

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION LICENSE HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: September 9, 2014

TIME: 6:04 p.m.

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P R O C E E D I N G S

September 9, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT:

We're going to get started with our regular hearing. If anyone has a cell phone on, we would appreciate it if you turned it off or put it on silent mode.

This is the License Commission General Hearing, Tuesday evening, September 9, 2014 at 6:04 p.m. we are in the Michael J. Lombardi building, 831 Mass. Ave, Basement Conference Room.

Before you are the Commissioners: Chair Andrea Jackson, Chief Gerald Reardon, and Commissioner Robert Haas.

If anyone is here for the review of Dumpling House, that's been continued to September 30, as has the matter of Chew, LLC.

CHAIR ANDREA JACKSON: Mr. Levy, there

are empty seats up front you certainly are more than welcome. I don't want to have you stand.

MARC LEVY: Okay.

CHAIR ANDREA JACKSON: I see people in the back who are speaking who've obviously not moved, so I don't want you to stand. So if we can call. Let's go.

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APPLICATION: BMR - 450 KENDALL STREET

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: BMR 450 Kendall Street, LLC has applied for a flammables license at 450 Kendall Street for 250 gallons of class 2.

CHAIR ANDREA JACKSON: Please state your name for the record, spelling your first name and last name, identifying your relationship to the applicant.

THOMAS SVIRSKY: Thomas Svirsky,
S-V-I-R-S-K-Y. I'm representing BioMed Realty.

They contracted us to help fill out this application for the flammable license. I have the white slips and green cards for you.

So if I could proceed and tell you about the building.

CHAIR ANDREA JACKSON: Absolutely.

THOMAS SVIRSKY: So 450 Kendall Street is currently in construction. It is a core and shell right now. BioMed Realty, they don't have any signed leases or any tenants as of now.

But they want to install a generator and they need a diesel tank. They will be locating this tank outside of the building.

The tank will be 250 gallons of diesel fuel, and that is what we are requesting for this licensed today.

FIRE CHIEF GERALD REARDON: So this is an exterior grade double mount?

THOMAS SVIRSKY: Yup.

FIRE CHIEF GERALD REARDON: Double hull?

THOMAS SVIRSKY: I'm not sure of the make
the tank.

FIRE CHIEF GERALD REARDON: But it's a
double hull, overflow?

THOMAS SVIRSKY: Yes.

FIRE CHIEF GERALD REARDON: I assume this
is for a generator?

THOMAS SVIRSKY: Yes.

FIRE CHIEF GERALD REARDON: Where is the
generator going to be located?

THOMAS SVIRSKY: I don't know.

FIRE CHIEF GERALD REARDON: Do you know
if it is going to be on grade or roof?

THOMAS SVIRSKY: I'm seeing if I can find
it in the drawing. I know the location of the
tank. I'm assuming since right now the building
is only a shell and core, if they are proposing
the tank to be there, then the generator would be

under it.

But I don't know right now the location of the generator. I can provide you that information, if you would like.

FIRE CHIEF GERALD REARDON: Because if it's grade, then it is probably going to stay where it is at 250. If it's a rooftop, it's going to need like a day tank that gets pumped to the roof, which is usually a 60-gallon tank, which would probably be incorporated into the amount, 60 gallons coming out of this as well, or you need to increase this.

THOMAS SVIRSKY: To 310 gallons, yes.

FIRE CHIEF GERALD REARDON: 310.

THOMAS SVIRSKY: I don't know if even my tenant knows that right now.

So if we do need additional storage for the diesel fuel, I'll make sure to amend the permit.

FIRE CHIEF GERALD REARDON: How many stories?

THOMAS SVIRSKY: Five stories.

FIRE CHIEF GERALD REARDON: No problem.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: And it's anticipated this is gonna be for back-up power?

THOMAS SVIRSKY: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a housekeeping matter on this.

CHAIR ANDREA JACKSON: Sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: It appears that someone is just -- whenever there's an application, they are printing off old applications that maybe they have one on file, so it has incorrect commissioners names on it. So we would ask in the future that you update the

forms. They are on our website.

THOMAS SVIRSKY: We can do that.

EXECUTIVE DIRECTOR ELIZABETH LINT: If they are not, I would be happy to provide them to you.

THOMAS SVIRSKY: Okay, thank you.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: All set.

CHAIR ANDREA JACKSON: I make a motion that we approve the application for the BMR 440 Kendall Street, LLC for a 250 gallon class 2. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Thank you.

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APPLICATION: BENT ASSOCIATES LIMITED

PARTNERSHIP

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Bent Associates Limited Partnership has applied for a garage license with additional flammables storage at 159 First Street for 66 parking spaces, 660 gallons of gasoline in the tanks of autos only and 189 gallons of class 2 for a generator.

CHAIR ANDREA JACKSON: Good evening.

ATTY. JAMES RAFFERTY: Good evening,

Madam Chair. For the record, my name is James Rafferty. I'm an attorney with the office of Adams & Rafferty located at 675 Mass Avenue, appearing this evening on behalf of the applicant

Urban Spaces, LLC.

This is a garage and gasoline license for the proposed, currently under construction, parking garage, residential building located at 159 First Street.

It is proposed to have 66 parking spaces and the type 2 fuel is for the generator located in the building. We have reviewed the plan with the Fire Prevention Department and received the sign-off there, and I have my green cards and affidavit.

FIRE CHIEF GERALD REARDON: So is this generator already installed?

DAVID NOTTER: It's not installed yet.

(Reporter asks for spelling of name)

DAVID NOTTER: David Notter, D-A-V-I-D
N-O-T-T-E-R.

ATTY. JAMES RAFFERTY: Mr. Notter is with Urban Spaces.

FIRE CHIEF GERALD REARDON: The tank hasn't been installed as of yet?

DAVID NOTTER: I'm not positive about the tank.

FIRE CHIEF GERALD REARDON: This is also just back-up generator, power?

DAVID NOTTER: Yes.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: I make a motion that we approve the garage license for additional flammable storage at 159 First Street for 66 parking spaces, 660 gallons of gasoline in the tanks of autos only and 189 gallons of class 2 for a generator for Bent Associated Limited Partnership. Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor

signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ATTY. JAMES RAFFERTY: Thank you very
much.

DAVID NOTTER: Thank you for your time.

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REVIEW: MOKSA LLC D/B/A MOKSA/NAGA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Review: Moksa, LLC, d/b/a Moksa/Naga, Renato
Rodriguez, manager of a holder of an all
alcoholic beverages restaurant license
entertainment license of the License Commission's
May 15, 2014 disciplinary hearing decision.

ATTY SEAN HOPE: Good evening, Madam
Chair, and Members of the Commission.

For the record, Attorney Sean Hope, Hope
Legal Law offices in Cambridge. I'm here tonight
with Renato Rodriguez, who is the manager of the

license.

RENATO RODRIGUEZ: R-E-N-A-T-O

R-O-D-R-I-G-U-E-Z.

CHAIR ANDREA JACKSON: We had this on our agenda as a follow-up from the May 15, 2014 disciplinary hearing.

I note there have been several noise complaints, but it appears to be more of a landlord/tenant issue than actual problems with the club itself. How has it been going?

RENATO RODRIGUEZ: Everything has been well. I haven't had any issues.

CHAIR ANDREA JACKSON: Same security plan in place?

RENATO RODRIGUEZ: Yes, ma'am.

ATTY SEAN HOPE: I would like to add, at the request of the Commission, we were able to implement the shared security detail on Mass. Ave with the Middle East Restaurant and anecdotally

I've heard as well from the operator of the Middle East as well that it has been very successful in helping to usher the crowds after closing between 2 and 3 a.m. from standing on the front of the sidewalk. And part of the issue that happened last summer partially had to do with the events that take place when the venue is both let out at the same time and how do you facilitate the crowds to go to their cars.

I think the police presence, that's been helpful, and just them being there, without being called in response, I think has had a marked improvement.

And there's only been noise complaints, which is a landlord/tenant issue. We haven't had not even a serious incident, or any incident that I'm aware of at the premises, so I think the security protocol, which we gave to the Commission last time we were here, and the

security detail, has been effective.

FIRE CHIEF GERALD REARDON: How about venues, wait lines, and getting people in, has that been --

RENATO RODRIGUEZ: No issues there yet. School's definitely back, so we have been hosting a lot of events for the local schools, but for the most part everything has been under control.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: Just for clarification, explain to me the noise complaints between the landlord and tenant? What is that about?

RENATO RODRIGUEZ: We are right next to 438 Mass Ave, which at the bottom is where Economy Hardware and Cambridge Community Television, above them is a residential property,

and they have called to complain about the noise I guess coming from the restaurant.

We tried to turn the music off in the patio after 11 p.m., but we still get complaints I assume when people are hanging out outside and at the let-out.

POLICE COMMISSIONER ROBERT HAAS: Most of it sounds like it's music, according to the dispatchers, specifically music. I'm assuming that is coming from Moksa, right, and it's usually around between 12:30 and closing approaching 2:00, so I'm just trying to figure out what are you -- and there's been a series of them.

I'm trying to figure out what's the club doing in terms of trying to minimize or reduce the number of complaints being generated?

RENATO RODRIGUEZ: We try to keep the doors and the windows closed. Given that we have

a patio area, every time the door is open music comes out.

We have been trying -- I mean we have been talking to our landlord to kinda work with the tenants to meet them, you know, halfway or figure what we can do about this.

CHAIR ANDREA JACKSON: Is it the same landlord for both, for the people who are complaining and for you, or --

ATTY. SEAN HOPE: I believe it is MIT. I would say, too, that going into the fall/winter season, the patio and the outdoor is a sensitive area, but I would assume those issues will be mitigated just because of the season and you have less people outside.

Right now, even though there is a music complaint, there's an active patio, which we are allowed to use under our lease, but that will be coming to a close.

I haven't read the reports myself. I don't know if there was a report that we are above the allowed --

POLICE COMMISSIONER ROBERT HAAS: I'm assuming it is just noise complaints that they find offensive and that's why they are calling but there's enough of them that you have to wonder is there something you could do to mitigate some of that, and I mean, the last one was as late as of the 24th of August, and again, all around the 12:30 time period and beyond. So it's nothing earlier than that, so I'm wondering if there's an opportunity for you -- what time do you say you shut off the music on the patio?

RENATO RODRIGUEZ: Usually when the restaurant closes on the weekends is 11 p.m.

CHAIR ANDREA JACKSON: I know I have a note from Chief Investigator Boyer who said that there's been numerous noise complaints but it's a

landlord issue. Complaints, which are located within the same complex, have been notified by Investigator Boyer to contact the management company and the management company has been notified as well.

POLICE COMMISSIONER ROBERT HAAS: I would encourage you to find ways to --

RENATO RODRIGUEZ: Yes.

POLICE COMMISSIONER ROBERT HAAS: --- deal with that issue.

RENATO RODRIGUEZ: Okay.

CHAIR ANDREA JACKSON: Any further questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any further questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: I vote that we

make a motion that we place this matter on file.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Thank you.

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REVIEW: CANTABRIDGEAN HOSPITALITY, INC.

D/B/A PROSPECT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Review: Cantabridgean Hospitality, Inc., d/b/a Prospect, Marc Shulman, manager, holder of an all alcoholic beverages restaurant license and entertainment license at 675 Massachusetts Avenue.

CHAIR ANDREA JACKSON: Good evening.

ATTY. JAMES RAFFERTY: Good evening, Madam Chair. For the record, James Rafferty on behalf of licensee, Cantabridgean Hospitality. Seated to my left is Marc Shulman. Mr. Shulman is the manager of record.

And we're here tonight because we received communication from the License Commission inquiring about the status of the premises.

As you may recall, this location on Prospect Street is the -- contains the license that was previously upheld by Mr. Shulman, All Asia, 300 Mass. Ave block, which is currently under construction.

Mr. Shulman was successful in locating a new venue and there were some challenges associated with it. We ultimately succeeded in having a zoning amendment passed by the City Council that allowed for this use at that

location because there's a provision in the Central Square Overlay District that required front doors to be on Mass. Ave.

I just offer this by way of background, because it took a little bit longer than had been originally anticipated in terms of securing the necessary approvals, but back in the spring or late winter, Mr. Shulman did -- he received his final approvals from ABCC and obtained a building permit and began some interior demolition work, but candidly, the capital funds needed to complete the build-out in a timely manner have been difficult to secure.

So at the moment there's some uncertainty as to whether or not the applicant has sufficient resources to proceed with the build-out as he intended.

He's in discussions with his landlord now to consider what options may exist, and we would

ask for 60 days for a time period. It has only been five months.

We would ask if the board would consider continuing the matter for 60 days, and in that time I think the licensee will have either made some significant determinations as to whether he's going to continue this under the existing structure as it's licensed or either explore the sale of the license and the business or the possibility of acquiring investors or partners.

But at the moment under the existing structure, the resources are not available for the build-out, so that's where we find ourselves this evening.

FIRE CHIEF GERALD REARDON: How much build-out has been done?

ATTY. JAMES RAFFERTY: Very little. About all that's been completed is the interior demolition.

If you were to look at the space today, it is a shell. The space, having never served as a licensed establishment or restaurant, requires bathroom facilities, kitchen facilities, significant plumbing, heating and cooling.

It is a significant build-out and in the application I think we estimated it well into the three figures, and so, as I said, at the moment, despite best efforts, the capital has not proved available.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Thank you for coming in. I think it was helpful for us to have the update.

I make a motion that we place this matter back on for review in 60 days per counsel's

request. Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: We'll see you in 60 days. Thank you.

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REVIEW: NOTRE DAME DE CAMBRIDGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Review: Association of Notre Dame De Cambridge, Inc., Francis Duffy, manager, holder of an all alcoholic beverages club license at 2322 Mass Ave of the License Commission's February 6, 2014 decision approving the change of manager application filed by the licensee.

CHAIR ANDREA JACKSON: Can you please identify for us what are your various roles

within the association.

JOSEPH CARROLL: I'm the president of the association.

THOMAS MOORE: I'm the treasurer and I'm mostly active manager right now. I'm the one who applied for the change of manager. I probably look different than the last time without the beard, I think.

CHAIR ANDREA JACKSON: Ms. Lint, did we have this on here strictly for a review or was there a question as it related to the officers as well?

EXECUTIVE DIRECTOR ELIZABETH LINT: There is a question. I can --

CHAIR ANDREA JACKSON: Sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have received a letter from Francis Duffy saying that -- why don't I just read it to you.

"My name is G. Francis Duffy. Since

approximately 2003 my name has appeared on the club liquor license as such. The only exception to this would be the years 2007/2008 when David Bunker served until his demise in 2008. I applied for the position, and after a commission hearing on 2-10-2009, I was appointed to the position.

Since late 2009, I made it known I wished to resign the position. During the last two administrations, four years, despite continually pursuing for another applicant, one was not found. In late 2013, the treasurer said he would take care of the change, which I welcomed, not knowing he would be applicant.

Two months ago, the president agreed to have Phil Rita submit an application for the position of manager." And it just goes on.

Basically we're wondering if this was done with full permission because it appears it

was not.

JOSEPH CARROLL: When you mentioned Phil Rita, we have to vote on that as a club, all the administration has to get together. We voted in April to let Tommy come in.

CHAIR ANDREA JACKSON: If you could speak up, please.

JOSEPH CARROLL: We voted in November, was it?

THOMAS MOORE: Yes.

JOSEPH CARROLL: To put Tommy on the license because Francis wanted to come off. Tommy actually was the manager of the club and kinda runs the club. He's the treasurer. He kind've manages it.

THOMAS MOORE: So if I could just address that letter. Frank Duffy, is a -- he's a good man and he cares a lot about the club, and I think that he saw some potential conflicts, a

conflict of interest in me being both the treasurer and the manager.

I just spoke to him the other day, and he thought that apparently that would mean that I got two votes on the board, and so anyways, I explained to him that's not the case. And you know, I think he was -- he misunderstood a few things and he was just mistaken about a couple others, and maybe I didn't do a good enough job of keeping everybody apprised of exactly what was going on throughout the process but that's only because I knew it was a process, so I didn't think I had to keep, you know, keep updating everybody. I just figured I would let it run it's course and then, you know, take care of it from there.

You know, Joe's our president, I asked him to come tonight just so he could let the Commission know I do have the full support of the

board and, you know, moving forward everything has been going well.

CHAIR ANDREA JACKSON: You did attend the 21 Proof training?

THOMAS MOORE: No, actually, I haven't done that yet.

I was in contact with -- I think it wasn't -- I remember initially it was somebody named, I think, Green, Tom Green.

CHAIR ANDREA JACKSON: He's no longer there.

THOMAS MOORE: Yes. It's now a woman.

CHAIR ANDREA JACKSON: Keisha Orman.

THOMAS MOORE: Yes, absolutely. I have been in contact with her. I haven't attended it just yet.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I don't believe we've gotten the approvals back from the ABCC.

THOMAS MOORE: Well, what happened was we had -- there was a problem with our DUA account and that's about rectified. It's been revised. I actually spoke to Chris Temple (phonetic) at the ABC yesterday. And he asked that Chris O'Neil just send it. He called it Form 43 submission form.

POLICE COMMISSIONER ROBERT HAAS: So is Frank Duffy still associated with the association?

THOMAS MOORE: He's still a member.

POLICE COMMISSIONER ROBERT HAAS: Is he on the board or is he just a member?

THOMAS MOORE: No, he's not. He's a member.

JOSEPH CARROLL: He hasn't been on the board for years. I think he's -- probably for five years he hasn't been on the board.

POLICE COMMISSIONER ROBERT HAAS: So

without ABCC approval at this point in time, where does that place their status in terms of operation?

EXECUTIVE DIRECTOR ELIZABETH LINT: It was sent back because of the DUA issue, so now that it is straightened out, Chris will send the new Form 43 and they'll send an approval for it.

POLICE COMMISSIONER ROBERT HAAS: How does that impact their operation in the meantime?

EXECUTIVE DIRECTOR ELIZABETH LINT: It really doesn't. Basically what often happens, for example, with restaurants, where they have changed managers and then come in a year later to apply.

POLICE COMMISSIONER ROBERT HAAS: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: We don't like it that way.

POLICE COMMISSIONER ROBERT HAAS: So how long has Frank not been the manager of the club?

THOMAS MOORE: I'm sorry, I thought you meant -- Frank was also the secretary as well. He was also the secretary on the Board of Administration. But I don't know as far as exactly as far as how -- you know, when the management duties switched.

POLICE COMMISSIONER ROBERT HAAS: So you have been serving as manager since November when the board took its vote to appoint you as manager?

THOMAS MOORE: Yes. I do basically all the managerial functions and things like that.

We have another gentleman who, you know, he does some of these things. You know, he orders -- if we are low on something, he orders it.

POLICE COMMISSIONER ROBERT HAAS: Who is ultimately responsible for the service of the alcohol, you are?

THOMAS MOORE: It would be me, yes, sir.

CHAIR ANDREA JACKSON: That means you need to contact Ms. Orman tomorrow and you need to be signed up for the next available 21 Proof training.

THOMAS MOORE: Absolutely.

POLICE COMMISSIONER ROBERT HAAS: I suggest your staff also that's serving alcohol should take that training as well. It is not required but it is a good practice.

THOMAS MOORE: Okay, fair enough.

CHAIR ANDREA JACKSON: Any questions or comments?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: I make a motion that we place this matter on file with -- contingent upon the approval of the ABCC and contacting Ms. Orman --

THOMAS MOORE: Tomorrow morning.

CHAIR ANDREA JACKSON: -- tomorrow for 21
Proof training. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.
Thank you.

THOMAS MOORE: Thank you, Commissioners.

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APPLICATION: NEW RED DRAGON GENERAL,
INC., D/B/A AKAI RYU SHABU & SUSHI

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: New Red Dragon General, Inc., d/b/a
Akai Ryu Shabu & Sushi, Allan Yee, manager holder
of a common victualler license and entertainment
license at 1 Porter Square has applied to
transfer the all alcoholic beverages restaurant

license held by Uno restaurants, LLC at 1 Porter Square (820 Somerville Avenue).

Applicant is approved for 200 seats inside and operating hours from 11 a.m. to 11 p.m. seven days per week.

ATTY DAVID LIPSHUTZ: Good evening, Commissioners. My name is David Lipshutz. I'm the attorney for New Red Dragon General, Inc., d/b/a Akai Ryu Shabu & Sushi. My firm is Seegel Lipshultz & Lo, 80 William Street, Wellesley, Massachusetts.

BILL ZOU: My name is, first name Bill Zou, B-I-L-L, last name Z-O-U, owner of the New Red Dragon General, Inc.

ALLAN YEE: My name is Allan, A-L-L-A-N Y-E-E. I'm the general manager of the New Red Dragon d/b/a Akai Ryu.

ATTY DAVID LIPSHUTZ: Mr. Zou is the owner of the restaurant, he's also the head chef

in the kitchen. He has over 20 years of experience in the restaurant business, and Mr. Yee is the proposed manager of the restaurant.

Allan has over a decade of experience in the industry, particularly as a bartender and he's TIPS certified and he's completed the crowd manager training program, and has spoken with Keisha Orman and the two of them are signed up for the 21 Proof training on September 24.

They opened for business on June 19th of 2014 in the premises formerly occupied by Pizzeria Uno in 1 Porter Square, on the second floor of the Porter Square Galleria.

At the time of the opening, Pizzeria Uno had been closed for nearly four years, but it continued to hold the all alcohol beverage license for the location. There was a hearing for a transfer of that license and Uno restaurants has agreed to transfer that license.

You know, basically substantial funds were expended for the build-out of the restaurant. The restaurant opened with a significant demand for an all alcohol license whether beer, wine, sake or generally all alcohol, and it is really imperative to the success of the restaurant so we're here to seek approval of that transfer. We've also been to the Porter Square Neighborhood Association who has overwhelmingly supported the transfer.

FIRE CHIEF GERALD REARDON: How long have you been there right now?

BILL ZOU: Three months.

CAPTAIN GERALD REARDON: How are things going?

BILL ZOU: Getting better because we are open in summertime, so it is kind've slow and now the college student come back and the weather getting cooler because it is shabu restaurant,

summertime is not our good season, so we are picking up, the business is picking up. We find our customers really high demand of beer and wine and sake. That would be helpful to the business.

CHAIR ANDREA JACKSON: Mr. Yee, have you held an alcohol license in your name before?

ALLAN YEE: No.

CHAIR ANDREA JACKSON: Can you give me I'm sure -- were you here at the original hearing?

ALLAN YEE: I wasn't.

CHAIR ANDREA JACKSON: Good. Neither was I. Can you tell me a little about your background, please?

ALLAN YEE: I have a total of 20 years experience in the restaurant business. I was a bar manager for Jae's Cafe and restaurant in Cambridge and in Brookline for about five, ten years. General manager of the Brookline

restaurant for about five years.

Now, I'm currently a bar manager at Oishii Restaurant in Boston, O-I-S-H-I-I. At the Hotel Marlow, I was bar manager at the Hotel Marlow in Cambridge at Bambara Restaurant, B-A-M-A-A-R-A (sic).

CHAIR ANDREA JACKSON: Thank you.

ALLAN YEE: Yeah.

CHAIR ANDREA JACKSON: Very helpful.

And at Hotel Marlow the license wouldn't have been in your name because, if I remember correctly, that belonged in the general manager's name at the hotel?

ALLAN YEE: Yes. Rick Colangelo is his name. Colangelo. I don't know if he's still there. C-O-L-A-N-G-E-O (sic).

FIRE CHIEF GERALD REARDON: So the hours of operation and the total number of seats all are staying the same?

BILL ZOU: Yes.

FIRE CHIEF GERALD REARDON: Are you going to add a bar feature in the restaurant or change the combination?

ALLAN YEE: We already have a bar set up as well. The bar area has already been constructed.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR ANDREA JACKSON: Just being constructed but obviously not used?

ALLAN YEE: Not used.

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: I make a motion that we approve of the transfer of the all alcoholic beverage restaurant license held by Uno Restaurant, LLC at 1 Porter Square to New Red Dragon General, Inc., I'm not even going to

profess to do the d/b/a, with the hours of
operation as stated. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: And
21 Proof training.

CHAIR ANDREA JACKSON: 21 Proof they said
they are scheduled.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Sorry.

CHAIR ANDREA JACKSON: Thank you very
much.

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APPLICATION: KDDM, LLC D/B/A TEN TABLES

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application: KDDM, LLC d/b/a Ten Tables, Krista

Kranyak, manager, holder of a wine and malt beverages restaurant license at 5 Craigie Circle has applied for a transfer of stock.

ATTY KRISTEN SCANLON: Madam Chair, my name is Kristen Scanlon. I'm an attorney.

K-R-I-S-T-E-N S-C-A-N-L-O-N. And I'm with the Law Office of John P. Connell, C-O-N-N-E-L-L.

And seated to my right is Krista Kranyak, K-R-I-S-T-A, last name is K-R-A-N-Y-A-K, who is the owner and operator the KDDM, LLC, doing business as Ten Tables at 5 Craigie Circle in Cambridge.

The matter before you today is a stock transfer change to their existing wine and malt beverages license to remove David Punch, P-U-N-C-H, from the license.

Mr. Punch and Krista, when they began the restaurant approximately seven years ago, were 50/50 owners in the restaurant, and back in the

latter half of 2012 Krista bought out Mr. Punch's share of the restaurant. So admittedly, and candidly speaking, Krista was not aware that she had to necessarily report removing somebody from it.

She obviously knew if they added a membership interest, to report that, so that's why we are here before you today to kind've take care of a general housekeeping matter and set the record straight and let the board and the ABCC know that David Punch has no longer an interest in the restaurant and license and Krista Kranyak is now 100 percent owner of the business.

Other than that, the rest of the business will operate as-is. No changes to hours or service or anything of the like.

POLICE COMMISSIONER ROBERT HAAS: Is Mr. Punch still affiliated with the restaurant?

ATTY KRISTEN SCANLON: He's not.

POLICE COMMISSIONER ROBERT HAAS: Is it an amicable separation?

ATTY KRISTEN SCANLON: Yes.

FIRE CHIEF GERALD REARDON: 100 percent owner of the business and the license?

ATTY KRISTEN SCANLON: With Krista Kranyak, yes.

CHAIR ANDREA JACKSON: All the paperwork is in order you say?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe it is.

CHAIR ANDREA JACKSON: Questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: I make a motion that we approve the transfer of stock for KDDM, LLC, doing business as Ten Tables for Krista

Kranyak.

KRISTA KRANYAK: You got it.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Thank you very much.

ATTY KRISTEN SCANLON: Thank you very much.

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APPLICATION: FIORELLA'S EXPRESS

CAMBRIDGE, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Fiorella's Express Cambridge, LLC,
Remon Karian, manager, has applied for a common
victualler license to be exercised at 2401

Massachusetts avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20 inside and 12 seasonal outdoor patio seats.

The proposed hours of operation of 11 a.m. to 10 p.m. seven days per week.

REMON KARIAN: Good evening. My name is Karian, K-A-R-I-A-N. First name R-E-M-O-N.

I'm purchasing a business that's currently there as Singabella Cafe right in Trolley Square on the corner, and I have three other locations, and I have a restaurant in Newton, I have an express location in Belmont and in Brighton, so this would be also an Fiorella's Express.

CHAIR ANDREA JACKSON: And express as to --

REMON KARIAN: It is a scaled-down

version of the main restaurant. It is pretty much predominately take-out and delivery. It's about 70 percent of take-out and delivery, but we do have limited service inside. It's quick service. You order at the counter and we can bring you the food but we don't have servers or anything like that.

CHAIR ANDREA JACKSON: SO you are looking for 20 inside and 12 seasonal patio and your hours of operations 11 a.m. to 10 p.m. seven days a week?

REMON KARIAN: Correct. I'm not changing any of the seating, that's just what's existing. Yeah, that's what what was on there, so I kept everything the same, try to make it seamless, easy. We'll do a lot of cosmetics. Nothing will really change. The hours, I'm not --

EXECUTIVE DIRECTOR ELIZABETH LINT: The hours are the same as well.

REMON KARIAN: Thank you.

FIRE CHIEF GERALD REARDON: So you don't need much of a retrofit as far as a kitchen?

REMON KARIAN: Yeah, it is there.

Yeah, we are going to redo the counter just to make it look -- spruce it up, you know, paint and TO make it pretty. But, yeah, the kitchen equipment doesn't have to BE removed. It will stay right where it is.

FIRE CHIEF GERALD REARDON: The seasonal seats, that's on private property?

REMON KARIAN: Yes, right.

FIRE CHIEF GERALD REARDON: So this will it be the same format similar to the Belmont location?

REMON KARIAN: Exactly, yup. Exactly. The menu is gonna be exactly the same. Have you been to the Belmont location or --

FIRE CHIEF GERALD REARDON: (Nodding.)

REMON KARIAN: Just wanted to get that on the record, that's all.

FIRE CHIEF GERALD REARDON: And Newton.

REMON KARIAN: I appreciate it. So it is --

CHAIR ANDREA JACKSON: How long has Brighton been in business?

REMON KARIAN: That's four years now and then the Belmont one is three years. So, you know, it kinda came up by accident, they have been working well, and we have been fortunate enough to -- we came along this location and we love Cambridge and we are excited to have the opportunity to get into the neighborhood.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: I make a motion that we approve the CV license for Fiorella's Express Cambridge, LLC at 2401 Mass. Ave with a seating capacity as stated. All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

REMON KARIAN: Thank you very much appreciate it.

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APPLICATION: PLENTY USA, INC. D/B/A

SANTOUKA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Plenty, USA, Inc., d/b/a Santouka, Jun Yoneda, manager, has applied for a common victualler license to be exercised at 1 Bow Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a

seating capacity of 60.

The proposed hours of operation are 11 a.m. to 11 p.m. seven days per week.

ATTY JAMES MCGRAIL: Good evening, Madam Chair. Good evening, Members of the Commission. I'm James McGrail representing Plenty USA doing business as Santouka, Inc. With me this evening is Nao White, N-A-O White. She's a representative from Plenty USA as well.

Santouka is a franchise that began in 1998 that has currently 43 franchises worldwide, six of the 43 franchises are in the United States. Five being in California and one being in Seattle. The one in Seattle is the most recent franchise and that's also owned by the corporation Plenty USA.

This is a very popular franchise. There's been a lot of excitement about when Santouka will come East. There's been

speculation about New York, Boston, Washington, D.C. and you know, Cambridge has, I guess, won the battle so to speak.

There's a great deal of excitement. The company is excited about coming to Cambridge.

The current location -- the location for the restaurant is currently served by a Dunkin' Donuts, it's moving out, they didn't renew their lease. We have a lease effective July 1 with the owner of the property and we anticipate hopefully opening operations sometime in the November - January time frame.

There will be a build-out. We are in the process of working with the Building Department relative to a building permit.

FIRE CHIEF GERALD REARDON: So this will be a somewhat major retrofit?

ATTY JAMES MCGRAIL: Yes. A total. It will seat 60. The hours will be 11 a.m. to 11

p.m., seven days per week, a lunch/dinner crowd.

It is a pretty laid-back setting. People will

come and go throughout the day and evening.

It's, you know, it's ramen food, it's comfort food.

CHAIR ANDREA JACKSON: Can you tell me, since it is going to be a significant departure from the Dunkin' Donuts that was there, tell me how deliveries will work, and it is a very tight area in terms of delivery of supplies and also trash disposal.

ATTY JAMES MCGRAIL: We will work closely with the landlord relative to trash disposal to make sure we don't upset anything that's already being done. And if we can improve on it, we will.

Deliveries will be done at times during the day that will be the least intrusive as they possibly can be. Harvard Square is -- always

tough working in Harvard Square relative to deliveries, but we have a very close relationship with our landlord and they have a number of restaurant establishments in that complex there and we'll work closely with them to make sure that we don't do anything that upsets the apple cart. In fact, we are going to try to improve on the situation.

FIRE CHIEF GERALD REARDON: The manager, can you speak to the experience of the manager?

ATTY JAMES MCGRAIL: The manager is -- right now is Mr. Yoneda. He's out in Seattle, Washington. There's going to have to be someone hired locally to manage this particular facility. There will be a whole new crew. This is a brand-new restaurant. There will be a brand-new manager, all new employees, and things of the sort.

FIRE CHIEF GERALD REARDON: You will get

an experienced crew that comes in to start up and open?

ATTY JAMES MCGRAIL: We want to hit the ground running.

FIRE CHIEF GERALD REARDON: So the manager proposed would be someone with extensive experience in terms of the restaurant business and not only the company's philosophy of doing business?

ATTY JAMES MCGRAIL: There's an extensive training regiment that all the managers and owners have to go through before they are even considered or granted a franchise.

Mr. Yoneda has gone through that, but anyone else that's associated with management, they have to go through that training as well.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIR ANDREA JACKSON: 21 Proof, has that been done?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ATTY JAMES MCGRAIL: Everything.

EXECUTIVE DIRECTOR ELIZABETH LINT: Those
were dropped off today.

ATTY JAMES MCGRAIL: Correct.

CHAIR ANDREA JACKSON: I have no further
questions.

POLICE COMMISSIONER ROBERT HAAS: No
questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: I make a motion
that we approve the CV license to be exercised at
1 Bow Street for Plenty USA doing business as
Santouka for the hours and seating capacity as
stated. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

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APPLICATION: CATERED AFFAIR, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The Catered Affair, Inc., Markos Doyle, manager, has applied for a common victualler license to be exercised at 32 Quincy Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 24.

The proposed hours of operation are 9 a.m. to 4 p.m. seven days per week.

MARKOS DOYLE: My name is Makos Doyle, M-A-R-K-O-S D-O-Y-L-E. I'm the manager on file representing the Catered Affair. Catered Affair has been in business over 30 years as a catering food service provider.

We currently have one down on the South Shore, commissary in Hingham. We also operate the food service within the Boston Public Library and are looking to do so inside the new Harvard Art Museum, which is the situated where the former Fogg was.

CHAIR ANDREA JACKSON: So this will be located in Harvard property?

MARKOS DOYLE: Correct.

FIRE CHIEF GERALD REARDON: So you're actually going into the new library or to the Fogg building that's there now?

MARKOS DOYLE: In the renovated Fogg building opening in November.

FIRE CHIEF GERALD REARDON: Whereabouts in the Fogg is it? Is it ground level? Do you have any idea?

MARKOS DOYLE: It's technically ground, up here on Quincy Street, so from Quincy Street

where it ramps up a bit, going in that main entrance to where it says "Fogg" on the facade, walking in there and back to the right. The Prescott Street side. It would be a level up a ramp.

FIRE CHIEF GERALD REARDON: Are you going to do cooking at this location or is this all going to be prepared foods or --

MARKOS DOYLE: There's a kitchen on site, which is a level below -- two levels below.

FIRE CHIEF GERALD REARDON: And it's already built-out?

MARKOS DOYLE: All built-out.

POLICE COMMISSIONER ROBERT HAAS: Was this is a preexisting operation prior to you taking it over?

MARKOS DOYLE: New operation.

POLICE COMMISSIONER ROBERT HAAS: New operation?

MARKOS DOYLE: We renovated the old museum, took off the back end that ended out to Prescott Street, and then the new addition, there's a cafe and kitchen, all new build, completely LEED certified.

POLICE COMMISSIONER ROBERT HAAS: Who operated the kitchen beforehand?

MARKOS DOYLE: There was no existing kitchen beforehand.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIR ANDREA JACKSON: How long has the Catered Affair been in business?

MARKOS DOYLE: 30 years.

CHAIR ANDREA JACKSON: And the proposed hours of operation, again 9 to 4, seven days a week?

MARKOS DOYLE: Open to the public, right.

CHAIR ANDREA JACKSON: Any further questions?

FIRE CHIEF GERALD REARDON: I'm all set.

CHAIR ANDREA JACKSON: Any further questions?

POLICE COMMISSIONER ROBERT HAAS: All set.

CHAIR ANDREA JACKSON: I make what motion that we approve the CV licensed to be exercised at 32 Quincy Street for the hours as stated for the Catered Affair, Inc. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

MARKOS DOYLE: Have a good night. Thank you.

CHAIR ANDREA JACKSON: Skip the taxi driver.

EXECUTIVE DIRECTOR ELIZABETH LINT: I was just going to say that.

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REVIEW: CASA DO BENIFICA DA NOVA

INGLATERRA, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: Casa Do Benificia Da Nova Inglaterra, Inc., David Brandoa, manager, holder of an all alcoholic beverages club license at 178 Elm Street of License Commission's June 11, 2014, disciplinary hearing decision.

CHAIR ANDREA JACKSON: Good evening.

ATTY DAVID GALUSI: Good evening, Madam Chair and Members of the Commission. I'm David Galusi, G-A-L-U-S-I. I'm an attorney for the licensee. My office is located at 697 Broadway, Suite 3, Somerville 02144.

CHAIR ANDREA JACKSON: And with you?

ATTY DAVID GALUSI: With me is President

Antonio Pires.

CARLOS PINA: I'm the treasurer, Carlos Pina, P-I-N-A.

CHAIR ANDREA JACKSON: So we had you on the agenda this evening as a follow-up to the June 11th disciplinary hearing.

We've had no complaints. We've had actually only one complaint and that was during the World Cup game, but that is the only complaint. So much better.

ATTY DAVID GALUSI: We brought, just to give you, the club has since drafted a sexual harassment process that was given to all members. They were given two copies, one of which they signed and returned and one of which they kept, the letter that went with it, and they also have a sign that they posted outside so that it reads, in that smoking area, where there were people, and we'll provide these to you.

CHAIR ANDREA JACKSON: Thank you.

ATTY DAVID GALUSI: We've also have been in discussions with the Cambridge -- City of Cambridge (inaudible) Commission, they've referred us to a person who will -- is willing to do a lecture, give a presentation on sexual harassment. So we are coordinating with the club to try to get as many of the members there as possible to have that done.

And I believe all the required physical modifications, the knox box and the locks have been completed and reinspected.

FIRE CHIEF GERALD REARDON: So do you still have as many members or --

ANTONIO PIRES: Because we closed it at that time, didn't show up and come back.

FIRE CHIEF GERALD REARDON: Can't get them back?

ANTONIO PIRES: Well, hope so.

FIRE CHIEF GERALD REARDON: You don't want them back if they don't want to abide by the new rules.

ANTONIO PIRES: If they are good people, they always come back. That's what we want, good people.

CHAIR ANDREA JACKSON: Is that a proposal?

FIRE CHIEF GERALD REARDON: No. They're gonna follow-up and everything was in order in the last inspection.

CHAIR ANDREA JACKSON: Good.

ATTY DAVID GALUSI: So if I may clarify, because my client asked, so they're now going to be allowed to reopen and use the liquor license for the members, and then he also had a question about the upstairs, or second floor, as they did put the alarm system up there as well, they want it for dance classes to be taught to the members

of the children primarily that that was also okay.

I know there was an issue where they have been closed before because of the alarm.

FIRE CHIEF GERALD REARDON: Where was the issue with the ceiling? Was that the third floor?

ANTONIO PIRES: The ceiling was fixed. The opening was like the exhaust for the hood but everything is closed and tight.

FIRE CHIEF GERALD REARDON: I'm assuming that all the work has been done?

ANTONIO PIRES: Everything is done on the inspection and is good. The place has been closed since you close us down.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: No concerns. I

make a motion that we place the matter on file.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CAPTAIN GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

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RATIFICATION: PHO D. INC., D/B/A DD

RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification, Pho D, Inc., d/b/a, DD Restaurant, Witoon Shotitana, manager, pending, ABCC approval of a wine malt restaurant transfer to ratify the d/b/a from DD Restaurant to Pho House.

So they didn't -- we didn't ask them to come in. It is a just a change of d/b/a.

CHAIR ANDREA JACKSON: So I make a motion

that we approve the change of the d/b/a from DD
Restaurant to Pho House. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Sir,
are you here for a particular matter.

AUDIENCE MEMBER: 275 Western Avenue.

CHAIR ANDREA JACKSON: That matter has
been continued until --

EXECUTIVE DIRECTOR ELIZABETH LINT:
September 30.

CHAIR ANDREA JACKSON: September 30.
Sorry. We announced that at the beginning of the
hearing.

AUDIENCE MEMBER: I just got a letter a

couple days ago. They sent it so late.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's why it was continued.

AUDIENCE MEMBER: The public, that is --
we can raise our hand and I can ask you
something?

CHAIR ANDREA JACKSON: Absolutely.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Absolutely.

AUDIENCE MEMBER: So we send the
neighbors note about?

EXECUTIVE DIRECTOR ELIZABETH LINT: It
will be September 30 at 6 p.m.

AUDIENCE MEMBER: Okay.

CHAIR ANDREA JACKSON: While Officer
Szeto is looking for the driver, let's do the
ratifications.

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RATIFICATIONS

EXECUTIVE DIRECTOR ELIZABETH LINT: Sale of 129, refinance -- finance of 129, refinance of 90, 35, 4, 220, sale of 83, finance of 83, and refinance of 232, 82, 21, 58, 43, 14, 91 and 248. Paperwork is all in order.

CHAIR ANDREA JACKSON: Is the primary reason we so much of the refinances they are looking for a better interest rate?

EXECUTIVE DIRECTOR ELIZABETH LINT: Every time the rate changes they refinance.

CHAIR ANDREA JACKSON: Okay.

I make a motion that we accept the ratification. 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.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: So we'll wait a few extra minutes.

(Brief pause waiting for next matter.)

CHAIR ANDREA JACKSON: Are we ready to go back on the record?

APPEAL: ESPERY POMPILUS

EXECUTIVE DIRECTOR ELIZABETH LINT:

APPEAL: Espery Pommpilus, holder of Hackney driver license 29989, due to a \$300,000 fine for violating Cambridge taxicab rules and regulations Article XI Rule 10; Article XII Rule 5; Article XII Rule 9.

CHAIR ANDREA JACKSON: Good evening.

ESPERY POMPILUS: Good evening.

CHAIR ANDREA JACKSON: Could you please state your name for the record spelling your first name and your last name, please.

ESPERY POMPILUS. Espery, E-S-P-E-R-Y.

Last name Pompilus, P-O-M-P-I-L-U-S.

CHAIR ANDREA JACKSON: Officer Szeto, can you come up here and spell for us your first and last name and identify yourself for the record, please.

OFFICER BENNY SZETO: Officer Szeto, Benny Szeto, B-E-N-N-Y. Last name S-Z-E-T-O. I'm the Hackney officer in Cambridge Police Department.

CHAIR ANDREA JACKSON: Officer Szeto, can you please provide us with the facts of the matter, please.

OFFICER BENNY SZETO: Okay, on Wednesday, July 16, we received a complaint in regards to Mr. Populous. Around 4 p.m. on that date he picked up a complainant at 350 Mass Ave. He was taking her to Intercontinental Hotel in Boston which is located at 510 Atlantic Avenue in Boston.

During the ride, he made a phone call on his cell phone. The complainant didn't understand -- they weren't speaking English, so he didn't understand who he was talking to, but he noticed that he was taking not a direct route to the hotel.

When he questioned him, he yelled at her and he said that he was picking up his sister at Faneuil Hall, so he picked -- it says here that he never got permission from the fare to pick up his sister and he was fined for that and also for taking an indirect route to the hotel.

CHAIR ANDREA JACKSON: Would you like to provide us with your version of what happened?

ESPERY POMPILUS: Yes. I speak, like I said before, I speak a few English.

EXECUTIVE DIRECTOR ELIZABETH LINT: You can sit.

ESPERY POMPILUS: That's why --

CHAIR ANDREA JACKSON: That's okay. Just do the best you can.

ESPERY POMPILUS: The first time I came here with my sister I came with both -- who was there. Because I was very surprised about the statement, the customer's statement, because it wasn't like that.

The customer didn't give the true statement because between me and the customer, they was a conversation, you know, when I picked the customer like Le Meridien Hotel, there's no plan for my sister. You know what I'm talking about? I have no plan to pick my sister because my sister was at JFK Building -- the IRS Building.

On my way she called me, you know, but I didn't know, like I said, before, I give -- I said I have to tell the truth. When he called me, yeah, I take the phone when she called. She

said -- she asked me to -- for money. Like I said before because she needed a train or bus to go home. At this time, like the officer said, it is like 4 to 5 p.m. because the second shift I start at 4 p.m. When I picked the customer, it was like 4:30, like that. By the time, by Faneuil Hall, it was almost 5 p.m., you know, at this time it is rush hour. There's traffic everywhere. Especially everybody knows 93 it is bumper to bumper at this time to go -- if you take the ramp. It is bumper to bumper when you go to the hotel, to Intercontinental. She didn't give me a specific way.

You know, most of the time the customer always have a specific way, but she didn't ask, you know, but as a driver, I know if I go back Longfellow Bridge, all the way to Cambridge Street, like the opposite, you know, I take Longfellow, Longfellow Bridge all the way to

Cambridge Street because there's -- there was a conversation. Now I surprised like -- she didn't say that. Because when I'm close, like she said, to my sister, there was -- by the time I give my sister money, she already wait, you know.

At this time I ask her, She's my sister can I pick her because after Intercontinental Hotel, we cross the highway and then go back home. I ask her. She said, Oh, she's your sister, she's okay, you know. She's okay. I have the -- I gave -- I have the credit card. They give me a credit card. I made a copy and then I told -- you have the copy, right? You have the copy. Because -- the problem is, I see the problem, the problem -- it's not the problem because I pick my sister because she was -- she's with me, she's okay. But when she see -- when she's -- when I pick my sister, like she give me the permission, the permission, and then she -- I

see she didn't talk anymore. You know what I'm talking about? Now when -- by the Intercontinental Hotel, I said the fare was \$25, like I said before, I said, No problem. I cut the fare for you. You can give me just \$22 with credit card. She was okay. But I very surprised and then she calls and said I make a detour.

Like I said, at 4:30 everyone knows if I go by 93, can -- you can cost more than 22 bucks. If you pick someone at Le Meridien Hotel, I don't know, over on 350 Mass. Ave, to go to 350, it should be more 22, 22 bucks at 4:30 p.m. because it's rush-hour.

Because she said -- after that, she didn't ask for a way, for a specific way. After I drop her at the Intercontinental, she said usually she went by 93. I had said, No, first of all, you didn't ask me for 93, and then I know if I go by 93, you will be stuck. It's not the

fastest way at this time because it is rush-hour
4:30 p.m. If I go by 93, you can stay longer,
longer, bumper to bumper at this time. It can
take more than one hour.

FIRE CHIEF GERALD REARDON: You went from
Mass. Ave, you went down what, Main Street?

ESPERY POMPIIUS: By Longfellow.

FIRE CHIEF GERALD REARDON: Over the
Longfellow Bridge? Cambridge Street?

ESPERY POMPIIUS: Cambridge, yeah.

FIRE CHIEF GERALD REARDON: Take a left,
go down by city hall down the police station,
Faneuil Hall?

ESPERY POMPIIUS: Yeah, that's the way --
because I told her local at this time is the
fastest way. Like I said, if she asked me for
93, anyway, I'm going to -- I choose this way but
she didn't ask. That's why as a taxi driver I
know it is the best way at this time because of

the rush-hour.

CAPTAIN GERALD REARDON: And where did you pick your sister up?

ESPERY POMPILUS: At the same area. She asked me for money, but --

CHAIR ANDREA JACKSON: Who asked you for money? Your sister asked you for money?

ESPERY POMPILUS: Yeah, to go home because she was at IRS Building, IRS, because she got the problem with IRS because she need -- she didn't get income tax yet since that time. That's why I said, Okay, let me ask.

The problem is, I said if there was -- if there was a conversation, how she know, how the customer know she's my sister, like I said before, because there was a conversation. You know what I'm talking about? She said --

FIRE CHIEF GERALD REARDON: Where was your sister? At the Kennedy Building?

ESPERY POMPILUS: No. At Faneuil Hall.

FIRE CHIEF GERALD REARDON: The Federal Building?

ESPERY POMPILUS: Exactly. That's why I ask her first.

FIRE CHIEF GERALD REARDON: And you picked your sister up, though, and she rode in the cab?

ESPERY POMPILUS: She's on -- I ask her. My sister sit on the front with me, in the front seat. The problem is, like I said, she told -- I make detour. She was okay with because I pick my sister, she was okay. The problem she told, I make detour. I said, No. If you go by GPS, the GPS tell you there's traffic. The GPS ask you if you go by there, there's heavy traffic at this time. There's heavy traffic by 93. That's why every driver knows, in rush-hour -- that's why I choose local. You know what I'm talking about?

Local is always better when rush-hour. That's why I do the rush-hour. It cost less money. If I go by 93, it's gonna cost more than 22 bucks. 22, and then I didn't cash the -- I didn't cash the credit card yet, today. Just 22.

If you take someone, like I said last time, I would do that again. If you pick someone there, 350 Mass Ave and go to the Intercontinental, again by 93, at this time rush-hour, 4:30 to 5:00, 93 it's bumper to bumper, that's why I choose local for you.

CHAIR ANDREA JACKSON: So you chose the route you wanted to take, but along the route, you picked up your sister, which is a violation of the rules.

The rules clearly state that no person, other than the licensed driver of the taxicab, shall ride or sit in the front seat of the cab unless the rear seat is fully occupied by the

passengers. Family and friends may ride in the front seat of vehicles when the vehicle's roof light is off. However, such persons are not permitted in the vehicle during normal course of business.

So the fact that you stopped and picked up your sister is a violation. Your sister is not licensed by the Cambridge Licensing Board. No background check has been run on your sister. No one knows who your sister is. She had no right to be in the front of the taxi while you picked up a passenger.

ESPERY POMPILUS: That's why I asked her. That's why I ask her if can I do it. She was okay with that.

CHAIR ANDREA JACKSON: But you didn't ask her when you first picked her up.

ESPERY POMPILUS: What is it?

CHAIR ANDREA JACKSON: You didn't ask her

when she first got into the taxi. You were driving and then you asked her?

ESPERY POMPILUS: Yeah, before she get in. Before she get in, she's okay. She was okay.

CHAIR ANDREA JACKSON: Well, she clearly says that --

ESPERY POMPILUS: No, that's why I said I very surprised. She was okay. Do you think if she refused, you think I force her to accept that? No.

CHAIR ANDREA JACKSON: You shouldn't have asked. The problem is you should not have asked.

ESPERY POMPILUS: What is it?

CHAIR ANDREA JACKSON: You should not have asked her if you could pick up her sister. That was completely inappropriate.

ESPERY POMPILUS: Okay. Now, if you said at the end, now, that this is -- I didn't know at

the end I cannot do it but I ask her, you know?
That's -- she was okay with me. That's why -- if
she refused, I won't do it, you know. That's why
I cut the fare, cut the fare for her, for her,
because she give me favor, I give 22 to cut the
fare, you know, but like I know that's gonna
never --

CHAIR ANDREA JACKSON: How many
violations? It was the picking up his sister,
the changing of fare, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Unh-unh. No, it was cell phone.

POLICE COMMISSIONER ROBERT HAAS: Rule
10.

EXECUTIVE DIRECTOR ELIZABETH LINT: Cell
phone is Rule 10. Not taking the direct route is
Rule 9. And picking someone up is Rule 5.

ESPERY POMPILUS: That's why I said if
it's -- it's -- the direct route is 93, like I

said.

Like I said, the direct route is 93, but it is a mess. It is a mess on 93.

POLICE COMMISSIONER ROBERT HAAS: When did this event take place?

EXECUTIVE DIRECTOR ELIZABETH LINT: July.

OFFICER BENNY SZETO: July 16.

POLICE COMMISSIONER ROBERT HAAS: What is the status of your license now?

ESPERY POMPILUS: Excuse me?

POLICE COMMISSIONER ROBERT HAAS: What is the status of your license now?

ESPERY POMPILUS: What?

POLICE COMMISSIONER ROBERT HAAS: The status?

CHAIR ANDREA JACKSON: What is the status of your driver's license?

ESPERY POMPILUS: It's active.

POLICE COMMISSIONER ROBERT HAAS: Is it

active or suspended?

ESPERY POMPILUS: No, it is not suspended yet.

POLICE COMMISSIONER ROBERT HAAS: What do you mean "not yet"?

ESPERY POMPILUS: Because they said if I -- after that, if I get paid, they will suspend it. I don't know. That's why I'm here, the reason I'm here.

POLICE COMMISSIONER ROBERT HAAS: Benny, look at the driving history.

OFFICER BENNY SZETO: His driver's license is active.

POLICE COMMISSIONER ROBERT HAAS: What's this notation about August 29 suspension for six months, three surchargeable events.

OFFICER BENNY SZETO: All surchargeable events?

POLICE COMMISSIONER ROBERT HAAS: Yes.

OFFICER BENNY SZETO: He probably had to pay something. The status is active.

That's all for insurance.

CHAIR ANDREA JACKSON: What does that mean?

OFFICER BENNY SZETO: It's insurance. I don't know.

CHAIR ANDREA JACKSON: I'm not necessarily persuaded to reduce the fine and you were -- you didn't take the most direct route, I understand what you are saying, as it relates to traffic, but I'm troubled by the fact that you think it is okay to pick somebody else up. That's troubling to me.

ESPERY POMPILUS: Just if she asked me, like I said, sometime customer have a specific way because I know -- everybody knows as a driver in rush-hour local is better. I don't know if someone -- I don't know -- I know every driver

knows that in rush-hour time the local.

CHAIR ANDREA JACKSON: I understand that, but she didn't give you a specific route in which to take, but yet, you still went an indirect route because you wanted to stop along the way to pick up your sister.

ESPERY POMPILUS: That's what I told you, it's not the long way. Like I said, it is not the long way. Because if you go 93, it's gonna cost more money.

FIRE CHIEF GERALD REARDON: I have to admit I would probably take his --

ESPERY POMPILUS: You know, 93 is bumper to bumper.

FIRE CHIEF GERALD REARDON: I don't think that route, personally, is excessive, but it doesn't allow you to pick anybody else up but.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: I mean it just seems awful coincidental that it so happens that your sister is going the same route you decide to take, and again, there's two or three other rule violations. I mean passengers can't give you permission to pick someone else up.

ESPERY POMPILUS: Like I said, I --

POLICE COMMISSIONER ROBERT HAAS: You are obligated under the rules, right? You are obligated to understand the rules and regulations as a taxicab driver, so the fact that you don't know, doesn't excuse the fact that -- it doesn't give you an excuse to say, Well, I didn't know it, next time I won't do it.

ESPERY POMPILUS: Yeah, like I said, I make rules here, but next time I said I will not -- I'm not going to take it, but I ask her.

POLICE COMMISSIONER ROBERT HAAS: She

can't give you permission to do that. Even if you did ask her, she is saying you didn't, but even if you asked her, she couldn't give you permission to do that.

ESPERY POMPILUS: The problem, how do she knows this is my sister because there was a conversation, you know --

POLICE COMMISSIONER ROBERT HAAS: It doesn't really matter.

Apparently she didn't want you to pick up your sister, according to her testimony, right, her written testimony, and it is a violation of the rules, right? So I think, according to the Chief's view, your route was probably reasonable given the amount of traffic, but you still have other violations that you committed.

And it strikes me awful coincidental that your sister happens to be along the route you choose to take, awful coincidental. You know

what I mean?

ESPERY POMPILUS: Say it again.

POLICE COMMISSIONER ROBERT HAAS: I mean, I'm wondering if you did, in fact, know your sister was there all along and it was your intent all along to pick your sister up because why would she so happen to be on the same route you decided to take.

ESPERY POMPILUS: No. The problem, like I said -- I didn't plan to pick up my sister. It is not the plan, you know. It is not the practice -- that's, like I said, it is not the plan. I didn't go by this way exactly to pick up my sister, no, no, because every time I go there because I know this road it's bad. It is 4:30 p.m., if I go on 93, yeah, we would be stopped in the traffic.

POLICE COMMISSIONER ROBERT HAAS: I get that part.

CHAIR ANDREA JACKSON: Ready to vote?

POLICE COMMISSIONER ROBERT HAAS: I can give you leeway on the Rule 9 because according to the Chief's -- mean, the Chief understands the route better than I do and he said that's probably a better route, so I can see forgiving you on Route 9 violation. But I still see you in violation of Rule 10 and Rule 5 with respect to picking up another passenger. I think there's two rule violations that still exist. I'm inclined to reduce the fine but not to dismiss the violations. And I make a motion to uphold the violations of Rule 5 and Rule 9. And impose --

EXECUTIVE DIRECTOR ELIZABETH LINT: 10.

POLICE COMMISSIONER ROBERT HAAS: 10. Rule 9, forget Rule 9. And 5 and 10 and still impose a fine of \$200.

CHAIR ANDREA JACKSON: Second. All those

in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You still have a \$200 fine which is generous considering the original fine was \$300.

EXECUTIVE DIRECTOR ELIZABETH LINT: He does have appeal rights to Superior Court.

CHAIR ANDREA JACKSON: You do have appeal rights to Superior Court. But as it stands, the fine is -- the fine will stand at \$200.

ESPERY POMPILUS: Yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: Any other business?

CHAIR ANDREA JACKSON: I make a motion that we adjourn. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CAPTAIN GERALD REARDON: Aye.

(The meeting was adjourned)

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.

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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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