

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

James S. Conway, Chairman

Lee Kinnon, Member

Andrew Zeiberg, Member

Diane M. Anthony, Clerk



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MINUTES OF MEETING
MALDEN LICENSING BOARD
DECEMBER 19, 2017

Present:

James S. Conway, Chairman

Lee A. Kinnon, Board Member

Andrew Zeiberg, Board Member

Captain Marc Gatcomb, Malden Police Liaison to Board

Attorney Jordan Shapiro appearing for the Malden Licensing Board

The meeting was called to order by Chairman Conway.

Motion by Lee Kinnon to accept Minutes from November 14, 2017 meeting

Motion passed.

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The first item on the agenda was the application for transfer of license from LADDCO, Inc. to Island Restaurant Group LLC at 118 Ferry Street. Presenting and representing the applicant were Attorney Paul Delory and Attorney Andrew Delory together with Marie Chantal Quessa , Avlo Quessa , proposed owner and manager and Samuel Nerntz, consultant.

Attorney Jordan Shapiro spoke regarding the pending bankruptcy of LADDCO, Inc. He indicated to that Board that as counsel for the Malden Licensing Board in bankruptcy docket 17-12582 of the Bankruptcy Court, all approvals are in order from the bankruptcy Trustee. He noted that Judge Joan Feeney had a hearing earlier today regarding the objections filed by Nicholas Luciani and the Judge denied his objections and has authorized the Board to freely hear the application of Island Restaurant Group LLC for transfer.

Attorney Andrew Delory presented the Board with Mr Nerntz's resume and stated the he had experience with alcohol and would serve as a consultant training Mr. and Mrs. Quessa with alcohol service and ordering. Attorney Delory said the restaurant would be a Caribbean theme family friendly restaurant. A copy of the proposed menu was provided to the Board members. Attorney Delory stated that the Quessa's are purchasing all the assets of the restaurant from LADDCO, Inc. His clients have received all required certifications from the State of Massachusetts and under the new FDA guidelines adopted by the Commonwealth of Massachusetts they are working with the Board of Health and making sure the food, quality and cleanliness are within guidelines. His clients are seeking a liquor license and Mr. Nerntz has restaurant experience. He was tasked in the past with opening TGI Friday's and he has over a decade of food experience. He dealt with very similar circumstances and he also dealt with front of the house requirements, i.e., ordering alcohol. Mr. Nerntz is now in IT work but he will be available to his clients with opening and training for serving and ordering alcohol.

Attorney Delory is asking for a conditional approval based on receiving all required licenses to proceed with the transfer through the bankruptcy proceeding.

Chairman Conway asked about approval subject to Board of Health and Building Inspector approval. The Board will have to act on approval or denial. They can look at the opening date. Attorney Delory said they need at least 30 days to get Board of Health, Sign Design approval. Chairman Conway said once a license is approved it can take 30-40 days in Boston. If this is approved the Board can approve with conditions of opening dates and approvals. The paperwork will go to the ABCC if approved.

Mr. Kinnon asked about Sunday opening before noon. If they are open on Sunday at 10am they will need to provide a brunch menu. It must be a separate menu. Chantal said she will be open for brunch and will provide a separate brunch menu. Attorney Delory said they will follow ABCC guidelines.

Mr. Kinnon asked about financing the lump sum going into their account. He asked why the lump sum deposit. Attorney Delory said the applicants have refinanced their house and that is where the funds came from. They are both gainfully employed in the medical field and have mortgaged their house for this endeavor. They are paying 100% cash for this transaction. They had an \$8,000 deposit that cannot be released as part of the bankruptcy proceeding. They are in it for the long run.

Mr. Zeiberg asked who would be present every day. Attorney Delory said Chantal would. Mr. Zeiberg asked about her experience. She said she is TIPS certified, food safety certified, anti-choke certification, CPR certification. Mr. Zeiberg asked about who will assist her when she is not there. Mr. Zeiberg asked if she had hired anyone yet and she had not hired. Chantal will handle alcohol related responsibilities. Mr. Zeiberg asked if there was any staff onboard at this time and Attorney Delory said not yet. The landlord has been kind enough to abate the rent until they get up and running.

Attorney Shapiro asked about the Asset Purchase Agreement being undated and a closing date requirement within 3 business days of all approvals or December 15, 2017. He stated they will need to provide the Board with an extension on the Asset Purchase Agreement and a fully signed copy. Attorney Delory said although the agreement says December 15, 2017 they are under no obligation to close until all licenses are passed but he will provide a signed document with an extension of the date.

Mr. Kinnon asked about experience related to alcohol. In terms of experience for purchasing alcohol Mr. Nerntz seems to have that experience but a bigger part is serving of the alcohol. Bartenders need to have experience serving alcohol but also as the owner/manager Chantal must be careful who she hires. Hers is the name on the license and it is ultimately her responsibility and her license on the line. Mr. Kinnon would like to meet the bartender or see his/her resume before they open. The Licensing Board members need to have a comfort level with the experience of the people serving alcohol.

Mr. Zeiberg also said he would like to see a copy of a resume for the bartender they hire.

Samuel Nerntz said he has experience ordering and dealing with alcohol. At TGI Friday's alcohol is 10% of the business and he was responsible for inventory and making sure what they sold matched what was left.

Chairman Conway said they are concerned about over-serving and how they would handle someone there who is intoxicated. Also serving of minors is very important. He asks Chantal how she would handle that. That is a big responsibility. They need to have training and know these things. Mr. Quessa said they would be trained and he is very interested in Malden. He used to be on the Cultural Council. They are Malden residents and they are aware of their role in the community.

Mr. Kinnon states although they have good intentions part of the issue with prior ownership of this establishment was inability to control the crowd. The Quessa's will have dancing and they need to be prepared and they want them to succeed. This is not like TGI Friday's, they are going to have dancing and entertainment. They will have people looking for something beyond food. Mr. Kinnon wants to make sure they have the help they need.

Mr. Delory said anything they can do they will do to rid the ghosts of prior ownership. Mr. Kinnon said they need to be prepared.

Chairman Conway asked about security and cameras. Captain Gatcomb asked what they have. Attorney Delory said they have a sophisticated alarm system but they will tie in surveillance with cameras if they need it. Captain Gatcomb said the police like to see the camera system if there is a problem they can review the video. Attorney Delory said they will make it work with the police department. Captain Gatcomb recommended retention of 7 days for videos.

Chairman Conway asked if there was anyone present in favor of this petition with no response

Chairman Conway asked if there was anyone present against this petition with no response.

Motion by Lee Kinnon to approve subject to the following conditions:

1. Asset Purchase Agreement to be signed by the parties and amended with correct dates, to be provided within 7 days
2. Subject to Board of Health and Building Inspector approval before physical license is delivered to applicant;
3. Subject to applicant installing video security system;
4. Applicant to supply to the Board the name and resume of bartender to be hired as quickly as possible before the physical license is delivered to applicant.

Seconded by Andrew Zeiberg – Motion passed.

The next item on the agenda was the application of GF Restaurant Group d/b/a as Crying Thaiger Restaurant, 114 Ferry Street for a license to serve beer and wine.

Representing the parties was Attorney Gar Chang along with the owners, Nisachon Thanangthirapong, Usanua Siritaratn and proposed manager, Yothin Rup-On. Attorney Gar said the restaurant has been open since October. Both Nisa and Usan have MBA degrees. Nisa has been manager of Fuji group for 3 plus years. They have good restaurant experience and are TIPS certified. Yothin is also TIPS certified and will be the manager. He is also experienced with at least 10 years working in the restaurant business. The restaurant will be closed on Tuesday's as that is what they are doing now.

Mr. Zeiberg asked about Yothin's experience as noted in this application. It seems he has experience serving but no managerial experience. Mr. Zeiberg asked what type of managerial experience with a liquor license he has if any? The managers and bartenders have to make decisions on customers to serve. Yothin said he has never had a problem as a server.

Mr. Zeiberg asked if there was a bar in the restaurant. The owners said there is no bar they just want to serve beer and wine for the customers to enhance the dining experience.

Chairman Conway asked if they had someone with managerial experience to bring in. Nisa has experience as a manager. He then asked how many hours they would be working there. Nisa said she will be there fulltime but she is not there on Saturdays. Chairman Conway then asked if Yothin was a server of alcohol in the restaurants in Cambridge and Quincy. He was not a manager just a server. Chairman Conway then asked if there was someone to help train with alcohol service. Usan said he has a friend that has experience that will help them. Chairman Conway asked if they could bring him in to meet them.

Mr. Kinnon noted his concerns also with experience with alcohol. He also noted that if they open before noon on Sunday they have to serve a brunch. The hours for Sunday were changed to open at noon time.

Mr. Kinnon then asked Yothin if all the restaurants he worked in served alcohol. Chairman Conway asked if he signed the application under the pains and penalties of perjury and Yothin said yes. Mr. Kinnon said he was only able to find information on Pho Restaurant for alcohol service. Mr. Kinnon understands it is beer and wine and not all alcohol but there are still concerns about experience. Mr. Kinnon asked Nisa about her experience and she said she has managerial experience but she is not a citizen and cannot be on the license as manager. so Yothin will be the manager of record. Mr. Kinnon said Nisa has a vested interest in this and that answers his question about why she is not the manager. Attorney Gar Chang said she has very good experience but she is not a citizen and cannot be manager on the license. Attorney Chang said he has talked to Yothin and he has experience in the business. Mr. Kinnon stated they need to know the 6 forms of identification and they need to know who to serve and who not to serve. Experience in this instance is valuable.

Chairman Conway asked if someone would be there to help train Yothin. Mr. Kinnon went on to say he is willing to trust them to train him and do this. Usan said he will bring his friend with experience to the next meeting to meet the Board who will help train.

Chairman Conway read the letter in support provided by Councillor Neal Anderson (see attached).

Chairman Conway asked if there was anyone present in support of this petition. Mr. David Senatillaka of 32 Perkins Avenue, Malden spoke in favor of this petition. He has been there 3 times and lives nearby. He thinks beer and wine would be good. He is in support of revitalizing the downtown to a lively restaurant scene. He can walk there and doesn't have to drive. He has no issues with beer and wine and he has no connection with these folks. He feels the more establishments the better. He thinks closing at 9:30 pm is too early. He would like to see them stay open until 10:30 or 11:00 pm.

Chairman Conway then asked if there was anyone present in opposition with no response.

Motion by Andrew Zeiberg to approve the beer and wine restaurant license subject to the owners bringing their trainer to the January meeting to meet the Board.

Seconded by Lee Kinnon – Motion passed.

Chairman Conway brought up recent police reports received from Captain Gatcomb regarding the following establishments:

American Legion
Luxury Box Mixx 360
John Brewer's Tavern

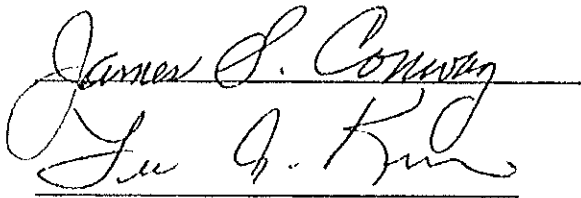
It was decided by the Board members that they would hold Violations Hearing at the January meeting for John Brewer's Tavern and American Legion. After that they would call in Luxury Box Mixx 360.

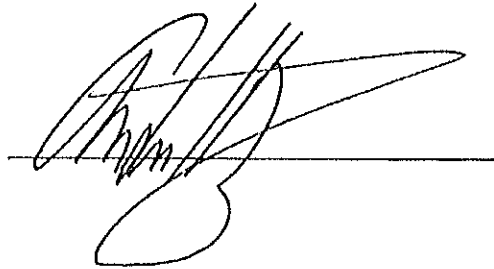
Clerk was directed to send notice letters to American Legion and John Brewer's Tavern to attend the January meeting.

Motion by Lee Kinnon to close the meeting. The meeting was adjourned and concluded at 7:35 p.m. Next meeting will January 16, 2018. Please note change of location for all future meetings will be Malden Police Station, Community/Conference Room, 800 Eastern Avenue, Malden.

Submitted by:

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


James S. Conway
Lee G. Kinnon


Diane M. Anthony

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City of Malden Massachusetts



December 19, 2017

James Conway, Chairman
City of Malden Licensing Board
110 Pleasant Street, 3rd Floor
Malden, MA 02148

RE: 114 Ferry Street, GF Restaurants Group, d/b/a/Crying Thaiger

Dear Mr. Conway and Licensing Board Members,

I have received notice of the Licensing Board meeting, Tuesday evening, December 19, 2017 and the proposed request for a license for beer and wine at 114 Ferry Street, but regrettably am unable to attend.

I would like to go on record as being in favor of the request for a beer and wine license by Crying Thaiger Restaurant.

Thank you for your consideration on this matter.

Sincerely,

Neal Anderson
Councillor Ward Seven