



**City of Chelsea**  
**LICENSING COMMISSION**  
City Hall, 500 Broadway  
Chelsea, MA 02150

Telephone: 617-466-4050  
Fax: 617 466-4059  
dclayman@chelseama.gov

Deborah A. Clayman  
City Clerk

There will be a meeting of the Chelsea Licensing Commission on Tuesday, November 18, 2014, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

**AGENDA**

- 1) Minutes of Licensing Commission meeting of October 28, 2014
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) Chelsea Council #83 Knights of Columbus Building Association, Inc.  
194 Broadway (continuation of public hearing re disciplinary action)
- 4) El Xielo  
425 Eastern Ave. (public hearing re disciplinary action)
- 5) Fatima Washington Deli  
373 Washington Ave. (public hearing re operational/management status)
- 6) Las Pupusas del Chino  
92 Washington Ave. (public hearing re disciplinary action)
- 7) Heller's Liquor Mart  
429 Broadway (public hearing re disciplinary action)
- 8) MGL c138 s33B re Alcoholic Beverage Sales by  
On-Premise Licensees on Sundays and Certain Legal Holidays (public hearing)
- 9) Diranian Realty Co., LLC, d/b/a The Diranian  
255 Chestnut St. (public hearing re Rooming House License application)
- 10) French Naturalization Club  
242 Spencer Ave. (conference re change of manager)
- 11) Cesar Fernandez, d/b/a Fernandez Brothers Liquors  
79 Williams St. (public hearing re transfer and pledge of license and inventory)

NOV 18 9 10 AM '14

RECEIVED  
CITY CLERK'S OFFICE  
NOV 18 2014

*Deborah A. Clayman*  
Deborah A. Clayman  
City Clerk

November 18, 2014

Meeting of the Chelsea Licensing Commission commenced on this date at 6:00 p.m. at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA. Present: Chairman Jim Dwyer, Commissioners Silvia Guzman and Roy Avellaneda. Absent: Commissioners Joe Cooney and Ken Umemba. Also present: City Clerk Deborah Clayman and Captain Keith Houghton of the Chelsea Police Department

Minutes of Licensing Commission meeting of October 28, 2014 were tabled.

Email communication of November 17, 2014 from City Solicitor Cheryl Watson Fisher re Chelsea Knights of Columbus was accepted and filed.

Communication of November 18, 2014 from City Treasurer Bob Boulrice re Knights of Columbus at 194 Broadway was accepted and filed.

Communication of November 18, 2014 from Captain Keith Houghton of the Chelsea Police Department re French Naturalization Club was submitted. Chairman Dwyer stated that if the Commission accepts the communication and doesn't act on the pending request for a change of manager, the Commission would be putting the French Club in violation. Communication was accepted and filed.

Communication of November 4, 2014 from Johana Giraldo on behalf of El Xielo of 425 Eastern Ave. was tabled pending public hearing scheduled for this evening.

Communication of November 18, 2014 from the ABCC re King Arthur's was accepted and filed.

Change of manager application re Los Amigos Corporation of 339 Broadway was submitted. Conference will be scheduled.

Communication of Juan Manotas, dated October 29, 2014, re hours of operation of El Carriel of 9-11 Williams St. was submitted. Conference will be scheduled.

Communication of 11/13/14 from Roberto Chavez re City Taxi was submitted. Conference will be scheduled.

Communication of October 27, 2014 from Tenants/Landlord re Las Palmas Restaurant of 44-48 Central Ave. was submitted. Avellaneda requested that the police department make sure they are in compliance with their Amusement/Entertainment License. Conference will be scheduled re complaint.

Application for transfer of All Alcohol Package Store License of All Seasons Liquors of 900 Broadway was submitted. Public hearing will be scheduled.

Continuation of public hearing held on October 28, 2014 re Chelsea Council Knights of Columbus of 194 Broadway commenced. Chairman Dwyer read public hearing notice.

RECEIVED  
CITY CLERK'S OFFICE  
JAN 12 12:26  
2015

Brian Sullivan appeared on behalf of Knights of Columbus. Sullivan stated that he would like to disclose that he is an Asst. Clerk Magistrate at the Chelsea District Court and although Chairman Dwyer is administrative staff at the Chelsea District Court, there is no direct supervisory role over him nor does he impact his salary. Sullivan stated further that Frank Henry is the Vice-Chairman of the Knights who serves on the Chelsea Community Center as a director and there is no issue of conflict of interest and he discloses this publicly and there is no question of this in the future.

Asst. City Solicitor Amy Lindquist appeared and stated that City Treasurer Bob Boulrice already submitted a communication re this matter but she is available to answer any questions on this matter. They made an agreement with the City and the City has been satisfied and they are no longer delinquent as long as they adhere to the terms of the agreement.

Avellaneda made motion to take no action and close public hearing; seconded by Guzman. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re disciplinary proposal re El Xielo of 425 Eastern Ave. in connection with police reports #14-3378-OF; 14-1848-OF; and 14-3594-OF, submitted by Chelsea Police Dept. Chairman Dwyer read public hearing notice.

Communication of November 4, 2014 from El Xielo re request for change of operating hours was taken off the table.

Johana Giraldo appeared with her brother Juan Giraldo on behalf of El Xielo.

Captain Keith Houghton referenced three police reports provided to the licensee regarding closure of the establishment. Based on their request to change operating hours, the police department does not request any action re these reports.

Guzman stated that there are two separate issues and what occurred in the past should be addressed. Regarding inspections of 5/5/14; 8/21/14 and 9/3/14, the business was closed and should have been open. They have had a license for a while and they should be familiar with the rules and regulations. This is a repeated issue where this establishment is only open at night because they are basically operating as a night club. They have a Common Victualer License and should be open for business. Johana Giraldo stated that this matter was addressed at the last Commission meeting. They were not closed for business but opened later because business was slow. She and her brother both have night jobs and didn't realize they were committing a violation. Neither of them is the manager here and it doesn't seem to be viable excuse when they have someone else who is the manager of record who is not here, stated Guzman.

Avellaneda stated that he has no questions because he thinks they addressed the issues at the last meeting. He sees no further issues and is ready to move forward to act on the request for change of operating hours.

Peter Piantadosi of 1 Forbes Pk., Chelsea, appeared and stated he would like to question Captain Houghton regarding the inspection dates. Houghton stated that the inspections were conducted on 5/15/14 at 3:07 pm; 8/21/14 at 3:41 pm; and 9/3/14 at 3:00 pm. Piantadosi stated they conducted inspections at this establishment and asked if they were closed on those occasions without authority. Captain Houghton responded yes.

The public speaking portion of the hearing was closed.

Avellaneda asked if they were open after those times on the dates referenced in the police reports. Johana Giraldo stated that they open and had not closed down.

Avellaneda made motion to close public and accept request for change of operating hours to Monday thru Friday, from 4:00 pm to 1:00 am and Saturday and Sunday from 12:00 pm to 1:00 am. Guzman asked if they were going to be opening as a restaurant as well. Johana stated they will be serving dinner and appetizers and will operate as a restaurant. Guzman seconded Avellaneda's motion. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re operational/management status of Fatima Washington Deli of 373 Washington Ave. Chairman Dwyer read public hearing notice.

Attorney Ann Delyani appeared with Erick Orellana and Maria Ochoa on behalf of Fatima Washington Deli. Attorney Delyani stated that at the last meeting the issue was that the previous manager brought in equipment that was not commensurate with what was permitted by the Commission. They are now in compliance due to a new manager being brought in and she has made application for change of manager. There is an amusement/entertainment license for a TV and jukebox that had previously been approved by the Commission.

Captain Houghton read police report #14-3131-OF and stated that at a prior Commission meeting on 6/24/14, the Amusement/Entertainment License was discussed.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Guzman stated that she looks at this as two separate issues. There is some confusion re the amusement/entertainment license. Juan Ingles always came before this Commission stating he was the manager or owner. Attorney Delyani stated that Mario Ochoa is the president of the corporation and Juan Ingles was the manager of record. Guzman stated that under the management of Juan Ingles, the Commission instructed him to get rid of the jukebox. Attorney Delyani stated there had previously been an issue re entertainment because they didn't have the entertainment license. Juan Ingles overstepped. Guzman stated that the Commission previously stated no jukebox, no equipment and her client stated he would take it out. Her issue is that we have a jukebox and DJ equipment in violation of the amusement/entertainment license. Then we issue a license for TV only and then find out there is a jukebox and DJ equipment. Whether or not Juan Ingles was the manager is regardless because Maria Ochoa should have known what was going on in her establishment. They do whatever they want. Delyani stated that Ingles overstepped and they are in the process of changing management. Erick Orellana stated that he

came into this business on September 2, 2014 and that Juan Ingles is no longer at the establishment. Delyani stated that Maria Ochoa is the over-seer and spends a great deal of time in NY with her family due to medical issues, but Orellana is running the business in terms of payroll, scheduling and day to day operations.

Maria Ochoa stated that she did not know of this occurrence until Erick Orellana informed her as to what was occurring. Chairman Dwyer informed Ochoa that she must pay more attention to what's going on in her establishment whether she is there or not. She must be more engaged in her business. Ochoa stated that she understands. Orellana stated that since he has entered into the business, he is open at the proper times and is trying to do the best possible job that he can do. He reaches out to Attorney Delyani and City Clerk Clayman whenever he has any questions and hopes they take that into consideration and allow him to move forward with the change of manager request. He is registered to take a TIPS training and their goal is to have everyone trained as well. Dwyer informed him to submit TIPS certificates to City Clerk Clayman upon receipt.

Avellaneda made motion that due to the lack of proper management, no offense to Erick Orellana because he was not there, the owner doesn't know what's going on at the establishment, and the previous police report re unlicensed alcoholic beverages at establishment, he moved to suspend license for three consecutive days on a Friday, Saturday and Sunday; seconded by Guzman. On the motion, Dwyer stated that although there have been issues in the past, he doesn't think this was the most egregious violation. Juan Ingles didn't get it. Miss Ochoa didn't get it. Miss Ochoa relied too much on the wrong person. Dwyer stated that he is in the area of the establishment quite a bit and he believes Orellana is attentive and requests that he be given an opportunity to prove himself before we punish him before he starts. Dwyer stated that he will be voting against Avellaneda's motion. Management should be given a chance to cure the problem.

Guzman stated that Orellana deserves a chance and we are rooting for him and accept his application for change of manager. It sends the wrong message to license holders that if they commit a violation they can just change managers and absolve themselves of the issues. Ms. Ochoa's statement that she was unaware is a big problem. It is not punitive against Mr. Orellana but not addressing this violation and taking action after we have been very specific about the entertainment license is sending a message to license holders that they can have a manager of record take the fall and then replace him. She is seconding Avellaneda's motion and asking Chairman Dwyer to reconsider their action. Avellaneda stated that the message is to the owner, not the manager. We have to set some standards and this should be a wake up call for the owner. There were several incidents here and he strongly asks that this Commission vote unanimously. Dwyer stated that he agrees that matters should be taken serious. He thinks Miss Ochoa and Mr. Orellana understand the severity of it and he will be voting against the motion and votes to give them a chance. On the motion: Avellaneda – yes; Guzman – yes; Dwyer – no. Chairman Dwyer stated that the motion does not pass.

Guzman made motion to approve change of manager request; seconded by Avellaneda. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re Las Pupusas del Chino re Chelsea Police report #114-3189-OF. Chairman Dwyer read public hearing notice.

Attorney Ann Delyani appeared with Gustavo Serna (owner), Lucia Lopez (manager) and Michelle Lopez (Lucia's daughter and translator).

Captain Houghton read police report #14-3189-OF and stated that the victim has never been found. This location has been brought before the Commission before. This is not a criminal case. We believe this person was in the establishment. The investigation is still active but has been suspended because the victim cannot be reached.

Attorney Delyani stated that it was her understanding that the Commission would have Officer Chodrick present because her client disputes statements noted in the police report. There is no way there is going to be anything after hours because Serna is the only one who has the keys and a lot of things in the report do not make any sense. The Commission does not have the players here. In most cases the police officer is present. This report has been confusing since it came to her office and there is no proof that anything occurred inside the establishment. Mr. Serna does not rent out the establishment.

Guzman stated that the report notes that the time of the incident, was 4:00 am. That raises a few questions for her. Attorney Delyani stated he gets to the establishment around 4:00 to 5:00 am everyday because he goes to the scrap metal place, empties the trash and then goes to his other establishment and then comes back after his shower to the business. Guzman questioned whether Serna had a video. Serna responded that the video was not working. Guzman stated that we have gone through this before with him. Serna stated that a mouse at the cord and he needs to get a person in to repair it. He stated that some of his cameras as working. He has six cameras and three of them are not working. Guzman stated that is unacceptable. These videos would have helped show what had occurred. The fact that you have no video is bothersome. This was in August and it is now almost December. Serna stated that the guy already came to repair the problem and he promises to have it fixed this week.

Avellaneda made motion to continue public hearing in order to have Officer Chodrick, Officer Walczak, and Officer Chung available for questioning and request the police department to inspect premises to make sure all video equipment is in full functional operation; seconded by Guzman. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re Chappy Pantry, Inc., d/b/a Heller's Café of 429 Broadway, re police report #14-1304-AR. Chairman Dwyer read police report.

Jimmy Chan, Alan Chan and John Chan appeared on behalf of Heller's Café.

Captain Houghton read police report #14-1304-AR and stated that at the last meeting the Commission requested a video, which was submitted; however, he was not able to open it.

Jimmy stated that John Chan has been an employee for almost two years and is a trusted employee who is TIPS certified and never had any problems in the past. Upon reviewing the surveillance, there were conflicts re what was reported and what was viewed in the video.

Jimmy Chan set up video for Commission's review.

Jimmy Chan stated that they try to follow all the Commission's rules and regulations and the real issue is whether or not they sold to an intoxicated person and that is not the case.

Houghton stated that after reviewing the law, there has to be a sale and the officer intercepted before the sale. He would recommend no action be taken against Heller's as they did not violate the law.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Guzman stated she is very happy they had the video. She knows that sometimes what's on the report may not be exactly what occurred. The benefit of the video is for everyone to see what occurred. Guzman made motion to take no action and close the public hearing. Dwyer stated that they did what they were supposed to do. He believes they listened and learned and this is how we can work together. He is very happy does work. Avellaneda seconded motion. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re MGL c 138 s33B re alcoholic beverage sales by on-premise licensees on Sundays and certain legal holidays. Chairman Dwyer read public hearing notice and MGL c 138 s33B.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Guzman made motion to accept MGL c 138 s33B which authorizes licensees under section 12 to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday; seconded by Avellaneda. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re Rooming House License application of Diranian Realty Co., LLC, d/b/a The Diranian. Chairman Dwyer read public hearing notice.

Virginia Diranian appeared on behalf of Evelyn Diranian and Diranian Realty Co., LLC. Jim Dunn and Nicole Dunn appeared with Virginia Diranian. Diranian provided a power of attorney document for the Commission's review and will provide City Clerk Clayman with a copy for the record. They had had the license for several years and due to tax delinquency, the license had not been re-issued. They want to get back up and running and do what they have to do to keep things going. They had the license for many years without any problems. They currently have seven tenants living there. The law department told them not to rent to additional people and to submit an application for the license.

Asst. City Solicitor Amy Lindquist stated that the Diranians were sent a cease and desist communication on October 1, 2014 and she believes they previously sent one in August of 2014. Amy stated they have been operating since January of 2011 without a license but she would have to go back and check the file for certain.

Guzman stated she has a problem that she is being told that the law department told them it was okay to have seven tenants living in the building without being licensed. Lindquist stated that is not true and she was never told by the law department that she could continue operating. Lindquist stated that on 12/3/12 a communication was sent from City Solicitor Watson to Attorney Flaherty re cease and desist and foreclosure petition.

Dwyer stated that the commissioners would like to make a motion. Avellaneda stated he talked to City Treasurer Bob Boulrice and was informed that there are still some outstanding balances that would not allow the Commission to vote in favor of the application.

Guzman made motion to continue public hearing and request that the city solicitor provide documentation and more information re all correspondence with the Diranians and/or their representatives. Guzman encourages the Diranians to come prepared regarding proof that the law department informed them to continue to operate with these tenants. Guzman stated that she encourages Evelyn to be present at the hearing as well. Jim Dunn stated that he and his daughter Nicole are trying to enter into an agreement to purchase the property. Virginia and her mother Evelyn are both ill and he is trying to work this out with them. Avellaneda requested a floor plan be provided at the next hearing. Avellaneda seconded motion. On the motion: Guzman – yes – Avellaneda – yes; Dwyer – yes.

Conference commenced re application for change of manager of the French Naturalization Club of 242 Spencer Ave. Michelle Consolo appeared with Bill Smith on behalf of the French Club. Bill stated that they are applying to have Michelle as manager and she is TIPS certified.

Captain Houghton stated that they are investigating a homicide there and they intend to bring the French Club before the Commission regarding a number of violations. Michelle Consolo is named as a witness in the investigation.

Consolo stated that she has been involved in the club for about a year and a half as a bartender and then as a member of the board. She has been a bartender for over 20 years.

Bill Smith stated that the club has 13 surveillance cameras 24 hours a day.

Guzman made motion to approve change of manager application, pending CORI approval and submission of TIPS certificate; seconded by Avellaneda. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Public hearing commenced re Cesar Fernandez d/b/a Fernandez Brothers Liquor of 79 Williams St. in connection with an application for transfer and pledge of the All Alcoholic Package Store License. Chairman Dwyer read the public hearing notice.



Attorney Joseph Devlin appeared with Vishal Patel (director and manager) and Bharat Patel (president, treasurer, secretary, director) on behalf of Pramukham Corp., d/b/a Fernandez Brothers Liquors. Atty. Devlin stated that the purchase price is contained in the application, \$300,000 being funded by a loan from Rockland Trust and the remainder coming from parent's gifts and bank accounts of Bharat and Vishal. Vishal is 28 years old with a degree from Northeastern and will be the manager of record. Bharat will also be working at the store. Neither of them have experience in package store sales. Vishal is TIPS certified. Two employees are there now who they will keep on. They do not plan to make any changes to the establishment.

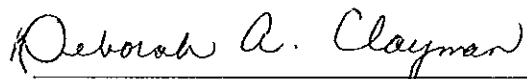
Guzman stated she likes this liquor store and has been in there. She stated that it is operated nicely and she hopes that doesn't change. She is concerned that he doesn't have experience in package store sales and the money is a concern. She will trust the representation that the people lending the money or gifting the money will have no say in the operation of the business.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Guzman made motion to approve transfer and pledge of license and inventory; seconded by Avellaneda. On the motion: Guzman – yes; Avellaneda – yes; Dwyer – yes.

Guzman made motion to schedule election of Licensing Commission officers for next meeting; seconded by Avellaneda. Guzman – yes; Avellaneda – yes; Dwyer – yes.

Meeting adjourned at 8:45 p.m.

  
Deborah A. Clayman  
City Clerk

12/9/14

/dac

RECEIVED  
CITY CLERK'S OFFICE  
CHELSEA, MA  
2015 JAN 12 P 12:26