

## Creedon, Paul

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**From:** Kim Courtney <kim@kimcourtneylaw.com>  
**Sent:** Thursday, October 29, 2015 4:35 PM  
**To:** City Council; Lopez, Donna  
**Cc:** Dietrich Xavier  
**Subject:** Proposed policy order for submission for Nov 2 2015 city council meeting  
**Attachments:** Courtney%2520Proposed%2520Policy%2520Orders%252010.29.15%2520-1.pdf

City Clerk and Council

Please see the attached proposed policy order and letters relative to that proposed order, to be included with the correspondence for the Nov 2 2015 City Council meeting.

As you are aware, the Cellar Wine and Spirits is operating a package store with an invalid liquor license, which was declared as such by the license commission back in February of this year. That establishment is still open to date. Please consider the attached proposed order for submission for the Nov 2nd 2015 city council meeting.

Thank you  
Kim Courtney  
Xavier Dietrich

IN CITY COUNCIL

WHEREAS: On February 13, 2015, the Cambridge License Commission issued a letter declaring that the package store license of KAPSCO, Inc. located at 991 Massachusetts Avenue in Cambridge was invalid because it was issued in violation of Section 17 of Chapter 138 of the General Laws; and

WHEREAS: On the same date, the ABCC also issued a letter stating that said package store license was invalid; and

WHEREAS: Said package store has continued to operate since February 13, 2015 and is currently operating to date; now therefore be it

ORDERED: That the City Manager be and hereby is ordered to instruct the License Commission and Police Department to take action to close said package store operating at 991 Massachusetts Avenue, and report back to the Council on or before November 9, 2015.

Andrea S. Jackson  
Chairperson

Chief Gerald R. Reardon  
Fire Department  
Commission Member

Commissioner Robert C. Haas  
Police Department  
Commission Member

Elizabeth Y. Lint  
Executive Director

# CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139



City of Cambridge

February 13, 2015

Steven Kapsalis  
The Cellar  
991 Massachusetts Avenue  
Cambridge, MA 02139

RE: License Ownership

Dear Mr. Kapsalis:

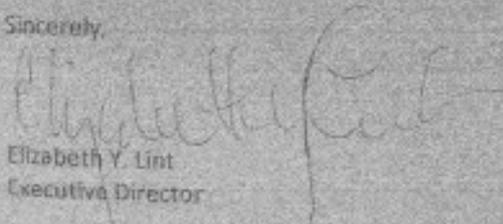
A review of our files has revealed that you are currently the owner of a Massachusetts General Laws chapter 138 Section 12 Pouring License which was approved by the Cambridge License Commission on September 7, 1984 and by the ABCC on October 16, 1984, as well as a Massachusetts General Laws chapter 138 Section 15 Off-Premise License which was approved by the Cambridge License Commission on March 29, 2005 and by the ABCC on April 4, 2005.

Ownership of the two above licenses is a violation of Massachusetts General Laws chapter 138 Section 17 which states that one person, firm or corporation cannot hold more than one license in the same city or town under this chapter.

Please take immediate steps to transfer ownership of one of the licenses and provide written proof to the Cambridge License Commission before March 20, 2015. Failure to do so will result in a hearing to revoke one of the licenses.

Please contact me if you have any questions.

Sincerely,

  
Elizabeth Y. Lint  
Executive Director

Telephone (617) 349-6140

Facsimile (617) 349-6148

TTY/TDD (617) 349-6112

[www.cambridgema.gov/license](http://www.cambridgema.gov/license)

Charles S. Jackson  
Chairperson

Clayton R. Reardon  
Fire Department  
Commission Member

Commissioner Robert C. Haas  
Police Department  
Commission Member

Elizabeth Y. Unt  
Executive Director

# CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139



City of Cambridge

February 13, 2015

Ralph Sacramone  
Executive Director  
ABCC  
239 Causeway Street  
Boston, MA 02114

RE: KAPSCO, Inc. d/b/a Cellar Wine & Spirits  
JCSK, Inc. d/b/a The Cellar

Dear Mr. Sacramone;

It has been brought to our attention that the above two licenses, while owned by different corporations, are owned by the same person. Steven Kapsalis is the 100% stockholder of both corporations. I understand that this is a violation of MGL ch. 138 sec. 17.

The application for JCSK, Inc. d/b/a Ashoka, section 12 license at 991 Massachusetts Avenue, was approved by the Cambridge License Commission and the ABCC on August 14, 1984. In 1990 the d/b/a was changed to the Cellar at Tandoor House. In 1994 the d/b/a was changed to The Cellar. All of these changes were acknowledged by the ABCC.

The application for KAPSCO, Inc. d/b/a University Wine Cellar, section 15 license at 991 Massachusetts Avenue, was approved by the Cambridge License Commission on March 29, 2005. It was subsequently approved by the ABCC. In May 2005 there was a d/b/a change to University Wine Shop at Harvard Square. On September 13, 2005 the d/b/a was changed to Cellar Wine & Spirits. All of these changes were acknowledged by the ABCC. In the original application Mr. Kapsalis did disclose that he had ownership in an All Alcoholic Beverages License.

We have notified Mr. Kapsalis that he is in violation of MGL ch. 138 sec. 17 and that he must relinquish ownership of one of the licenses. I am writing to you to ask what you feel is the most appropriate way for the License Commission to proceed.

Sincerely,

Elizabeth Y. Unt  
Executive Director

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