

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: June 26, 2014

TIME: 10:05 a.m.

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P R O C E E D I N G S

June 26, 2014

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EXECUTIVE DIRECTOR ELIZABETH LINT: It is the License Commission Decision Making Hearing, Thursday, June 26, 2014. It is 10:05. We're in the Michael J. Lombardi Building, 831 Mass Ave, Basement Conference Room.

Before you are the Commissioners: Chair Andrea Jackson and Commissioner Robert Haas. The chief is unable to be with us today.

APPLICATION: NEW AGE ASTROLOGY

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application: Continued from May 6, 2014, and June 11, 2014, Samantha Mitchell d/b/a New Age Astrology has applied for a fortune teller's license at 10 Pleasant Street.

One of the issues -- well, the main issue

was we didn't have any abutter notification. We do have them.

THE CHAIR ANDREA JACKSON: We received them all?

EXECUTIVE DIRECTOR ELIZABETH LINT: We have.

THE CHAIR ANDREA JACKSON: Good morning, Ms. Mitchell. Could you identify yourself for the record, please?

SAMANTHA MITCHELL: Samantha Mitchell.

THE CHAIR ANDREA JACKSON: So everything is in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is now.

THE CHAIR ANDREA JACKSON: All right.

And I make a motion that we approve the application for a fortune teller's license with a six-month review.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

THE CHAIR ANDREA JACKSON: You're all set.

SAMANTHA MITCHELL: Do I pick up a certificate or something?

EXECUTIVE DIRECTOR ELIZABETH LINT: We will process it and send you a letter saying when you can come by and pick it up at some point; probably by Monday.

SAMANTHA MITCHELL: Thank you, guys. I appreciate it.

THE CHAIR ANDREA JACKSON: Thank you. Have a good day.

RATIFICATION: STREATS, LLC D/B/A NIGHT MARKET

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification: The Board will meet to vote on changes made to the application filed by Streats, LLC d/b/a Night Market.

Changes include a corporate name change to a parent company listed as an owner of Streats, LLC, clarification of the legal name of an individual listed in the application and disclosures in Section 10 of the ABCC's application.

Mr. Galluccio?

ATTY. ANTHONY GALLUCCIO: Good morning.

THE CHAIR ANDREA JACKSON: Good morning.

ATTY. ANTHONY GALLUCCIO: Madam Chair and Commissioner, Ms. Lint.

THE CHAIR ANDREA JACKSON: Would you please identify yourself for the record?

ATTY. ANTHONY GALLUCCIO: Anthony

Galluccio, G-A-L-L-U-C-C-I-O. I'm a partner with Galluccio and Watson at 1498 Cambridge Street.

Ms. Lint, how much do you want me to summarize?

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's up to the --

ATTY. ANTHONY GALLUCCIO: I'm happy to. It's a little complicated.

THE CHAIR ANDREA JACKSON: Yeah, quick summary, please.

ATTY. ANTHONY GALLUCCIO: For you, I'll do my best.

So there were two rounds of responses from the ABCC which makes this a little complicated. The first really related to -- and forgive me if I summarize succinctly and not completely accurately, but I'll do the best I can.

The first round was related to a

corporate name change. So the parent company submitted -- changed its name in the middle of the licensing process from HMLV, Inc. to Duck & Chicken, Inn, which presented -- it was just a confusion for the ABCC.

The other major issue was Irene P. McCarthy was signing documents and actually submitting corporate documents under her -- under the name that she is known by, which is Rene McCarthy, so that was -- both of those things were very confusing for the ABCC.

POLICE COMMISSIONER ROBERT HAAS: Is Rene her legal name or is that --

ATTY. ANTHONY GALLUCCIO: No. It's Irene.

EXECUTIVE DIRECTOR ELIZABETH LINT: Irene.

ATTY. ANTHONY GALLUCCIO: Irene P. McCarthy. Rene. Rene is the name.

This is a new -- for this particular business entity, the alcohol application process is new, so they just weren't aware of how much confusion there would be in changing corporate name and using, I don't want to say a surname, but a known-as name.

That was the first round which we responded to and we actually amended all the corporate documents to reflect Irene, and we created affidavits as to documents that referred to the original corporate name HMLV, Inc. and that got straightened out.

As we went forward, and as you folks have noticed, a lot of lag time just in between going back and forth. So when I checked in on it about six weeks ago, the investigator had an issue about the corporate change, and partly my fault on this one.

When I had spoken to the ABCC, they were

focused on making sure that the applicant LLC had sole control over the license, which is the case, and we submitted corporate votes and all the proper documentation to reflect that. Streats, LLC, the advertised LLC is the license holder.

Where the confusion came in was that the client thought because Streats, LLC had full control, the remaining corporate chain didn't have to be disclosed, even though they had no control over the license, and that was a mistake. We were happy to go ahead and disclose the entire corporate chain.

The ABCC had seen this, went over it, went over all my -- all the documents that we submit in this revised application and simply said this should go back to Cambridge because there's new corporate entities that are now disclosed.

So I have no reason to believe that we

will not be approved immediately if this is forwarded along. I don't think it changes the advertisement, or anything that the Commission has discussed, but there were additional corporate interests that were disclosed.

And, as you know, along with those disclosures, come CORI affidavits if they're outside the United States, personal information forms, and the like.

So we've accommodated with all that. We've also submitted an up-to-date -- not up-to-date today, but a tax good standing that the ABCC has assured me will be valid for the revised application.

Again, the ABCC wanted to make sure that the Commission saw the additional disclosures, and at this point there's been so much updating of documentation that I think, not to speak for the investigator, but in the conversation I had,

felt more comfortable having the Commission see where the revised application was before it's forwarded back to the ABCC.

THE CHAIR ANDREA JACKSON: Why was the name changed after appearing before the board?

ATTY. ANTHONY GALLUCCIO: Well, the name of the license holder didn't change. It was one of the parent companies. And, you know, I think -- I can't answer that. I'm not going to try.

It would not have been something I would have advised. It's more restaurant-oriented. That's the only thing I could surmise.

THE CHAIR ANDREA JACKSON: I'm looking at the package that was submitted, and on the signature page of the application, it says "Waiting on executed." Is there an executed copy?

ATTY. ANTHONY GALLUCCIO: Yes.

THE CHAIR ANDREA JACKSON: Where is it?

ATTY. ANTHONY GALLUCCIO: I believe we have that. You're talking about the -- you're talking about the -- for the alcohol transmittal form?

THE CHAIR ANDREA JACKSON: Yes.

ATTY. ANTHONY GALLUCCIO: Yes, we do have that. That was executed by Rene McCarthy. Actually, I have it here. The applicant statement.

EXECUTIVE DIRECTOR ELIZABETH LINT: So it's now Irene McCarthy?

ATTY. ANTHONY GALLUCCIO: Correct.

THE CHAIR ANDREA JACKSON: And then other documents that are contained in the package, it says consistently still, I see several instances where it says Rene McCarthy. Should this now say Irene McCarthy"?

ATTY. ANTHONY GALLUCCIO: No. No. Anywhere -- where are you referring to, Madam

Chair?

THE CHAIR ANDREA JACKSON: I'm looking specifically at a form that says "Petition for Transfer of Ownership."

ATTY. ANTHONY GALLUCCIO: Yeah. That was updated. So specifically to the transfer of ownership, that is an old transfer petition in your packet.

The ABCC asked us to not amend, but create a new transfer of ownership, not with the seller's execution, which is indicia, but only by the transferee with Irene McCarthy, and that's in the packet.

They said it wasn't necessary to create a new transfer of ownership because the old transfer, even though it had Rene's name still reflected, the desire for the seller to convey, she just wanted a new transfer of ownership with Irene and we provided that.

Thank you for bringing those to my attention.

POLICE COMMISSIONER ROBERT HAAS: You don't -- you have the signed copy, or do you have full agreement that the Chair is looking at with Elizabeth?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry?

POLICE COMMISSIONER ROBERT HAAS: I want to make sure all the names have been changed to reflect --

ATTY. ANTHONY GALLUCCIO: The document that the Chair refers to is the updated petition for transfer executed by buyer only, No. 9.

It could have been that the packet that I submitted didn't have the applicant attestation because I wanted the client to review this first, so I was holding that in one the packets, so it may have been that have the signed -- thank you,

Madam Chair -- it may be that I have the signed in my packet and it wasn't submitted.

POLICE COMMISSIONER ROBERT HAAS: We still need an updated fully --

ATTY. ANTHONY GALLUCCIO: No.

That's just the applicant statement that attests to this application which it has been attested to.

That goes along with the transfer submittal form.

POLICE COMMISSIONER ROBERT HAAS: Right.

ATTY. ANTHONY GALLUCCIO: It's just either I or the applicant can sign that. This was reviewed and executed by Irene McCarthy on behalf of the LLC.

POLICE COMMISSIONER ROBERT HAAS: So my understanding is that some of the concerns are that that document still reflects her, right?

THE CHAIR ANDREA JACKSON: Right. It

still reflects Rene.

ATTY. ANTHONY GALLUCCIO: Can I see that?

ANDREA JACKSON: This one?

ATTY. ANTHONY GALLUCCIO: Yeah.

CHAIR ANDREA JACKSON: Sure.

ATTY. ANTHONY GALLUCCIO: No, no, the one
I handed in.

THE CHAIR ANDREA JACKSON: This one says
Irene.

ATTY. ANTHONY GALLUCCIO: No, that's the
original then. That should be -- that should
be -- do you mean the transfer of ownership?

THE CHAIR ANDREA JACKSON: Yes.

ATTY. ANTHONY GALLUCCIO: No. That's in
there for background only, Commissioner.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ATTY. ANTHONY GALLUCCIO: Because the
petition for a transfer was the -- the request as
to the petition for transfer was only to get an

updated form as to the seller with Irene's name corrected.

The ABCC did not want me to get a new petition for transfer executed by the seller, so they -- so you're the seller selling it to the Chair --

POLICE COMMISSIONER ROBERT HAAS: I get that.

ATTY. ANTHONY GALLUCCIO: -- and you've already executed selling it to the Chair. The Chair's name was listed as a surname. They only asked me it get the new petition executed by the buyer. So if I don't include the original -- it's a two-part exercise.

POLICE COMMISSIONER ROBERT HAAS: No, I get that.

ATTY. ANTHONY GALLUCCIO: That's why I included the original which had Rene, which led to the request, which is No. 9, updated petition

for transfer executed by buyer only as requested.

If I don't include the original, it would be confusing.

But, no, all the documents as to Irene have been cleaned up. That was the initial exercise.

The last exercise were the additional Section 10 issues which, again, the ABCC has been very helpful, cooperative and has reviewed what I submitted today, but didn't want to move ahead with it without the Commission seeing the updated.

So I took the liberty, really, of just revising the entire application and creating this history so that both the Commission and, quite honestly, the Alcoholic Beverages Commission, who ultimately will see this, will understand the history.

THE CHAIR ANDREA JACKSON: Attorney

Galluccio, there's also been submitted in this package updated personal information forms and CORI forms.

How are these different from what were submitted before?

ATTY. ANTHONY GALLUCCIO: If they are different, it's as to the names, Irene McCarthy submitting as Irene P. McCarthy. Also, as to documents related to the -- if you look at this No. 6 -- just to be helpful, because this, you know, is five months of back and forth, if you look at the organizational chart, when you get past this -- this goes from the bottom, Commissioner, No. 6, it's like a spreadsheet. This is helpful. This you have to start from the bottom. Streats, LLC, license holder, applicant, as advertised, Duck & Chicken was HMLV, Inc. They were disclosed. Fast Century Landmark, AHT, were not part of the original Section 10. It was

a mistake by me and the client because the control of the licensed LLC -- excuse me, because control of the license was held exclusively by Streats, we misunderstood the disclosure section.

When we disclosed these additional companies, which are Fast Century Limited, Landmark Limited, AHT Trust, we then have to submit personal information forms and CORI affidavits as to those companies.

Even though they don't have any control over the license, the ABCC requires that, so we have done that.

POLICE COMMISSIONER ROBERT HAAS: Who ran the CORI checks on the applicant?

ATTY. ANTHONY GALLUCCIO: Well, the ABCC.

POLICE COMMISSIONER ROBERT HAAS: Did we, the License Commission, or --

EXECUTIVE DIRECTOR ELIZABETH LINT: We

do.

POLICE COMMISSIONER ROBERT HAAS: Does it reflect the correct information when we ran the CORI check to make sure we didn't run it under her other name because I think what could happen is you run it under Rene, and it may not come back up, and if officer running the check didn't know her real legal name --

ATTY. ANTHONY GALLUCCIO: That's fine.

As to Fast Century, she's also -- as to Fast Century, Landmark and AHT, I would just point out those are not, I'm going to use a nondictionary word, not CORI-able because they are not persons who have ever lived or worked in the United States, so we provide affidavits stating that they have not committed crimes.

POLICE COMMISSIONER ROBERT HAAS: I think if we look back at the application and see what she reflected as her legal name, or her name on

that application, and if it's Irene, then I think we are okay. But if she's referring to Rene, I would imagine we probably want to run the check again just to make sure, right?

It would probably come back clean, but I just want to make sure that we're running --

ATTY. ANTHONY GALLUCCIO: She's a licensed attorney practicing, but that doesn't mean -- no, I have no issue. I don't know -- actually, I can check.

POLICE COMMISSIONER ROBERT HAAS: Would you have her CORI application there?

ATTY. ANTHONY GALLUCCIO: Yeah, the CORI request form that I have, which was October 30th, was Irene.

POLICE COMMISSIONER ROBERT HAAS: So it was Irene?

ATTY. ANTHONY GALLUCCIO: Yeah. And it was attested by a notary as to her passport. So

that actually might have been okay. It was the corporate -- when they -- you know, you submit these corporate documents on-line now and nobody says -- they take what you give them. It looks like that form was submitted properly to the Commission.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ATTY. ANTHONY GALLUCCIO: Because our hearing was after that.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Mr. O'Neil is going to check on that to see how it was run.

POLICE COMMISSIONER ROBERT HAAS: Okay.

THE CHAIR ANDREA JACKSON: There's also one here from a Robert Cutler that was submitted. It has a date on it after the date in which you appeared before the board.

ATTY. ANTHONY GALLUCCIO: That's correct.

That was an additional disclosure that

the ABCC asked for.

Again, we thought it was limited to Duck & Chicken because they were the controlling -- excuse me -- Streets, because they were the controlling interest. Cutler came up as a -- some -- he came up in some search, so we just added his disclosures under HMLV, Inc. and Duck & Chicken Group, Inc.

You're right, that may be a new one, Madam Chair.

THE CHAIR ANDREA JACKSON: I don't think we've run that one before that.

ATTY. ANTHONY GALLUCCIO: You may not have.

Obviously, I'm not -- I have no issue with -- an additional CORI being run. If we need to deal with that administratively, that's not an issue.

POLICE COMMISSIONER ROBERT HAAS: So

everything else we talked about so far addresses ABCC's concerns?

ATTY. ANTHONY GALLUCCIO: Yeah. And they have seen the new Section 10. We were almost there, and I think it just -- it became where there was so many changes, some were -- you know, all were innocent, but some were related to different issues that they wanted it.

And to be honest, it's helpful because this provides a summary for the record for both you and the ABCC because this could be somewhat confusing.

I mean, it's not an insignificant amount of documents at this point, and it's not the most complicated one that the ABCC has ever seen. But it certainly started out much simpler than it ended up.

POLICE COMMISSIONER ROBERT HAAS: I'm trying to figure the rationale, and you've

already answered the question, the Chair's question, why did they decide to start changing stuff and not just let it go through, and then if they needed to make amendments, do it afterwards.

ATTY. ANTHONY GALLUCCIO: This is an interesting process for somebody who has never really been involved in -- you know, those who engage frequently in alcohol licensing understand that anything can -- a name being written wrong, but, you know, I find it interesting because so much of it dates back to when people were trying to manipulate the system, which now clients say, "Why would I try to do that?" But it goes back to when this was an area of great scrutiny.

They certainly have learned their lesson.

And Irene has changed all her -- all the corporate filings and all that. We didn't -- they decided to go ahead and amend corporate documents which they have done.

POLICE COMMISSIONER ROBERT HAAS: Just waiting for Christopher. Then you would, I imagine, want to make sure that Charles person has to be --

THE CHAIR ANDREA JACKSON: Right.

EXECUTIVE DIRECTOR ELIZABETH LINT: The personal information form in CORI were all run under Irene.

THE CHAIR ANDREA JACKSON: McCarthy?

EXECUTIVE DIRECTOR ELIZABETH LINT: Irene McCarthy.

THE CHAIR ANDREA JACKSON: So are we good?

POLICE COMMISSIONER ROBERT HAAS: We just have the one issue then.

THE CHAIR ANDREA JACKSON: Right.

I make a motion that we ratify the application filed by Streats, LLC, doing business as Night Market contingent upon a clear CORI

check of Mr. Robert Cutler.

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

THE CHAIR ANDREA JACKSON: So we have one more item?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

THE CHAIR ANDREA JACKSON: Just one more quick item.

RATIFICATION: ADOPTION OF LETTER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification: Board of License Commissioners will ratify adoption of the letter to be sent to the Attorney General's Office.

POLICE COMMISSIONER ROBERT HAAS: I had an opportunity to read the letter and I am prepared to vote on it.

THE CHAIR ANDREA JACKSON: Make a motion?

POLICE COMMISSIONER ROBERT HAAS: I make
a motion that we approve or ratify the letter
that we intend to send in response to a complaint
that was issued or issued to the Attorney
General's Office.

THE CHAIR ANDREA JACKSON: Second.

All those in favor, signify by saying
aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

THE CHAIR ANDREA JACKSON: Aye. I make a
motion that we adjourn.

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

THE CHAIR ANDREA JACKSON: Aye.

(The proceedings were adjourned.)

Errata Sheet

INSTRUCTIONS: After reading the transcript of proceedings, 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 of the proceedings, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me.

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, 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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