was called to order by Chairman Conway.

Motion by Lee Kinnon to accept Minutes from May 15, 2018 meeting Seconded by Andrew Zeiberg.

Motion passed.

The first item on the agenda was an application for a one day liquor license for St. Rocco's Feast for 8/10-8/11 and 8/12. This is an annual summer event and beer and wine is being served by Anthony's.

Motion by Andrew Zeiberg to pass – Seconded by Lee Kinnon.

Motion Passed.

The next item on the agenda was the Notice of Hearing for Yong Yong Restaurant, 100.108 Ferry Street. Present and representing Yong Yong was Young Xie and Ada Xie together with Michael Crotty. All parties were sworn in under oath by Attorney Fallon. Mr. Xie acknowledged receipt of the Notice the Board had sent along with the results of the visitation by Board Members.

Mr. Xie had previously submitted to the Board a Management Plan which was made part of this record.

Chairman Conway stated that the reason they were requested to attend this meeting was that Board Members Lee Kinnon and Andrew Zeiberg visited their restaurant on May 4, 2018. Chairman Conway turned over the proceedings to Vice Chairman, Lee Kinnon.

Mr. Kinnon stated that based on their visitation they thought it was a very nice restaurant and they were there to make sure the Rules and Regulations the Malden Licensing Board were being followed. Their visits are

educational and when they went into Yong Yong Restaurant there was a communication problem with the staff. They were there to make sure staff was TIPS trained and they were aware of last call and closing times.

Mr. Kinnon stated that if Mr. Yong Xie as manager was not going to be there he needed to appoint an Assistant Manager but ultimately all responsibility falls on him as manager. The servers who serve alcohol need to know what identification is acceptable and when last call is. He needs to make sure that training happens with his staff.

Mr. Zeiberg commented on the business plan submitted and where it said that Mr. Yong Xie would be there 74 hours per week, Mr. Zeiberg asked if that was correct.

Chairman Conway asked to make a point of order – He understood Mr. Xie would work a minimum of 40 hours but would be available during the 74 hours per week the restaurant was open. Mr. Xie confirmed this was the case.

Chairman Conway commended Mr. Xie on the business plan they submitted. It was his opinion that they did a great job and if they follow this business plan there should be no problems.

Mr. Kinnon asked if there were any further questions.

Mr. Zeiberg asked if all employees were TIPS trained. Ada Xie said they were working on it. Attorney Fallon said that all servers needed to be TIPS trained and they need to learn and enforce the Rules and Regulations.

Clerk gave them a copy of the Rules and Regulations.

With no further comments, Chairman Conway wished them good luck and they left the meeting.

The next item on the agenda was the Notice of Hearing for Wow Barbeque, 184 Salem Street. Present and representing Wow Barbeque was Steve Liu, owner/manager. Mr. Liu acknowledged receipt of the Notice of Hearing with the results of the visitation by Board Members.

Parties present were sworn in under oath by Attorney Fallon.

Chairman Conway turned the meeting over to Vice Chairman, Lee Kinnon. Mr. Kinnon asked Steve Liu if he was aware that they did the visitation on May 4, 2018. Mr. Liu said that he had been told. Mr. Kinnon said the restaurant was very nice but when questioned the staff did not know the closing time, last call time and whether or not they were TIPS trained.

Mr. Liu indicated that he has another restaurant in Brookline and is in the process of opening a third location in Providence. His wife manages the restaurant in Malden when he is not available and she is TIPS trained. The evening in question, there was a brand new waitress in training and that is who the Board members spoke to. Mr. Liu acknowledged this was definitely his fault for not making more of an emphasis on training with last call, closing times and TIPS training.

Mr. Liu said that liquor was not a big part of his restaurant and mostly they only serve beer and wine; however, they have an all alcohol license. There are different requirements for each location and it is his fault for not knowing that all servers need to be TIPS trained in Malden. The server they spoke to definitely knew the closing time even though she told the members 2am during their visitation. She was just nervous and said 2am when it was 1am.

Mr. Kinnon stated that there needs to be a manager that knows these things. They need to know last call is 45 minutes before closing no matter what time they close and 15 minutes to serve last drink and ½ hour to finish the drink.

Mr. Liu said he had an internal meeting and 2 of his servers are now TIPS certified and they know the 6 forms of identification. Mr. Kinnon said that TIPS training is quite helpful. Mr. Liu said the rest of the servers will be taking the course and will be TIPS certified.

Mr. Liu submitted current up-to-date Employee forms to the Board.

Attorney Fallon asked him if he was familiar with the Rule and Regulations book. She said he needs to make sure his staff is familiar with them. It is up the Board to enforce the Rules and Regulations and that is the purpose of disciplinary hearing. Ultimately Mr. Liu is responsible as the Manager. Mr. Liu said he would make sure he is familiar with the Rule and Regulations and he will comply going forward.

Clerk provided Mr. Liu with a copy of the Rules and Regulations.

Chairman Conway commented on the names on the employee registration forms that were named as assistant managers and the fact that Mr. Liu is the manager of record and is the responsible party for this license. Chairman Conway wants to see all servers TIPS trained.

Chairman Conway asked Sargent Powell if he had any comments since he was with the Board Members on May 4, 2018. Sargent Powell said that all issues have been addressed with this meeting.

Chairman Conway thanked Mr. Liu for his time and wished him best of luck.

There was a brief intermission from 6:12 pm until 6:30 pm.

Chairman Conway noted for the record that the application for change of manager of Ming has been withdrawn.

Chairman Conway noted for the record that the application for all alcohol package store License for KC Chopel had never been submitted to the Board and, therefore, the matter would not be heard.

The call was made for the application for a transfer of application from Oppa's to Bishuko, Inc. Attorney Chung Lee indicated his client was not there yet. Therefore the Chairman called for the next item on the agenda which was the application of Faces Brewing Company.

Attorney Dennis Quilty of McDermott, Quilty and Miller was present representing Faces Brewing Company together with Daniel Martignetti, proposed Manager along with other members of the Martignetti family.

Parties present were sworn in under oath by Attorney Fallon.

Attorney Quilty said that Faces Brewing Co., Inc. would open at the former Bank of America building at 50

Pleasant Street. The property will be used for a pub/brewery where they would be a restaurant serving all alcohol beverages as well as brewery making their own beer. They have ordered tanks and it will be a very pleasant establishment with the public being able to view the brewery. If the local board approves this application their next step is to apply to the Federal Government first then to ABCC for a pub/brewery license

Attorney Quilty said that the Martignetti family has a long history of experience in this business. Daniel Martignetti operated Lanes and Games in Cambridge with a 325 occupancy capacity in Cambridge for many years. The property was sold and the family has been looking for an opportunity like this for some time.

Chairman Conway stated for the record that both he and Mr. Kinnon visited the site and they very much like the look and idea they are proposing. Chairman Conway asked what type of menu they were proposing and Mr. Daniel Martignetti said gastro pub style, such as hamburgers, hangar steak and American style food. Chairman Conway confirmed with Mr. Martignetti that there would be service at tables and the bar area – no buffet style type service.

Mr. Kinnon noted for the record that the application for entertainment and hours of operation has a 2am closing time; however, this Board currently only has 1am closings. Corrections to the closing time were made by Attorney Quilty on the application.

Daniel Martignetti spoke to the Board about his experience with his brothers at Lanes and Games. He was trained in crowd control, is TIPS certified, Choke Safe trained and he ran the bar there. He made sure no one was over-served and did all general managing. There were no violations at this establishment.

Member Andrew Zelberg asked if they would have security cameras with recording. Mr. Martignetti answered yes.

Chairman Conway asked about opening on Sunday at 10am and Mr. Martignetti said they would be serving a brunch on Saturday and Sunday.

Attorney Fallon asked if Daniel ever had any interest in any liquor license in another State and the answer was no just Massachusetts. Attorney Fallon asked the same of Robert, Julie, Anthony or Joe and no there was no beneficial interest in any license in another State.

Attorney Fallon asked about a construction schedule and what their expectation for opening would be.

Mr. Martignetti and Attorney Quilty said they are working closely with Building Commissioner, Nelson Miller in two stages. There is site work to be done, a traffic study and he feels this will be complete midway through July. There is a hearing on a special permit on July 11, 2018. Brew vessels have been ordered and Mr. Martignetti guesses opening will be sometime in January or February, 2019.

Attorney Fallon asked if he would familiarize himself with the Rules and Regulations and make sure the staff is also familiar with them. Mr. Martignetti said there are five of his family involved in this venture and at least two of them will be in the building at all times. They will be in control.

Chairman Conway asked about entertainment. The application for entertainment has checked off TV, Radio and Live Music. He asked about karaoke. Mr. Martignetti said no karaoke and no dancing just live music for private parties of small 3-4 piece band for background music. Chairman Conway reminded them that any changes in entertainment must be submitted to the Board for approval.

Chairman Conway asked about parking. Daniel Martignetti said it would be off street parking. Chairman Conway

asked if they would be hiring a janitorial service and Mr. Martignetti said they would be.

Chairman Conway asked if there was anyone present in favor of this application.

Letter from Councillor Ryan O'Malley in favor of this application is made part of these Minutes.

Present and speaking in favor of this application was Jack Crowley of Watertown, Massachusetts. He worked paid police details at the family establishment in Cambridge and they have an outstanding reputation. There were never any problems with their Cambridge operation and they ran a top notch establishment.

Present and speaking in favor of this application was Mike Dixon of Malden, Massachusetts. Mr. Dixon works in the craft beer industry. He currently works at Jack's Abbey in Framingham, Massachusetts. Mr. Dixon is very impressed with this proposal and the craft beer business has picked up an whole new following. He is in favor of approval of this application.

Chairman Conway asked if there was any present in opposition of this application – No response.

Motion by Lee Kinnon to approve application subject to final approval by the Planning Board, Building Commissioner and Board of Health. – Seconded by Andrew Zeiberg

Motion passed.

Chairman and Board Members wished the Martignetti family best of luck.

The next item on the Agenda is the request for transfer of license from Oppa's to Bishuko, Inc. at 157 Pleasant Street. Present and representing the applicant was Attorney Chung Lee and the owner/manager, Shuying Zeng. Also present was Kristine Lee.

Attorney Lee introduced himself and Ms. Zeng. He stated that they would like to open a high class Japanese sushi restaurant at this location. He has talked to the Plumbing Inspector and Building Inspector. There were will be no major renovations but a small amount of work to be done in the kitchen and possibly some painting. Ms. Zeng is well versed in liquor establishments. She works at Oyes in Saugus and Fusion Taste in Arlington. She and her husband will operate this restaurant. They feel the location is outstanding. The hours will be basically the hours of the previous restaurant, Oppa's. Attorney Lee has been working with the building owner, Mr. Privitera, and they feel it and when approval comes it will be a quick turn- around to opening.

Chairman Conway states that he visited the site and asked if the room in the back would be open at all times to the general public. The prior owners had it is a bar but Attorney Lee said that they will now have tables and serve from the main bar only.

Mr. Kinnon asked if there were plans to show seating capacity. Attorney Lee said there will be no major modifications (basically the same capacity as Oppa's) but they may utilize the kitchen in a different way to accommodate their type of restaurant. They have been in touch with the Plumbing Inspector about that.

Mr. Kinnon asked Ms. Zeng to explain her experience and if she is working at Oyes and Fusion Taste how many hours will she be at Bishuko if this is approved. Ms. Zeng consults with Attorney Lee and states she will be leaving Oyes and will be spending about 50 hours with the new restaurant if approved. Mr. Kinnon suggests that she get a good assistant manager since even if she is not there she is the manager of record and is 100% responsible all of

the time.

Mr. Kinnon notes that she has a beneficial interest and ownership in Fusion Taste and Gourmet Garden. Mr. Kinnon asks if she has any other interests in establishments outside of Massachusetts and whether or not there have been liquor violations as any restaurants she is affiliated with.

Attorney Chung consults with Ms. Zeng and they answer no.

Mr. Zeiberg asks if her answers have been truthful and honest and the reply is yes.

Attorney Fallon asks Ms. Zeng if she can speak for herself. Did she read the paperwork and does she understand she signed under the pains and penalties of perjury. Ms. Zeng replies yes she understands. She said she is TIPS certified but she forgot to renew her certification, but she will get it renewed. Attorney Fallon asks her how many hours she intends to spend working at this establishment if approved and Ms. Zeng answers 50.

Mr. Zeiberg asks if she will be leaving Oyes and recertified in TIPS training. Ms. Zeng answers yes to both.

Mr. Zeiberg asks when they will open. Attorney Lee said they are working with Mr. Privitera and will probably need one month for renovations and open sometime in August.

Chairman Conway asks if she is the lone stockholder and who will be in charge when she is not there. Attorney Lee answers that Kristine Lee will be a 30% shareholder. Chairman Conway asks about the Entertainment Application and what do they mean by computerized data. Attorney Lee said it is computer music and they will have a TV screen and radio/stereo.

Mr. Zeiberg asks about the lien from the DOR on the previous business there (Oppa's) and if they are taking care of it. Attorney Lee said part of the funds used will be to buy part of the furniture and work with Attorney John Diaz who represents Tony from Oppa's to pay off the lien.

Attorney Fallon said the nature of the lien that accrued to the previous business needs Massachusetts DOR release before the ABCC would entertain approval of this license application. She does not feel ABCC would approve this. It was noted by Attorney Fallon that the paperwork said May, 2018 but Attorney Lee said they extended that date. Attorney Lee understands they cannot operate without DOR release and this has not been a pretty situation to be in.

Mr. Kinnon asked about Ms. Kristine Lee and if she was present. Attorney Lee said she was in the audience and she is also his daughter. Kristine is also an attorney. Mr. Kinnon asked if she would be working at the restaurant and she said her primary job is an attorney but she will be stopping by to check on it. She would not work there. She said she does have a motivated interest and her husband may become an employee there. Kristine Lee said she will become TIPS trained also and will take the online course. Mr. Kinnon said it is a lengthy online class but it is beneficial. She could teach employees as an owner. Attorney Chung Lee agreed the concepts of TIPS training are extremely important and valuable. He said there are also TIPS classes that teach in Chinese too.

Mr. Kinnon states that the Rules and Regulations require all servers to be TIPS trained and that all employees should be familiar with the Rules and Regulations also even if they have to be interpreted. Mr. Kinnon also states that the two most important things to this Board are that there is no over-serving and no serving of minors. Also, employees must be familiar with last call times and how to handle this.

Chairman Conway is very concerned about experience and asked Ms. Zeng if she has experience handling budgets and supervising employees and also if she has purchased liquor from wholesalers before. Ms. Zeng said she has

supervised at least 11 people and has done budgets for Fusion Taste.

Chairman Conway asked if anyone was present in favor of this application – Attorney Frank Touse, representing building owner, Mr. Privitera said they are in favor of granting this application – No response from anyone else.

Chairman Conway asked if anyone was present in opposition – No response

Motion by Lee Kinnon to approve application with following:

1. All employees TIPS certified and Ms. Zeng must be re-certified;
2. Building Department approval
3. Board of Health approval

Seconded by Andrew Zeiberg – Motion passed.

Attorney Fallon recommends that they appear back before the Board in 90 days for an update on status of DOR lien.

Motion by Lee Kinnon to adjourn the meeting. The meeting was adjourned and concluded at 8:15 p.m. Next meeting will at the call of the Chair.

Submitted by:

Diane M. Anthony, Clerk
Malden Licensing Board
Minutes Approved by:




