

CAMBRIDGE LICENSE DECISION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

AT: Michael J. Lombardi Building
Basement Conference Room
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

DATE: December 18, 2014

TIME: 10:01 a.m.

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INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
-----------------------	-------------

APPLICATION: CLUBE DESPORTIVO FAIALANSE, INC.	4
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APPLICATION: OUT OF THE BLUE TOO	14
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P R O C E E D I N G S

December 18, 2014

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(Hearing is being audio and videotaped by
Xavier Dietrich.)

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EXECUTIVE DIRECTOR ELIZABETH LINT: Good morning. This is the License Commission Decision Making Hearing. It's Thursday, December 18, 10:03 a.m. We are in the Michael J. Lombardi Building, 831 Mass. Ave, basement conference room.

Before you are Commissioners, Chair Andrea Jackson and Chief Gerald Reardon. Commissioner Haas is not available today.

This meeting is being audio taped and videotaped.

We have two matters that will be heard today, Out of the Blue Too and the Club

Faialense.

CHAIR ANDREA JACKSON: Call the first
one.

APPLICATION: CLUBE DESPORTIVO FFAIALENSE

EXECUTIVE DIRECTOR ELIZABETH LINT: The
Faialense since he's here.

JOSEPH CONCEICAO: Good morning.

CHAIR ANDREA JACKSON: Good morning. If
you could please state your name for the record
spelling your first name and last name.

JOSEPH CONCEICAO: Joseph Conceicao,
J-O-S-E-P-H C-O-N-C-E-I-C-A-O.

CHAIR ANDREA JACKSON: For the record,
Ms. Lint, what is that being submitted?

JOSEPH CONCEICAO: List of the Board of
Directors and somewhat of a membership policy of
code of conduct, let's say. We have bylaws, but
they are written in Portuguese and they are in
the process of being translated into the English,

and hopefully in January we'll have it.

CHAIR ANDREA JACKSON: So what do you understand -- is it Conceicao?

JOSPHY CONCEICAO: Yes.

CHAIR ANDREA JACKSON: What do you understand is the responsibility as being the manager of the club?

JOSEPH CONCEICAO: Trying to make sure that the laws of the state and the city are abide by and making sure that our members or guests are respectful, making sure that we don't serve minors, and anybody that shows a little bit extra, then we stop them. Just so you know, this is a non-paid position.

CHAIR ANDREA JACKSON: Oh, I know.

These are for us to keep for our records?

JOSEPH CONCEICAO: Yes.

CHAIR ANDREA JACKSON: Have you had 21 Proof training?

JOSEPH CONCEICAO: I did in another job that I had. I used to work at Boston University Agganis Arena and we did a quick training there. But I have been trying to see if there's something on-line that we can refresh our bartenders and directors.

CHAIR ANDREA JACKSON: Okay, and Mr. Santo, is he still around? Is he still involved in the club?

JOSEPH CONCEICAO: No, ma'am, he's not.

CHAIR ANDREA JACKSON: How long has he not been involved in the club?

JOSEPH CONCEICAO: I'm sorry, I don't have that.

CHAIR ANDREA JACKSON: More than six months or --

JOSEPH CONCEICAO: No. A couple months when he sent his resignation in.

CHAIR ANDREA JACKSON: Okay.

JOSEPH CONCEICAO: There might be more than one "Joe Santo," by the way.

CHAIR ANDREA JACKSON: I know.

JOSEPH CONCEICAO: Just in case.

CHAIR ANDREA JACKSON: So since you are the one here and you are looking for the change of manager -- unless you have any questions?

FIRE CHIEF GERALD REARDON: I don't at this time.

CHAIR ANDREA JACKSON: I'm prepared to vote to make a motion to approve you as the manager of record for the club.

But before I do so, with that being said, my concern is that I know that policies are not being followed at the club.

JOSEPH CONCEICAO: We are trying to correct that.

CHAIR ANDREA JACKSON: And I say that because someone from my staff who was not a

member of the club was able to walk in yesterday, no one asked him for an ID card, he was able to go to the bar and order a drink. No one asked him for an ID card. That violates policy.

JOSEPH CONCEICAO: Correct.

CHAIR ANDREA JACKSON: That's a big concern. And I have the picture the front door of your club. Is that it?

JOSEPH CONCEICAO: Yes.

CHAIR ANDREA JACKSON: So having the sign on the door alone that says "Members and Their Guests Only" is not sufficient. The rules clearly state in order to access the club you have to be a member, and that's what we were getting at the last hearing is that people from the street should not be able to just walk in and go to the bar and have a drink.

If people are coming in off the street, they have to be with a member but that membership

card has to be asked for when people are entering the club.

JOSEPH CONCEICAO: We are trying to implement a couple different policies that we will not take effect until after January in our general meeting because it has to go through an approval process. That's one of our concerns that we have and guests coming in multiple times with the same members, and after awhile it becomes a habit, and we are trying to stop that.

CHAIR ANDREA JACKSON: Okay, so I will get --

FIRE CHIEF GERALD REARDON: I think the other issue you have is all these nonpaid is not --

JOSEPH CONCEICAO: By the way, I misspoke on that, and I was trying to be a little on the funny side, which didn't help me. They are paid. We do have some honorary members, including some

that have deceased, and their name still stays,
that do not get paid -- I mean do not pay. I
believe it is 15, the amount that we have.

And what I meant to say where they're not
paid, they're members but they take a little
awhile to pay their dues and hopefully --

CHAIR ANDREA JACKSON: How much are the
dues?

JOSEPH CONCEICAO: \$30 a year. And most
of the times they come around this time of year
because we always have a party for the members
and their children and we give gifts and stuff,
so they always show up at that time to pay their
dues, so that the kids can get --

FIRE CHIEF GERALD REARDON: Right, and
that would have been for the whole previous year,
like 2014?

JOSEPH CONCEICAO: Yes.

FIRE CHIEF GERALD REARDON: The problem

you have is that the reason the club is allowed to function as a private club is because there's regulations on how you are allowed to have a license to do this. And if they are not paid, they're technically not members. So there's gotta be something you gotta tighten up in terms of -- and I understand the private clubs all have a lot of issues of trying to make ends meet and everything and that certainly isn't helping your bottom line.

JOSEPH CONCEICAO: That is one of the proposals, no more than three months.

FIRE CHIEF GERALD REARDON: I would think you need --

JOSEPH CONCEICAO: They have three months to pay, you know. I mean, the economy, and people do have a tough time, so we are trying to, you know, squeeze them a little but not as much.

FIRE CHIEF GERALD REARDON: And the fact that most of the clubs, the costs at the clubs is obviously significantly different from what you pay prevailing wage at regular establishments and that's part of the reason you are allowed to do some of this is because it is a membership-only situation and not a general public.

I mean, it puts your license in peril if you are not following those regulations, and I want to make sure you understand that.

I know it is difficult to get money out of people, but unfortunately, they have to understand that it, you know, that -- and if they get shut off and can't come in, it may motivate them to be a little more conscientious on their payment plans.

JOSEPH CONCEICAO: We are trying to tighten up our ropes but it is a little difficult sometimes.

FIRE CHIEF GERALD REARDON: I understand.
You are understand the parameters.

JOSEPH CONCEICAO: Believe me, we're
trying -- that's what we want. Because if that
is implemented the way it is supposed to be, it
makes our job easier also.

CHAIR ANDREA JACKSON: So I'm going to
make a motion that we approve the change of
manager from Joe Santo to Joseph Conccicao for
Club Faialense. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor
signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: With that, you are
going to be required to go to 21 Proof training.
We are going to have to schedule you to come back
for a follow-up disciplinary hearing as a result
of having someone come in without a membership.

We can't do it today because we haven't noticed it.

JOSEPH CONCEICAO: That's fine.

CHAIR ANDREA JACKSON: But we will subsequently schedule you to come in probably sometime next month and hopefully by then you will have better practices in place. Okay?

JOSEPH CONCEICAO: Thank you. Happy holidays.

CHAIR ANDREA JACKSON: Thank you. You too.

APPLICATION: OUT OF THE BLUE TOO

EXECUTIVE DIRECTOR ELIZABETH LINT: Out Of the Blue.

CHAIR ANDREA JACKSON: And there's no one here.

FIRE CHIEF GERALD REARDON: And for the record, they have not come back into the Fire Department and contacted Fire Prevention or

Captain Cahill or done anything, to the best of our knowledge. No permits have been pulled, no action has been taken.

CHAIR ANDREA JACKSON: I guess we could continue the matter, and I think the challenge for them is, I guess, they are on a month-to-month lease in that space and how much do you really want to invest in it. And we know the old Block Buster space, it's a big space, and I think they are probably doing the best that they can probably with the limited funds, but instead of denying it, we can give them one more opportunity, I would think, and just continue it to our next decision hearing, and hopefully by then, they have had an opportunity to fix the issues.

FIRE CHIEF GERALD REARDON: We can do that.

CHAIR ANDREA JACKSON: I make a motion

that we continue this to the our next Decision
Making Hearing. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor
signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

I make a motion we adjourn.

FIRE CHIEF GERALD REARDON: Eye.

CHAIR ANDREA JACKSON: All those in favor
signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

(Meeting was adjoured)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

CERTIFICATION

Commonwealth of Massachusetts
Norfolk, ss.

I, Jill Kourafas, Certified Shorthand Reporter, in and for the Commonwealth of Massachusetts, do hereby certify that the hearing herein before set forth is a true and accurate record of the proceedings with the exception that some statements may not appear due to heavy accents, unclear speaking, rapid and overlapping speaking, private conversations, those speaking too softly or incoherently, not identifying themselves and proper names/places will be spelled phonetically if not spelled while on the record.

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<u>\$</u>	<u>6</u>	<u>Agganis</u> [1] - 6:3	16:10, 16:13	13:13, 13:14,
<u>\$30</u> [1] - 10:9	<u>617.786.</u> <u>7783</u> [1] - 1:18	<u>allowed</u> [3] - 11:1, 11:3, 12:5	<u>ANY</u> [2] - 18:16, 18:17	16:5, 16:6, 16:7, 16:11, 16:12, 16:13
<u>0</u>	<u>8</u>	<u>alone</u> [1] - 8:11	<u>appear</u> [1] - 18:6	
<u>02139</u> [1] - 1:13	<u>831</u> [2] - 1:13, 3:11	<u>amount</u> [1] - 10:3	<u>APPLICATIO</u> <u>N</u> [3] - 2:3, 4:4, 14:12	<u>B</u>
<u>1</u>	<u>A</u>	<u>AND/OR</u> [1] - 18:17	<u>aPPLICATIO</u> <u>N</u> [1] - 2:5	<u>bar</u> [2] - 8:3, 8:17
<u>10:01</u> [1] - 1:15	<u>a.m</u> [2] - 1:15, 3:10	<u>Andrea</u> [1] - 3:14	<u>APPLY</u> [1] - 18:16	<u>bartenders</u> [1] - 6:6
<u>10:03</u> [1] - 3:10	<u>abide</u> [1] - 5:9	<u>ANDREA</u> [32] - 1:7, 4:2, 4:8, 4:13, 5:2, 5:5, 5:15, 5:18, 6:7, 6:11, 6:15, 6:19, 7:3, 7:5, 7:10, 7:18, 8:6, 8:10, 9:11, 10:7, 13:7, 13:12, 13:15, 14:4, 14:10, 14:15, 15:4, 15:19, 16:4, 16:7,	<u>approval</u> [1] - 9:7	<u>Basement</u> [1] - 1:12
<u>14</u> [1] - 2:6	<u>able</u> [3] - 8:1, 8:2, 8:16		<u>approve</u> [2] - 7:11, 13:8	<u>basement</u> [1] - 3:11
<u>14903</u> [1] - 18:14	<u>accents</u> [1] - 18:6		<u>Arena</u> [1] - 6:3	<u>becomes</u> [1] - 9:10
<u>15</u> [1] - 10:3	<u>access</u> [1] - 8:13		<u>AT</u> [1] - 1:12	<u>beem</u> [1] - 15:2
<u>18</u> [3] - 1:14, 3:2, 3:9	<u>accurate</u> [2] - 17:12, 18:5		<u>audio</u> [2] - 3:4, 3:16	<u>best</u> [2] - 15:1, 15:10
<u>2</u>	<u>action</u> [1] - 15:3		<u>available</u> [1] - 3:15	<u>better</u> [1] - 14:7
<u>2014</u> [3] - 1:14, 3:2, 10:17	<u>adjourned</u> [1] - 16:14		<u>Ave</u> [1] - 3:11	<u>big</u> [2] - 8:6, 15:9
<u>21</u> [2] - 5:18, 13:16	<u>adjourn</u> [1] - 16:8		<u>Avenue</u> [1] - 1:13	<u>bit</u> [1] - 5:12
<u>4</u>	<u>administer</u> <u>ed</u> [1] - 18:10		<u>awhile</u> [2] - 9:9, 10:6	<u>Block</u> [1] - 15:9
<u>4</u> [1] - 2:4	<u>AGENDA</u> [2] - 2:1, 2:2		<u>aye</u> [8] -	<u>BLUE</u> [2] - 2:6, 14:12
				<u>Blue</u> [2] - 3:19, 14:14

<u>BOARD</u> [1] - 1:6	9:1	15:19,	<u>children</u> [1] -	<u>ers</u> [1] -
<u>Board</u> [3] - 4:15,	<u>case</u> [1] -	16:4,	10:12	3:13
18:11,	7:4	16:7,	<u>CITY</u> [1] -	<u>Commonweal</u>
18:12	<u>certainly</u> [1] - 11:9	16:10,	1:3	<u>th</u> [2] -
<u>Boston</u> [1] - 6:2	<u>CERTIFICAT</u>	16:13	<u>city</u> [1] -	18:2, 18:4
<u>bottom</u> [1] - 11:10	<u>ION</u> [2] -	<u>Chair</u> [1] - 3:13	5:9	<u>Conccicao</u> [1] - 13:9
<u>Building</u> [2] -	18:1,	<u>challenge</u> [1] - 15:5	<u>clearly</u> [1] - 8:13	<u>CONCEICAO</u> [25] -
1:12, 3:11	18:16	<u>CHANGE</u> [6] - 17:4,	<u>club</u> [11] - 5:7,	4:7, 4:11,
<u>Buster</u> [1] - 15:9	<u>Certified</u> [2] -	17:5,	6:9, 6:12,	4:15, 5:4,
<u>bylaws</u> [1] - 4:17	18:14	17:6,	7:12,	5:8, 5:17,
	<u>certify</u> [1] - 18:4	17:7,	7:15, 8:1,	6:1, 6:10,
	<u>CERTIFYING</u> [1] -	17:8, 17:9	8:8, 8:13,	6:13,
	18:17	<u>change</u> [3] - 7:6,	9:2, 11:1,	6:17, 7:1,
	<u>CHAIR</u> [32] - 1:7,	13:8, 17:2	11:2	7:4, 7:16,
<u>C-O-N-C-E-</u>	4:2, 4:8,	<u>changes</u> [1] -	<u>Club</u> [2] -	8:5, 8:9,
<u>I-C-A-O</u> [1] - 4:12	4:13, 5:2,	17:11	3:19,	9:3, 9:16,
<u>Cahill</u> [1] - 15:1	5:5, 5:15,	<u>Chief</u> [1] - 3:14	13:10	10:9,
<u>CAMBRIDGE</u> [2] - 1:2,	5:18, 6:7,	<u>CHIEF</u> [16] - 1:8,	13:10	10:18,
1:3	6:11,	7:8, 9:13,	<u>CLUBE</u> [2] - 2:4, 4:4	11:11,
<u>Cambridge</u> [3] -	6:15,	10:15,	<u>clubs</u> [3] - 11:7,	11:15,
1:13,	6:19, 7:3,	10:19,	12:2	12:17,
18:11,	7:5, 7:10,	11:13,	<u>code</u> [1] -	13:3,
18:12	7:18, 8:6,	12:1,	4:17	14:3, 14:8
<u>Captain</u> [1] - 15:1	8:10,	12:1,	<u>coming</u> [2] - 8:18,	<u>Conceicao</u> [2] -
<u>CAPTURING</u> [1] - 1:17	9:11,	13:1,	9:8	4:11, 5:3
<u>card</u> [3] -	10:7,	13:11,	<u>COMMISSION</u> [2] - 1:4,	<u>concern</u> [2] -
8:2, 8:4,	13:7,	13:14,	1:6	7:14, 8:7
	13:12,	14:17,	<u>Commission</u> [1] - 3:8	<u>concerns</u> [1] - 9:7
	13:15,	15:17,	<u>Commission</u> [1] - 3:8	<u>conduct</u> [1] - 4:17
	14:4,	16:3,	<u>Commission</u> <u>er</u> [1] -	<u>Conference</u> [1] - 1:12
	14:10,	16:6,	3:15	<u>conference</u> [1] - 3:11
	14:15,	16:9,	<u>Commission</u>	
	15:4,	16:12		

<u>conscienti</u>	17:3	<u>DIRECTION</u>	<u>ELIZABETH</u>	<u>favor</u> [3]
<u>ous</u> [1] - 12:15	<u>deceased</u> [1] - 10:1	[1] - 18:17	[4] - 1:9, 3:7, 4:5, 14:13	- 13:12, 16:4, 16:10
<u>contacted</u> [1] - 14:19	<u>december</u> [1] - 3:2	<u>DIRECTOR</u> [4] - 1:9, 3:7, 4:5, 14:13	<u>ends</u> [1] - 11:8	<u>FFAIALANSE</u> [1] - 4:4
<u>continue</u> [3] - 15:5, 15:13, 16:1	<u>December</u> [2] - 1:14, 3:9	<u>directors</u> [1] - 6:6	<u>English</u> [1] - 4:19	<u>fine</u> [1] - 14:3
<u>CONTROL</u> [1] - 18:17	<u>decision</u> [1] - 15:14	<u>Directors</u> [1] - 4:16	<u>entering</u> [1] - 9:1	<u>FIRE</u> [16] - 1:8, 7:8, 9:13, 10:15, 10:19, 11:13, 12:1, 13:1, 13:11, 13:14, 14:17, 15:17, 16:3, 16:6, 16:9, 16:12
<u>control</u> [1] - 18:11	<u>DECISION</u> [1] - 1:2	<u>disciplina</u> <u>ry</u> [1] - 13:18	<u>ERRATA</u> [1] - 17:1	11:13, 12:1, 13:1, 13:11, 13:14, 14:17, 15:17, 16:3, 16:6, 16:9, 16:12
<u>conversati</u> <u>ons</u> [1] - 18:7	<u>Decision</u> [2] - 3:8, 16:1	<u>DOES</u> [1] - 18:16	<u>errata</u> [1] - 17:3	16:3, 16:6, 16:9, 16:12
<u>correct</u> [2] - 7:17, 8:5	<u>denying</u> [1] - 15:12	<u>done</u> [1] - 15:1	<u>establishm</u> <u>ents</u> [1] - 12:4	<u>Fire</u> [2] - 14:18, 14:19
<u>correction</u> [1] - 17:2	<u>Department</u> [1] - 14:19	<u>door</u> [2] - 8:7, 8:11	<u>except</u> [1] - 17:11	<u>first</u> [2] - 4:2, 4:10
<u>correction</u> <u>s</u> [1] - 17:11	<u>DESPORTIVO</u> [2] - 2:4, 4:4	<u>drink</u> [2] - 8:3, 8:17	<u>exception</u> [1] - 18:5	<u>fix</u> [1] - 15:15
<u>costs</u> [1] - 12:2	<u>Dietrich</u> [1] - 3:5	<u>due</u> [1] - 18:6	<u>EXECUTIVE</u> [4] - 1:9, 3:7, 4:5, 14:13	<u>follow</u> [1] - 13:18
<u>couple</u> [2] - 6:17, 9:4	<u>different</u> [2] - 9:4, 12:3	<u>dues</u> [3] - 10:6, 10:8, 10:14	<u>extra</u> [1] - 5:13	<u>follow-up</u> [1] - 13:18
<u>D</u>	<u>difficult</u> [2] - 12:11, 12:18	<u>E</u>	<u>eye</u> [1] - 16:9	<u>followed</u> [1] - 7:15
<u>DATE</u> [1] - 1:14	<u>DIRECT</u> [1] - 18:17	<u>easier</u> [1] - 13:6	<u>fact</u> [1] - 12:1	
<u>date</u> [1] -	<u>direction</u> [1] - 18:11	<u>economy</u> [1] - 11:16	<u>FAIALANSE</u> [1] - 2:4	
		<u>effect</u> [1] - 9:5	<u>Faialense</u> [3] - 4:1, 4:6, 13:10	

<u>following</u> [1] - 12:9	16:3, 16:6, 16:9, 16:12	1:4	<u>INC</u> [2] - 1:17, 2:4	5:18, 6:7, 6:11, 6:15, 6:19, 7:3, 7:5, 7:10, 7:18, 8:6, 8:10, 9:11, 10:7, 13:7, 13:12, 13:15, 14:4, 14:10, 14:15, 15:4, 15:19, 16:4, 16:7, 16:10, 16:13
<u>FOREGOING</u> [1] - 18:16	<u>Gerald</u> [1] - 3:14	<u>Hearing</u> [3] - 3:4, 3:9, 16:2	<u>including</u> [1] - 9:19	
<u>foregoing</u> [1] - 17:10	<u>gifts</u> [1] - 10:12	<u>heavy</u> [1] - 18:6	<u>incoherent</u> <u>ly</u> [1] - 18:7	
<u>formal</u> [1] - 18:9	<u>gotta</u> [2] - 11:6	<u>help</u> [1] - 9:18	<u>INDEX</u> [1] - 2:1	
<u>forth</u> [1] - 18:5	<u>guess</u> [2] - 15:4, 15:6	<u>helping</u> [1] - 11:9	<u>inhouse</u> [1] - 18:10	
<u>front</u> [1] - 8:7	<u>guests</u> [2] - 5:10, 9:8	<u>hereby</u> [2] - 17:11, 18:4	<u>instead</u> [1] - 15:12	
<u>function</u> [1] - 11:2	<u>Guests</u> [1] - 8:12	<u>herein</u> [1] - 18:5	<u>INSTRUCTIO</u> <u>NS</u> [1] - 17:2	
<u>funds</u> [1] - 15:11		<u>holidays</u> [1] - 14:9	<u>invest</u> [1] - 15:8	
<u>funny</u> [1] - 9:18		<u>honorary</u> [1] - 9:19	<u>involved</u> [2] - 6:8, 6:12	<u>January</u> [2] - 5:1, 9:5
	<u>H</u>	<u>hopefully</u> [4] - 5:1, 10:6, 14:6, 15:14	<u>issue</u> [1] - 9:14	<u>Jill</u> [2] - 18:3, 18:14
<u>G</u>	<u>Haas</u> [1] - 3:15		<u>issues</u> [2] - 11:8, 15:16	<u>job</u> [2] - 6:1, 13:6
<u>general</u> [2] - 9:6, 12:7	<u>habit</u> [1] - 9:10	<u>I</u>		<u>Joe</u> [2] - 7:2, 13:9
<u>GERALD</u> [16] - 1:8, 7:8, 9:13, 10:15, 10:19, 11:13, 12:1, 13:1, 13:11, 13:14, 14:17, 15:17,	<u>happy</u> [1] - 14:8	<u>ID</u> [2] - 8:2, 8:4	<u>J</u>	<u>JOSEPH</u> [25] - 4:7, 4:11, 4:12, 4:15, 5:8, 5:17, 6:1, 6:10, 6:13,
	<u>heard</u> [1] - 3:18	<u>identifyin</u> <u>g</u> [1] - 18:7	<u>Jackson</u> [1] - 3:14	
	<u>hearing</u> [1] - 15:14	<u>implement</u> [1] - 9:4	<u>JACKSON</u> [32] - 1:7, 4:2, 4:8, 4:13, 5:2, 5:5, 5:15,	
	<u>hearing</u> [3] - 8:15, 13:18, 18:4	<u>implemente</u> <u>d</u> [1] - 13:5		
	<u>HEARING</u> [2] - 1:2,	<u>IN</u> [2] - 1:4, 18:16		

6:17, 7:1, 7:4, 7:16, 8:5, 8:9, 9:3, 9:16, 10:9, 10:18, 11:11, 11:15, 12:17, 13:3, 14:3, 14:8	11:4, 12:8 <u>License</u> [2] - 3:8, 18:14 <u>LICENSE</u> [3] - 1:2, 1:4, 1:6 <u>Licensing</u> [2] - 18:11, 18:12 <u>limited</u> [1] - 15:11 <u>line</u> [2] - 6:5, 11:10 <u>LINE</u> [1] - 17:4 <u>Lint</u> [1] - 4:14 <u>LINT</u> [4] - 1:9, 3:7, 4:5, 14:13 <u>list</u> [1] - 4:15 <u>Lombardi</u> [2] - 1:12, 3:10 <u>looking</u> [1] - 7:6	<u>Mass</u> [1] - 3:11 <u>Massachuse</u> <u>tts</u> [4] - 1:13, 1:13, 18:2, 18:4 <u>matter</u> [1] - 15:5 <u>matters</u> [1] - 3:18 <u>MATTERS</u> [1] - 2:2 <u>mean</u> [3] - 10:2, 11:16, 12:8 <u>meant</u> [1] - 10:4 <u>meet</u> [1] - 11:8 <u>Meeting</u> [1] - 16:14 <u>meeting</u> [2] - 3:16, 9:6 <u>member</u> [3] - 8:1, 8:14, 8:19 <u>members</u> [6] - 5:10, 9:9, 9:19, 10:5, 10:11, 11:5 <u>MEMBERS</u> [1] - 1:6	<u>Members</u> [1] - 8:11 <u>membership</u> [4] - 4:16, 8:19, 12:6, 13:19 <u>membership</u> <u>-only</u> [1] - 12:6 <u>Michael</u> [2] - 1:12, 3:10 <u>might</u> [1] - 7:1 <u>minors</u> [1] - 5:12 <u>minutes</u> [1] - 18:10 <u>misspoke</u> [1] - 9:16 <u>money</u> [1] - 12:11 <u>month</u> [3] - 14:6, 15:7 <u>month-to-</u> <u>month</u> [1] - 15:7 <u>months</u> [4] - 6:16, 6:17, 11:12, 11:15 <u>morning</u> [3] - 3:8, 4:7, 4:8	<u>most</u> [2] - 10:9, 12:2 <u>motion</u> [4] - 7:11, 13:8, 15:19, 16:8 <u>motivate</u> [1] - 12:14 <u>multiple</u> [1] - 9:8
<u>K</u>				<u>N</u>
<u>keep</u> [1] - 5:16 <u>kids</u> [1] - 10:14 <u>knowledge</u> [1] - 15:2 <u>Kourafas</u> [2] - 18:3, 18:14				<u>name</u> [4] - 4:9, 4:10, 10:1 <u>names/</u> <u>places</u> [1] - 18:8 <u>need</u> [1] - 11:14 <u>next</u> [3] - 14:6, 15:14, 16:1 <u>non</u> [1] - 5:14 <u>non-paid</u> [1] - 5:14 <u>nonpaid</u> [1] - 9:14 <u>Norfolk</u> [1] - 18:2 <u>NOT</u> [1] - 18:16 <u>notary</u> [1] - 18:10
<u>L</u>				
<u>last</u> [2] - 4:10, 8:15 <u>laws</u> [1] - 5:9 <u>lease</u> [1] - 15:7 <u>license</u> [2] -	<u>M</u> <u>ma'am</u> [1] - 6:10 <u>manager</u> [4] - 5:7, 7:7, 7:12, 13:9			

<u>note</u> [1] - 17:2	2:6, 14:12	<u>ly</u> [1] - 18:8	<u>proceeding</u> [1] - 18:9	17:10
<u>noted</u> [1] - 17:11	<u>overlappin</u> <u>g</u> [1] - 18:6	<u>picture</u> [1] - 8:7	<u>proceeding</u> <u>s</u> [1] - 18:5	<u>reading</u> [1] - 17:2
<u>noticed</u> [1] - 14:1	<u>P</u>	<u>place</u> [1] - 14:7	<u>process</u> [2] - 4:19, 9:7	<u>really</u> [1] - 15:8
<u>O</u>	<u>PAGE</u> [2] - 2:2, 17:4	<u>plans</u> [1] - 12:16	<u>Proof</u> [2] - 5:19, 13:16	<u>REARDON</u> [16] - 1:8, 7:8, 9:13, 10:15, 10:19, 11:13, 12:1, 13:1, 13:11, 13:14, 14:17, 15:17, 16:3, 16:6, 16:9, 16:12
<u>obviously</u> [1] - 12:3	<u>paid</u> [5] - 5:14, 9:18, 10:2, 10:5, 11:4	<u>policies</u> [2] - 7:14, 9:4	<u>proper</u> [1] - 18:8	<u>Reardon</u> [1] - 3:14
<u>OF</u> [7] - 1:3, 2:1, 2:6, 14:12, 18:16, 18:16, 18:17	<u>parameters</u> [1] - 13:2	<u>policy</u> [2] - 4:16, 8:4	<u>proposals</u> [1] - 11:12	<u>REASON</u> [6] - 17:5, 17:6, 17:7, 17:8, 17:9, 17:10
<u>OFFICIAL</u> [1] - 1:17	<u>part</u> [1] - 12:5	<u>Portuguese</u> [1] - 4:18	<u>public</u> [2] - 12:7, 18:10	<u>reason</u> [3] - 11:1, 12:5, 17:2
<u>old</u> [1] - 15:9	<u>party</u> [1] - 10:11	<u>position</u> [1] - 5:14	<u>pulled</u> [1] - 15:2	<u>record</u> [9] - 4:9, 4:13, 7:12, 14:18,
<u>on-line</u> [1] - 6:5	<u>pay</u> [5] - 10:2, 10:6, 10:13, 11:16, 12:4	<u>practices</u> [1] - 14:7	<u>puts</u> [1] - 12:8	
<u>one</u> [9] - 4:3, 7:2, 7:6, 8:2, 8:3, 9:7, 11:11, 14:15, 15:12	<u>payment</u> [1] - 12:16	<u>prepared</u> [2] - 7:10, 18:11	<u>Q</u>	
<u>opportunit</u> <u>y</u> [2] - 15:13, 15:15	<u>people</u> [5] - 8:15, 8:18, 9:1, 11:17, 12:12	<u>prevailing</u> [1] - 12:4	<u>questions</u> [1] - 7:7	
<u>order</u> [2] - 8:3, 8:13	<u>peril</u> [1] - 12:8	<u>Prevention</u> [1] - 14:19	<u>quick</u> [1] - 6:3	
<u>OUT</u> [2] -	<u>permits</u> [1] - 15:2	<u>previous</u> [1] - 10:16	<u>quoted</u> [1] - 18:9	
	<u>phonetical</u>	<u>private</u> [3] - 11:2, 11:7, 18:7	<u>R</u>	
		<u>problem</u> [1] - 10:19	<u>rapid</u> [1] - 18:6	
			<u>RE</u> [1] - 1:4	
			<u>read</u> [1] -	

17:12, 18:5, 18:8, 18:9, 18:10 <u>RECORD</u> [1] - 1:17 <u>records</u> [1] - 5:16 <u>refresh</u> [1] - 6:5 <u>regular</u> [1] - 12:4 <u>regulation</u> <u>s</u> [2] - 11:3, 12:9 <u>Reporter</u> [2] - 18:4, 18:14 <u>REPORTER</u> [1] - 18:17 <u>REPORTERS</u> [1] - 1:17 <u>REPRODUCTI</u> <u>ON</u> [1] - 18:16 <u>required</u> [1] - 13:16 <u>resignatio</u> <u>n</u> [1] - 6:18 <u>RESPECT</u> [1] - 18:17 <u>respectful</u>	[1] - 5:11 <u>responsibi</u> <u>lity</u> [1] - 5:6 <u>result</u> [1] - 13:18 <u>Room</u> [1] - 1:12 <u>room</u> [1] - 3:12 <u>ropes</u> [1] - 12:18 <u>rules</u> [1] - 8:12 <u>S</u> <u>SAME</u> [1] - 18:16 <u>Santo</u> [3] - 6:8, 7:2, 13:9 <u>schedule</u> [2] - 13:17, 14:5 <u>second</u> [4] - 13:10, 13:11, 16:2, 16:3 <u>see</u> [1] - 6:4 <u>sent</u> [1] - 6:18 <u>serve</u> [1] - 5:11 <u>set</u> [1] - 18:5 <u>SHEET</u> [1]	- 17:1 <u>sheet</u> [2] - 17:3 <u>Shorthand</u> [2] - 18:3, 18:14 <u>show</u> [1] - 10:13 <u>shows</u> [1] - 5:12 <u>shut</u> [1] - 12:14 <u>side</u> [1] - 9:18 <u>Sign</u> [1] - 17:3 <u>sign</u> [1] - 8:10 <u>significan</u> <u>tly</u> [1] - 12:3 <u>signify</u> [3] - 13:13, 16:5, 16:11 <u>situation</u> [1] - 12:7 <u>six</u> [1] - 6:15 <u>softly</u> [1] - 18:7 <u>solely</u> [1] - 18:11 <u>someone</u> [2] - 7:19,	13:19 <u>sometime</u> [1] - 14:6 <u>sometimes</u> [1] - 12:19 <u>somewhat</u> [1] - 4:16 <u>sorry</u> [1] - 6:13 <u>space</u> [3] - 15:7, 15:9 <u>speaking</u> [3] - 18:6, 18:7 <u>spelled</u> [2] - 18:8, 18:8 <u>spelling</u> [1] - 4:10 <u>squeeze</u> [1] - 11:18 <u>ss</u> [1] - 18:2 <u>staff</u> [1] - 7:19 <u>STAFF</u> [1] - 1:9 <u>state</u> [3] - 4:9, 5:9, 8:13 <u>statement(</u> <u>s</u> [1] - 17:12 <u>statements</u> [1] - 18:6	<u>stays</u> [1] - 10:1 <u>still</u> [3] - 6:8, 10:1 <u>stop</u> [2] - 5:13, 9:10 <u>street</u> [2] - 8:16, 8:18 <u>strictly</u> [1] - 18:10 <u>stuff</u> [1] - 10:12 <u>submitted</u> [1] - 4:14 <u>subscribe</u> [1] - 17:11 <u>subsequent</u> <u>ly</u> [1] - 14:5 <u>sufficient</u> [1] - 8:12 <u>supposed</u> [1] - 13:5 <u>sworn</u> [1] - 18:10 <u>T</u> <u>taped</u> [1] - 3:16 <u>technicall</u> <u>y</u> [1] - 11:5 <u>terms</u> [1] - 11:6
--	---	---	--	---

<p><u>testimony</u> [1] - 18:10 <u>THE</u> [7] - 1:17, 2:6, 14:12, 18:16, 18:16, 18:17, 18:17 <u>themselves</u> [1] - 18:8 <u>therefor</u> [1] - 17:2 <u>THIS</u> [1] - 18:16 <u>three</u> [2] - 11:12, 11:15 <u>Thursday</u> [1] - 3:9 <u>tighten</u> [2] - 11:6, 12:18 <u>TIME</u> [1] - 1:15 <u>TO</u> [1] - 18:16 <u>today</u> [3] - 3:15, 3:19, 14:1 <u>TOO</u> [2] - 2:6, 14:12 <u>tough</u> [1] - 11:17 <u>training</u> [3] - 5:19, 6:3,</p>	<p>13:16 <u>transcript</u> [3] - 17:2, 17:10, 17:11 <u>TRANSCRIPT</u> [1] - 18:16 <u>translated</u> [1] - 4:19 <u>true</u> [1] - 18:5 <u>trying</u> [10] - 5:8, 6:4, 7:16, 9:3, 9:10, 9:17, 11:8, 11:17, 12:17, 13:4 <u>two</u> [1] - 3:18</p>	<p><u>UNLESS</u> [1] - 18:17 <u>unless</u> [1] - 7:7 <u>up</u> [4] - 10:13, 11:6, 12:18, 13:18</p> <p style="text-align: center;"><u>V</u></p> <p><u>videotaped</u> [2] - 3:4, 3:17 <u>violates</u> [1] - 8:4 <u>vote</u> [1] - 7:11</p> <p style="text-align: center;"><u>W</u></p> <p><u>wage</u> [1] - 12:4 <u>walk</u> [2] - 8:1, 8:16 <u>whole</u> [1] - 10:16 <u>written</u> [1] - 4:18 <u>www.</u> <u>reportersing</u> <u>.com</u> [1] - 1:18</p> <p style="text-align: center;"><u>X</u></p> <p><u>Xavier</u> [1] - 3:5</p>	<p style="text-align: center;"><u>Y</u></p> <p><u>year</u> [3] - 10:9, 10:10, 10:16 <u>yesterday</u> [1] - 8:1</p>
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