

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

POLICE COMMISSIONER CHRIS BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

AT: Robert W. Healy Public Safety Building
125 Sixth Street, Community Room
Cambridge, Massachusetts 02139

DATE: Monday, July 11, 2016

TIME: 5:00 p.m.

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INDEX OF AGENDA

MALT & WINE LICENSES WITHOUT ENTERTAINMENT:

Leah Hennessy	261
---------------	-----

ENTERTAINMENT LICENSES:

Danhao Ma	261
-----------	-----

Laura Graziano	262
----------------	-----

Mary Maloney	263
--------------	-----

Compliments Food	263
------------------	-----

Saco Food Truck	264
-----------------	-----

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

APPLICATION:

ALIVE & KICKIN' LOBSTERS, LLC	6
-------------------------------	---

APPLICATION:

INFORMATIONAL CDM INTERNATIONAL ENTERPRISES D/B/A O SUSHI RESTAURANT AND BAR	35
---	----

APPLICATION:

INMAN CAMBRIDGE, LLC D/B/A INMAN SQUARE WINE AND SPIRITS	35
---	----

APPLICATION:

A M AMERICAN INTERNATIONAL D/B/A BEAUTY'S PIZZA	38
--	----

(Index Continued on the Following Page)

INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
APPLICATION: CENTRAL DINER, INC. D/B/A 4BURGERS	50
APPLICATION: ARE-TECH SQUARE, LLC 100 TECHNOLOGY SQUARE	61
APPLICATION: ARE-TECH SQUARE, LLC 200 TECHNOLOGY SQUARE	63
APPLICATION: KHF, LLC D/B/A THE DINING CAR	69/241
APPLICATION: URBAN HEARTH, LLC D/B/A URBAN HEARTH	69
APPLICATION: TATTE HOLDINGS, LLC D/B/A TATTE BAKERY & CAFE	89
APPLICATION: NEW SALTS, INC. D/B/A SALTS	96/241
APPLICATION: EASTERN SIDE, INC. D/B/A CHRISTOPHER' DELI & ICE CREAM	97
(Index Continued on the Following Page)	

INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
APPLICATION: ARE-MA REGION NO. 40, LLC	104
APPLICATION: CHOI'S FOOD, INC. D/B/A KIMCHI KITCHEN	111/255
APPLICATION: COFFESHOP, LLC D/B/A UPPER WEST	112
VIOLATION: ELIOT MANAGEMENT SERVICES, INC. D/B/A PARADISE CAFE	135
CANCELLATION: TOMMY DOYLE'S PUT AND RESTAURANT, LLC	152
VIOLATION: MARIO MORELUS HACKNEY LICENSE #30370	158/203
VIOLATION: NICOLAZZO & SONS LANDSCAPE, LLC	159
VIOLATION: COCOSO LANDSCAPE CO.	167
VIOLATION: FIRST CAMBRIDGE REALTY CORP.	174

(Index Continued on the Following Page)

INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
VIOLATION: E.C. HATHAWAY & ASSOCIATES	178
VIOLATION: TIBBETTS LANDSCAPING, INC.	183
VIOLATION: LANDSCAPE COLLABORATIVE OF NE, INC.	191
VIOLATION: S&R LANDSCAPING	200
VIOLATION: JOHNS LANDSCAPING OF ARLINGTON	203
 <u>ADMINISTRATIVE MATTERS:</u>	
BOB BAKER, LESLEY UNIVERSITY	265
COFFEESHOP, LLC D/B/A UPPER WEST	113
EUGENE F. LYNCH POST, WAGNER HALL	266

P R O C E E D I N G S

July 11, 2016

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EXECUTIVE DIRECTOR ELIZABETH LINT:

We're going to get started. This is the License Commission agenda for Monday July 11, 2016. It's 5:06 p.m. We're in the Robert W. Healy Public Safety Building, 125 Sixth Street Community Room.

Before you are the Commissioners: Chair Nicole Murati Ferrer, Chief Gerald Reardon, and Commissioner Christopher Burke.

APPLICATION:

ALIVE & KICKIN' LOBSTERS, LLC.

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter the application Alive and Lickin' Lobsters, LLC, has applied for a Common Victualler license at 273 Putnam Ave. for the

seating capacity of 36 patio seats on private property for the proposed hours of eleven a.m. to six p.m., Monday through Saturday, and eleven a.m. to four p.m. on Sunday. Louis Mastrangelo as proposed manager of record. Premise is described as retail fish market with kitchen. Outside seating at picnic tables on private property.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state and spell your names for the record?

ATTORNEY JAMES RAFFERTY: Good evening, Madam Chair. For the record, my name is James Rafferty. I'm an attorney with the law firm of Adams and Rafferty located at 675 Massachusetts Avenue. Seated to my left is Louis Mastrangelo, M-A-S-T-R-A-N-G-E-L-O. Mr. Mastrangelo is the proprietor, owner, and the proposed manager of

the establishment.

CHAIR NICOLE MURATI FERRER: Thank you.

Go ahead, Counselor.

ATTORNEY JAMES RAFFERTY: Thank you, Madam Chair. Alive and Kickin' has been operating at this location on Putnam Avenue close to the intersection of River Street for more than 20 years. Mr. Mastrangelo is a Cambridge native and has been involved in the lobster business in one form or another for more than 50 years. His business has proven to be successful in the last few years in particular. He operates out of a building, a garage-style building on the rear of his property. He lives in a two-family --

CHAIR NICOLE MURATI FERRER: I'm sorry, Counselor. Did you announce that we're being recorded?

EXECUTIVE DIRECTOR ELIZABETH LINT: I did

not.

CHAIR NICOLE MURATI FERRER: Sorry.

We're being audio and tape recorded for the record.

Sorry, go ahead, Counselor.

ATTORNEY JAMES RAFFERTY: Okay.

Just setting the scene of the physical layout. So Mr. Mastrangelo lives on the first floor of a two-family house in which this building is next-door.

Alive and Kickin' is a retail fish market. It has been -- it's involved in the sale of lobsters and other forms of seafood.

Mr. Mastrangelo is at the fish pier nearly everyday, personally is involved in the transportation of the seafood to his location.

In addition to seafood, however, he has a very popular item which is a lobster sandwich, not to

be confused with the lobster roll. He takes great exception. The roll is for hot dogs, he tells me. He sources his bread from Central Bakery in Cambridge three times a week, and he produces a highly popular lobster sandwich. He's open for business from eleven a.m. until six p.m. and he closes at four p.m. on Sundays. He does not have any, any tables inside his premises, but he does have a series of picnic tables. I believe there are six picnic --

LOUIS MASTRANGELO: Five.

ATTORNEY JAMES RAFFERTY: Five picnic tables on the premises. So he has been advised that the presence of the picnic tables requires that he obtain a Common Victualler License. So he's here this evening.

Admittedly he has been in operation for sometime, so it's a business that has developed a

significant following, particularly on the local level. So he has some customers. If I may approach, he had some customers --

CHAIR NICOLE MURATI FERRER: Thank you.

ATTORNEY JAMES RAFFERTY: -- just sign petitions over the past few weeks when he learned he needed to get this CV license. So I think he's managed to amass several hundred signatures, mass majority who live in Cambridge.

It is a very unique and popular location. It attracts a diverse clientele of neighborhood residents, students, university students, and travelers. So he's here today to seek approval for a Common Victualler License to continue his operation.

CHAIR NICOLE MURATI FERRER: Okay. And do you serve any alcohol on the premises?

LOUIS MASTRANGELO: No.

CHAIR NICOLE MURATI FERRER: Do you allow people to bring alcohol on the premises?

LOUIS MASTRANGELO: No.

CHAIR NICOLE MURATI FERRER: Okay.

For the record, I'm asking you because we received a complaint as recent as today of those two instances being at your premises. I do note for the record, however, that since June 17th our investigators have gone through premises three times and have found no alcohol on the premises or anyone bringing their own alcohol on the premises. But I did want it to be clear on the record.

ATTORNEY JAMES RAFFERTY: Madam Chair, I should -- if it assists the Board, I brought an extra copy of a Zoning decision that was granted earlier this year for the use at this location. And there were a series of conditions placed in

that decision and a few of them I would suggest are relevant here. One has to do with the hours of operation --

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY JAMES RAFFERTY: -- as I described them. They are limited here.

Another issue involves the type of cooking that can occur in the facility. I had a conversation as recently as today with a nearby abutter who expressed concern that this could lead to fried clams or a grill and smoke. None of that goes on. None will go on. And there is a restriction contained in Zoning. The cooking equipment here, if you look at the equipment, if you -- at the application, he has -- the most significant piece of equipment is a steamer, a large kettle for which lobsters are steamed. He has lobster tanks where live lobsters are alive

and kicking, and the -- there's also, I believe, that's the only cooking is the steamer. And you have a microwave oven as well. But there is no grill. There is no Fryolator. There is no grilling or frying going on. And it says right here in condition 10 of the decision: No fried foods may be prepared. If it assists the Commission, you probably have a copy of that already, but the conditions that were imposed by the Zoning Board, this Commission may find have some relevance, because it was an acknowledgement that the use itself has reasonable close proximity to residential uses. So the restrictions around hours, types of food, and location where these tables can be located, they previously have been located behind Mr. Mastrangelo's residence, very close to an abutting property owner, and they were relocated

as a result of the Zoning hearings.

CHAIR NICOLE MURATI FERRER: Okay, thank you.

Questions?

FIRE CHIEF GERALD REARDON: So you said there's five picnic tables?

ATTORNEY JAMES RAFFERTY: Five picnic tables? Does that include the table you sit at?

LOUIS MASTRANGELO: No. Six.

ATTORNEY JAMES RAFFERTY: Six. So there's a sixth.

FIRE CHIEF GERALD REARDON: So an average of six at each table?

ATTORNEY JAMES RAFFERTY: Yes, I think for people -- yes, it's a standard wooden picnic style table. We estimated three and three. But there is a table that Mr. Mastrangelo can often be found seated at, so that's the sixth table,

but that's kind of like his office. But people sometimes do sit with him. But he is a very hands-on proprietor. So most days he can be found sitting at that table.

FIRE CHIEF GERALD REARDON: So is this seasonal or do you intend to run it year round? Weather permitting of course.

ATTORNEY JAMES RAFFERTY: He appears to attract a hardy clientele. Because historically even in weather when you would think the, that the conditions might not support outside dining, there are, there are people that sit there, but certainly, you know, rain, snow, real cold, but it's strictly an exterior, external seating. It's -- it was described in an article in the newspaper as an urban lobster shack. And it is true. If you've been by it, it's, it's a unique location, but it's like a, it's like a roadside

lobster stand. You can sit there. But a large portion of the business involves retail food sales. Retail sales. Lobsters are purchased alive. Lobsters, a popular aspect of the business is he will boil the lobster for the customer and then they take the boil lobster home. He has special containers to allow them to do that. So, the lobster sandwich is a piece of it, but it is a full range of seafood and live lobsters as well. That goes on 12 months of the year. But all within the prescribed areas contained in the Variance.

LOUIS MASTRANGELO: We're going to be on Chronicle this Thursday.

ATTORNEY JAMES RAFFERTY: Okay. He's going to be on Chronicle Magazine. He's become a celebrity --

LOUIS MASTRANGELO: This Thursday night.

ATTORNEY JAMES RAFFERTY: --

Mr. Mastrangelo. I knew him before he was quite famous. But he's going to be on television Thursday night?

LOUIS MASTRANGELO: Yeah. Chronicle. Channel 5.

ATTORNEY JAMES RAFFERTY: It would be nice if he had a license.

POLICE COMMISSIONER CHRIS BURKE: Now I've been by -- I've seen the picnic tables. Do cars also park on that lot?

LOUIS MASTRANGELO: Just two or three.

ATTORNEY JAMES RAFFERTY: Yes, there is -- but, yes, there is -- it is a -- a portion of the lot closest to the street -- the history of the lot, Commissioner, is that it was a commercial parking lot when Mr. Mastrangelo bought the property, and then it -- he built the

garage building to operate his lobster wholesaling business and it kind of morphed over time. But, yeah, there is, there is accessory parking for the business that occurs on that lot as well. I think it handles probably can -- three or four cars.

POLICE COMMISSIONER CHRIS BURKE: So it's not customer parking?

ATTORNEY JAMES RAFFERTY: Oh, it is. It is.

POLICE COMMISSIONER CHRIS BURKE: Oh, it is?

ATTORNEY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: And it's only three spots you said?

ATTORNEY JAMES RAFFERTY: Wouldn't you say it's more like four?

LOUIS MASTRANGELO: Yeah, four.

ATTORNEY JAMES RAFFERTY: Yeah, I think it's four. They angle park -- as you go in, they park on the left.

CHAIR NICOLE MURATI FERRER: I'm only thinking of open air parking license.

ATTORNEY JAMES RAFFERTY: But they don't charge for it. It's just accessory parking. It's no different than a retail store having a parking.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY JAMES RAFFERTY: It's a retail fish market with accessory parking.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY JAMES RAFFERTY: So there's no fee, right?

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY JAMES RAFFERTY: So I don't think opening --

CHAIR NICOLE MURATI FERRER: All right.

Anything else?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER CHRIS BURKE: Set.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: And I do want to note for the record that Amy -- I can't read my own handwriting now. I just want to say her name right. Amy Phillips from Wheelock College had sent an e-mail in support of this application, and Councillor Toomey has sent also a letter and e-mail in support of this application.

Anyone in opposition of this application?

RAY FAULKNER: Can I say something?

CHAIR NICOLE MURATI FERRER: Oh, sorry.

RAY FAULKNER: My name is Ray Faulkner.

CHAIR NICOLE MURATI FERRER: Okay.

RAY FAULKNER: And I live behind Louie's restaurant. And I'm not even sure that I'm opposed to it yet, but what I don't understand is whether one, it's necessary. And two, whether it opens the door for him to have a full restaurant at some point in the future. Okay? And that's my concern is that those restrictions will not carry over to whatever this Common Victualler License is. And the reason that I'm distrustful is that I supported Louie in getting his Variance and I think I worked with Mr. Rafferty to try to help get that Variance through. And part of that deal was supposed to be that he was gonna put an inside vent to his roof in order to take the vent off that was on the back wall that came into our parking lot so that the noise and the smell came

directly into our parking lot. Well, rather than put an inside vent in, he put an outside vent in that looks like a water slide that must raise two feet, three feet off his roof, all the way down, and then come back -- down the back wall of our property. Not our property, but his property but facing our property. That in for about six or seven months of the year is totally visible, there's nothing blocking it whatsoever. So it's kind of a blight on the neighborhood. Okay? That's my first concern.

And when I approached his either nephew or a worker that was with him at the time it was happening in representing him, his response to me when I said, "I can't believe you're putting a water slide up on the roof." He said, "Too bad. You should have left well enough alone." So as soon as I heard that, my feeling was that I don't

trust anything that they're doing, and I'm gonna make sure from now on that anything that they do is not gonna come back and bite us later on. So this Common Victualler License opens the door for them to have a more full service restaurant, then I'm against it.

CHAIR NICOLE MURATI FERRER: Well, this, we would only be licensing what they've currently stated that they're seeking. So if they were ever going to change that, i.e. try and change it to be a full-blown restaurant, they would have to come back before the Board. So it's not like they get this license and they can do whatever they want beyond it.

RAY FAULKNER: Does the license itself, if it gets transferred to other people, have restrictions written into the license?

CHAIR NICOLE MURATI FERRER: Common

Victualler Licenses do not transfer.

RAY FAULKNER: They don't transfer.

CHAIR NICOLE MURATI FERRER: No.

RAY FAULKNER: But it's a standard kind of form of license that a restaurant would get?

CHAIR NICOLE MURATI FERRER: So each license is individual to the space and to the application.

RAY FAULKNER: And the restrictions that are in the Variance Board will transfer to his license?

CHAIR NICOLE MURATI FERRER: I am not sure what the BZA decision -- I'm not sure if they transfer along -- I'm not a member of the BZA, so I mean I don't know what. I would assume that everyone gets their own Variance.

RAY FAULKNER: That's my concern is that --

ATTORNEY JAMES RAFFERTY: Not to interrupt, but I would say that as a matter of law, Chapter 40A Variances and the conditions attached with them run with the land. So the sale of the property to someone else would not -- so for the use to continue there, the use is restricted by the conditions of the Variance. The Variance is recorded at the Registry of Deeds into the chain of title, and the conditions of the Variance as the Variance itself runs with the land. Any subsequent owner of the property or the business would be bound by the same restrictions. And as I noted at the outset, as you know, Ray, they involve hours -- limitations on hours, limitations on food service, and limitations on capacity. So we are bound by a particular floor plan. The building footprint cannot expand. I apologize if I'm going --

CHAIR NICOLE MURATI FERRER: Please, go ahead.

ATTORNEY JAMES RAFFERTY: The building footprint cannot expand. The premises description that we filed as part of the license is limited to these six tables. And I understand your caution and concern, and as I said to you today, I will address with the mechanical contractor the issues around the -- that was intended to address a concern and it was a surprise and disappointment to me to learn that it wasn't achieving. It was put in for sound and odors.

RAY FAULKNER: It definitely has helped the sound. It's helped the sound. The odors have just gone higher and now I'm getting e-mails from people suggesting that now they're getting odors up in their bedroom that they weren't

getting. It was down in the parking lot before so now it's just pulled up higher.

ATTORNEY JAMES RAFFERTY: I pulled the specs today on that, I've contacted the mechanical contractor --

RAY FAULKNER: Yeah.

ATTORNEY JAMES RAFFERTY: -- and he's going to go out to the site. That should be -- there should be no odor I'm told today when I spoke to the contractor. And if there is odor, then he's going to look at the scrubber. But it was a state-of-the-art high quality scrubber, and the cost associated with it was approximately \$8,000. So he did not cut corners in installing that I can assure you, and it's not --

RAY FAULKNER: Well, it was not an internal system.

ATTORNEY JAMES RAFFERTY: That I agree

with you. And I think perhaps --

RAY FAULKNER: Okay. And that's what you presented to me is that it would be an internal system.

ATTORNEY JAMES RAFFERTY: We can talk about that.

RAY FAULKNER: And we did. Okay? So it wasn't. It's now an external system that we look at eight months of the year. Okay?

CHAIR NICOLE MURATI FERRER: Anything else, Mr. Faulkner?

RAY FAULKNER: No, that's it.

CHAIR NICOLE MURATI FERRER: Anyone else? Yes, sir.

MICHAEL BRANDON: Hi, good evening. My name is Michael Brandon. I live at 27 Seven Pines Avenue, and I'm sorry I didn't get here in time to hear the presentation so I hope I'm not

repetitive.

I guess one question I had was how this application happened to come to the Commission. Was the proponent asked to do that because he's been operating without one?

CHAIR NICOLE MURATI FERRER: Well, I mean I'm not sure that's relevant. We're speaking for either opposition or support for the application pending.

MICHAEL BRANDON: Okay. Well my concern is, my understanding from the BZA hearings was that he's operated for 20 years without a license and that was like six months ago. He -- you know, that came to light. And apparently he's only fairly recently come to you. My concerns are that the property still may not have been inspected properly for fire egress, handicap access to bathrooms, general safety issues. And

I know that's part of the process here, so I hope at least that will happen if you grant this permit.

Another concern was whether or not the City has been collecting its share of the meals tax for all those years and whether that can be recovered.

And also whether any fines could be or should be imposed for the failure to operate without a license for such a long time.

The other question I have was...well, there are related issues about construction on the property that has occurred apparently without building permits. And I know that's not your jurisdiction, but it is a concern to make sure that the overall property is safe.

The other question is I don't know if there have been changes in operation since the

BZA hearings that I attended, but I'm wondering if -- what percentage of the takeout from the restaurant will be takeout and what percentage would be from folks who eat in? How much -- whether the food is served on disposable plates and utensils or whether there's china involved, and it's actually a sit down restaurant possibly with waiter and waitress table service or not. And the general thrust of that is whether or not this is indeed a fast food restaurant, which under our Zoning is a different category than just a restaurant.

CHAIR NICOLE MURATI FERRER: So if you're talking about Zoning issues, sir, with all due respect, that's not -- that has no -- I mean, that's not what we do here. So we're just actually speaking as to whether or not --

MICHAEL BRANDON: I guess maybe the

question for Ms. Lint is did the Inspectional Services Department sign off on the Zoning? And maybe Mr. Rafferty will know, before this application was accepted and pursued.

CHAIR NICOLE MURATI FERRER: So we have all the sign-offs, sir, yes.

MICHAEL BRANDON: Okay. Well, again, just for the record I would question that if this is indeed a fast food restaurant under the Ordinance, which it may have -- if they said it was a restaurant, Inspectional Services might not have caught the fact that indeed it may be or at least in the past as I understand it, has been a fast food operation. So I would think before any permit would issue from here, that that issue would be resolved and the proper Variance would be issued.

Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay,

Mr. Rafferty, do you want to say anything else?

ATTORNEY JAMES RAFFERTY: No, thank you.

CHAIR NICOLE MURATI FERRER: Okay.

Are you guys ready to vote?

POLICE COMMISSIONER CHRIS BURKE: Sure.

FIRE CHIEF GERALD REARDON: Yeah.

CHAIR NICOLE MURATI FERRER: I vote to
grant this license.

POLICE COMMISSIONER CHRIS BURKE: I
agree.

FIRE CHIEF GERALD REARDON: Agree.

ATTORNEY JAMES RAFFERTY: Thank you.

CHAIR NICOLE MURATI FERRER: Granted.

APPLICATION:

INMAN CAMBRIDGE, LLC

D/B/A INMAN SQUARE WINE AND SPIRITS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application Inman Cambridge, LLC, doing business as Inman Square Wine and Spirits, holder of an All Alcohol Package Store License at 1226 Cambridge Street has applied for a change of their Sunday closing hour from six p.m. to eight p.m.

CHAIR NICOLE MURATI FERRER: I don't think we were on the record when I said before that item No. 2 was continued to July 18, 2016, just for the record.

Thank you.

Good evening. Could you please state and spell your names for the record?

ATTORNEY JAMES RAFFERTY: Good evening,

Madam Chair. James Rafferty. Same spelling as last time, 675 Mass. Avenue appearing on behalf of the licensee, Inman Square Wine and Spirits. And seated to my left is Walter Sousa S-O-U-S-A. Mr. Sousa is the proprietor and President of the store.

This store has had a challenging history for the past few years. It has the distinction of being a liquor store that had its liquor license canceled. Mr. Sousa was the landlord and took possession of the space and was able to acquire another liquor license and have it transferred there. He's made a significant capital improvement into the business and it's really a contributing business now to the Inman Square and Cambridge Street neighborhoods. The request before the Commission is a rather modest one today. It involves the Sunday closing hours.

He's looking to extend the time for just two additional hours, still well below the permitted statutory closing, but it's a change that will allow just a little bit more business on Sunday. So the current hours on Sunday are at --

WALTER SOUSA: Twelve to six.

ATTORNEY JAMES RAFFERTY: Six. And the request is to remain open until 8 p.m. on Sunday and that's the purpose of the application.

CHAIR NICOLE MURATI FERRER: Thank you.

Any questions?

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER CHRIS BURKE: None.

CHAIR NICOLE MURATI FERRER: For the record, Councillor Toomey has submitted a letter in support of this change.

Anyone in support?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay, thank you.

I would vote to grant this change.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

ATTORNEY JAMES RAFFERTY: Thank you.

WALTER SOUSA: Thank you.

APPLICATION:

AM AMERICAN INTERNATIONAL, INC.

D/B/A BEAUTY'S PIZZA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application AM American International,

Incorporated, doing business at Beauty's Pizza,

has applied for a Common Victualler License at 187 Hampshire Street with a seating capacity of 20 inside and 10 seasonal patio seats on private property with proposed hours of six a.m. to three a.m., seven days per week. Nader Michael as proposed manager of record. Premise is described at 1250 square foot Italian pizza restaurant with takeout, dine-in, and delivery.

CHAIR NICOLE MURATI FERRER: Okay. Good evening. Could you please state and spell your name for the record?

NADER MICHAEL: Good evening. My name is Nader Michael, N-A-D-E-R M-I-C-H-A-E-L. And I'm manager of record of Beauty's Pizza.

CHAIR NICOLE MURATI FERRER: And, sir, your name.

NAZHATT MICHAEL: Nazhatt Michael, N-A-Z-H-A-T-T M-I-C-H-A-E-L.

CHAIR NICOLE MURATI FERRER: Thank you.

Do you have the green cards that --

NAZHATT MICHAEL: Not yet.

CHAIR NICOLE MURATI FERRER: Not yet?

Okay, can you tell us about this license, please?

NADER MICHAEL: Okay, we used to own Beauty's Pizza on 228 Broadway until 2014, December 24, 2014, when we had the fire in the store. It started in a Chinese restaurant next-door and we lost our lease after. We looking to be relocated in Cambridge and we started a new corporation and find a spot at 187 Hampshire Street. It used to be a pizza buyer. We take it over and we open as Beauty's Pizza.

CHAIR NICOLE MURATI FERRER: And you're going to seek a beer and wine eventually it says here?

NADER MICHAEL: Yeah, but we start

without it for now, yes.

CHAIR NICOLE MURATI FERRER: What's the need for the hours of six a.m. to three a.m.?

NADER MICHAEL: Because the nature of the location, liquor store, gas station, and I notice there's no restaurant around serving coffee in the morning or breakfast in the morning. So maybe in the future if we need to serve breakfast, we will have the ability to do it.

CHAIR NICOLE MURATI FERRER: But if your current -- is your current business plan right now to be open for breakfast?

NADER MICHAEL: Breakfast, lunch, and dinner.

CHAIR NICOLE MURATI FERRER: And so what exactly are you going to be serving?

NADER MICHAEL: We'll have like coffee, doughnuts, muffins.

CHAIR NICOLE MURATI FERRER: And your hours for the patio, are you proposing for them to be the same, the six a.m. to three a.m.?

NADER MICHAEL: If it was permitted, yes.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: So do you plan on doing much work to this establishment?

NADER MICHAEL: I, I am keeping most of the equipment there. The previous owner took the grill and Fryolators and stuff. We are replacing that equipment. We can have it inspected and we'll go with the same operation.

FIRE CHIEF GERALD REARDON: So they took the grill?

NADER MICHAEL: He took the grill, the shop broiler, and the Fryolators there.

FIRE CHIEF GERALD REARDON: Okay.

NADER MICHAEL: And he used to have a stove. So we can bring our own.

FIRE CHIEF GERALD REARDON: Is the pizza oven still there.

NAZHATT MICHAEL: Yes.

NADER MICHAEL: The pizza oven with the connection with the sink, as we have the other stuff on the other side, yes.

FIRE CHIEF GERALD REARDON: So you'll be doing a fair amount of renovation in there before you open it up?

NADER MICHAEL: Just a -- just replacing that equipment. I have the equipment in my storage. I -- it's a matter of, like, bring over.

FIRE CHIEF GERALD REARDON: Okay.

So they'll have to go through the sign-offs again once you get it installed.

NADER MICHAEL: But the kitchen, like, in the great condition. Like it has everything, like cooler, freezer. And he have the booths installed. They didn't take it out. And the system is still there. The fire alarm and everything is like. Nobody touch it.

FIRE CHIEF GERALD REARDON: Yeah. We'll do a final inspection before you open.

NADER MICHAEL: Of course. Yes.

FIRE CHIEF GERALD REARDON: Okay, thanks.

CHAIR NICOLE MURATI FERRER: So the inspection approval also mention that there's a pending BZA approval. Do you know where that's at?

NADER MICHAEL: We got approval, yes. We got granted.

CHAIR NICOLE MURATI FERRER: Do you know when?

NADER MICHAEL: We had it about a month ago.

CHAIR NICOLE MURATI FERRER: Do you have it with you by any chance?

NAZHATT MICHAEL: June 16th.

NADER MICHAEL: June 16. I don't have the decision.

CHAIR NICOLE MURATI FERRER: Okay.

I mean this was signed June 22nd. It says that it's pending the ZBA approval. So we obviously don't have it.

Any other questions?

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER CHRIS BURKE: So, again, this is -- you're going to be operating from six a.m. to three a.m.?

NADER MICHAEL: To three a.m., yes.

POLICE COMMISSIONER CHRIS BURKE: And

that's seven days a week?

NADER MICHAEL: Yes. We starting like that. Because it's a new location for us, if it's no feed for breakfast after like we try it, we will cut it. If, like, no need to be -- because like in Beauty's Pizza we had like until twelve o'clock, but we usually close 9:30, 10:00. So no need to stay later. But we will apply for our license to have it, and we find it works good, we'll stay. If it does not work well, we'll just close that normal like ten, eleven o'clock, twelve o'clock. But we asking, we seeking like to stay until an hour license. Been very eager to work. We're missing work for a year and a half now.

FIRE CHIEF GERALD REARDON: So if you're posting these hours, you have to stay open these hours, though.

NADER MICHAEL: For in the beginning,
yes.

FIRE CHIEF GERALD REARDON: Yeah.

NADER MICHAEL: If it does not need, we
will come before and we will work with that. But
I think we'll do it.

FIRE CHIEF GERALD REARDON: Three a.m. is
rather late.

NADER MICHAEL: Because the night, the
nighttime on campus we think it will be good.

NAZHATT MICHAEL: Especially weekends.

NADER MICHAEL: Especially Saturday and
Sunday.

NAZHATT MICHAEL: Friday.

NADER MICHAEL: Friday and Saturday.

POLICE COMMISSIONER CHRIS BURKE: And
you'll be operating the patio seats until three
a.m.?

NADER MICHAEL: No.

POLICE COMMISSIONER CHRIS BURKE: What's the hours of operation for the patio?

NADER MICHAEL: It would be like midnight. If the weather permitted.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER CHRIS BURKE: Set.

CHAIR NICOLE MURATI FERRER: Okay.
Anyone in favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay. I'd actually like to take this under advisement and defer it until we get that BZA -- I just want to

confirm that there aren't any restrictions based on that or anything of that nature. Also, I saw that you have sent the letters to the abutters, but because of the hours and because I would assume based on this receipt that they haven't gotten it yet, I just want to make sure that if some abutters do have some concerns referring to the hours, we address those.

NAZHATT MICHAEL: Okay. And if I get it, I bring it over. I should have it like today, tomorrow, something like that.

CHAIR NICOLE MURATI FERRER: Yeah.

So can we defer?

FIRE CHIEF GERALD REARDON: I agree.

POLICE COMMISSIONER CHRIS BURKE: I agree.

CHAIR NICOLE MURATI FERRER: Okay.

Let's defer that until next Monday hoping

we get the green cards by then. And if we have to push it one more week, we'll --

NADER MICHAEL: So we come for another hearing?

CHAIR NICOLE MURATI FERRER: No, you don't have to come because we'll just do it administratively unless there's an issue and then we'll call you and let you know to come.

NAZHATT MICHAEL: Thank you so much.

NADER MICHAEL: Thank you.

APPLICATION:

CENTRAL DINER, INC.

D/B/A 4BURGERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Transfer of the Common Victualler Wine and Malt License held by Central Diner, Incorporated, doing business as 4Burgers at 704

Mass. Ave. to Hot Pot Boston One, LLC, doing business as Happy Lamb Hot Pot, 485 Mass. Ave. Michael Luk proposed manager of record. Premises described as: Five-story building, first floor being licensed. The main dining room and kitchen are both on the first floor with one entrance and two exits, 2975 square feet; basement for storage 340 square feet. Total square footage of 3315.

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening. Could you please state your names for the record and spell them as well. Thank you?

ATTORNEY MATTHEW FOGELMAN: Yes. Good evening. Matthew Fogelman for Happy Lamb Hot Pot and Michael Luk. That's F-O-G-E-L-M-A-N. And I'm an attorney in Newton. I've appeared before the Commission several times. And with me is Michael Luk, L-U-K.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTORNEY MATTHEW FOGELMAN: Thank you.

CHAIR NICOLE MURATI FERRER:

Mr. Fogelman, before we started I jumped the gun and talked to your client before you got here.

ATTORNEY MATTHEW FOGELMAN: Sure.

CHAIR NICOLE MURATI FERRER: The manager application -- so where it says if he has any direct -- the 4A about the interest in other licenses. It says multiple licenses, but then the attached sheet only lists one. And I notice on the five-page application, No. 11 has all the other ones. I think you need to fix that attachment to the manager application.

ATTORNEY MATTHEW FOGELMAN: Okay, so we'll just use the same attachment then.

CHAIR NICOLE MURATI FERRER: Yeah. Yeah, it's just that -- I mean, when you look at the

manager application, you only have one license plus it says multiple licenses but --

ATTORNEY MATTHEW FOGELMAN: Okay.

CHAIR NICOLE MURATI FERRER: -- it only lists one, and then you like at the five-page and it has multiple ones. That can certainly slow it down.

ATTORNEY MATTHEW FOGELMAN: Okay.

So I -- do you want me to resubmit that or can we just take the attachment and basically --

CHAIR NICOLE MURATI FERRER: You can just forward us a completed attachment tomorrow. How about that?

ATTORNEY MATTHEW FOGELMAN: Okay, I will do that.

So the restaurant has been open at -- since March on Mass. Ave. in Central Square.

It's at 45 Mass. Ave. Things are going, you know, fairly well. The license would be obviously a fantastic addition to the business operations to be able to offer that to the clientele.

We were before the Commission last year on a new license application and the direction from the Commission was that they preferred that we purchase one and do a transfer rather than a new application. And so we went back to kind of square one and were able to find and purchase -- have an agreement to purchase the license from Central Diner which was 4Burgers which it operated at 704 Mass. Ave. So happy to take any questions that the Commission has.

CHAIR NICOLE MURATI FERRER: So the public need for the license other than good business?

ATTORNEY MATTHEW FOGELMAN: Well, you know, as I think as we had said the last time we were here that, you know, that area -- in fact, that address has had a license before, that location in the past. And then with, you know, transfers over time, it migrated away. But, you know, there's -- Central Square is obviously a very hot area and, you know, there seems to be demand at least anecdotally from people coming in and, you know, asking when are you guys going to be able provide? And of course, you know, there's no -- we're not adding a license to the city here. You know, that being a transfer -- we're not -- you know, we're not asking the Commission for a new license at this point. So, you know, we're not adding to the -- not seeking to add to the list of licenses which we had done previously and now, we're, you know --

CHAIR NICOLE MURATI FERRER: And

Mr. Luk -- oh.

ATTORNEY MATTHEW FOGELMAN: Yes, no, I mentioned that. Mr. Luk was just mentioning that, you know, customers have been coming in and, you know, asking, and, you know, he's telling them, you know, that we're in the process of trying to get one.

CHAIR NICOLE MURATI FERRER: And, Mr. Luk, you've never been the manager of record on a liquor license before; is that correct?

MICHAEL LUK: I have a manager before.

ATTORNEY MATTHEW FOGELMAN: Not in Massachusetts --

MICHAEL LUK: Not in Massachusetts.

ATTORNEY MATTHEW FOGELMAN: -- Madam Chair.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY MATTHEW FOGELMAN: Those are the other licenses --

CHAIR NICOLE MURATI FERRER: The other licenses, yes, that are outside --

ATTORNEY MATTHEW FOGELMAN: Yeah.

CHAIR NICOLE MURATI FERRER: -- New York and --

ATTORNEY MATTHEW FOGELMAN: Yeah. And he's got one in New York and he's got a couple on the west coast.

CHAIR NICOLE MURATI FERRER: Yeah, California.

ATTORNEY MATTHEW FOGELMAN: He traveled back and forth, east coast to west coast.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY MATTHEW FOGELMAN: He has a pretty hectic schedule basically going back and forth across the country.

CHAIR NICOLE MURATI FERRER: Okay.

And are you familiar with the rules and regulations of this Board, the ABCC, and the laws of the Commonwealth of Massachusetts with regard the sale and service of alcohol?

MICHAEL LUK: Yeah.

CHAIR NICOLE MURATI FERRER: And do you understand that we expect you to stay -- we expect you to stay up to date with those rules, laws, and regulations?

MICHAEL LUK: Yes.

CHAIR NICOLE MURATI FERRER: Are you a U.S. citizen?

MICHAEL LUK: Yes.

CHAIR NICOLE MURATI FERRER: And since you're travelling back and forth, are you seeking to have a manager later on?

MICHAEL LUK: Yes, I will.

CHAIR NICOLE MURATI FERRER: Questions?

ATTORNEY MATTHEW FOGELMAN: I mean, he has, you know, a very -- how many, how many employees you have there now?

MICHAEL LUK: Right now is almost 17, 18.

ATTORNEY MATTHEW FOGELMAN: So he has 17, 18 employees there now. Most of them are full time. So in other words, when he's not there, there are other people that are absolutely there.

CHAIR NICOLE MURATI FERRER: Yeah.

ATTORNEY MATTHEW FOGELMAN: You know, assistant managers and etcetera.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRIS BURKE: No questions.

FIRE CHIEF GERALD REARDON: No. So -- no, I'm good. Thank you.

CHAIR NICOLE MURATI FERRER: Okay.

Anyone in favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in
opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay.

Ready to vote?

POLICE COMMISSIONER CHRIS BURKE: Ready.

CHAIR NICOLE MURATI FERRER: Okay. I
vote to grant pending the correction on the
manager --

ATTORNEY MATTHEW FOGELMAN: Sure.

CHAIR NICOLE MURATI FERRER: --
application.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

ATTORNEY MATTHEW FOGELMAN: Thank you so much. So I'll submit that tomorrow.

EXECUTIVE DIRECTOR ELIZABETH LINT: Send it to me.

ATTORNEY MATTHEW FOGELMAN: I have these as well. There were seven and only four came back. But these -- is that good?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Uh-huh.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTORNEY MATTHEW FOGELMAN: Okay, thank you.

APPLICATION:

ARE-TECH SQUARE, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: ARE-Tech Square, LLC, holder of

Flammables License at 100 Technology Square has

applied to amend their existing license to have a total of 4,356 gallons of Class 1; 8,180 gallons of Class 2; 270 gallons of Class 3A; 1,020 pounds of flammable solids; and 9500 cubic feet of flammable gas.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state and spell your names for the record.

TED O'LEARY: Ted O'Leary, O-'-L-E-A-R-Y.

JEREMY LEBOWITZ: And Jeremy Lebowitz, L-E-B-O-W-I-T-Z with Jensen Hughes, we're consultants for ARE.

CHAIR NICOLE MURATI FERRER: Thank you. Go ahead.

TED O'LEARY: Ted O'Leary with Alexandria Real Estate.

ARE, Alexander Real Estate bought the property at Technology Square. 100-700

Technology Square ten years ago July of '06.

I've been on the property for 12 years before that working for MIT with the older property.

I'm the Executive Director of facility services.

We're here tonight to amend a flammable license for 100 Technology Square which was built in 2001. Unique feature of 100 Technology Square is that it's connected to 200 Technology Square by a nine-story atrium. 200 Technology Square was built in the mid sixties. The buildings share a fire panel.

CHAIR NICOLE MURATI FERRER: Let me interrupt you for a second. Why don't we call the next one since they're connected and it's the same people.

APPLICATION:

ARE-TECH SQUARE, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: ARE-Tech Square, LLC, has applied for a new Flammables License at 200 Technology Square for 4,440 gallons of Class 1; 3,166 gallons of Class 2; 1,060 gallons of Class 3A; 700 gallons of Class 3B; and 2,022 pounds of flammable solids; and 17,030 cubic feet of flammable gas.

CHAIR NICOLE MURATI FERRER: That way you don't have to repeat yourself.

TED O'LEARY: Sure.

CHAIR NICOLE MURATI FERRER: Go ahead.

TED O'LEARY: So 200 Technology Square built mid-sixties. It's connected by ARE atrium to 100 Technology Square. Both buildings are now lab buildings. Originally one was an office building, the other one was a lab building. They shared a flammable license. Based on the design

the only thing that they do share at this point is the fire alarm panel. And all fire suppression systems are separate to each building. Basically they're standalone buildings with an atrium in between. Based on the fact that the code has changed, fire code has changed as well as some designs recently in the City, we took this opportunity to come in front of the Licensing Board to apply for a separate license. So amend the 100 Technology Square License to current standards as well as get 200 Technology Square a standalone license.

FIRE CHIEF GERALD REARDON: So you're sharing the same fire command panel for those two buildings?

TED O'LEARY: Yes.

FIRE CHIEF GERALD REARDON: And this is the inventory that's basically there now, but

we're now breaking it up to show the correct address for building 100 and building 200 in terms of --

JEREMY LEBOWITZ: Some of it is not entirely there yet. It's representing future expansion for tenants that aren't there yet or haven't signed on yet. But it represents what's allowable for the code for those future control areas, but for the existing tenants it reflects what's actually in use and stored in the facility.

FIRE CHIEF GERALD REARDON: And do you share the same waste management in terms of removal or are they done separately?

TED O'LEARY: It's done separately.

CHAIR NICOLE MURATI FERRER: Anything else?

POLICE COMMISSIONER CHRIS BURKE: No

questions.

FIRE CHIEF GERALD REARDON: So everything that's on premise already has a permit for it and has been inspected so you have some growth here on the building 200 so to speak?

TED O'LEARY: Correct.

FIRE CHIEF GERALD REARDON: And that's future lab and that's designed to fit as you need it or sub?

JEREMY LEBOWITZ: Right, so sub --

FIRE CHIEF GERALD REARDON: You have a tenant -- you don't have to tell me who it is, but is there someone in mind for that space already?

JEREMY LEBOWITZ: Some of it's just expansion of existing tenants and some of it's hypothetical new tenants.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: No.

CHAIR NICOLE MURATI FERRER: I do note for the record that you do have the fire permits on both of these on the applications.

Anyone in favor of these petitions?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to these petitions?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay. I vote to grant both of them.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

JEREMY LEBOWITZ: Thank you.

TED O'LEARY: Thank you.

APPLICATION:**KHF, LLC****D/B/A THE DINING CAR****EXECUTIVE DIRECTOR ELIZABETH LINT:**

Application: KHF, LLC, doing business as The Dining Car, has applied for a Vendor/Peddler License to operate a mobile food truck at the corner Third Street and Binney every day, except Thursdays, from seven a.m. to nine p.m.

CHAIR NICOLE MURATI FERRER: Dining Car?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay, second call.

APPLICATION:**URBAN HEARTH, LLC****D/B/A URBAN HEARTH****EXECUTIVE DIRECTOR ELIZABETH LINT:**

Application: Urban Hearth, LLC, doing business as Urban Hearth, has applied for a new Common Victualler Wine and Malt Beverages With Cordials/Liqueurs License to be exercised at 2263 Mass. Ave. with proposed hours of eight a.m. to eleven p.m. seven days per week and seating for 24 inside and eight seasonal patio seats on public property. Elina Hussain, as proposed Manager of record a premise described as:

Two-story building, first floor to be licensed, two rooms, one room is bathroom, one entrance and two exits, 700 square feet; basement for storage, prep area, and office of 500 square feet. An application has also been made for Entertainment License to include: Radio and audio tape machine/CD/computerized automatic amusement device digital media playing music below conversation level.

CHAIR NICOLE MURATI FERRER: Okay, thank you. Good evening.

ELINA HUSSAIN: Good evening.

CHAIR NICOLE MURATI FERRER: Could you please state and spell your name for the record?

ELINA HUSSAIN: My name is Elina Hussain, E-L-I-N-A H-U-S-S-A-I-N.

CHAIR NICOLE MURATI FERRER: Thank you.

ELINA HUSSAIN: And I have these things for you.

CHAIR NICOLE MURATI FERRER: Yeah.

ELINA HUSSAIN: Some letters of support. The receipt of notification from the abutters. One of the receipts has not come back yet as it is in Texas.

CHAIR NICOLE MURATI FERRER: Ms. Hussain, can you tell us a little bit about what Urban Hearth is all about?

ELINA HUSSAIN: Urban Hearth is -- hopes to be a neighborhood cafe during the day and a supper club with fine dining in the evenings. We want -- my partner Erin Miller and I are both instructors at the Cambridge School of Culinary Arts down the street, and we are very much invested in the neighborhood and in the food industry in the Boston and Cambridge area. We are looking for the kind of -- to create the kind of place where we would want to bring our own families during the day. Just some nice wholesome, seasonal, fresh food made in very traditional ways and shared at communal tables. And in the evening we want to play and do food that's a little more challenging than what we would have during the day.

CHAIR NICOLE MURATI FERRER: Okay. And what's the public need for this license at this

location?

ELINA HUSSAIN: North Cambridge is becoming a very -- bless you. A very vibrant food community. There was a restaurant there before like at the same spot where we were. We bought the restaurant and changed the name and moving forward from there. I feel like just one more, one more neighborhood place would benefit the neighborhood a great deal. We aren't creating another restaurant in the area so much as we are replacing the one that was there before. So we have gotten a lot of support not only from the cooking school down the street but also from a lot of the people we know in the neighborhood. Our location on Mass. Ave. close to both Davis Square and Porter Square gives us the opportunity to really expand the eating options in North Cambridge.

FIRE CHIEF GERALD REARDON: So the business is L'Impasto's?

ELINA HUSSAIN: It is formerly L'Impasto, yes.

CHAIR NICOLE MURATI FERRER: And I do have a question. I saw here in the application that you mentioned that your compensation is based on sales; is that on sales of alcoholic beverages?

ELINA HUSSAIN: No.

CHAIR NICOLE MURATI FERRER: Okay.

ELINA HUSSAIN: No, it is because I will be managing the supper club as well as the cafe during the day part of the time, you know, if there's nothing for us to, to serve, you know.

CHAIR NICOLE MURATI FERRER: It's not a trick question. It's strictly just to make sure the application's filled in completely right.

ELINA HUSSAIN: Yes.

CHAIR NICOLE MURATI FERRER: So the sales that are going to be looked at to determine your compensation, is the alcohol portion of those sales going to be considered at all?

ELINA HUSSAIN: I believe no. I don't believe so, because we are primarily a restaurant. The alcohol we would -- the reason we're asking for an alcohol license is to pair with the food which is our primary focus. So our focus is on, is on a supper club, on a cafe during the day with liquor sales really being incidental to the food.

CHAIR NICOLE MURATI FERRER: So I mean you don't have to accept this as advice, but, if you are not sure and this is something that you guys are going to figure out as you go along, my recommendation is that you include, you, I know

Christopher Miller doesn't say that in his application, but at least your application in terms of your personal information form says that, you know, sales are going to be considered.

ELINA HUSSAIN: Okay.

CHAIR NICOLE MURATI FERRER: You might want to disclose that in the other part of the application as well.

ELINA HUSSAIN: Of the alcohol?

CHAIR NICOLE MURATI FERRER: Yes.

ELINA HUSSAIN: Okay.

CHAIR NICOLE MURATI FERRER: That could only slow down things. And then in the event that you ever -- that is considered that you're covered and there's no issue.

ELINA HUSSAIN: Understood.

CHAIR NICOLE MURATI FERRER: The proposed seating capacity, I saw that you changed it to

24; is that right?

ELINA HUSSAIN: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

ELINA HUSSAIN: That was the same seating capacity that L'Impasto had. And we came to understand that the reason why it's a good idea to keep it to 24 is because we don't have any dedicated parking.

CHAIR NICOLE MURATI FERRER: Okay.

ELINA HUSSAIN: And so at 24 we are grandfathered in. Any higher than that, it becomes more of an issue.

CHAIR NICOLE MURATI FERRER: Okay.

Are you going to be serving alcohol on the patio?

ELINA HUSSAIN: No.

CHAIR NICOLE MURATI FERRER: So the patio is just going to be for food?

ELINA HUSSAIN: It's just gonna be for food and just during the day. We do not foresee doing any outdoor seating in the evening during our supper clubs.

CHAIR NICOLE MURATI FERRER: Okay.

If you ever decide that you're going to serve alcohol on the patio, you need to come in and amend your application. Because right now the way this is filled out, you cannot serve any alcohol on the patio.

ELINA HUSSAIN: It's not a patio. It's just sidewalk seating. Yeah, we understand.

CHAIR NICOLE MURATI FERRER: Okay.

And you've never been the manager of record on a liquor license before; is that correct?

ELINA HUSSAIN: That is correct.

CHAIR NICOLE MURATI FERRER: And so

you're a teacher at the culinary school.

ELINA HUSSAIN: I am.

CHAIR NICOLE MURATI FERRER: Any other experience in the industry?

ELINA HUSSAIN: I worked as a personal chef for several years and I have worked in several Boston area bars as a young woman.

CHAIR NICOLE MURATI FERRER: And are you familiar with the rules and regulations of this Board, the ABCC, and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

ELINA HUSSAIN: I am.

CHAIR NICOLE MURATI FERRER: And do you understand you're expected to stay up to date with those rules, laws, and regulations?

ELINA HUSSAIN: Yes.

CHAIR NICOLE MURATI FERRER: Are you a

U.S. citizen?

ELINA HUSSAIN: Yes.

CHAIR NICOLE MURATI FERRER: I do need --
I notice that you did submit a floor plan for the
inside. I don't have the floor plan for the
outside seating. We'll need that as well.

ELINA HUSSAIN: It's actually right on
there. It's all on the first floor. The tables
should be just right outside the front door at
the very bottom.

CHAIR NICOLE MURATI FERRER: Is it four
and four?

ELINA HUSSAIN: Yeah.

CHAIR NICOLE MURATI FERRER: Oh, okay.
Ignore it.

FIRE CHIEF GERALD REARDON: So I assume
you're not doing much in the way of renovations?

ELINA HUSSAIN: No.

FIRE CHIEF GERALD REARDON: Just cleaning?

ELINA HUSSAIN: Lots of cleaning.

CHAIR NICOLE MURATI FERRER: Any questions? No other questions?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER CHRIS BURKE: No.

CHAIR NICOLE MURATI FERRER: Just one more thing. Your manager application, I think your partner was very excited and signed it as well. I would recommend that you do it again.

ELINA HUSSAIN: Okay.

CHAIR NICOLE MURATI FERRER: I mean, I could tell you I was like hmm. If I was like that, probably the ABCC is going to be the same.

ELINA HUSSAIN: Okay. And that should be turned in at -- or just do it here?

CHAIR NICOLE MURATI FERRER: You can just

send it to us tomorrow.

ELINA HUSSAIN: Okay.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

MICHAEL BRANDON: Tentatively in favor.
I'm Michael Brandon, 27 Seven Pines Avenue and
I'm speaking as the clerk for the North Cambridge
Stabilization Committee.

ELINA HUSSAIN: Yes, my partner just sent
you a note.

MICHAEL BRANDON: I didn't get it.
Better late than never. But I guess our group
would like to invite you and Erin to come to our
meeting on 27th of July, the fourth Wednesday,
and I'll give you more details, just to introduce
yourselves and answer questions and concerns that
neighbors might have.

I did hear two -- well, three issues

based on having reviewed the website that I guess Erin has up. One is whether this is going to also be a catering operation or will that be a separate business located elsewhere?

ELINA HUSSAIN: Is that something I could just answer?

CHAIR NICOLE MURATI FERRER: Yeah.

ELINA HUSSAIN: Yeah. We applied -- on our paperwork because we're very new to this aspect of the food industry, we applied for the catering license to cover all of our bases. We are not going to be a catering business. We are not planning on being like Season to Taste down the street which is a primary function as a catering business. We want to be a cafe and a restaurant, but we have some clients, some existing clients, very small scale, possibly 10, 15 percent of our business, that will be, we

hope, events that we continue catering at some of the local universities. We are not looking for new clients in catering at all. We are not interested in pursuing that in any way. We just want to keep the ones that we do have because we have to pay the bills. So, and that's a really great way to do it. But we're not seek -- we're not trying to be a catering company. We are trying to be a cafe and a supper club.

MICHAEL BRANDON: Okay.

And if I may ask -- is a catering license a separate license that's issued by this Board or -- no?

CHAIR NICOLE MURATI FERRER: No, we don't issue those licenses.

MICHAEL BRANDON: Okay. But does the catering involve selling alcohol as well -- serving alcohol?

ELINA HUSSAIN: No, not at all.

MICHAEL BRANDON: Okay.

Another question was -- oh, there is talk of some sort of a wood oven?

ELINA HUSSAIN: We have run into a lot of problems with having a beehive oven which would be a fully enclosed wood burning oven. We do not need it to operate. It is something that is on our wish list. We are still researching and trying to find out what we want, because we want the impact on our neighborhood to be very small. So we understand that there have been issues with wood burning ovens with other local restaurants and the venting and the smoke and the smell, but we haven't -- we don't need the oven to operate. So we want to continue doing our research, and then if the opportunity arises where we can have one and it is everything that everybody wants,

the City of Cambridge is okay with it, the abutters are okay with it, and we are able to find something that is minimal environmental impact, then we would like to move forward with that. But it's kind of a pipe dream at this point and not something that is necessary for us to function as a cafe and a supper club.

MICHAEL BRANDON: Okay, that's good because if you were going to introduce wood burning cooking, we've had some pretty terrible experiences going back 15 years to Ristorante Marino. And I know it's difficult for the proprietors, too, because then you have to put in scrubbers and odor control and it's problematic. So, but we can talk about it, you know, further at our meeting.

ELINA HUSSAIN: Absolutely.

CHAIR NICOLE MURATI FERRER: Anything

else, Mr. Brandon?

MICHAEL BRANDON: Parking. But we can discuss that.

CHAIR NICOLE MURATI FERRER: At your meeting, yes. Thank you.

Anyone else in favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: For the record, I have letters from Matt Grimmick (phonetic) or Grimmack (phonetic).

ELINA HUSSAIN: Grimmick.

CHAIR NICOLE MURATI FERRER: Grimmick?

Claire Chini (phonetic) or Chiny (phonetic), I'm sorry. And Steve and Marylou Miller.

Anyone in opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay, thank

you very much.

Ready to vote?

FIRE CHIEF GERALD REARDON: Uh-huh.

CHAIR NICOLE MURATI FERRER: I would vote
to grant this application.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

And let's just make sure you --

ELINA HUSSAIN: I will get that paperwork
to you. At this address?

CHAIR NICOLE MURATI FERRER: Yes. Just
call Ms. Lint tomorrow if you want and she can --

ELINA HUSSAIN: Great, thank you. Thank
you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

ELINA HUSSAIN: The time alcohol license
a separate, a separate thing or is this both

granted?

CHAIR NICOLE MURATI FERRER: This was everything.

ELINA HUSSAIN: Great. Thank you so much.

CHAIR NICOLE MURATI FERRER: This was all of the above. Entertainment, CV, and alcohol.

ELINA HUSSAIN: Wonderful.

CHAIR NICOLE MURATI FERRER: Granted in full.

Thank you.

APPLICATION:

TATTE HOLDINGS, LLC

D/B/A TATTE BAKERY & CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tatte Holdings, LLC, doing business as Tatte Bakery and Cafe, has applied for a

Common Victualler License at 1288 Mass. Ave. with a seating capacity of 110 and proposed hours of seven a.m. to nine p.m. seven days per week.

Tzurit Or as proposed manager of record. Premise is described as 5,560 square feet on two floors.

First floor is street level; second floor above

Qdoba Restaurant with bakery and cafe. An

application has also been made for an

Entertainment License to include: Audio tape

machine/CD/computerized automatic amusement

device digital media playing music below

conversation level.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state and spell your name for the record?

TZURIT OR: T-Z-U-R-I-T. Last name is O-R.

CHAIR NICOLE MURATI FERRER: Ms. Or,

thank you. You're seeking to go into what used to be Panera; is that right?

TZURIT OR: Yes.

CHAIR NICOLE MURATI FERRER: I do have a couple of questions. I have your operating hours Monday through Sunday, seven a.m. to nine p.m. on your CV application, but then on the entertainment application I have a whole range of hours. So what are your hours?

TZURIT OR: So our Monday, Friday seven a.m. to nine p.m.

CHAIR NICOLE MURATI FERRER: Hold on. Monday through Friday seven a.m. to nine p.m.

TZURIT OR: Saturday, eight a.m. to nine p.m.

CHAIR NICOLE MURATI FERRER: Okay.

TZURIT OR: And Sunday eight to seven.

CHAIR NICOLE MURATI FERRER: Eight a.m.

to seven p.m.?

TZURIT OR: Uh-huh.

CHAIR NICOLE MURATI FERRER: Okay.

So I'm going to give these back to you so you can make those changes, and then also I need you to answer question No. 4 which I'm assuming no because you're a bakery. I'll take those from you. Thank you.

And then you guys are not going to have any outside seating?

TZURIT OR: No.

CHAIR NICOLE MURATI FERRER: And I'm assuming this operation is going to be just like every other Tatte operation?

TZURIT OR: Uh-huh. We do -- we're gonna do our bread production is moving to Harvard Square.

CHAIR NICOLE MURATI FERRER: Okay.

Are you planning to do much changes to the space?

TZURIT OR: Yeah. We redesign and we do a twelve-week construction. Yeah, we had to design it to look like all of our locations, yes. And be able to accommodate the big oven for the bread. And second floor going to be baking classes, cooking classes, and more seating upstairs.

FIRE CHIEF GERALD REARDON: Had you already started that work?

TZURIT OR: Two weeks ago, yeah.

FIRE CHIEF GERALD REARDON: So how much in terms of the mechanicals are being changed?

TZURIT OR: We were able to use most of Panera structure and -- in that because they had ovens and almost the same equipment that we're using. So we didn't, we didn't add any heat

pumps or anything like that over there. We're relocating most of the plumbing, electricity, which is relocating.

FIRE CHIEF GERALD REARDON: You still have your inspection to finish off then?

Do you know how soon you plan on completing everything?

TZURIT OR: Right now the schedule is to deliver on September 16th.

FIRE CHIEF GERALD REARDON: Okay. Thank you.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: I'm all set.

POLICE COMMISSIONER CHRIS BURKE: All set.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay.

Did you make those changes?

TZURIT OR: Yeah, I'll just make the changes.

CHAIR NICOLE MURATI FERRER: If you make them right now we can maybe vote it on right now.

TZURIT OR: Oh, sorry.

(Slight pause).

CHAIR NICOLE MURATI FERRER: So I would vote to grant with Monday to Friday seven a.m., Saturday eight a.m. to nine p.m., and Sunday eight a.m. to seven p.m.

TZURIT OR: Yeah, it's the same as in all of our locations.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Okay,
granted.

Thank you.

TZURIT OR: Am I all set?

CHAIR NICOLE MURATI FERRER: All set.

ATTORNEY JAMES RAFFERTY: You have a
great bakery.

TZURIT OR: Thank you.

APPLICATION:

NEW SALTS, INC.

D/B/A SALTS

EXECUTIVE DIRECTOR ELIZABETH LINT: The
transfer of the New Salts application is going to
be a second call.

APPLICATION:

EASTERN SIDE, INC.

D/B/A CHRISTOPHER'S DELI & ICE CREAM

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Eastern Side, Incorporated, doing business as Christopher's Deli and Ice Cream, has applied for a Common Victualler license at 580 Cambridge Street with a seating capacity of 20 and proposed hours of seven a.m. to eleven p.m. seven days a week. Christopher Kosinski as proposed manager of record. Premise is described as 950 (sic) square foot retail storefront. Seating area, storage, and restroom.

CHAIR NICOLE MURATI FERRER: 915.

EXECUTIVE DIRECTOR ELIZABETH LINT: What I say?

CHAIR NICOLE MURATI FERRER: 50.

Good evening. Could you please state and

spell your name for the record?

CHRISTOPHER KOSINSKI: My name is
Christopher Kosinski, C-H-R-I-S-T-O-P-H-E-R
K-O-S-I-N-S-K-I.

CHAIR NICOLE MURATI FERRER: Thank you.
And can you tell us about Christopher's Deli and
Ice Cream?

CHRISTOPHER KOSINSKI: Yeah. I own the
East Side Bar and Grill which is diagonally
across the street. I secured a location over a
year and a half ago to open a deli sandwich shop,
ice cream, kind of dessert coffee place.

CHAIR NICOLE MURATI FERRER: And the need
for this license?

CHRISTOPHER KOSINSKI: The need for it?
There's actually not a place anywhere in the
neighborhood to actually still get a decent
sandwich where they actually slice the meat to

order and things are fresh and all pre-made. My food products at the restaurant are a little labor intensive and hard to turn over quickly for lunch, where this operation would be a lot easier to provide a quality product in the timely manner, we'll be able to serve lunch.

CHAIR NICOLE MURATI FERRER: And you're also going to serve breakfast as well?

CHRISTOPHER KOSINSKI: Yeah, pastries, coffees. It's a condo unit so there's no venting, no cooking. I have the restaurant across the street with the prep area and kind of a commissary to bake some items that I would hold in units to sell, but no cooking at all.

CHAIR NICOLE MURATI FERRER: Okay.

So seven a.m. to eleven p.m. seven days a week?

CHRISTOPHER KOSINSKI: Uh-huh.

CHAIR NICOLE MURATI FERRER: I saw that you have the second page to the Entertainment License but no entertainment application. Or the second page to the Entertainment License application but not the first page. Are you seeking an Entertainment License at all?

CHRISTOPHER KOSINSKI: I would probably have background music.

CHAIR NICOLE MURATI FERRER: Okay.

So just background music, no amplification, below conversational or at conversational level?

CHRISTOPHER KOSINSKI: At conversation, right.

CHAIR NICOLE MURATI FERRER: Okay.

So --

CHRISTOPHER KOSINSKI: I apologize, counsel isn't here. I hope you have everything

you need there and I can answer any questions.

CHAIR NICOLE MURATI FERRER: So we need the first page. Probably your counsel still has it.

CHRISTOPHER KOSINSKI: Okay.

CHAIR NICOLE MURATI FERRER: But I went through it twice.

ATTORNEY JAMES RAFFERTY: Who's your counsel?

CHRISTOPHER KOSINSKI: I should have went to the next office down, yours. He couldn't make it. He has a family emergency.

ATTORNEY JAMES RAFFERTY: Who?

CHRISTOPHER KOSINSKI: Sean.

CHAIR NICOLE MURATI FERRER: Let's make sure that you get that to us.

FIRE CHIEF GERALD REARDON: So are you doing much of a build out at 580?

CHRISTOPHER KOSINSKI: No. It's actually a pretty clean space. Everything is one level down. The basement's there. I'm going to have to put in a three-bay sink, a couple of grease traps. Nothing major. No major walls coming down or anything of that nature.

FIRE CHIEF GERALD REARDON: You're not making your own ice cream, are you?

CHRISTOPHER KOSINSKI: Believe it or not, I don't know if I should say, but Toscanini's is actually making the ice cream. They're going to make ice cream just for me, which is dynamite. So I -- no ice cream making involved actually.

CHAIR NICOLE MURATI FERRER: Anything else?

POLICE COMMISSIONER CHRIS BURKE:
Nothing, all set.

CHAIR NICOLE MURATI FERRER: Anyone in

favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay. I do note for the record that we have a letter from Councillor Toomey in support of the application. I would vote to grant the application and also with background entertainment at conversational or below conversational level.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Okay.
Granted.

CHRISTOPHER KOSINSKI: Thank you. I have to get you the entertainment page, correct?

CHAIR NICOLE MURATI FERRER: Yes, thank

you .

CHRISTOPHER KOSINSKI: Thank you.

APPLICATION:

ARE-MA REGION NO. 40, LLC

ELIZABETH LINT: Application: ARE and Mass. Region No. 40, LLC, has applied for a new Garage with Flammables License at 50/60 Binney Street for 899 parking spaces; 8,990 gallons of gasoline in the tanks of autos only; and 1620 gallons of Class 2.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state on spell your name for the record?

JEFFREY McCOMISH: Good evening. Jeffrey McComish, J-E-F-F-R-E-Y M-C-C-O-M-I-S-H. I'm Assistant Vice President Asset Services with Alexandria Real Estate Equities and we are the

agent for ARE-MA Region No. 40, LLC.

It's a property at 50/60 Binney Street between First and Second -- excuse me, between First and Second Street on Binney Street. And it's a six level below grade parking garage with 899 parking spaces, fuel storage in two areas on level P4 of the garage; 660 gallon tank in each of the rooms as well as on the N1 level. The mechanical level on the upper roof of 50 Binney Street will be a 200 gallon day tank at the generator. On the 60 Binney, 60 Binney being at the Second Street end of the building, 100 gallon day tank. And the assumption of -- in the parking garage 899 spaces, you know, an average of 10 gallons per vehicle.

FIRE CHIEF GERALD REARDON: So the storage other than the day tanks, the rest of the storage are in the garage levels?

JEFFREY McCOMISH: Yes, on P4 of the garage level.

FIRE CHIEF GERALD REARDON: And they're 110 percent capacity over for protection?

JEFFREY McCOMISH: Yeah. Spill protection, double lined tanks as well.

CHAIR NICOLE MURATI FERRER: Is that the 1,620?

JEFFREY McCOMISH: Yes.

FIRE CHIEF GERALD REARDON: And a 100 and a 200 gallon day tank?

JEFFREY McCOMISH: Yes.

FIRE CHIEF GERALD REARDON: And all those lines going up and down the garage are all protected as well, correct?

JEFFREY McCOMISH: Correct, yes.

And the building will be completed -- December 23rd is the scheduled completion date of

the corn shell of the construction of the building.

FIRE CHIEF GERALD REARDON: How big are those gen sets?

JEFFREY McCOMISH: I believe -- I don't know if there's 750 or larger. I have to --

FIRE CHIEF GERALD REARDON: Those are big day tanks?

JEFFREY McCOMISH: They're big, yeah. The Sanofi Genzyme is in the 50 Binney and they pushed of course for that redundancy, so to speak. And we have a lab tenant at 60 Binney Street, again, you know, seeking that redundancy.

FIRE CHIEF GERALD REARDON: Do they back each other up?

JEFFREY McCOMISH: No, they serve just the buildings themselves.

FIRE CHIEF GERALD REARDON: Okay. I'm

all set.

CHAIR NICOLE MURATI FERRER: Do you have the fire permit?

JEFFREY McCOMISH: No. When I met with Lieutenant Towski, he had said, you know, seek the license first. Once we have the license, I can, you know, provide the -- I actually have the completed application for the permit. And he said hold it until I get the License Commission approval.

CHAIR NICOLE MURATI FERRER: But our license wouldn't issue until that permit is issued.

JEFFREY McCOMISH: Right. So, I --

FIRE CHIEF GERALD REARDON: We can take care of that tomorrow.

JEFFREY McCOMISH: That's -- yeah, I can do that. Deliver the check --

CHAIR NICOLE MURATI FERRER: You can see the lieutenant.

JEFFREY McCOMISH: Yeah, I can deliver the check.

FIRE CHIEF GERALD REARDON: Well, it's not built yet. Yeah, it's the cart before the horse type.

JEFFREY McCOMISH: Yeah, no, we've been through it.

CHAIR NICOLE MURATI FERRER: Okay.

JEFFREY McCOMISH: I have 75-125 Binney as well. We went through the same process.

CHAIR NICOLE MURATI FERRER: All right.

JEFFREY McCOMISH: And I have the mailings.

CHAIR NICOLE MURATI FERRER: Thank you.

JEFFREY McCOMISH: Five of the eight cards have been returned.

CHAIR NICOLE MURATI FERRER: Okay.

Thanks.

Anyone in favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in
opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay. I
would vote to grant.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

JEFFREY McCOMISH: Great, thank you very
much.

CHAIR NICOLE MURATI FERRER: Granted.
Thank you.

And I would just say contingent upon the
fire approval and the fire permit on the amounts.

JEFFREY McCOMISH: Great, I can deliver

that tomorrow. Thank you.

APPLICATION:

CHOI'S FOOD, INC.

D/B/A KIMCHI KITCHEN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application Choi's Food, Incorporated, doing business as Kimchi Kitchen, has applied for a Common Victualler License at 847 Cambridge Street with a seating capacity of 19 and proposed hours of eleven a.m. to eleven p.m. seven days a week. Sung Kak Choi as proposed manager of record. Premise is described as restaurant, storage, dining area, and kitchen on the floor.

CHAIR NICOLE MURATI FERRER: Kimchi Kitchen?

(No Response.)

CHAIR NICOLE MURATI FERRER: Second call.

APPLICATION:**COFFEESHOP, LLC****D/B/A UPPERWEST****EXECUTIVE DIRECTOR ELIZABETH LINT:**

Application, CoffeeShop, LLC, doing business as UpperWest, has filed an application for a new All Alcoholic Beverages Restaurant license to be exercised at One Cedar Street, basement level, with proposed hours of seven a.m. to twelve a.m. seven days per week with a seating capacity of 36 and total occupancy of 50. Kimberly Courtney, proposed manager of record. Premises is described as basement level with two rooms, including kitchen, two egresses, approximately 1140 square feet. Application has also been made for an entertainment license for: Darts; reading of poetry or other works; live musical

instruments and/or live vocals without amplification; radio; audio tape machine, CD, computerized digital media that can be played below conversation level; and two TVs.

Then the matter deferred from June 28, 2016: CoffeeShop, LLC, doing business as UpperWest's application for a new General on Premise All Alcoholic Beverages License, Common Victualler License and Entertainment License to be exercised at One Cedar Street, B.

CHAIR NICOLE MURATI FERRER: Thank you. Good evening could you please state on spell your names for the record?

KIMBERLY COURTNEY: Kim Courtney, C-O-U-R-T-N-E-Y.

XAVIER DIETRICH: Xavier Dietrich, D-I-E-T-R-I-C-H.

CHAIR NICOLE MURATI FERRER: So --

XAVIER DIETRICH: Excuse me.

CHAIR NICOLE MURATI FERRER: Oh, thank you.

XAVIER DIETRICH: And this is for the GOP. We have like 21 additional signatures. So that brings us up to over 300.

CHAIR NICOLE MURATI FERRER: Okay.

XAVIER DIETRICH: And then we have five extra letters of support. So that brings us up to 78 letters of support.

CHAIR NICOLE MURATI FERRER: Okay.

Are these green ones also for the GOP?

KIMBERLY COURTNEY: Those greens one are the GOP. I didn't give those to you last time, so, yeah.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

Now, just for the record, this

application is identical with the exception that this would be an alcoholic beverages restaurant license rather than a general on premise; correct?

KIMBERLY COURTNEY: Right. We're looking --

CHAIR NICOLE MURATI FERRER: And the last one -- so, I just -- I just want to incorporate by reference everything that you stated in the last application to this one.

KIMBERLY COURTNEY: Correct. Correct. There would be no changes.

CHAIR NICOLE MURATI FERRER: Okay.

Now, and correct me if I'm wrong. Based on the hearing, the June 28th hearing, the intent is to have always food and serve food and the cooking classes and everything else, correct?

And preparation of food and the alcohol

would be kind of like an addition to your business plan?

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: Okay.

So, the way I see it, the way I see it, this current one, the all alcoholic beverages restaurant license is the more appropriate designation for the type of experience and business model that you've explained rather than the GOP with a CV.

KIMBERLY COURTNEY: Right, but wouldn't that require us to be open regularly?

CHAIR NICOLE MURATI FERRER: Well, but if you have a GOP and a CV, you would still be required to be open regularly.

KIMBERLY COURTNEY: Okay.

CHAIR NICOLE MURATI FERRER: Is your intent not to be open regularly?

KIMBERLY COURTNEY: Well, there may be some events that are by reservation.

CHAIR NICOLE MURATI FERRER: Okay. But you can still do that as a -- I mean, you can -- you can do that as any -- I mean, the GO -- I'm sorry, I think I may not be understanding what you're trying to do then.

When you say "by reservation only," let's say you have, I don't know -- describe to me what kind of event you're visualizing.

KIMBERLY COURTNEY: Let's say there's a seminar on how to open a food business --

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: -- and there are speakers. There may not even necessarily food served there or alcohol, but people have to sign up for that event. So that's not something that you would walk in off the street for necessarily.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: It's a multifunction, multipurpose space. So it has many different -- many different purposes.

CHAIR NICOLE MURATI FERRER: Okay.

And I think in that, in that event -- so let's say you're having an event that's closed to the public. That's what you're saying -- that's what you're saying basically --

KIMBERLY COURTNEY: It's not closed to the public because it's advertised.

CHAIR NICOLE MURATI FERRER: Yeah, but I'm meaning closed to the public that day. So you have to -- yeah, it's like a pre --

KIMBERLY COURTNEY: If it's full, yeah.

CHAIR NICOLE MURATI FERRER: It's like a pre --

KIMBERLY COURTNEY: If it's full. If

there's space, someone can walk in, but it --
they won't be walking in to have a meal if
there's a seminar taking place. Right.

CHAIR NICOLE MURATI FERRER: I don't
think that really affects whether you're a GOP.
I mean a GOP, a general on premise is basically
that you're serving alcohol versus not serving --
you know --

KIMBERLY COURTNEY: It's for
establishments, my understanding, that are not
full-fledged restaurants, that are not open
regularly as a restaurant necessarily, and that
have a separate function outside of the purpose
of purely serving alcohol which would be a bar or
a tavern. Right? So it has a separate purpose.

Like, for example, a movie theatre or a
music venue or a comedy club which are not
restaurants.

CHAIR NICOLE MURATI FERRER: I guess I'm not understanding why you think that that would put you in the GOP category versus -- I mean, if you're thinking of having food, let's say, you know, and having your cooking classes and pop-ups, as you explained last time, and everything else, the fact that -- let's say today you're not offering this. If it's put in the description of your premises, I don't foresee why that would be a problem. I mean, I don't know if the Commissioners feel the same way.

KIMBERLY COURTNEY: Well, there are certain requirements of a restaurant license that would force us into a different category of business model, different from what our business model is.

CHAIR NICOLE MURATI FERRER: So what would the difference be in terms of your business

model? I guess I'm trying to understand.

KIMBERLY COURTNEY: You have to be open at all times to serve travelers and strangers, and you have to have full meals at all times.

CHAIR NICOLE MURATI FERRER: Well, you also applied -- your general on premise you also applied for a CV license. So if you're granted --

KIMBERLY COURTNEY: Right. And we've had much discussions over whether that's even necessary. I don't think it is necessary. You know, but, again, I don't want to get hung up on the CV portion of it. I think you understand the business model. And the GOP license is the most appropriate for our business model.

CHAIR NICOLE MURATI FERRER: If you're going to be cooking and preparing -- so I guess I'm trying to understand, then, better your

business model. You're not really a restaurant --

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: You're, you're something else. Can you explain to me what that is exactly?

KIMBERLY COURTNEY: It's a community food space.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: Right? Food focussed for the community, people who love food, and people who are in the food industry that want to provide different types of events that are food focussed, including seminars for the food industry. Yep. And, yeah.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: So it's not a restaurant concept.

CHAIR NICOLE MURATI FERRER: But you would need your CV because the days that you are cooking and preparing, you need a CV to be able to do that?

KIMBERLY COURTNEY: That's my understanding.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: So then what you're seeking is really a general on premise with a CV that's not always on operation, so a CV that will operate from time to time?

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: There's many business models in the city that are similar to that.

CHAIR NICOLE MURATI FERRER: Yeah, I'm not chall -- I'm trying to understand. Because

of the two applications, I'm trying to understanding exactly where does this fit in.

KIMBERLY COURTNEY: I would just like to consider the GOP and then move on to the other one after that one.

CHAIR NICOLE MURATI FERRER: And then the hours last time you said that you might want to be open at seven a.m. --

KIMBERLY COURTNEY: We're sticking with the hours that we have applied for.

CHAIR NICOLE MURATI FERRER: The seven a.m. to midnight to do --

KIMBERLY COURTNEY: Correct.

CHAIR NICOLE MURATI FERRER: -- earlier stuff and whatnot?

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: The GOP would not be a seven a.m. because a GOP cannot be

open at seven a.m.

KIMBERLY COURTNEY: Of course. Yes, we're familiar with the alcohol hours.

CHAIR NICOLE MURATI FERRER: Okay. But that would be the hours on your CV?

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: I do note for the record that we received an e-mail and a letter from Mr. Craig Murphy on behalf of the UAV with regard to the installing of an alarm system including smoke detectors, heat detectors, and pull stations. That upon the completion of that system, an inspection by deputy Donovan, the issues with regard to the capacities of the UAV will be resolved and then that the UAV will be installing a sprinkler system within three years. I also do note for the record that they went on record in support of the application, both of

them. For that matter, I wanted to say that on the record.

Do you have questions?

FIRE CHIEF GERALD REARDON: No, the issue about the fire alarm system with the building's owner is I think has been resolved in terms of them installing that forthwith, so we don't have issue going forward.

The issue about the long-term thing with the sprinklers and so forth, we still have to sit down with them about that. But in terms of this whole issue right now this has been -- is being resolved by the owners.

CHAIR NICOLE MURATI FERRER: Okay.

Any questions.

POLICE COMMISSIONER CHRIS BURKE: No questions.

CHAIR NICOLE MURATI FERRER: Okay. So I

would incorporate by reference all of your responses from last time to this hearing.

I think what I would recommend would be to grant the general on premise application with eight a.m. through midnight.

I would also grant the CV application with that, but I would put a condition on that license specifically stating that it is not meant to be operated throughout, that it is understood that the business will have days where the CV won't be operated. And I'm not exactly sure how that language should be. I think maybe that's something that we can sort of say that will be a condition on the license, and between now and the time that you are going to get fully operational --

KIMBERLY COURTNEY: Sure.

CHAIR NICOLE MURATI FERRER: -- maybe

there is some type of language that the applicants and the Commission could agree to in terms of that so that it's clear and there is no violation of General Law Chapter 140 with regard to the CV application.

And then the entertainment license I would vote to grant as requested. That would be kind of my recommendation at this point.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Okay.

And then with regard to the all alcoholic beverage license, I assume you're going to be withdrawing that --

KIMBERLY COURTNEY: The restaurant license? Actually, we would like to continue that.

CHAIR NICOLE MURATI FERRER: So then we

would reject -- I would vote to reject that because we can't issue two licenses.

KIMBERLY COURTNEY: No, I'm aware of that, but since your granting of a license doesn't actually make it go through. So there are other steps that need to happen.

XAVIER DIETRICH: It has to come back from the ABCC.

KIMBERLY COURTNEY: Right, it has to come back from the ABCC. So we wouldn't like to withdraw that application. We would like to continue it since there are more steps that need to be taken for that application to go through.

CHAIR NICOLE MURATI FERRER: So you want us to vote on the second application?

XAVIER DIETRICH: We --

KIMBERLY COURTNEY: For the GOP.

CHAIR NICOLE MURATI FERRER: Which we

just did.

KIMBERLY COURTNEY: Okay.

CHAIR NICOLE MURATI FERRER: We granted it.

KIMBERLY COURTNEY: Okay.

And the restaurant we would like to continue that.

CHAIR NICOLE MURATI FERRER: So not vote on it?

KIMBERLY COURTNEY: Correct.

XAVIER DIETRICH: Correct.

CHAIR NICOLE MURATI FERRER: Okay.

Which we could do for 30 days --

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: -- and then if you have -- and then in 30 days if we don't hear anything back, we'd vote on it.

KIMBERLY COURTNEY: Okay.

XAVIER DIETRICH: Okay.

CHAIR NICOLE MURATI FERRER: Is that, is that what you're asking us to do? I mean, I don't see an issue with it --

KIMBERLY COURTNEY: I mean, I don't believe you have to.

CHAIR NICOLE MURATI FERRER: -- unnecessary delay but --

KIMBERLY COURTNEY: -- it's my understanding that you don't actually have to vote within 30 days, that's just the benchmark where someone has the right to appeal. But, yes, we're asking to you continue it so that we can insure that the license comes -- goes through basically.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: Correct.

CHAIR NICOLE MURATI FERRER: Okay.

Also the GOP wouldn't be open on Sundays until -- are you planning to serve brunch on Sundays?

KIMBERLY COURTNEY: Yes.

CHAIR NICOLE MURATI FERRER: Okay, so a ten a.m. with brunch?

KIMBERLY COURTNEY: Right.

CHAIR NICOLE MURATI FERRER: Okay.

KIMBERLY COURTNEY: Yeah.

CHAIR NICOLE MURATI FERRER: So I don't think it's necessary to continue the other one, but I mean it's --

XAVIER DIETRICH: We would like to continue.

CHAIR NICOLE MURATI FERRER: -- I'm fine with continuing it.

Commissioners?

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: I would agree with that.

CHAIR NICOLE MURATI FERRER: Okay, so we'll just continue that one.

And then I think that takes care of it, yes?

KIMBERLY COURTNEY: I think so.

CHAIR NICOLE MURATI FERRER: All right.

KIMBERLY COURTNEY: Did we do entertainment?

CHAIR NICOLE MURATI FERRER: Oh, I'm sorry. I think there is one more thing that relates to your application. No. That's it. Okay. Thank you.

KIMBERLY COURTNEY: Thanks.

XAVIER DIETRICH: Thank you.

CHAIR NICOLE MURATI FERRER: Oh, I'm sorry. I'm so sorry. With regard to the

restaurant license.

Anyone in favor of that petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: And anyone in opposition to that?

JAMES WILLIAMSON: I'm in favor. My name is James Williamson, 1000 Jackson Place. I'm in favor.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone in opposition to that petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay.

And for the record, because of the way that your petitions were written and in terms of the support, I will incorporate by reference as well all the support provided for the GOP to be included with the CV all alcohol. It just seems to relate as well to the same application.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do
you have a date you want to continue?

CHAIR NICOLE MURATI FERRER: Well, 30
days from now.

VIOLATION:

ELIOT MANAGEMENT SERVICES, INC.

D/B/A PARADISE CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT:
Violation hearing Eliot Management Services,
Incorporated, doing business as Paradise Cafe due
to police report of alleged assault.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:
Is it possible to turn the ventilation on in this
room?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I
know.

POLICE COMMISSIONER CHRIS BURKE: I'm not

a mechanic. I don't know. Sorry.

CHAIR NICOLE MURATI FERRER: Yeah.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

There's a lot of buttons behind you.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

It's over here. It's right there.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state your names for the record?

ATTORNEY JAMES RAFFERTY: Good evening, Madam Chair and Members of the Commission, James Rafferty appearing on behalf of the licensee, Eliot Management. Seated to my left is Paul McCarthy, M-C-C-A-R-T-H-Y. He's the manager of record.

CHAIR NICOLE MURATI FERRER: Is officer Clinton not here?

DETECTIVE CALVIN KANTOR: He's not here.

He's on vacation.

CHAIR NICOLE MURATI FERRER: Are you his partner?

DETECTIVE CALVIN KANTOR: I'm Detective Kantor.

CHAIR NICOLE MURATI FERRER: Oh, sorry. Go ahead. Come on up, Detective, please. Thank you.

And then if anyone that is going to testify.

EXECUTIVE DIRECTOR ELIZABETH LINT: Anyone who is going to testify stand and raise your right hand, please?

CHAIR NICOLE MURATI FERRER: Please stand and raise your right hand.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you swear the testimony that you're about to give, will be the truth, the whole truth, and

nothing but the truth.

DETECTIVE CALVIN KANTOR: I do.

CHAIR NICOLE MURATI FERRER: Before you start, Counselor. Detective, are you going to be reading officer's report?

DETECTIVE CALVIN KANTOR: I can do that if you would like me to do that.

CHAIR NICOLE MURATI FERRER: You don't have to. I was just wondering we have a redacted copy of the report, and if you were going to read a report, we ask you to do that since the legal powers that be redacted some, I'm assuming some sexual assault information.

DETECTIVE CALVIN KANTOR: Yeah, whatever you want me to do.

POLICE COMMISSIONER CHRIS BURKE: Use that copy.

CHAIR NICOLE MURATI FERRER: I have it,

thank you.

DETECTIVE CALVIN KANTOR: Thank you.

CHAIR NICOLE MURATI FERRER: If you all, please -- I'm sorry, Detective, once again state your name for the record and spell it.

DETECTIVE CALVIN KANTOR: Calvin Kantor, K-A-N-T-O-R.

CHAIR NICOLE MURATI FERRER: Thank you. Go ahead, Detective.

DETECTIVE CALVIN KANTOR: I'm going to read a redacted copy of the Cambridge Police Report 16002929 taken by Officer Robert Clinton, and it states: May 1, 2016, at 12:21 a.m. Cambridge Police responded to the Mass. Ave. business for a report of an assault in progress. Officer Clinton was assigned to uniform patrol for approximately 12:21 a.m., car 3, Officer Paget and Officer Hartunian and myself were

dispatched to the Paradise Club at 180 Mass. Ave. for the report of an assault in progress. Upon our arrival we were met by multiple parties. A male later identified as -- that is redacted -- stated that he was the reporting person. Stated that while inside the club he placed a dollar bill into a male dancer's underwear, the male dancer then tore the dollar bill out of his underwear, ripped it up, and threw the dollar bill back at him. Reporting persons stated he threw the ripped dollar bill back at the dancer. The dancer then got off the stage and punched him in the face. The person was then surrounded by bar staff and escorted out of the bar. The reporting party stated his jaw was sore, but he didn't need medical attention.

It says here another male later identified stated he was the dancer involved in

the altercation, confronted, and told suspect to stop harassing him. RP then took out a dollar bill and threw it at -- it's tough to read it when it's all redacted. I'm not sure --

CHAIR NICOLE MURATI FERRER: I know, I know.

DETECTIVE CALVIN KANTOR: Person took the dollar bill, ripped it up, threw it back at the other person. Later on in the evening the person returned to the stage, was close by calling the person an ass and displaying the middle finger on both hands. The person once again got off the stage to confront the suspect when he shoved his drink in his face. Suspect stated from his military experience he became anxious when having items thrown in his face. So with a closed fist hand struck the reporting person in the jaw. Reporting person then left the bar and changed --

excuse me, that's -- I'm not sure who it is.

It's redacted. Then left the bar and changed so he could speak to us.

Another male later identified as Paul McCarthy stated that while being escorted out of the club, the person shoved him. And I believe this is the reporting person. When found out no arrests were being made, he requested medical attention. Pro Ambulance came and checked out both parties. Both parties were cleared by Pro. Person was asked -- once again was asked what will be done now that we checked him out by Pro. When the person was told no arrests were being made, he requested to go to the hospital. The person was transported by Pro to the hospital, all parties' information was collected and person was formally trespassed by the owner of the property from the club for life. The emergency

communications sent a notice that party on the trespass list.

CHAIR NICOLE MURATI FERRER: Detective, did you speak so the people involved in the incident?

DETECTIVE CALVIN KANTOR: I did. I called everyone involved after this took place.

CHAIR NICOLE MURATI FERRER: Okay.

Did the employee admit to striking the patron? I'm assuming the other person was a patron?

DETECTIVE CALVIN KANTOR: Yes.

CHAIR NICOLE MURATI FERRER: And that he or she admits to striking?

DETECTIVE CALVIN KANTOR: He did not, no. But it seemed like everyone I guess the next day had clearer heads. They all said to me they didn't want to pursue the matter if the other one

didn't pursue the matter. If the other one wanted to pursue the matter, they would pursue the matter. So, they all decided that they didn't want to pursue it in any manner.

CHAIR NICOLE MURATI FERRER: Counselor.

ATTORNEY JAMES RAFFERTY: Oh, thank you.
No questions.

CHAIR NICOLE MURATI FERRER: Do you want to go ahead with your case?

ATTORNEY JAMES RAFFERTY: Oh, only in summation unless you have questions.

CHAIR NICOLE MURATI FERRER: Yeah, my only concern with this particular incident is really whether or not the employee struck a patron. And if he did or she did, whether this was done because it was reported to Officer Clinton kind of as a reaction or whether this person feared for their safety or the safety of

others. So I'm just trying to figure this out.

ATTORNEY JAMES RAFFERTY: Sure.

I also spoke with the -- the individual in question is an entertainer who performs at the club, technically not an employee, but someone who gets -- on occasion an independent contractor there. And the club does maintain adherence to policies around interacting with the entertainers, including physical contact with the entertainers. This incident involved a patron who violated that policy aggressively which caused the entertainer to come off the stage and have an exchange. The entertainer was struck by the patron, not just a drink thrown at him, he reports to me, but actually the glass in his hand into his face and there was an altercation, an act that is described to me sounded like self-defense. He was -- the patron was removed

from the club. Management has spoken to the entertainer and was told that he wasn't going to be able to return for a month because notwithstanding the egregious conduct of the patron, that management didn't tolerate that type of behavior.

It's also been reported as the detective noted, that the individuals themselves apparently have, since the incident, there's been --

Mr. McCarthy told the patron, who is a patron apparently who is not unknown to them, had been there for -- as a customer many times and had never proven himself to be a problem or engage in any conduct like this. He is requesting that he be allowed to return. Mr. McCarthy wants to avoid any further incident of this kind, so he's taking that request under advisement for the time being. He's informed the individual that he's

not welcome in the club.

CHAIR NICOLE MURATI FERRER: Okay, so if I'm understanding this correctly, Mr. McCarthy, you suspended your employee for a month and you barred the patron and now are considering letting him or her back?

PAUL McCARTHY: Well, it's a small community. And we, the performer we did suspend for a month without -- and the other person, he hasn't been in for -- well, since May, June, July. The problem is he tried to get in once. We explained it to him that he couldn't come in at this time. People on my staff said he's a pretty nice guy. He isn't partnered with a real idiot. And they said give him another chance, but if it happens again, they don't want him back in the club. That's where we left it out.

CHAIR NICOLE MURATI FERRER: Were you

there on the day that this happened?

PAUL McCARTHY: I was at the front of the stage.

CHAIR NICOLE MURATI FERRER: Did you observe anything happened?

PAUL McCARTHY: I observed, like I said, I just watch the dancers and make sure they're not out of bounds. I seen him throw the dollar back at him. But I couldn't -- I wasn't worried about that. If he didn't want the money, he didn't want the money. That's his problem. But I seen -- when I seen him get off the stage, I seen that guy actually push the drink and I seen him actually defend himself, whatever. And that was -- but the guy left peacefully and didn't resist. Told him he had to leave. On the way out, he said, Who the F are you? And he pushed me. And I had a shirt on saying Paradise Staff.

And so I says you got to leave. And he just walked out the door. And then that's where he called the police I think. We didn't -- we took his name and everything.

CHAIR NICOLE MURATI FERRER: So he pushed you not someone from the Paradise pushing him?

PAUL McCARTHY: No one -- as far as I know no one from the Paradise pushed him. He left after I told him who I was after he pushed me, and he walked out the door.

ATTORNEY JAMES RAFFERTY: There's a -- Madam Chair, that's, that's recited in the police report that Mr. McCarthy spoke to the officer that night and reported that Mr. McCarthy was shoved by the patron as the patron was exiting the premises.

CHAIR NICOLE MURATI FERRER: Oh, thank you.

DETECTIVE CALVIN KANTOR: Sorry.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: So,
Mr. McCarthy, did you or the bar didn't make a
notification to the police on this matter? It
was actually --

PAUL McCARTHY: They were called. We
gave them reports, everything.

FIRE CHIEF GERALD REARDON: No, no, but
you guys -- did you make the call to 9-1-1 or was
it the patron?

PAUL McCARTHY: No, when he walked out
the door he made the call. He already made it.
He said, I'm calling the police. So we just
waited for the officers to come.

FIRE CHIEF GERALD REARDON: Is that
something you'd normally notify the police to
come?

PAUL McCARTHY: Well, it depends. If someone got punched, yes. If we throw someone out or move on out of place, you know, no.

FIRE CHIEF GERALD REARDON: So you didn't see any actual -- other than yourself being shoved, any physical altercation that would --

PAUL McCARTHY: No, just the, the guy that put the -- hit the gentleman and the drinks in the face. That's all I seen. But there was no other physical contact whatsoever.

FIRE CHIEF GERALD REARDON: Okay.

POLICE COMMISSIONER CHRIS BURKE: No questions.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: I'm all set.

CHAIR NICOLE MURATI FERRER: So based on the testimony I would find no violation.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: No

violation.

ATTORNEY JAMES RAFFERTY: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

VIOLATION:

TOMMY DOYLE'S PUB AND RESTAURANT, LLC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation: Tommy Doyle's Pub and Restaurant, LLC, holder of an inactive Common Victualler All Alcohol License at 96 Winthrop Street for non-use of license pursuant to General Laws 38, Section 77.

CHAIR NICOLE MURATI FERRER: Good

evening. Could you please state and spell your name for the record?

ATTORNEY ANDREW UPTON: Good evening,
Madam Chair, Members of the Board, Andrew Upton,
U-P-T-O-N representing the applicant.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTORNEY ANDREW UPTON: Or the licensee.
Excuse me.

CHAIR NICOLE MURATI FERRER: So last
time -- are you still just the attorney for the
landlord but the pledge holder, not really the
licensee?

ATTORNEY ANDREW UPTON: Correct.

CHAIR NICOLE MURATI FERRER: Okay.

And do we know if the licensee is going
to show up at all?

EXECUTIVE DIRECTOR ELIZABETH LINT:
They're not going to show up.

CHAIR NICOLE MURATI FERRER: Okay.

And last time you told that there had

been brokered hire, that there were at least two interested buyers on March 22nd. Do we have something on paper?

ATTORNEY ANDREW UPTON: That is correct. And since that time one of these buyers has signed an offer to purchase which I have submitted copies of to the Executive Director. And since that time we have persuaded the licensee to get a department of unemployment assistant certification as the first step towards filling out the application for the required tax clearances.

CHAIR NICOLE MURATI FERRER: Does the licensee -- is this going to be one of those cases where the licensee is not going to be helpful at all and there's some bad blood between the landlord -- the pledge holder and the licensee?

ATTORNEY ANDREW UPTON: I don't believe that's the case.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY ANDREW UPTON: The licensee has given a power of attorney to the landlord to whom he owes a significant debt and that's what's driving the transaction. But -- and through that the landlord was able to sign the offer. And when we requested that the licensee get the requisite tax clearance, they applied for the certificate of good standing from DOR and they applied for the certificate from DUA, and the DUA one has come through.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY ANDREW UPTON: So that makes me think that they're doing their part.

CHAIR NICOLE MURATI FERRER: So do we foresee any issues with the DOR?

ATTORNEY ANDREW UPTON: I never go out on a limb predicting the efficiency of the Department of Revenue, but since we were able to get a certificate of good standing last time, I'm hopeful that's a good indication.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: So, Counselor, it's in the licensee's best interest to see this gets adjudicated in order to cancel out the debt that's owed to the landlord.

ATTORNEY ANDREW UPTON: Exactly right.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR NICOLE MURATI FERRER: And so what exactly are we looking at in terms of time here?

ATTORNEY ANDREW UPTON: They signed this offer on June 22nd. It allows them 60 days to consummate a lease between the parties. So those, I think, are the requisite deadlines. I

would request an additional three months to get this deal done.

CHAIR NICOLE MURATI FERRER: So October? Get it done by October?

ATTORNEY ANDREW UPTON: Sounds reasonable.

CHAIR NICOLE MURATI FERRER: Or did you mean three months from 60 days? No.

ATTORNEY ANDREW UPTON: I mean, I would like three months from 60 days, but I would understand if the Commission were more conservative.

CHAIR NICOLE MURATI FERRER: I think we have to be. I mean, this license has been inactive since 2013. Since, well, late 2013. I guess since 2014 if we want to be fair, if we don't want to count the last week of December.

ATTORNEY ANDREW UPTON: Right. So if the

Commission in its wisdom would like to grant another three months, if we are preceding at the ABCC level by that time and we need to ask for a few days or weeks more, you could consider that request at the time.

CHAIR NICOLE MURATI FERRER: Well, yeah, no, I mean, if we're up at the ABCC level, there's no issue then hopefully.

All right. Are you guys okay with three months'? Cancellation hearing in three months?

FIRE CHIEF GERALD REARDON: Fine.

POLICE COMMISSIONER CHRIS BURKE: Okay.

CHAIR NICOLE MURATI FERRER: Okay.
Cancellation hearing in three months.

ATTORNEY ANDREW UPTON: Thank you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

VIOLATION:**MARIO MORELUS**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Mario Morelus, holder of Cambridge Hackney License No. 30370 due to a police report for alleged violations of identity fraud and credit card fraud.

CHAIR NICOLE MURATI FERRER: Can we do a second call on this for a second. We know the officer is supposed to come. She's going to give him a call.

ATTORNEY DAVID GRIMALDI: Yeah.

VIOLATION:**NICOLAZZO & SONS LANDSCAPE, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Nicolazzo and Sons Landscape, LLC, due to alleged violation of Cambridge Municipal

Code 8.16.081.

CHAIR NICOLE MURATI FERRER: Nicolazzo
and Sons?

(No Response.)

CHAIR NICOLE MURATI FERRER: Well, okay,
for the record what we have here is that the
company received a letter on February 24, 2016,
stating that they have to get a license. They
applied -- or a permit. They got one on March
23rd, and on June 22nd we received a complaint
that they were using a leaf blower.

And are you the complainant?

JO SOLET: I am.

CHAIR NICOLE MURATI FERRER: Okay, if you
could stand up and raise your right hand, please?

EXECUTIVE DIRECTOR ELIZABETH LINT: Do
you promise that the testimony you're about to
give will be the truth, the whole truth, and

nothing but the truth?

JO SOLET: I do.

CHAIR NICOLE MURATI FERRER: Thank you.

And could you please state and spell your name for the record?

JO SOLET: Yes. I'm Jo Solet. Last name S-O-L-E-T.

CHAIR NICOLE MURATI FERRER: Thank you.

And, Ms. Solet, do you want to tell us -- and just for the record it's 6:57 p.m. and they were scheduled for five p.m. So we'll go ahead without making a second call on this. So go ahead, Ms. Solet.

JO SOLET: So, yes, on June 22nd at 10:40 I heard the sound of a leaf blower from my home office where I on occasion treat patients and find noises particularly disruptive. I walked outside and down the street where I observed

Mr. Nicolazzo's or the Nicolazzo and Sons truck and one of their workers blowing on the sidewalk. When he saw me coming with my cellphone up to record, he did throw the leaf blower into the truck. I did photograph both the truck and the leaf blower. I, I know that both Nicolazzo Brothers very well. They work all the time in our neighborhood. I think -- it's my belief that these workers did in fact have the training that is required by the City. I otherwise don't think he would have thrown the blower into the truck. He would have just kept using it. I think he knew he was breaking the rules and I think the Nicolazzo Brothers had in fact educated them to do it right, but they weren't because no one was supervising them. So I deputized myself and I do -- I did send the photos to the License Commission and I also have them here on my

cellphone if you would like to see them again.

CHAIR NICOLE MURATI FERRER: I think we have them attached to your e-mail; is that correct?

JO SOLET: Yes.

CHAIR NICOLE MURATI FERRER: And you're certain that these employees were working for Nicolazzo?

JO SOLET: Well, they certainly were standing next to his truck and did put the blower back into his truck. So circumstantial, but if they're not being paid for him, they're doing a lot of work for nothing.

CHAIR NICOLE MURATI FERRER: Okay. Can you swear her in?

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you promise that the testimony you're about to give will be the truth, the whole truth, and

nothing but the truth.

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.
Could you please state and spell your name for
the record?

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R
chief investigator City of Cambridge License
Commission.

CHAIR NICOLE MURATI FERRER: Ms. Boyer,
do you know if Nicolazzo and Sons received notice
of today's hearing?

ANDREA BOYER: Yes, they did.

CHAIR NICOLE MURATI FERRER: And how do
you know that?

ANDREA BOYER: We mailed and also -- did
we e-mail them as well? Ms. Lint? Notification?
At the residence.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, I

don't remember -- no, I didn't have any e-mail correspondence with them. Just sent the letters.

CHAIR NICOLE MURATI FERRER: So did they send you anything with regard to this hearing?

ANDREA BOYER: No, as of last week I did not receive anything from Nicolazzo.

There's a letter in the file? Thank you. I did receive information from them. Thank you.

He had received the notice for the hearing. He -- there were two complaints that were made about Nicolazzo and Sons. One was previously -- was about finding out their particular location in that area, and I told them that they must come to the hearing this evening because it was based on a different complaint from another resident which is Ms. Solet.

I told them to please attend the hearing and at that time he can explain his side to the

License Commission Board.

CHAIR NICOLE MURATI FERRER: So were they disputing that they were -- that they were at the location of Berkeley and Craigie?

ANDREA BOYER: They were disputing that they were at either 10 Craigie, a different location from a different complainant.

CHAIR NICOLE MURATI FERRER: Oh, I see, I see. But they were aware of this hearing?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: And that's according to the e-mail that you got from them?

ANDREA BOYER: Yes, thank you.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER CHRIS BURKE: No questions.

CHAIR NICOLE MURATI FERRER: I would vote

a violation and to issue a fine.

FIRE CHIEF GERALD REARDON: Agree.

CHAIR NICOLE MURATI FERRER: \$300 which
is allowed under the Ordinance.

POLICE COMMISSIONER CHRIS BURKE: I
agree.

CHAIR NICOLE MURATI FERRER: Thank you.

VIOLATION:

COSCO LANDSCAPE CO.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Cosco Landscape Company due to
alleged violation of Cambridge Municipal Code
8.16.081(a) and the 2016 Leaf Blower Permit.

CHAIR NICOLE MURATI FERRER: Good
evening. Could you please state and spell your
name for the record?

DOMINIC COSCO: My name is Dominic Cosco

I'm here for Cosco Landscaping.

CHAIR NICOLE MURATI FERRER: Thank you.

And could you please stand up and raise your right hand?

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you swear that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

DOMINIC COSCO: I do.

CHAIR NICOLE MURATI FERRER: Thank you.

And the complaint here is -- Ms. Boyer, I'll let you.

ANDREA BOYER: Thank you.

CHAIR NICOLE MURATI FERRER: Do you have your stuff with you?

ANDREA BOYER: I do have some.

CHAIR NICOLE MURATI FERRER: Okay, go ahead, Ms. Boyer.

ANDREA BOYER: Thank you.

We had received a complaint on June 21, 2016, that Cosco Landscape had used an unapproved leaf blower, a Redmax EBZ 8500 blower on June 6, 2016, at 9, 11, and 15 Wendell Street. There was a picture that was attached in the file.

They applied for and were approved to use a one Echo PB-46LN and one Stihl BR500.

CHAIR NICOLE MURATI FERRER: And then do we have an additional complaint?

ANDREA BOYER: An additional complaint was made on June 23rd, same leaf blower usage to 15 Wendell Street which is after the allowable usage date.

CHAIR NICOLE MURATI FERRER: Mr. Cosco?

DOMINIC COSCO: Yeah. Just this violation happened with a new employee. He basically that day did not basically follow

through protocol and did take the wrong blower the first time. And basically someone who just didn't know the new regulations starting the June 15th.

CHAIR NICOLE MURATI FERRER: So, you're talking about the June 6th event where they were using the non-permitted leaf blower?

DOMINIC COSCO: Correct.

CHAIR NICOLE MURATI FERRER: That's a leaf blower that you use but not in Cambridge?

DOMINIC COSCO: Correct.

CHAIR NICOLE MURATI FERRER: And how about June 23rd using the leaf blower at 15 Wendell?

DOMINIC COSCO: Yeah, it's actually the same place and just basically -- he's a new employee this year. He's only been with us one month basically. And we did put up all the

regulations all over our shop. It's just, he basically forgot of, you know, what the protocol is starting June 15th. That's just a --

CHAIR NICOLE MURATI FERRER: Do your employees goes out alone?

DOMINIC COSCO: No, usually it's two people. Usually it's two.

CHAIR NICOLE MURATI FERRER: So was he with someone else?

DOMINIC COSCO: He was with someone else.

CHAIR NICOLE MURATI FERRER: And did someone else tell him not to use the leaf blower?

DOMINIC COSCO: You know, I just think they both weren't paying attention that day. They just didn't think about it. That's really it. He is a new employee this year. I have four new employees, and it just happened to be that he made that mistake early on in the year.

CHAIR NICOLE MURATI FERRER: Questions?

DOMINIC COSCO: Basically it.

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER CHRIS BURKE: None.

CHAIR NICOLE MURATI FERRER: I would vote for a violation on both of these. Quite frankly I would give you a fine on both of them.

DOMINIC COSCO: I mean mistakes do happen. You know, a lot of times people have things on their mind with what they're thinking about --

CHAIR NICOLE MURATI FERRER: They do. But on April 15th of this year you also received a letter warning of two leaf blowers being used at the same time at this location, at 15 Wendell Street.

DOMINIC COSCO: Correct. The thing is that customer there. She's a very problematic

person. So we're trying to appease her. And the reason being there is -- she's very persistent.

CHAIR NICOLE MURATI FERRER: Well, you shouldn't break the law to appease your clients quite frankly.

DOMINIC COSCO: I understand that. The employees are trying to appease the customers. And what people don't understand is everybody is out there trying to do the right thing for everybody and there's a small amount of people who have complaints about this when we're trying to do our best to get our job done.

CHAIR NICOLE MURATI FERRER: Considering that I covered for Ms. Boyer the two times that she's been out this year, let me tell you it's not a small number of people that are complaining and it's not a small and insignificant complaint each time.

DOMINIC COSCO: Okay, well --

CHAIR NICOLE MURATI FERRER: I would vote for a violation and a fine of \$300.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

EXECUTIVE DIRECTOR ELIZABETH LINT: On both of them?

CHAIR NICOLE MURATI FERRER: 300 on both of them. Not on each.

VIOLATION:

FIRST CAMBRIDGE REALTY CORP.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: First Cambridge Realty Corp. due to alleged violation of Cambridge Municipal Code 8.16.081.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state and spell your

names for the record?

MICHAEL TATCHIO: My name is Michael Tatchio, T-A-T-C-H-I-O.

CHAIR NICOLE MURATI FERRER: And could you please stand up and raise your right hand so you're sworn under oath.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you promise that the testimony you're going to give will be the truth, the whole truth, and nothing but the truth?

MICHAEL TATCHIO: I do.

CHAIR NICOLE MURATI FERRER: Thank you. Ms. Boyer, can you tell us the facts or the background of this complaint?

ANDREA BOYER: Yes, Ma'am.

First Realty applied and were approved to use a leaf blower with the stipulation that the leaf blower may only be used on high speed and

not turbo speed.

On June 22, 2016, our office received a complaint that First Realty was using a leaf blower at 77 Hancock Street and adjacent property on both sides of the street after the allowable usage date. We also received a complaint recently as July 7th that they were using them again at the same location.

CHAIR NICOLE MURATI FERRER: Thank you. Mr. Tatchio.

MICHAEL TATCHIO: So we only own one leaf blower, I believe it's registered with the City. And we only have one employee that uses it. He is aware of the stipulations. Beyond that there's not a terrible amount I could say.

CHAIR NICOLE MURATI FERRER: Have you spoken to this employee at all?

MICHAEL TATCHIO: Regarding this? No.

But he was gone for the day. I honestly was given this today and actually was not made aware of too much.

CHAIR NICOLE MURATI FERRER: So basically we have this employee using it on June 22nd and July 6th both of which are days that are beyond the allowable time.

MICHAEL TATCHIO: I think it goes to --

CHAIR NICOLE MURATI FERRER: June 15th. Trust me I know it by heart by now.

MICHAEL TATCHIO: Yeah. I just read that. So, if that is the case, then he probably did.

CHAIR NICOLE MURATI FERRER: And we have no excuse?

MICHAEL TATCHIO: I'm not going to make an excuse for him if he's the one that's trained to do it.

CHAIR NICOLE MURATI FERRER: I would vote a violation on \$300 for each infraction, so \$600 total.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

VIOLATION:

E.C. HATHAWAY & ASSOCIATES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation hearing: E.C. Hathaway and Associates due to alleged violation of Cambridge Municipal Code 8.16.081.

CHAIR NICOLE MURATI FERRER: Hathaway?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay. Do you want to give us the background, Ms. Boyer, please?

ANDREA BOYER: Yes, on -- just as a

precursor, on February 24th --

CHAIR NICOLE MURATI FERRER: Sorry, for the record it's -- what time is that?

FIRE CHIEF GERALD REARDON: 7:10.

CHAIR NICOLE MURATI FERRER: Thank you, 7:10. Go ahead.

ANDREA BOYER: In February 24th of 2016, E.C. Hathaway and Associates were sent a letter informing that they were able -- that to be able to use leaf blowers in the City of Cambridge, they must obtain a permit. No application was received. On June 17, 2016, our office received a complaint that E.C. Hathaway worker was using a leaf blower at 48 Brewster Street. And in September of 2014 E.C. Hathaway was sent a letter regarding leaf blower usage at Brewster Street on several occasions without a permit have yet to apply, and the letter is in the folder. There is

a note from -- Councillor Devereux submitted a written statement for the specific complaint to be read for the record.

CHAIR NICOLE MURATI FERRER: She was actually the victim, correct? I mean not the victim. I mean the witness?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Do you have the statement you said?

ANDREA BOYER: It's in the folder.

CHAIR NICOLE MURATI FERRER: To be read for the record?

ANDREA BOYER: Yes. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

ANDREA BOYER: (Reading) To the License Commission: On June 17, 2016, I was riding my bike on Appleton Street around noon and heard a leaf blower operating in the vicinity. I traced

the sound to the backyard of a house at 48 Brewster Street. A landscape truck with E.C. Hathaway's logo was parked in front the 10 Appleton near the corner of Brewster because of street construction on Brewster Street. A landscaper was working in the front yard without a blower and I asked him to get the attention of his co-worker using the leaf blower behind the house so that I can inform him of the several restrictions on using leaf blowers. The second man and I talked for a few minutes by the front fence. I identified myself as a City Councillor and he said he was aware of the restrictions, but feels it is unfair of Cambridge to limit the use of such equipment, and that he is, quote/unquote, just trying to feed his family. He was not wearing ear protection and indicated that he feels that that is unnecessary. He was a polite

but insistent that the law places an economic hardship on him. His attitude suggested that he would continue to ignore the law. I wrote a note to the property owner on the back of my City Council business card and indicated that I wished it to be put in the mail slot, but the operator told me it was private property and he would deliver the card himself. I don't know if he did. The property owner never contacted me. If you have any further questions, please let me know. Jan Devereux.

CHAIR NICOLE MURATI FERRER: Thank you.

So there are two violations here, not being permitted and also using a leaf blower after the allowable time. So I would find a violation for both and I would issue a fine for each of \$300 each for a \$600 total.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

VIOLATION:

TIBBETTS LANDSCAPING, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Tibbetts Landscaping, Incorporated,
due to alleged violation of Cambridge Municipal
Code 8.16.081 and the 2016 Leaf Blower Permit.

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening. Could you please state and
spell your name for the record?

GARY TIBBETTS: Yeah, I'm Gary Tibbetts
from Tibbetts Landscape. Tibbetts
T-I-B-B-E-T-T-S.

CHAIR NICOLE MURATI FERRER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I
have to swear him. Could you stand and raise
your right hand, please.

Do you swear the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

GARY TIBBETTS: I do.

CHAIR NICOLE MURATI FERRER: Ms. Solet, are you the complainant on on this one as well?

JO SOLET: I am. And I assume I am still under oath?

CHAIR NICOLE MURATI FERRER: Yes, Ma'am. Thank you. Go ahead.

JO SOLET: On June 27th, at 11:15, again, while working in my home office where I mentioned earlier that I often see patients, I heard a pretty loud disruptive sound coming from Concord Avenue which is behind where I live. I left my office and walked down Berkeley and then on to Concord where I observed two men wearing Tibbetts Landscaping shirts, each using a blower at the

same time. Neither were wearing hearing protection. One was blowing dirt into the street. This was during a restricted season. In checking the city website I did not see that the Tibbetts Landscaping was registered with the city.

I would like to add that on April 13, 2015, I had also observed Tibbetts Landscaping making an enormous amount of noise. I'm a member of the American Society of Acoustics. I went out and measured how loud it was. It was over 80 decibels from 50 feet not 65, so I can only assume it was not approved equipment which would not be a surprise since they weren't registered with the city. So at that point I did take photos. The two men who were working were, you know, extremely polite. They seemed to have no idea whatsoever that they were breaking any

rules. I -- my impression was that they had not been trained about what the rules were at all.

So...

CHAIR NICOLE MURATI FERRER: Thank you.

Ms. Boyer, do you have anything to add?

ANDREA BOYER: Just review of the file, did show that this was the one year since 2008 that Tibbetts hadn't applied. And he did call me on the telephone just for the record, saying that he received. He apologized. He stated he always had been permitted in the past. He does not know why the application and the check were not received. He also explained the violation use of the leaf blower as passive and it was a mistake and he would explain more at the hearing. And he is here to explain at the hearing.

CHAIR NICOLE MURATI FERRER: Thank you.

Mr. Tibbetts.

GARY TIBBETTS: Yeah, I called Ms. Boyer when I got the letter, and I thought that we had the permit. What it was is the letter that I got saying we did not have the permit, I had my daughter and wife file thinking it was the permit we get every year. So I messed up. We sent a check right away. I checked today, the check's been cleared. And we were all set as far as the permit goes.

As far as the violation, we did it. And what happened, I told Ms. Boyer, myself and my guys don't get a summer vacation. So July 4th, Memorial Day, and Labor Day we try to make it a four day weekend. Planning that, we -- all my Cambridge crews have been trained. This is the only violation I've had since 2008, and not being able to work a full week, they were predicting rain on Wednesday. I had already told the guys

they could have Friday off. So I pulled my construction crews from Woburn and Arlington and sent them to Cambridge to do a few stops each in the morning. And that's when this happened. We were wrong, we did it. We live right behind you, Ma'am, and I -- you know, I know I would be getting calls if we were doing something wrong. My guys know better. It was a mistake. It's my fault. I scheduled it, nobody else's. And the blowers we use in Cambridge are all approved ones. I can't say that once in a while something doesn't make a little bit more noise, you know, something screwed up a muffler, but we only use the Stihls and the new Echo that just came qualified this year, we have one of those. And I went out and bought those specifically when this law came into effect because we had just replaced our whole fleet of them, the Redmaxes, and I

bought four of the Echos which you see every year when I send the thing and they qualify. That's all.

We are wrong and we did it and it's, it's my fault, not my employees.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: No questions.

GARY TIBBETTS: And the other thing is on the permit, we did mail it. I don't know why it didn't come through. I mailed it with -- right after I got off the phone with Ms. Boyer and the check cleared the other day.

ANDREA BOYER: It was mailed out today.

CHAIR NICOLE MURATI FERRER: I would do a violation warning on the permitting. I would do a violation fine on the post-June 15th event.

JO SOLET: Two blowers at once, no hearing protection, blowing dirt into the street,

videos of all of it if you're interested.

FIRE CHIEF GERALD REARDON: I agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: So violation warning on the permit and violation fine of 300 on the other stuff.

GARY TIBBETTS: Okay. Do we get a bill for that? How does that work? I never done this before.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll send a letter with instructions.

GARY TIBBETTS: All right.

CHAIR NICOLE MURATI FERRER: Thank you.

GARY TIBBETTS: Just to clear it up, too, as far as my trucks go. My trucks that come to Cambridge now will not have blowers on them unless it's during the dates that we can use them. The issue we have is, you know, some of

our crews work in two or three cities. And so I've made them stop -- we have a depot in East Arlington, and the blowers when they come into Cambridge, will stay in that depot and they'll pick them up when they come back and it just takes the temptations out of the guys' hands.

CHAIR NICOLE MURATI FERRER: Thank you very much, sir.

GARY TIBBETTS: Thank you.

VIOLATION:

LANDSCAPE COLLABORATIVE OF NE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Landscape Collaborative of New England, Incorporated due to alleged violation of Cambridge Municipal Code 8.16.081(a) and the 2016 Leaf Blower Permit.

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening. Could you please state and spell your name for the record?

DOROTHY LEWIS: My name is Dorothy Lewis, L-E-W-I-S.

CHAIR NICOLE MURATI FERRER: I'm sorry, could you please stay standing so I can -- thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you swear that the testimony that you're about to give will be the truth, the whole truth, and nothing but the truth?

DOROTHY LEWIS: Yes.

CHAIR NICOLE MURATI FERRER: And, Ma'am, are you the complainant the on this one?

VIRGINIA COLEMAN: Yes.

CHAIR NICOLE MURATI FERRER: Could you please stand up as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh,

I'm sorry.

Raise your right hand. Do you promise that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth.

VIRGINIA COLEMAN: Yes.

CHAIR NICOLE MURATI FERRER: Thank you. Could you please state and spell your name for the record?

VIRGINIA COLEMAN: Virginia Coleman,
C-O-L-E-M-A-N.

CHAIR NICOLE MURATI FERRER: Thank you. Go ahead, Ms. Coleman.

VIRGINIA COLEMAN: Approximately maybe ten days ago, I know you have the date because you have my e-mail. I was walking my dog along Craigie Street and heard a leaf blower. I knew that it was beyond the date that leaf blowers

were allowed. The individual using it, he was going across the lawn and, of course, I couldn't have said anything to him while he was using the blower, but he stopped and I was able to get his attention. And I told him that he was not allowed to use leaf blowers in the City of Cambridge. And he said oh, he had no idea. And I asked him what outfit he was with. And I couldn't understand what he said because he spoke quite accented English. So I took my dog back, went back, again and I found -- he said, the truck's right over there and pointed. And there was a New England Collaborative truck that was parked right across the street. There was nothing right in the driveway of the house, so it was clearly New England Collaborative that was doing the work.

CHAIR NICOLE MURATI FERRER: Okay, thank

you.

And, Ms. Boyer, anything to add?

ANDREA BOYER: Just to add in that we did send them information in February to apply. No application was received. And then we did receive the complaint on June 27th that they had been using a leaf blower at Three Craigie Street. And, again, a review of the file shows that they're not permitted for use in 2016. But in the past they had applied since 2008 so I'm not sure why no one applied this year.

CHAIR NICOLE MURATI FERRER: Thank you.
Ms. Lewis.

DOROTHY LEWIS: I'm the one that applies and I didn't bring the application with me. And I'm positive we sent it in. And I'm also the one that balances the checkbooks and I know that that check has -- I mean, I can't say for certain, I

have to go and look, but I -- if I was a betting person, I'd be betting that I did it. And because we do send it in every single year with a list of all of the addresses of where we do the work in Cambridge. So, I -- if it's not there, I'll certainly due diligence.

CHAIR NICOLE MURATI FERRER: Do you have a permit? Did you receive a permit?

DOROTHY LEWIS: Yes, I believe we do. We do have the permit. I didn't bring it with me because I didn't think it was necessary. We're not going to contest it in any way other than the fact that we were demanded to show up. Not, you know, it's not like when you get a ticket for parking or moving violation and they send you a ticket and then you have the right to ask for a hearing. You people do it the other way around. You ask for the hearing and then determine

whether there's been a violation. So at any rate we certainly followed the rules and we certainly have -- we've eliminated all of the types of blowers from our company so that there's no, there's never a chance that anyone is using the wrong blower. They all know that they're not supposed to be using the blowers in Cambridge from June 15th through I believe it's September 15th.

CHAIR NICOLE MURATI FERRER: But you're not contesting that on June 27th they were using them on Craigie?

DOROTHY LEWIS: I can't, I can't say for sure. I've asked. What's happened is we translate everything from English to Spanish and we put the rules in the vehicles as well as in the shop so that the men understand that they're not allowed to use the -- I mean, the Cambridge

rule that now there's a Brookline rule, there's soon to be a Newton rule, so we have to make sure that they know they're not supposed to use them and we can't, we don't have the shop or shop places around the area because we're, we're working in a lot of different towns. So we can't send the trucks out without the blowers in them. That wouldn't be advantageous to us. So believe me we had a meeting on Thursday and everybody in the company, there are 40 employee, everybody in the company was made aware that we're going to be receiving a fine because we can't contest something if they, if they break the law. So....

CHAIR NICOLE MURATI FERRER: So I would recommend finding a -- deferring this matter. To provide you to next Monday to provide us proof that we did in fact issue you a permit. Otherwise I would vote for a violation on both

and a fine on both matters.

DOROTHY LEWIS: So I come back on Monday again?

CHAIR NICOLE MURATI FERRER: No, you don't have to come back. But before Monday at five p.m. --

DOROTHY LEWIS: It will be before tomorrow at five p.m.

CHAIR NICOLE MURATI FERRER: You need to send us --if you did get a permit from us, a permit. And if you did not get a permit but you submitted a check and everything and it got cleared, send that to us.

DOROTHY LEWIS: Okay.

CHAIR NICOLE MURATI FERRER: Or if you go through back and you find -- basically find that you lost this bet, you let us know as well.

DOROTHY LEWIS: Okay. Okay.

CHAIR NICOLE MURATI FERRER: Thank you.

ANDREA BOYER: Any other companies other than the landscape?

DOROTHY LEWIS: No, way, no way, we don't have any other companies. I couldn't take the stress. Terribly so I....

VIOLATION:

S&R LANDSCAPING

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: S&R Landscaping due to alleged violation of Cambridge Municipal Code 8.16.081(a) and the 2016 Leaf Blower Permit.

CHAIR NICOLE MURATI FERRER: Please stand up and raise your right hand. Raise your right hand.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you swear the testimony you're about to give --

ROBERT CASTELLUCCIO: I do.

EXECUTIVE DIRECTOR ELIZABETH LINT: --
will be the truth, the whole truth, and nothing
but the truth?

ROBERT CASTELLUCCIO: I do.

CHAIR NICOLE MURATI FERRER: Thank you.
Could you please state and spell your name for
the record?

ROBERT CASTELLUCCIO: Robert
Castelluccio, C-A-S-T-E-L-L-U-C-C-I-O. Owner of
S&R Landscaping.

CHAIR NICOLE MURATI FERRER: Ms. Boyer,
do you want to tell us the background of this
complaint?

ANDREA BOYER: Yes. So there was a
letter sent out as well on February 24th to
reapply since it was going to expire on December
31st. They applied on March 17th and it was

approved on the 19th. On June 29, 2017 (sic) we received a complain that Sal and Roberts was working on Lakeview Avenue between Huron and Brattle after the allowable usage date of June 15, 2016.

CHAIR NICOLE MURATI FERRER:

Mr. Castelluccio.

ROBERT CASTELLUCCIO: I do not have any excuse. The guys I guess they used it.

CHAIR NICOLE MURATI FERRER: So what have you done since then?

ROBERT CASTELLUCCIO: Well, I don't use any blowers. They use a lawn mower as a blower. I always tell them, you know, so....

CHAIR NICOLE MURATI FERRER: I vote violation and a fine of \$300.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

EXECUTIVE DIRECTOR ELIZABETH LINT: Does he have a permit?

CHAIR NICOLE MURATI FERRER: He does.

ROBERT CASTELLUCCIO: Okay. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

And let's go back to Mario Morelus matter.

ANDREA BOYER: You going to do the last one?

CHAIR NICOLE MURATI FERRER: I'm sorry, the last one has been continued to July 18, 2016, the Johns Landscaping. That was continued. Thank you.

Anyone going to testify please stand up and raise your right hand.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is the testimony you're about to give will be the truth, the whole truth, and nothing but the

truth?

(Witnesses sworn.)

CHAIR NICOLE MURATI FERRER: Officer, could you please move down because that will probably pick you up better. Thank you.

Could you please state and spell your names for the record?

OFFICER ANTONIO ARCOS: My name is Antonio Arcos, A-R-C-O-S. Currently assigned to the License Commission. I wanted to apologize that I was not here before. I was under the impression that the hearing was going to be next Monday, the 18th, so I was involved in out-of-town enforcement with Officer Benny Szeto when I got the call.

ATTORNEY DAVID GRIMALDI: And good evening. I'm David Grimaldi. I'm an attorney and my office is at 675 Massachusetts Avenue on

the ninth floor. And I'm here today and to my left is Mario Morelus. And his last name is spelled M-O-R-E-L-U-S. I do notice in the letter that he received from Ms. Lint there's two L's in his last name. There's actually just the one.

CHAIR NICOLE MURATI FERRER: Okay, thank you. We'll definitely correct that on our record.

Officer Arcos, you want to start with your testimony?

OFFICER ANTONIO ARCOS: Okay, I have in front of me three police reports that was generated by -- initially by a complaint.

On June 9, 2016, the Cambridge Police Hackney Unit received a complaint from Jenny Harrington of Watertown. She stated that the driver of Cambridge Taxi No. 17 has used her debit card from Bank of America. Along with her

written complaint she provided a copy of her bank statement showing two debit withdrawals made by Check Card Ambassador Taxi 17 Cambridge, Mass., on June 6th.

On June 8th, I, Officer Arcos, spoke with Mrs. Harrington about her complaint. She stated that on June 6th she got into Cambridge Taxi 17 in Central Square, Cambridge, and went to her home in Watertown. At that time, at the time of the arrival she paid the driver with cash. The next day she found out that her Bank of America debit card was missing from her purse. She called her bank and a representative told her that her debit card was used twice on June 6th. She obtained a printout from her bank showing two debit transactions on June 6th. The name on the account where the money went is named Check Card Ambass.Taxi 17 Cambridge, Mass. At that time she

believed that her card fell out of her purse in the back seat of the Cambridge Taxi 17. Because the name and the account Check Card Ambassador Taxi 17 Cambridge, Mass., she believe that the driver used her card without authorization.

On June 9th at approximately nine o'clock in the morning, I, Officer Arcos, interview Mr. Printon Said (phonetic), the driver of the Cambridge Taxi No. 17, Hackney License 29174 about this complaint. He denied using her debit card. Mr. Said stated that he hasn't been with Ambassador Brattle Radio Service now for a few months. I checked the taxi and confirmed that it wasn't equipped with Ambassador Brattle Credit Card machine and didn't have the logos on the doors. Mr. Said stated that since he left Ambassador Brattle Radio Services he has been using the square phone system to process payment

with credit/debit cards. I asked Mr. Said to provide me with a statement from his bank square account on the date in question. A short time later Mr. Said return to my office with his bank statements in hand. The statement indicated Mr. Said processed two credit/debit transactions that day. However, the amounts didn't match the amount withdrawn from Mrs. Harrington's debit card.

On June 9th at approximately eleven o'clock in the morning, I Officer Arcos, contacted Ambassador Brattle Taxi and met with George Fiorenza, owner/manager. He stated that he has spoken with Mrs. Harrington and referred her to the Hackney unit because he couldn't find anything in his system indicating that his company was involved in these transactions. He confirmed that the Cambridge Taxi 17 hasn't been

with his radio service for a few months now. I proceeded to show him the copy of Mrs. Harrington's bank statement with the account where the two transactions went, Check Card Ambass Taxi 17 Cambridge, Mass., on June 6th. Mr. Fiorenza denied having an account with that name. Before I left Ambassador Brattle office Mr. Fiorenza conducted another computer search and for the amounts and the results was negative once again.

Short time later I met with the Detective Sergeant Jimmy Crowley. I explained to him the case and he advised me to file a police report, and Detective James Crowley will assign the case to Detective Brian O'Connor for a full investigation for identity theft and larceny by a credit card/debit card.

On June 10th I called Mrs. Harrington and

advised her that the Detective Brian O'Connor who was our computer expert will follow up her case. Mrs. Harrington stated that she just received a call from the Bank of America saying that the same company had tried to use her debit card once again. However, that company wasn't able to get any money because Mrs. Harrington had already canceled the account.

That was one report.

The second report on June 13, 2016, at approximately 5:30 hours, one Mario Morelus was placed under arrest. Mr. Morelus had had a warrant arrest issued by Boston District Court on April 7, 2016, for miscellaneous municipal ordinance by-law violations.

And the third report on June 13, 2016, I, Officer Arcos, received new information from Detective Brian O'Connor about Mrs. Harrington

credit/debit card. Detective O'Connor obtained records including printouts of the three transactions involved in Mrs. Harrington's car from Creative CMT Fleet Net, the company that processed Ambassador Brattle credit/debit card transactions. These records indicated that the transactions were done by Cambridge Taxi 173 and known by Taxi 17 as I was previously stated in the original police report.

The original police report was based on the bank statement reflected only partially information and was missing the full three digit number. Based upon this new information I contacted George Fiorenza, the owner/manager of Ambassador Brattle. Mr. Fiorenza confirmed these three transactions including the one that was declined where processed by the credit card machine mounted in the Cambridge Taxi 173. This

additional information led me to one Mario Morelus, the only driver at this time the Cambridge Taxi 173. Mr. Morelus has been a Cambridge taxi driver since 2015, Hackney license 30370. During my investigation I learned that Mr. Morelus had a straight warrant for his arrest issued out of the Boston District Court for violation of the City Ordinance. Also he's Massachusetts driver license was suspended and not renewable.

On June 13, 2016, at approximately 5:30 I placed Mr. Morelus under arrest for the warrant. Please see Cambridge Police Report 4152 for more information.

After Morelus was processed booking I had the opportunity to interview him about the missing, stolen credit card in question. Mrs. Morelus denied using Mrs. Harrington's debit

card. He stated all those transactions could have been done by anyone who found the card in his taxi. And I mentioned it to him that there was too controversial that whoever found the card was taking the same taxi for two days. He stated that he passes his own personal business card to people and these people call him for rides. No business card were found on him or his wallet during the property inventory at booking.

The trip were in the first charge was illegally processed June 6th at 10:19 p.m. was from 253 Hyde Park Avenue, Jamaica Plain, to the Stedman Road in Lexington for the amount of \$84.

56. At first he admitted picking up the fare illegally in Boston. He then changed his story that it could have then been one of his regular customers.

The second was where the card was

illegally processed on June 6th at 11:15 at night was from the Stedman Road in Lexington to Essex in Cambridge for \$66.41.

The third trip where the card was declined on June 7th at 1:20 a.m. was from 620 Mass. Ave. to unknown destination.

The Fleet Net companies is equipped with GPS devices and therefore they could not provide Detective Connor with the locations where the charge took place. The License Commission Chairperson Ms. Nicole Murati Ferrer recommended that a hearing will be scheduled.

CHAIR NICOLE MURATI FERRER: Officer Arcos, the two unconfirmed addresses did you get that from the waybills?

ANTONIO ARCOS: I got that from, I got that from Ambassador Brattle.

CHAIR NICOLE MURATI FERRER: Okay.

ANTONIO ARCOS: On this particular ride I checked the computer for the distance, and the one from 620 Mass. Ave. to unknown location, it shows the computer was 4.9 miles. The charge was \$74.40. It should have been something like 23.55 instead.

The other trip from the Stedman Road to Lexington, the amount charged on the card was \$66.41. It should have been \$54.18. And the one from 253 Hyde Park Avenue in Jamaica Plain to unknown location -- oh, to Stedman Road in Lexington was 19 miles and -- 19 miles. And the card was charged with \$84.56 and it should have been \$89.43.

CHAIR NICOLE MURATI FERRER: Did you draw any conclusions with regard to your investigation?

ANTONIO ARCOS: I'm sorry?

CHAIR NICOLE MURATI FERRER: Did you reach any conclusions in your investigation?

ANTONIO ARCOS: I believe at this time I had probable cause to proceed with this case in court, however, my experience it would have been dead end because I can't prove beyond a reasonable doubt and that's why I went with the recommendation having a hearing.

CHAIR NICOLE MURATI FERRER: Thank you. Counselor?

ATTORNEY DAVID GRIMALDI: I just have one brief question for the detective if that's all right.

CHAIR NICOLE MURATI FERRER: Uh-huh.

ATTORNEY DAVID GRIMALDI: That first transaction that you were mentioning where it was declined from 620 Mass. Ave. to an unknown location and you provided I think a distance and

a dollar amount. Where did you get that information?

ANTONIO ARCOS: I got this information from Ambassador Brattle.

ATTORNEY DAVID GRIMALDI: Okay.

And so how would that -- do you know how that fare was paid? So the card was declined, right? From 620 --

ANTONIO ARCOS: Which one? This one, 620 Mass. Ave.?

ATTORNEY DAVID GRIMALDI: Right.

ANTONIO ARCOS: To 10 Ferry Street?

ATTORNEY DAVID GRIMALDI: Right. And so that fee was paid. That 70 or so dollar fee was paid, right?

CHAIR NICOLE MURATI FERRER: Aren't we talking about the third fare --

ATTORNEY DAVID GRIMALDI: Yes.

CHAIR NICOLE MURATI FERRER: -- where it was declined?

ATTORNEY DAVID GRIMALDI: Yes.

CHAIR NICOLE MURATI FERRER: Okay. I thought someone said it was the first fare.

ATTORNEY DAVID GRIMALDI: It was the first in discussing testimony right now.

CHAIR NICOLE MURATI FERRER: Oh, okay, okay.

ATTORNEY DAVID GRIMALDI: It's the third in time. I'm talking about the 6/7/16 at 1:20 hours that was from 620 Mass. Ave. to an unknown location.

ANTONIO ARCOS: Correct.

ATTORNEY DAVID GRIMALDI: And so that fare I think you said was 4.9 miles at a dollar rate of \$70 and some odd cents?

ANTONIO ARCOS: Right, that was declined.

ATTORNEY DAVID GRIMALDI: Okay. And what was the precise dollar amount? I missed it.

ANTONIO ARCOS: \$74.40.

ATTORNEY DAVID GRIMALDI: \$74.40.

And do you know are there records as to whether or not that was paid in cash, whether or not that was paid by credit card, or what means paid that fare?

ANTONIO ARCOS: That was, the record shows there was an attempt to pay with the credit card.

ATTORNEY DAVID GRIMALDI: Okay. But was that fare ever paid?

ANTONIO ARCOS: No, it was declined.

ATTORNEY DAVID GRIMALDI: Okay. And so was there -- is there any record of a charge to that amount? Or was an inquiry made as to whether or not that was actually ever -- that

fare was ever paid?

CHAIR NICOLE MURATI FERRER: Ever paid with a credit card in question or ever paid at all?

ATTORNEY DAVID GRIMALDI: Another card.

ANTONIO ARCOS: That was declined.

ATTORNEY DAVID GRIMALDI: I understand that the card -- Ms. Harrington's card was attempted and it was declined. I understand that. I guess what I'm following up on is, is there was any inquiries to whether or not that fare of \$74.40 was ever in fact paid?

ANTONIO ARCOS: I don't know.

ATTORNEY DAVID GRIMALDI: Okay.

Was there any inquiry to the cab company as to whether or not there were other credit card or debit card transactions, you know, right in that time period of June 7, 2016, at 1:20 hours

for approximately that amount?

ANTONIO ARCOS: No, I didn't --

ATTORNEY DAVID GRIMALDI: You did not inquire?

ANTONIO ARCOS: No.

ATTORNEY DAVID GRIMALDI: Okay. So that's the only subject.

CHAIR NICOLE MURATI FERRER: Okay. I'm sorry, Counselor.

POLICE COMMISSIONER CHRIS BURKE: Officer Arcos, can you tell me were you able to determine who had control of Taxi No. 173 on June 6, 2016, at 22:19 hours?

ANTONIO ARCOS: Yes, Commissioner.

POLICE COMMISSIONER CHRIS BURKE: Who was that?

ANTONIO ARCOS: That was Mario Morelus.

POLICE COMMISSIONER CHRIS BURKE: Were

you able to determine who had control of Taxi 173 on 6/6/2016 at 23:15 hours?

ANTONIO ARCOS: That was also Mr. Morelus.

POLICE COMMISSIONER CHRIS BURKE: Were you also able to determine who had control of Taxi 173 on 6/7/16 at 1:20 hours?

ANTONIO ARCOS: Also Mr. Morelus.

POLICE COMMISSIONER CHRIS BURKE: Okay, thank you.

CHAIR NICOLE MURATI FERRER: Counselor.

ATTORNEY DAVID GRIMALDI: So just in -- well, because of the nature of this case and when Mr. Morelus came to me, and I know that there's police reports generated, I'm not gonna ask that he testify here today. I'm here to represent him. But that notwithstanding, he stands behind what he told the officer in the investigation

that was reflected in the testimony by Officer Arcos. I don't know who ran these cards, but what is -- this card. But what does seem clear is that it's really unlikely that it would ever be Mr. Morelus and I can tell you why. Why would the log have him picking up a fare in Boston, where admittedly he's not supposed to be doing that as a Cambridge taxi driver, and then paying that first log in, it was in Hyde Park going to Lexington. So Cambridge is nowhere in that picture, and yet that is the first instance in which this card was used. It wouldn't make any sense for a Hackney driver to use a patron's card and have that fare be two locations neither of which were Cambridge and certainly the pick up point not being Cambridge.

The same is true of the second transaction. That's the same address, I

understand the Stedman Road, Lexington, address going to Essex and Mass. Ave. Here we have a Cambridge address in the back end of it, but of course it will be picking up the fare in Lexington. Also not permitted, understand that's a bit of a separate issue, but I understand that it's here in the facts, but it wouldn't make any sense for him running it from that, with those locations at issue precisely because it would put up a red flag that, you know, perks everybody's ears up and there's a reason perhaps why we're all here today.

CHAIR NICOLE MURATI FERRER: Are you contesting that he picked up a fare in Jamaica Plain and Lexington?

ATTORNEY DAVID GRIMALDI: No, I'm not contesting that.

CHAIR NICOLE MURATI FERRER: So you're

basically just contesting the fact that he had the card but not that he did these illegal pickups?

ATTORNEY DAVID GRIMALDI: No, I'm not saying that he knew that the card was there at all. I'm saying that it's very likely that a patron ran those cards trying to get away with it and that Mr. Morelus had no knowledge that this card was ever there. That Mrs. Harrington unfortunately lost her card inside of the car, she said that she paid cash. It was back there. And an unscrupulous patron tried to use it and did in fact get away with it twice.

CHAIR NICOLE MURATI FERRER: That same patron?

ATTORNEY DAVID GRIMALDI: Well, it's hard to say definitively. What I can say is this: Where it says in the police report that it's over

two days, that's not quite fair. It is over two calendar days, but what we're talking about is the first transaction being 6/16, at 22:19 hours. That's 10:19 p.m. And the last attempted transaction, the third transaction, at June 7, 2016, at 1:20 hours. That's 1:20 in the morning. So what we're really talking about is four hours; 10, 11, 12, 1. We're really talking about three hours.

CHAIR NICOLE MURATI FERRER: So is Mr. Morelus going to let us know whether or not he had the same passenger during that entire time?

ATTORNEY DAVID GRIMALDI: I think it's fair to say that it looks like that it's going to be -- that for the first passenger, and it certainly looks like it's yes. He can't be in -- he's not in a position to tell you, you know,

that it's definitively one passenger or two passengers or who it may have been.

CHAIR NICOLE MURATI FERRER: So if I'm understanding your story correctly --

ATTORNEY DAVID GRIMALDI: Well, I don't think it's a story.

CHAIR NICOLE MURATI FERRER: -- there could be two scenarios here, that patrons or passenger A picked up the card, used it successfully twice, left it in the back seat for passenger B to use and then passenger B didn't have so much luck.

ATTORNEY DAVID GRIMALDI: Absolutely a plausible -- yes.

CHAIR NICOLE MURATI FERRER: Or that passenger A went on three rides on the same cab but Mr. Morelus doesn't remember that?

ATTORNEY DAVID GRIMALDI: Well, what is

in the statements what he provided to the police is exactly what he remembers. You know, so this interview with him is I think four days after all of these fares, and if it's the first --

actually, it's actually more. I think it's five or six days after. And in the first scenario, I see that as more plausible. He comes to me and he gives me the account. With the addresses there on the police report, it seems to me far more plausible that he's taking the fare Hyde Park to Lexington, Lexington back to Cambridge and then that somebody else tries to run it the second time. I mean this is not people's ordinary cars. This is a taxicab with people coming in and out all of the time, and who knows who it is on that third location in Mass. Ave. in the middle of the night who might be trying to run that card.

CHAIR NICOLE MURATI FERRER: Is Mr. Morelus going to tell us whether or not he wrote waybills for these rides?

ATTORNEY DAVID GRIMALDI: I don't think he's in a position to do that here today, no.

CHAIR NICOLE MURATI FERRER: Okay.

Is Mr. Morelus going to tell us whether or not he looked at his cab after every fare on those pan of days after each fare and checked his car for leftover items?

ATTORNEY DAVID GRIMALDI: I think -- I looked over the policies and procedures before this hearing and I can see all of the many appropriate policies and procedures that are there. And I can't say that he's in a position to say yes, that he did all of those things. That he looked in the back of the cab after every single fare in the middle of the night, and that

he, you know, the question about the waybill and the same respect. But what I can tell you is that in terms of the notice -- the violation hearing that we're here for today that we received a letter from Ms. Lint concerning the allegation of identity fraud and credit card fraud as opposed to an issue with waybill or as opposed to not looking in the back of the cab after every fare, on this serious matter in which one of the charges that the detective or the officer would know is a felony charge, it doesn't make sense for him to be running it in his own cab.

CHAIR NICOLE MURATI FERRER: The waybills, Counselor, I'm asking because you're saying that your client is not in a position to testify and I understand legally why. But if he's also -- if you're also claiming that his

testimony stands as what he told the detective, in theory he said that these people are his clients and called him, then he should have a waybill for it.

ATTORNEY DAVID GRIMALDI: Well, not that these clients called him. If you look at the statements, it could have been one of his regular customers. And so he's just not sure whether it's somebody he picked up in Hyde Park or whether or not it's more regular customer that he picks up in Hyde Park. That's not a badge of honor if he has in the past picked up people in Boston. That's not what we're here to contest to you. But what doesn't make sense, and I think that there's, and it's not right and shouldn't happen, but I don't think anybody would be surprised to say -- to think that taxicabs do pick up fares outside of their own jurisdiction.

That notwithstanding -- and it's not right. But that notwithstanding it doesn't mean that he's a thief or that he's committing identity fraud on Ms. Harrington. I mean the word circumstantial was used at a hearing in a couple of hearings ago. I mean, there couldn't be no more circumstantial case than this. Yes, it's his cab. Yes, the Commissioner rightly asked the detective that this is his cab. He operated it. But he did not run those, those -- that card in his own cab.

CHAIR NICOLE MURATI FERRER: But then if he didn't run it, then he also didn't follow the rules and regulations of this Commission by not filling out waybills, by not recording the fares, by not checking his cab after the fact, and essentially then allowing one or multiple patrons to use a credit card that was floating around in

the back seat of his car.

ATTORNEY DAVID GRIMALDI: Well, look, like I said, he's not in a position to tell you that he did all of those things today, but I'm here telling you that. But that's been noted and if you were to issue another notice on those sorts of issues, I think that might be a subject that might be different hearing and different issues at stake. But in terms of these serious accusations really, that's theft. It doesn't make sense that he would be doing this stuff in his own cab under these circumstances where there's already -- this would be already a red flag in these Boston fares and Lexington fares. So I do ask you on this June 23rd letter, this hearing, not to find him in violation. And, you know, if you want to talk about a hearing on a different subject matters and different other

alleged violations, yes, we can come back and do that. But this is very serious. And I ask you to take into account all those circumstances -- not that -- the nature of that evidence in deciding whether or not to violate him on those grounds.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: So you don't believe that a Cambridge cab would recognize or remember the Stedman Road and Lexington as being outlying type of situation?

ATTORNEY DAVID GRIMALDI: Oh, I think it's an outlying type of situation. I can't tell you exactly when it was -- where on Stedman Road he might have picked up. If there's -- the Commissioner's or the Chairperson's exactly right, whether it's one fare or two fares. But I

can't tell you if it's an unusual circumstance or if he's going to remember every person that he had in his cab. But if you're interviewing somebody five or six days later and, you know, having sort of inquiry, and what seems like a normal night, you know, I would like to think --

FIRE CHIEF GERALD REARDON: I guess I don't find that to be a normal night for a Cambridge cab to be out to Lexington or same area.

ATTORNEY DAVID GRIMALDI: That's not for me to say I suppose. I really don't know.

FIRE CHIEF GERALD REARDON: Your client certainly hasn't helped himself with all these other sundries in terms of waybills and others would have cleared some of this stuff up.

ATTORNEY DAVID GRIMALDI: I agree with that sentiment.

FIRE CHIEF GERALD REARDON: So there's -- I mean there's a number of mistakes made here and one could arguably say that the other mistake was using the card, too, based on all the other missteps.

ATTORNEY DAVID GRIMALDI: Well that, yeah, if you make that inference, then you make that inference. Although I would ask you not to. And I think that that sort of propensity, that type of analysis, really -- it doesn't bear in this particular circumstance only because look, somebody might not be the most diligent cab driver out there in the world, and that's a shame and it shouldn't happen, but that notwithstanding it's quite a different leap to really, you know, not manage your own cab as opposed to affirmatively, you know, commit a disruptive act on another's life. And that's a sort of logical

and moral -- and stealing from somebody. That's what I'm trying to say.

And that sort of difference is different than, you know, keeping the waybills and the like. And I agree with the Board's feelings about the matter of it might remedy or prevent certain problems and be able to create circumstance where you can adequately investigate such a matter after the fact, you're right. But I don't think that it creates a sort of inference that he's like you say, a criminal as opposed to a negligent cab driver in keeping records.

ANTONIO ARCOS: I just want to pass this. I meant to make a folder for everybody.

CHAIR NICOLE MURATI FERRER: Any further questions?

FIRE CHIEF GERALD REARDON: I'm all set.

POLICE COMMISSIONER CHRIS BURKE: I don't

buy it at all. You had control of the Taxi 173 during the times of these transactions. The machine that these transactions were used was permanently mounted in Taxi 173. I don't buy the mystery passenger. I don't buy the tricky memory. I think there's sufficient facts to support that the operator did use the card inappropriately.

CHAIR NICOLE MURATI FERRER: Officer Arcos, who was the one who told you that they were using the phone swiping thingy of the cards?

ANTONIO ARCOS: Mr. Morelus.

ATTORNEY DAVID GRIMALDI: No, I think the previous person from cab 17 provided that information.

CHAIR NICOLE MURATI FERRER: Oh, okay.

FIRE CHIEF GERALD REARDON: Was that cab 7 maybe?

ANTONIO ARCOS: No, he provided me with this information. Detective Connor is the one who provided me the information of 173. Number of -- the driver of No. 17 he just provided me with his records. He didn't even know about cab 173 until I obtained the information. Detective O'Connor.

ATTORNEY DAVID GRIMALDI: No, I understand that. I think what I thought was the Chairperson's question concerned the use of I think it was the square software?

CHAIR NICOLE MURATI FERRER: It was.

ATTORNEY DAVID GRIMALDI: And that was --

CHAIR NICOLE MURATI FERRER: That was on cab 17 when we originally thought it was cab 17?

ATTORNEY DAVID GRIMALDI: Yes.

CHAIR NICOLE MURATI FERRER: Okay. Got it.

Do we want to take it under advisement or do you want to vote on it now?

POLICE COMMISSIONER CHRIS BURKE: I'm ready to vote.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR NICOLE MURATI FERRER: Okay. I'm with Commissioner Burke on this. What do we do for a hearing? I mean, quite frankly I think this is egregious enough for revocation.

POLICE COMMISSIONER CHRIS BURKE: I agree.

FIRE CHIEF GERALD REARDON: I agree.

CHAIR NICOLE MURATI FERRER: Okay. So we revoke the license?

ATTORNEY DAVID GRIMALDI: Do you have your Hackney license?

Would you like me to hand that up?

CHAIR NICOLE MURATI FERRER: You can hand

it to Officer Arcos.

ATTORNEY DAVID GRIMALDI: And for the record, I'm handing over Mr. Morelus's Hackney license.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTORNEY DAVID GRIMALDI: Is that all?

CHAIR NICOLE MURATI FERRER: Yes, thank you.

APPLICATION:

KHF, LLC.

D/B/A THE DINING CAR

CHAIR NICOLE MURATI FERRER: HHF, The Dining Car?

(No Response.)

CHAIR NICOLE MURATI FERRER: It being 7:58 p.m., no one here for The Dining Car, we will move on.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimchi Kitchen is here and the transfer of the New Salts.

CHAIR NICOLE MURATI FERRER: So New Salts transfer to Shalimar, Inc.

Good evening. Could you please state and spell your names for the record?

ATTORNEY WILLIAM GOLDBERG: William Goldberg, G-O-L-D-G-E-R-G, 552 Massachusetts Avenue in Cambridge. I apologize to the Members of the Board for my tardiness. I realized I suffer certain penalties in the slays and arrows of my wife who happens to be here. That may be something I may not be able to -- but this involves a transfer of a license, available license, license for consideration to the premises of 751 Massachusetts Avenue. Presently the premises at 751 contain a restaurant --

PAVANDEP PABLA: It's 571.

CHAIR NICOLE MURATI FERRER: It's 571.

Yes.

ATTORNEY WILLIAM GOLDBERG: Sorry.

PAVANDEP PABLA: I'm just going to state
my name real quick.

CHAIR NICOLE MURATI FERRER: Yes, thank
you.

PAVANDEP PABLA: My name is Pavandep
Pabla, P-A-V-A-N-D-E-P P-A-B-L-A.

CHAIR NICOLE MURATI FERRER: Okay.
Sorry, go ahead.

ATTORNEY WILLIAM GOLDBERG: Better said
directly. Are you speaking or do you want me to
continue?

PAVANDEP PABLA: You can continue.

ATTORNEY WILLIAM GOLDBERG: This is a
restaurant without an alcoholic license. There
was one available and because of the demands and

requests of customers it was purchased by the present owner. He may be young in age, but he has lots of experience. The Pabla family is known throughout Cambridge of running operational restaurants, serving liquor, and package store items. I believe he has the experience to know the violations that put in jeopardy a license that he owns as a corporate entity. You can tell the description of the premises. The restaurant is accessible through a ramp and after you get to the ramp, off to the right there's a dining table. There's a total seating capacity of 25 people not to be served any liquor other than in the premises where the liquor is situated.

CHAIR NICOLE MURATI FERRER: So there will be no service of alcohol on the outside seating, is that what I saw here?

ATTORNEY WILLIAM GOLDBERG: That's

correct.

CHAIR NICOLE MURATI FERRER: Okay.

Is this a new trend?

ATTORNEY WILLIAM GOLDBERG: Sorry?

CHAIR NICOLE MURATI FERRER: This will be the second one where there's no alcohol on the outside seating. I'm just wondering is this a new Cambridge trend that I'm not aware of.

ATTORNEY WILLIAM GOLDBERG: There's quite a few of them that serve alcohol. There's an exception to that rule.

CHAIR NICOLE MURATI FERRER: Just wondering.

Is there anyone here from the original license holder?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

GABRIEL BREMER: Yeah.

CHAIR NICOLE MURATI FERRER: Are you

approved?

GABRIEL BREMER: Yeah.

CHAIR NICOLE MURATI FERRER: Okay. This isn't signed, the petition of transfer of ownership.

THE STENOGRAPHER: And what's your name?

GABRIEL BREMER: Gabriel Bremer,
B-R-E-M-E-R.

CHAIR NICOLE MURATI FERRER: And are you -- and then Anallia Verillo (phonetic), who is she? Is she also --

GABRIEL BREMER: She's my partner and wife.

CHAIR NICOLE MURATI FERRER: Okay. Do you have stock percentage ownership in the license?

GABRIEL BREMER: Currently it's transferred to her.

CHAIR NICOLE MURATI FERRER: Okay. That might be -- this might be a problem. I think your wife needs to sign it because it's only the last -- the signature of the last approved licensee and I see here it's only under her name.

GABRIEL BREMER: Okay.

CHAIR NICOLE MURATI FERRER: I didn't look at it when I gave it to you.

So we'll need the petition for transfer of ownership signed by Ms. Verillo.

ATTORNEY WILLIAM GOLDBERG: There is a pledge of license.

CHAIR NICOLE MURATI FERRER: And can you tell us the public need for the license at this location, Counselor?

ATTORNEY WILLIAM GOLDBERG: Yes. The need is that around that area there are restaurants serving alcohol, that this is a

restaurant public -- which is frequented by a number of people, customers, who have always made requests for alcohol. There are none available through the city. It necessitated the purchase by the client of a license which would cost them much money, and there is this need in the area where there are a lot of liquor, food establishments serving liquor to be able to compete comparatively with those that have licensed already.

CHAIR NICOLE MURATI FERRER: Mr. Pabla, do you want to tell us what Dosa Factory is all about?

PAVANDEP PABLA: Dosa Factory is a fast casual Indian restaurant at 571 Mass. Ave. It's right behind Shalimar Foods and Spices. It's a grocery store. It currently has 25 seats. It's a fast casual. So it's people order at the

counter. All alcohol will be behind the counter only served by one person. And it will be delivered to the customer's table.

CHAIR NICOLE MURATI FERRER: And how long have you been at this location?

PAVANDEP PABLA: Currently Dosa Factory has been open for a total of eight years.

CHAIR NICOLE MURATI FERRER: And what are your plans for asking for the additional malt and wine?

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: And you have never been the manager of record on a liquor license before; is that correct?

PAVANDEP PABLA: No.

CHAIR NICOLE MURATI FERRER: And has all of your experience been here at Dosa Factory?

PAVANDEP PABLA: No, it has been in other

restaurants that serve full alcohol.

CHAIR NICOLE MURATI FERRER: And are you familiar with the rules and regulations of this Board, the ABCC, and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: And do you understand that we expect you to stay up to date with those rules, laws, and regulations?

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: Are you a U.S. citizen?

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: So there's going to be no bar or anything?

PAVANDEP PABLA: No bar.

CHAIR NICOLE MURATI FERRER: Okay.

And it's just the one room when you walk in?

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: The other thing, Counselor, the retail monetary transmittal form, it has the wrong address on it. It has the old licensee on it. So you might want to change that because if that gets lost at the ABCC, this is going to get delayed a whole bunch.

ATTORNEY WILLIAM GOLDBERG: I will change that, Commissioner.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: So the alcohol is going to be behind the counter area and you have refrigeration and whatever necessary back there already?

PAVANDEP PABLA: Yes.

FIRE CHIEF GERALD REARDON: Or are you going to add that to it?

PAVANDEP PABLA: Currently we do have refrigeration but we're just going to add a few more.

FIRE CHIEF GERALD REARDON: Okay. And that's only for the 33 seats on the inside that's right in that one room?

PAVANDEP PABLA: Yes, one room.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR NICOLE MURATI FERRER: How are you going to make sure that the alcohol doesn't take, doesn't go out to the patio?

PAVANDEP PABLA: Currently we do have a lot of employees that work in the grocery store that are always talking and everything, so we will be training employees not to -- always monitor who is going outside. And we currently

have a cash register and a pay station right in front of the main entrance, and we'll be also teaching them how to monitor properly.

CHAIR NICOLE MURATI FERRER: So if I'm remembering your premises correctly, you go in, but this is on the back, yes?

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: Okay. Okay. So really what's being licensed is the back room not really even --

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: So people wouldn't even be able to shop around with a beer I guess.

PAVANDEP PABLA: Yes.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRIS BURKE: All
set.

CHAIR NICOLE MURATI FERRER: Anyone in
favor of this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Anyone in
opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: Okay. Ready
to vote?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: Ready to
vote?

POLICE COMMISSIONER CHRIS BURKE:
Approve.

CHAIR NICOLE MURATI FERRER: And I vote
to grant and make those corrections before we
send it up.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

PAVANDEP PABLA: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimchi Kitchen.

CHAIR NICOLE MURATI FERRER: Good evening. Would you please state your name and spell them for the record.

ATTORNEY WILLIAM GOLDBERG: Thank you.

SUNG KAK CHOI: My name is Sung Kak S-U-N-G K-A-K. Last name is C-H-O-I.

ATTORNEY WILLIAM GOLDBERG: And thank you, Commissioner. William Goldberg, and in my packet which I will leave with Ms. Lint is the experienced record of this gentleman who is seeking -- where he's been an employee, he'd like to be an owner. And this is the opportunity for him to show his wears as a cook, as an operator

of a restaurant. This is a small 19 seat restaurant. It serves basically a menu. I think we've submitted the menu as part of the packet which is welcomed by the neighborhood. It's a restaurant there already. So that he has a growing customer base. One of his own from the places that he's worked in the past, and two from the current employee customers that go there presently. I think it would be an addition to the neighborhood to continue the type of restaurant that with the food that is being served. So I request that you grant the victualler license to these premises.

CHAIR NICOLE MURATI FERRER: Thank you. I did have a question. I see an addendum to the lease, but I don't see a lease. And the addendum doesn't even reference which premises this is about. So if you have it so we can --

ATTORNEY WILLIAM GOLDBERG: I have a copy of the lease plus an assignment of the lease.

CHAIR NICOLE MURATI FERRER: Perfect.

ATTORNEY WILLIAM GOLDBERG: I can leave that with Ms. Lint.

CHAIR NICOLE MURATI FERRER: Thank you, that would be very helpful.

And Mr. Choi you would be open eleven a.m. to eleven p.m.?

SUNG KAK CHOI: Eleven a.m. to seven p.m.?

ATTORNEY WILLIAM GOLDBERG: Are you saying seven p.m.?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm just helping him translate.

CHAIR NICOLE MURATI FERRER: Yeah, that's fine.

(Speaking a foreign language.)

SUNG KAK CHOI: Same hours.

CHAIR NICOLE MURATI FERRER: Okay, so
eleven a.m. to eleven p.m. yes?

SUNG KAK CHOI: Yes.

CHAIR NICOLE MURATI FERRER: No
breakfast?

UNIDENTIFIED MEMBER FROM THE AUDIENCE:
No breakfast.

CHAIR NICOLE MURATI FERRER: Okay.

Any questions?

FIRE CHIEF GERALD REARDON: So, is there
necessarily a lot of work that needs to be done
in this location? Renovation work or --

ATTORNEY WILLIAM GOLDBERG: Well, I guess
we'll confront that when the inspectors come down
to examine the premises if you approve the
application. Is there a fairly list of items
that have to be done?

FIRE CHIEF GERALD REARDON: No, I'm just asking if there was much in the way of anticipated renovation to get this --

ATTORNEY WILLIAM GOLDBERG: None. No, the premises should remain the same.

CHAIR NICOLE MURATI FERRER: He's just basically taking over the business, correct?

ATTORNEY WILLIAM GOLDBERG: Exactly.

CHAIR NICOLE MURATI FERRER: And because CV's don't transfer you have to apply for a new one?

ATTORNEY WILLIAM GOLDBERG: Exactly.

FIRE CHIEF GERALD REARDON: But sometimes when a new owner takes over they'd like to change the whole operation.

ATTORNEY WILLIAM GOLDBERG: No, it's easier that way.

FIRE CHIEF GERALD REARDON: Understood.

Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

Anything else?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER CHRIS BURKE: All
set.

CHAIR NICOLE MURATI FERRER: Anyone in
support of this petition?

UNIDENTIFIED MEMBER FROM THE AUDIENCE:
Yes.

CHAIR NICOLE MURATI FERRER: I do note
for the record we received a letter from the East
Cambridge Business Association in support of this
application.

Anyone in opposition to this petition?

(No Response.)

CHAIR NICOLE MURATI FERRER: I would vote
to grant.

FIRE CHIEF GERALD REARDON: Agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: Pending the submission of the lease.

ATTORNEY WILLIAM GOLDBERG: Thank you.

Thank you for your indulgence.

CHAIR NICOLE MURATI FERRER: Granted.

MALT AND WINE LICENSES WITH OR WITHOUT

ENTERTAINMENT:

LEAH HENNESSY

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

Leah Hennessy has applied for a malt and wine license to be exercised at Gallery 263, 263 Pearl Street on July 30, 2016, from twelve p.m. to seven p.m. for a concert fundraiser with 100 expected.

CHAIR NICOLE MURATI FERRER: Granted.

DANHAO MA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Danhao Ma has applied for an entertainment license for a theatrical play at MIT, 48 Mass. Ave., July 16th from two p.m. to four p.m. with 150 expected.

CHAIR NICOLE MURATI FERRER: Granted.

LAURA GRAZIANO

EXECUTIVE DIRECTOR ELIZABETH LINT: Laura Graziano has applied for an entertainment license to record live music amplification system for a tenant appreciation event at Rogers Street Park. 71 Rogers Street on July 20th from eleven a.m. to two p.m. 1300 expected. So you would want more information on that. They have pulled a park permit.

CHAIR NICOLE MURATI FERRER: So they do have -- here it is. I got it.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

No, no, they have a park permit.

CHAIR NICOLE MURATI FERRER: They got the park permit?

EXECUTIVE DIRECTOR ELIZABETH LINT: I checked it.

CHAIR NICOLE MURATI FERRER: Oh, okay. All right. Granted.

MARY MALONEY

EXECUTIVE DIRECTOR ELIZABETH LINT: And then there are three add ones.

You have Mary Maloney has applied for a wine and malt license to be exercised on July 18th from five p.m. until eight p.m. for a barbecue at the MIT sailing pavilion for 48 people.

CHAIR NICOLE MURATI FERRER: Granted.

COMPLIMENTS FOOD

EXECUTIVE DIRECTOR ELIZABETH LINT:

Compliments Food has applied for vendor licenses to operate at North Point on Thursday, July 14th, 21st, and 28th from five p.m. until eight p.m. which is part of the North Point summer series that was approved by special events by this Board.

CHAIR NICOLE MURATI FERRER: Yes, and I have the letter here.

Okay, granted.

SACO FOOD TRUCK

EXECUTIVE DIRECTOR ELIZABETH LINT: Saco Food Truck has applied for a one day license. To vend on Thursday, July 14th from 11:30 to 1:30 at 555 Technology Square. And they have a letter, too. I'm not sure that they've been inspected but we'll check that.

CHAIR NICOLE MURATI FERRER: All right. So I would say granted pending inspection,

approval, and submittal.

EXECUTIVE DIRECTOR ELIZABETH LINT: This is the assignment.

And you have one more.

CHAIR NICOLE MURATI FERRER: Yeah, but what's this to?

EXECUTIVE DIRECTOR ELIZABETH LINT: This should be....

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, yeah, just to cancel. That should be on here.

CHAIR NICOLE MURATI FERRER: What day is today? Is today the 11th? Yeah.

ADMINISTRATIVE MATTERS

BOB BAKER LESLEY UNIVERSITY

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

Okay, Bob Baker on behalf of Lesley

University has notified the License Commission that C&W Services is no longer providing leaf blower operations for the school.

CHAIR NICOLE MURATI FERRER: Acknowledge, cancel permit, canceled.

EUGENE F. LYNCH POST

EXECUTIVE DIRECTOR ELIZABETH LINT: And Eugene F. Lynch Post, One Cedar Street, holder of an All Alcoholic Beverages Club License has submitted two requests:

One, to have the Board stay the one day suspension issued regarding violations found to have occurred on March 26th;

And, two, that the Board allow a temporary removal of the club alcohol license in the Wagner Hall basement level.

CHAIR NICOLE MURATI FERRER: So, okay. So with regard to the staying of the suspension,

so this says they would like to request a stay for six months. So I don't, I don't think we can do that. I mean, I think we can stay them serving the suspension pending the appeal and the outcome of the appeal, and I'm fine with, you know, whether that's two months, three months, or, you know, a year because that's really on the ABCC's timeline provided that they appeal in a timely fashion.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

CHAIR NICOLE MURATI FERRER: So -- I mean. Would you guys be okay with staying -- the serving of the suspension?

FIRE CHIEF GERALD REARDON: Staying the -- serving the suspension, yes.

CHAIR NICOLE MURATI FERRER: Yes.

POLICE COMMISSIONER CHRIS BURKE: Yes.

CHAIR NICOLE MURATI FERRER: Okay. So stay.

Now the second part is to allow the temporary removal of the club alcohol license in the Wagner Hall. So I mean we've already granted the alteration of premises with regard to that, and I don't know that it would be a temporary removal. Maybe a suspension of the license with regard to the Wagner Hall, but it would have to be really clear that there could be no service of alcohol in that area until such time as the final approval from the ABCC to alter the funds just to remove that from their license. I mean, it really is something that's on them. I mean, if something happens on that premises in that location, it would still be -- it reverts back to their license. It's really their call. It's a business decision I guess.

FIRE CHIEF GERALD REARDON: They're still responsible for it. It doesn't get removed till the ABCC removes it, correct?

CHAIR NICOLE MURATI FERRER: Yeah, no.

FIRE CHIEF GERALD REARDON: All right, an issue just that they're made clear that if something did happen until the license removed they're still responsible.

CHAIR NICOLE MURATI FERRER: I mean, I just don't know -- I mean, I just don't know that it's a temporary removal. I mean, we've granted their request to alter the premises to remove that portion from their license, but that's not -- I mean, it's not our call to say yes, that's been removed. That needs final approval from the ABCC. I mean, I guess we can acknowledge that they're saying that they're not operating at Wagner Hall.

FIRE CHIEF GERALD REARDON: Yeah. That they're not going to use it. Yeah, that would probably be the best.

CHAIR NICOLE MURATI FERRER: We can acknowledge that they're not operating in Wagner Hall, but that they must understand that until Wagner Hall is removed from their premises by the ABCC approval of our initial vote that it's still under license.

FIRE CHIEF GERALD REARDON: I agree.

POLICE COMMISSIONER CHRIS BURKE: Agree.

CHAIR NICOLE MURATI FERRER: We'll say (writing) Board acknowledges....

All right.

And that's it, right? The Dining Car never showed up?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope.

KIMBERLY COURTNEY: Madam Chair, may I

ask that you read --

CHAIR NICOLE MURATI FERRER: Yeah.

The Board acknowledges that licensee will not be operating for club position on Wagner Hall. The Wagner Hall remains as part of the UAV license until such time as the ABCC approves the alteration of premises removal of Wagner Hall.

All right, and that's it. Thank you.

(Whereupon, at 8:25 p.m., the

License Commission Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to License Commission Department.

INSTRUCTIONS

After reading this volume of the License Commission 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 of the License Commission, 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.

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified
Shorthand Reporter, the undersigned Notary Public,
certify:

That the hearing herein before set forth is a true
and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my
hand this 2nd day of August, 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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<div>#</div> <div>#30370^[1] - 4:12</div> <div>\$</div> <div>\$300^[5] - 167:3, 174:3, 178:2, 182:17, 202:16</div> <div>\$54.18^[1] - 215:9</div> <div>\$600^[2] - 178:2, 182:17</div> <div>\$66.41^[2] - 214:3, 215:9</div> <div>\$70^[1] - 218:17</div> <div>\$74.40^[4] - 215:5, 219:3, 219:4, 220:12</div> <div>\$8,000^[1] - 28:14</div> <div>\$84^[1] - 213:13</div> <div>\$84.56^[1] - 215:13</div> <div>\$89.43^[1] - 215:14</div> <div>'</div> <div>'06^[1] - 63:1</div> <div>0</div> <div>02139^[1] - 1:12</div> <div>1</div> <div>1^[4] - 62:2, 64:4, 139:13, 226:8</div> <div>1,020^[1] - 62:3</div> <div>1,060^[1] - 64:5</div> <div>1,620^[1] - 106:8</div> <div>10^[8] - 14:6, 39:3, 83:17, 105:15, 166:6, 181:3, 217:12, 226:8</div> <div>100^[10] - 3:6, 61:18, 63:6, 63:7, 64:15, 65:10, 66:2, 105:12, 106:10, 261:15</div> <div>100-700^[1] - 62:18</div> <div>1000^[1] - 134:7</div> <div>104^[1] - 4:3</div> <div>10:00^[1] - 46:7</div> <div>10:19^[2] - 213:11, 226:4</div> <div>10:40^[1] - 161:14</div> <div>10th^[1] - 209:18</div> <div>11^[6] - 1:13, 6:2, 6:6, 52:12, 169:5, 226:8</div> <div>110^[2] - 90:2, 106:4</div> <div>111/255^[1] - 4:5</div>	<div>112^[1] - 4:7</div> <div>113^[1] - 5:13</div> <div>1140^[1] - 112:16</div> <div>11:15^[2] - 184:11, 214:1</div> <div>11:30^[1] - 264:13</div> <div>11th^[1] - 265:13</div> <div>12^[3] - 17:10, 63:2, 226:8</div> <div>1226^[1] - 35:7</div> <div>125^[2] - 1:11, 6:8</div> <div>1250^[1] - 39:7</div> <div>1288^[1] - 90:1</div> <div>12:21^[2] - 139:13, 139:17</div> <div>13^[4] - 185:7, 210:10, 210:16, 212:11</div> <div>1300^[1] - 262:13</div> <div>135^[1] - 4:9</div> <div>140^[1] - 128:4</div> <div>147703^[1] - 273:12</div> <div>14th^[2] - 264:2, 264:13</div> <div>15^[7] - 83:18, 86:11, 169:5, 169:13, 170:13, 172:15, 202:5</div> <div>150^[1] - 262:5</div> <div>152^[1] - 4:11</div> <div>158/203^[1] - 4:12</div> <div>159^[1] - 4:14</div> <div>15th^[7] - 170:4, 171:3, 172:13, 177:9, 189:16, 197:8, 197:9</div> <div>16^[1] - 45:6</div> <div>16002929^[1] - 139:12</div> <div>1620^[1] - 104:10</div> <div>167^[1] - 4:15</div> <div>16th^[3] - 45:5, 94:9, 262:4</div> <div>17^[18] - 59:5, 59:6, 179:12, 180:16, 205:17, 206:3, 206:7, 206:18, 207:2, 207:4, 207:9, 209:1, 209:5, 211:8, 238:14, 239:4, 239:15</div> <div>17,030^[1] - 64:7</div> <div>173^[10] - 211:7, 211:18, 212:3, 221:12, 222:1, 222:7, 238:1, 238:4, 239:3, 239:6</div> <div>174^[1] - 4:17</div> <div>178^[1] - 5:3</div> <div>17th^[2] - 12:8, 201:18</div> <div>18^[4] - 35:13, 59:5, 59:7, 203:11</div> <div>180^[1] - 140:2</div>	<div>183^[1] - 5:5</div> <div>187^[2] - 39:2, 40:12</div> <div>18th^[2] - 204:13, 263:13</div> <div>19^[4] - 111:9, 215:12, 256:1</div> <div>191^[1] - 5:6</div> <div>19th^[1] - 202:1</div> <div>1:20^[6] - 214:5, 218:11, 220:18, 222:7, 226:6</div> <div>1:30^[1] - 264:13</div> <div>2</div> <div>2^[4] - 35:13, 62:3, 64:5, 104:11</div> <div>2,022^[1] - 64:6</div> <div>20^[4] - 8:8, 30:12, 39:3, 97:8</div> <div>200^[11] - 3:8, 5:8, 63:8, 63:9, 64:3, 64:13, 65:11, 66:2, 67:5, 105:10, 106:11</div> <div>2001^[1] - 63:7</div> <div>2008^[3] - 186:7, 187:16, 195:10</div> <div>2013^[2] - 157:15</div> <div>2014^[4] - 40:7, 40:8, 157:16, 179:15</div> <div>2015^[2] - 185:8, 212:4</div> <div>2016^[30] - 1:13, 6:2, 6:6, 35:13, 113:6, 139:13, 160:7, 167:14, 169:3, 169:5, 176:2, 179:7, 179:12, 180:16, 183:8, 191:16, 195:9, 200:13, 202:5, 203:11, 205:14, 210:10, 210:14, 210:16, 212:11, 220:18, 221:12, 226:6, 261:14, 273:8</div> <div>2017^[1] - 202:1</div> <div>2022^[1] - 273:13</div> <div>203^[1] - 5:9</div> <div>20th^[1] - 262:12</div> <div>21^[2] - 114:5, 169:2</div> <div>21st^[1] - 264:3</div> <div>22^[1] - 176:2</div> <div>2263^[1] - 70:4</div> <div>228^[1] - 40:7</div> <div>22:19^[2] - 221:13, 226:3</div> <div>22nd^[6] - 45:9, 154:2, 156:16, 160:10,</div>	<div>161:14, 177:5</div> <div>23.55^[1] - 215:5</div> <div>23:15^[1] - 222:2</div> <div>23rd^[5] - 106:18, 160:10, 169:12, 170:13, 233:15</div> <div>24^[6] - 40:8, 70:7, 77:1, 77:7, 77:10, 160:7</div> <div>24th^[3] - 179:1, 179:7, 201:16</div> <div>25^[2] - 244:12, 248:17</div> <div>253^[2] - 213:12, 215:10</div> <div>261^[2] - 2:3, 2:5</div> <div>262^[1] - 2:6</div> <div>263^[4] - 2:7, 2:8, 261:13</div> <div>264^[1] - 2:9</div> <div>265^[1] - 5:11</div> <div>266^[1] - 5:14</div> <div>26th^[1] - 266:13</div> <div>27^[2] - 29:16, 82:6</div> <div>270^[1] - 62:3</div> <div>273^[1] - 6:18</div> <div>27th^[4] - 82:14, 184:11, 195:6, 197:11</div> <div>28^[1] - 113:5</div> <div>28th^[2] - 115:15, 264:3</div> <div>29^[2] - 202:1, 273:13</div> <div>29174^[1] - 207:9</div> <div>2975^[1] - 51:7</div> <div>2nd^[1] - 273:8</div> <div>3</div> <div>3^[1] - 139:17</div> <div>3,166^[1] - 64:4</div> <div>30^[5] - 130:13, 130:16, 131:11, 135:3, 261:14</div> <div>300^[3] - 114:6, 174:8, 190:5</div> <div>30370^[2] - 159:5, 212:5</div> <div>31st^[1] - 201:18</div> <div>33^[1] - 252:7</div> <div>3315^[1] - 51:8</div> <div>340^[1] - 51:8</div> <div>35^[2] - 2:13, 2:15</div> <div>36^[2] - 7:1, 112:11</div> <div>38^[2] - 2:17, 152:14</div> <div>3A^[2] - 62:3, 64:5</div> <div>3B^[1] - 64:6</div>	<div>4</div> <div>4^[1] - 92:6</div> <div>4,356^[1] - 62:2</div> <div>4,440^[1] - 64:4</div> <div>4.9^[2] - 215:4, 218:16</div> <div>40^[5] - 4:3, 104:5, 104:7, 105:1, 198:10</div> <div>40A^[1] - 26:3</div> <div>4152^[1] - 212:13</div> <div>45^[1] - 54:1</div> <div>48^[4] - 179:14, 181:1, 262:3, 263:14</div> <div>485^[1] - 51:2</div> <div>4A^[1] - 52:9</div> <div>4BURGERS^[2] - 3:4, 50:14</div> <div>4Burgers^[2] - 50:18, 54:13</div> <div>4th^[1] - 187:12</div> <div>5</div> <div>5^[1] - 18:6</div> <div>5,560^[1] - 90:5</div> <div>50^[7] - 3:4, 8:10, 97:17, 105:9, 107:10, 112:12, 185:12</div> <div>50/60^[2] - 104:8, 105:2</div> <div>500^[1] - 70:13</div> <div>552^[1] - 242:8</div> <div>555^[1] - 264:14</div> <div>56^[1] - 213:14</div> <div>571^[3] - 242:18, 243:1, 248:15</div> <div>580^[2] - 97:7, 101:18</div> <div>5:00^[1] - 1:14</div> <div>5:06^[1] - 6:7</div> <div>5:30^[2] - 210:11, 212:11</div> <div>6</div> <div>6^[3] - 2:11, 169:4, 221:12</div> <div>6/16^[1] - 226:3</div> <div>6/6/2016^[1] - 222:2</div> <div>6/7/16^[2] - 218:11, 222:7</div> <div>60^[6] - 105:11, 107:12, 156:16, 157:8, 157:10</div> <div>61^[1] - 3:6</div> <div>617.639.0396^[1] - 1:17</div> <div>617.786.7783/</div>
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<p>FACSIMILE ^[1] - 1:17</p> <p>620 ^[6] - 214:5, 215:3, 216:17, 217:8, 217:9, 218:12</p> <p>63 ^[1] - 3:8</p> <p>65 ^[1] - 185:12</p> <p>660 ^[1] - 105:7</p> <p>675 ^[3] - 7:15, 36:2, 204:18</p> <p>69 ^[1] - 3:12</p> <p>69/241 ^[1] - 3:10</p> <p>6:57 ^[1] - 161:10</p> <p>6th ^[9] - 170:6, 177:6, 206:4, 206:7, 206:14, 206:16, 209:6, 213:11, 214:1</p>	<p>9</p> <p>9 ^[2] - 169:5, 205:14</p> <p>9-1-1 ^[1] - 150:10</p> <p>915 ^[1] - 97:14</p> <p>950 ^[1] - 97:12</p> <p>9500 ^[1] - 62:4</p> <p>96 ^[1] - 152:13</p> <p>96/241 ^[1] - 3:16</p> <p>97 ^[1] - 3:18</p> <p>9:30 ^[1] - 46:7</p> <p>9th ^[2] - 207:6, 208:10</p>	<p>access ^[1] - 30:18</p> <p>accessible ^[1] - 244:10</p> <p>accessory ^[3] - 19:3, 20:7, 20:12</p> <p>accommodate ^[1] - 93:6</p> <p>according ^[1] - 166:12</p> <p>account ^[8] - 206:17, 207:3, 208:3, 209:4, 209:6, 210:8, 228:8, 234:3</p> <p>accurate ^[2] - 272:15, 273:6</p> <p>accusations ^[1] - 233:10</p> <p>achieving ^[1] - 27:12</p> <p>acknowledge ^[3] - 266:4, 269:17, 270:5</p> <p>acknowledgement ^[1] - 14:11</p> <p>acknowledges ^[1] - 271:3</p> <p>acknowledges... ^[1] - 270:13</p> <p>Acoustics ^[1] - 185:10</p> <p>acquire ^[1] - 36:12</p> <p>act ^[2] - 145:17, 236:17</p> <p>actual ^[1] - 151:5</p> <p>Adams ^[1] - 7:15</p> <p>add ^[9] - 55:17, 93:18, 185:7, 186:5, 195:2, 195:3, 252:2, 252:4, 263:10</p> <p>addendum ^[2] - 256:15, 256:16</p> <p>adding ^[2] - 55:12, 55:16</p> <p>addition ^[4] - 9:17, 54:3, 116:1, 256:9</p> <p>additional ^[7] - 37:2, 114:5, 157:1, 169:10, 169:11, 212:1, 249:9</p> <p>address ^[10] - 27:8, 27:10, 49:8, 55:4, 66:2, 88:11, 223:18, 224:1, 224:3, 251:6</p> <p>addresses ^[3] - 196:4, 214:14, 228:8</p> <p>adequately ^[1] - 237:8</p> <p>adherence ^[1] - 145:7</p> <p>adjacent ^[1] - 176:4</p> <p>Adjourned ^[1] - 271:10</p> <p>adjudicated ^[1] - 156:9</p>	<p>ADMINISTRATIVE ^[2] - 5:10, 265:15</p> <p>administratively ^[1] - 50:7</p> <p>admit ^[1] - 143:9</p> <p>admits ^[1] - 143:14</p> <p>admitted ^[1] - 213:14</p> <p>admittedly ^[2] - 10:17, 223:7</p> <p>advantageous ^[1] - 198:8</p> <p>advertised ^[1] - 118:11</p> <p>advice ^[1] - 75:15</p> <p>advised ^[3] - 10:13, 209:13, 210:1</p> <p>advisement ^[3] - 48:17, 146:17, 240:1</p> <p>affects ^[1] - 119:5</p> <p>affirmatively ^[1] - 236:17</p> <p>age ^[1] - 244:2</p> <p>agenda ^[1] - 6:6</p> <p>AGENDA ^[8] - 2:1, 2:10, 3:1, 3:2, 4:1, 4:2, 5:1, 5:2</p> <p>agent ^[1] - 105:1</p> <p>aggressively ^[1] - 145:11</p> <p>ago ^[7] - 30:13, 45:2, 63:1, 93:12, 98:11, 193:15, 232:6</p> <p>agree ^[34] - 28:18, 34:14, 34:15, 38:7, 38:8, 49:14, 49:16, 60:16, 60:17, 68:14, 68:15, 88:6, 88:7, 96:2, 110:10, 110:11, 128:2, 132:18, 133:2, 167:2, 167:6, 190:2, 190:3, 202:17, 202:18, 235:17, 237:5, 240:11, 240:12, 255:1, 261:1, 261:2, 270:10, 270:11</p> <p>agreed ^[13] - 96:1, 103:12, 103:13, 128:9, 128:10, 152:1, 152:2, 174:4, 174:5, 178:4, 178:5, 182:18, 183:1</p> <p>agreement ^[1] - 54:12</p> <p>ahead ^[15] - 8:3, 9:5, 27:2, 62:14, 64:12, 137:7, 139:9, 144:9, 161:11, 161:13, 168:18, 179:6, 184:10, 193:13,</p>	<p>243:11</p> <p>air ^[1] - 20:5</p> <p>alarm ^[4] - 44:5, 65:2, 125:10, 126:5</p> <p>Alcohol ^[2] - 35:7, 152:13</p> <p>alcohol ^[36] - 11:17, 12:2, 12:10, 12:11, 58:5, 75:4, 75:8, 75:9, 76:9, 77:14, 78:7, 78:10, 79:12, 84:17, 84:18, 88:17, 89:7, 115:18, 117:16, 119:7, 119:14, 125:3, 134:17, 244:16, 245:6, 245:10, 247:18, 248:3, 249:1, 250:1, 250:6, 251:15, 252:12, 266:15, 268:4, 268:11</p> <p>Alcoholic ^[3] - 112:8, 113:8, 266:9</p> <p>alcoholic ^[5] - 74:8, 115:2, 116:6, 128:12, 243:17</p> <p>Alexander ^[2] - 62:15, 62:17</p> <p>Alexandria ^[1] - 104:18</p> <p>ALIVE ^[2] - 2:11, 6:14</p> <p>alive ^[4] - 8:5, 9:11, 13:18, 17:4</p> <p>Alive ^[1] - 6:16</p> <p>allegation ^[1] - 230:6</p> <p>alleged ^[10] - 135:12, 159:6, 159:18, 167:13, 174:15, 178:11, 183:7, 191:15, 200:11, 234:1</p> <p>allow ^[5] - 12:1, 17:7, 37:4, 266:14, 268:3</p> <p>allowable ^[6] - 66:8, 169:13, 176:5, 177:7, 182:15, 202:4</p> <p>allowed ^[5] - 146:15, 167:4, 194:1, 194:6, 197:18</p> <p>allowing ^[1] - 232:17</p> <p>allows ^[1] - 156:16</p> <p>almost ^[2] - 59:5, 93:17</p> <p>alone ^[2] - 23:17, 171:5</p> <p>alter ^[2] - 268:12, 269:12</p> <p>alteration ^[2] - 268:6, 271:7</p>
<p>7</p> <p>7 ^[4] - 210:14, 220:18, 226:5, 238:18</p> <p>70 ^[1] - 217:14</p> <p>700 ^[2] - 64:6, 70:12</p> <p>704 ^[2] - 50:18, 54:14</p> <p>71 ^[1] - 262:12</p> <p>75-125 ^[1] - 109:11</p> <p>750 ^[1] - 107:6</p> <p>751 ^[2] - 242:16, 242:17</p> <p>77 ^[2] - 152:15, 176:4</p> <p>78 ^[1] - 114:10</p> <p>7:10 ^[2] - 179:4, 179:6</p> <p>7:58 ^[1] - 241:16</p> <p>7th ^[2] - 176:7, 214:5</p>	<p>A</p> <p>A-R-C-O-S ^[1] - 204:9</p> <p>a.m ^[43] - 7:2, 7:4, 10:6, 39:4, 39:5, 41:3, 42:3, 45:16, 45:17, 47:7, 47:18, 69:9, 70:5, 90:3, 91:6, 91:11, 91:13, 91:14, 91:18, 95:14, 95:15, 95:16, 97:9, 99:16, 111:10, 112:10, 124:8, 124:12, 124:18, 125:1, 127:5, 132:6, 139:13, 139:17, 214:5, 257:9, 257:10, 258:3, 262:12</p> <p>ABCC ^[14] - 58:3, 79:10, 81:15, 129:8, 129:10, 158:3, 158:7, 250:4, 251:8, 268:12, 269:3, 269:16, 270:8, 271:6</p> <p>ABCC's ^[1] - 267:8</p> <p>ability ^[1] - 41:9</p> <p>able ^[24] - 36:11, 54:4, 54:11, 55:11, 86:2, 93:6, 93:15, 99:6, 123:3, 146:3, 155:8, 156:3, 179:9, 187:17, 194:4, 210:6, 221:11, 222:1, 222:6, 237:7, 242:13, 248:8, 253:13</p> <p>absolutely ^[3] - 59:9, 86:17, 227:13</p> <p>abutter ^[1] - 13:10</p> <p>abutters ^[4] - 49:3, 49:7, 71:13, 86:2</p> <p>abutting ^[1] - 14:18</p> <p>accented ^[1] - 194:10</p> <p>accept ^[1] - 75:15</p> <p>accepted ^[1] - 33:4</p>	<p>access ^[1] - 30:18</p> <p>accessible ^[1] - 244:10</p> <p>accessory ^[3] - 19:3, 20:7, 20:12</p> <p>accommodate ^[1] - 93:6</p> <p>according ^[1] - 166:12</p> <p>account ^[8] - 206:17, 207:3, 208:3, 209:4, 209:6, 210:8, 228:8, 234:3</p> <p>accurate ^[2] - 272:15, 273:6</p> <p>accusations ^[1] - 233:10</p> <p>achieving ^[1] - 27:12</p> <p>acknowledge ^[3] - 266:4, 269:17, 270:5</p> <p>acknowledgement ^[1] - 14:11</p> <p>acknowledges ^[1] - 271:3</p> <p>acknowledges... ^[1] - 270:13</p> <p>Acoustics ^[1] - 185:10</p> <p>acquire ^[1] - 36:12</p> <p>act ^[2] - 145:17, 236:17</p> <p>actual ^[1] - 151:5</p> <p>Adams ^[1] - 7:15</p> <p>add ^[9] - 55:17, 93:18, 185:7, 186:5, 195:2, 195:3, 252:2, 252:4, 263:10</p> <p>addendum ^[2] - 256:15, 256:16</p> <p>adding ^[2] - 55:12, 55:16</p> <p>addition ^[4] - 9:17, 54:3, 116:1, 256:9</p> <p>additional ^[7] - 37:2, 114:5, 157:1, 169:10, 169:11, 212:1, 249:9</p> <p>address ^[10] - 27:8, 27:10, 49:8, 55:4, 66:2, 88:11, 223:18, 224:1, 224:3, 251:6</p> <p>addresses ^[3] - 196:4, 214:14, 228:8</p> <p>adequately ^[1] - 237:8</p> <p>adherence ^[1] - 145:7</p> <p>adjacent ^[1] - 176:4</p> <p>Adjourned ^[1] - 271:10</p> <p>adjudicated ^[1] - 156:9</p>	<p>ADMINISTRATIVE ^[2] - 5:10, 265:15</p> <p>administratively ^[1] - 50:7</p> <p>admit ^[1] - 143:9</p> <p>admits ^[1] - 143:14</p> <p>admitted ^[1] - 213:14</p> <p>admittedly ^[2] - 10:17, 223:7</p> <p>advantageous ^[1] - 198:8</p> <p>advertised ^[1] - 118:11</p> <p>advice ^[1] - 75:15</p> <p>advised ^[3] - 10:13, 209:13, 210:1</p> <p>advisement ^[3] - 48:17, 146:17, 240:1</p> <p>affects ^[1] - 119:5</p> <p>affirmatively ^[1] - 236:17</p> <p>age ^[1] - 244:2</p> <p>agenda ^[1] - 6:6</p> <p>AGENDA ^[8] - 2:1, 2:10, 3:1, 3:2, 4:1, 4:2, 5:1, 5:2</p> <p>agent ^[1] - 105:1</p> <p>aggressively ^[1] - 145:11</p> <p>ago ^[7] - 30:13, 45:2, 63:1, 93:12, 98:11, 193:15, 232:6</p> <p>agree ^[34] - 28:18, 34:14, 34:15, 38:7, 38:8, 49:14, 49:16, 60:16, 60:17, 68:14, 68:15, 88:6, 88:7, 96:2, 110:10, 110:11, 128:2, 132:18, 133:2, 167:2, 167:6, 190:2, 190:3, 202:17, 202:18, 235:17, 237:5, 240:11, 240:12, 255:1, 261:1, 261:2, 270:10, 270:11</p> <p>agreed ^[13] - 96:1, 103:12, 103:13, 128:9, 128:10, 152:1, 152:2, 174:4, 174:5, 178:4, 178:5, 182:18, 183:1</p> <p>agreement ^[1] - 54:12</p> <p>ahead ^[15] - 8:3, 9:5, 27:2, 62:14, 64:12, 137:7, 139:9, 144:9, 161:11, 161:13, 168:18, 179:6, 184:10, 193:13,</p>	<p>243:11</p> <p>air ^[1] - 20:5</p> <p>alarm ^[4] - 44:5, 65:2, 125:10, 126:5</p> <p>Alcohol ^[2] - 35:7, 152:13</p> <p>alcohol ^[36] - 11:17, 12:2, 12:10, 12:11, 58:5, 75:4, 75:8, 75:9, 76:9, 77:14, 78:7, 78:10, 79:12, 84:17, 84:18, 88:17, 89:7, 115:18, 117:16, 119:7, 119:14, 125:3, 134:17, 244:16, 245:6, 245:10, 247:18, 248:3, 249:1, 250:1, 250:6, 251:15, 252:12, 266:15, 268:4, 268:11</p> <p>Alcoholic ^[3] - 112:8, 113:8, 266:9</p> <p>alcoholic ^[5] - 74:8, 115:2, 116:6, 128:12, 243:17</p> <p>Alexander ^[2] - 62:15, 62:17</p> <p>Alexandria ^[1] - 104:18</p> <p>ALIVE ^[2] - 2:11, 6:14</p> <p>alive ^[4] - 8:5, 9:11, 13:18, 17:4</p> <p>Alive ^[1] - 6:16</p> <p>allegation ^[1] - 230:6</p> <p>alleged ^[10] - 135:12, 159:6, 159:18, 167:13, 174:15, 178:11, 183:7, 191:15, 200:11, 234:1</p> <p>allow ^[5] - 12:1, 17:7, 37:4, 266:14, 268:3</p> <p>allowable ^[6] - 66:8, 169:13, 176:5, 177:7, 182:15, 202:4</p> <p>allowed ^[5] - 146:15, 167:4, 194:1, 194:6, 197:18</p> <p>allowing ^[1] - 232:17</p> <p>allows ^[1] - 156:16</p> <p>almost ^[2] - 59:5, 93:17</p> <p>alone ^[2] - 23:17, 171:5</p> <p>alter ^[2] - 268:12, 269:12</p> <p>alteration ^[2] - 268:6, 271:7</p>
<p>8</p> <p>8 ^[1] - 37:8</p> <p>8,180 ^[1] - 62:2</p> <p>8,990 ^[1] - 104:9</p> <p>8.16.081 ^[4] - 160:1, 174:16, 178:12, 183:8</p> <p>8.16.081(a) ^[3] - 167:14, 191:16, 200:12</p> <p>80 ^[1] - 185:11</p> <p>847 ^[1] - 111:8</p> <p>8500 ^[1] - 169:4</p> <p>89 ^[1] - 3:14</p> <p>899 ^[3] - 104:9, 105:6, 105:14</p> <p>8:25 ^[1] - 271:9</p> <p>8th ^[1] - 206:5</p>	<p>8</p> <p>8 ^[1] - 37:8</p> <p>8,180 ^[1] - 62:2</p> <p>8,990 ^[1] - 104:9</p> <p>8.16.081 ^[4] - 160:1, 174:16, 178:12, 183:8</p> <p>8.16.081(a) ^[3] - 167:14, 191:16, 200:12</p> <p>80 ^[1] - 185:11</p> <p>847 ^[1] - 111:8</p> <p>8500 ^[1] - 169:4</p> <p>89 ^[1] - 3:14</p> <p>899 ^[3] - 104:9, 105:6, 105:14</p> <p>8:25 ^[1] - 271:9</p> <p>8th ^[1] - 206:5</p>	<p>access ^[1] - 30:18</p> <p>accessible ^[1] - 244:10</p> <p>accessory ^[3] - 19:3, 20:7, 20:12</p> <p>accommodate ^[1] - 93:6</p> <p>according ^[1] - 166:12</p> <p>account ^[8] - 206:17, 207:3, 208:3, 209:4, 209:6, 210:8, 228:8, 234:3</p> <p>accurate ^[2] - 272:15, 273:6</p> <p>accusations ^[1] - 233:10</p> <p>achieving ^[1] - 27:12</p> <p>acknowledge ^[3] - 266:4, 269:17, 270:5</p> <p>acknowledgement ^[1] - 14:11</p> <p>acknowledges ^[1] - 271:3</p> <p>acknowledges... ^[1] - 270:13</p> <p>Acoustics ^[1] - 185:10</p> <p>acquire ^[1] - 36:12</p> <p>act ^[2] - 145:17, 236:17</p> <p>actual ^[1] - 151:5</p> <p>Adams ^[1] - 7:15</p> <p>add ^[9] - 55:17, 93:18, 185:7, 186:5, 195:2, 195:3, 252:2, 252:4, 263:10</p> <p>addendum ^[2] - 256:15, 256:16</p> <p>adding ^[2] - 55:12, 55:16</p> <p>addition ^[4] - 9:17, 54:3, 116:1, 256:9</p> <p>additional ^[7] - 37:2, 114:5, 157:1, 169:10, 169:11, 212:1, 249:9</p> <p>address ^[10] - 27:8, 27:10, 49:8, 55:4, 66:2, 88:11, 223:18, 224:1, 224:3, 251:6</p> <p>addresses ^[3] - 196:4, 214:14, 228:8</p> <p>adequately ^[1] - 237:8</p> <p>adherence ^[1] - 145:7</p> <p>adjacent ^[1] - 176:4</p> <p>Adjourned ^[1] - 271:10</p> <p>adjudicated ^[1] - 156:9</p>	<p>ADMINISTRATIVE ^[2] - 5:10, 265:15</p> <p>administratively ^[1] - 50:7</p> <p>admit ^[1] - 143:9</p> <p>admits ^[1] - 143:14</p> <p>admitted ^[1] - 213:14</p> <p>admittedly ^[2] - 10:17, 223:7</p> <p>advantageous ^[1] - 198:8</p> <p>advertised ^[1] - 118:11</p> <p>advice ^[1] - 75:15</p> <p>advised ^[3] - 10:13, 209:13, 210:1</p> <p>advisement ^[3] - 48:17, 146:17, 240:1</p> <p>affects ^[1] - 119:5</p> <p>affirmatively ^[1] - 236:17</p> <p>age ^[1] - 244:2</p> <p>agenda ^[1] - 6:6</p> <p>AGENDA ^[8] - 2:1, 2:10, 3:1, 3:2, 4:1, 4:2, 5:1, 5:2</p> <p>agent ^[1] - 105:1</p> <p>aggressively ^[1] - 145:11</p> <p>ago ^[7] - 30:13, 45:2, 63:1, 93:12, 98:11, 193:15, 232:6</p> <p>agree ^[34] - 28:18, 34:14, 34:15, 38:7, 38:8, 49:14, 49:16, 60:16, 60:17, 68:14, 68:15, 88:6, 88:7, 96:2, 110:10, 110:11, 128:2, 132:18, 133:2, 167:2, 167:6, 190:2, 190:3, 202:17, 202:18, 235:17, 237:5, 240:11, 240:12, 255:1, 261:1, 261:2, 270:10, 270:11</p> <p>agreed ^[13] - 96:1, 103:12, 103:13, 128:9, 128:10, 152:1, 152:2, 174:4, 174:5, 178:4, 178:5, 182:18, 183:1</p> <p>agreement ^[1] - 54:12</p> <p>ahead ^[15] - 8:3, 9:5, 27:2, 62:14, 64:12, 137:7, 139:9, 144:9, 161:11, 161:13, 168:18, 179:6, 184:10, 193:13,</p>	

<p>altercation [3] - 141:1, 145:16, 151:6</p> <p>AM [2] - 38:14, 38:17</p> <p>amass [1] - 11:8</p> <p>Ambass [1] - 209:5</p> <p>Ambass.Taxi [1] - 206:18</p> <p>Ambassador [11] - 206:3, 207:3, 207:12, 207:14, 207:17, 208:12, 209:7, 211:5, 211:15, 214:17, 217:4</p> <p>Ambulance [1] - 142:9</p> <p>amend [4] - 62:1, 63:5, 65:10, 78:8</p> <p>America [3] - 205:18, 206:11, 210:4</p> <p>AMERICAN [2] - 2:17, 38:14</p> <p>American [2] - 38:17, 185:10</p> <p>amount [11] - 43:10, 173:10, 176:15, 185:9, 208:8, 213:13, 215:8, 217:1, 219:2, 219:17, 221:1</p> <p>amounts [3] - 110:17, 208:7, 209:9</p> <p>amplification [3] - 100:11, 113:2, 262:10</p> <p>amusement [2] - 70:16, 90:10</p> <p>Amy [2] - 21:9, 21:11</p> <p>Anallia [1] - 246:10</p> <p>analysis [1] - 236:10</p> <p>AND [7] - 2:13, 2:15, 4:11, 35:3, 152:9, 261:8, 272:1</p> <p>AND/OR [1] - 273:15</p> <p>ANDREA [25] - 164:2, 164:6, 164:12, 164:15, 165:5, 166:5, 166:10, 166:13, 168:13, 168:16, 169:1, 169:11, 175:15, 178:18, 179:7, 180:7, 180:10, 180:13, 180:15, 186:6, 189:13, 195:3, 200:2, 201:15, 203:8</p> <p>Andrea [1] - 164:6</p> <p>ANDREW [14] - 153:1, 153:5, 153:11,</p>	<p>154:4, 155:1, 155:4, 155:15, 156:1, 156:11, 156:15, 157:5, 157:9, 157:18, 158:15</p> <p>Andrew [1] - 153:2</p> <p>anecdotally [1] - 55:9</p> <p>angle [1] - 20:2</p> <p>announce [1] - 8:16</p> <p>another's [1] - 236:18</p> <p>answer [4] - 82:16, 83:6, 92:6, 101:1</p> <p>anticipated [1] - 259:3</p> <p>ANTONIO [25] - 204:8, 205:11, 214:16, 215:1, 215:18, 216:3, 217:3, 217:9, 217:12, 218:14, 218:18, 219:3, 219:9, 219:14, 220:6, 220:13, 221:2, 221:5, 221:14, 221:17, 222:3, 222:8, 237:13, 238:12, 239:1</p> <p>Antonio [1] - 204:9</p> <p>anxious [1] - 141:15</p> <p>ANY [2] - 273:15, 273:15</p> <p>apologize [4] - 26:18, 100:17, 204:10, 242:9</p> <p>apologized [1] - 186:10</p> <p>appeal [4] - 131:12, 267:4, 267:5, 267:8</p> <p>appeared [1] - 51:16</p> <p>appearing [2] - 36:2, 136:12</p> <p>appease [3] - 173:1, 173:4, 173:7</p> <p>Appleton [2] - 180:17, 181:4</p> <p>applicant [1] - 153:3</p> <p>applicants [1] - 128:2</p> <p>application [67] - 6:16, 13:15, 21:13, 21:15, 21:16, 25:8, 30:3, 30:8, 33:4, 35:5, 37:9, 38:17, 50:16, 52:8, 52:12, 52:14, 53:1, 54:7, 54:10, 60:15, 61:17, 64:2, 69:5, 70:1, 70:14, 74:6, 76:2, 76:8, 78:8, 81:9, 88:5, 89:17, 90:8, 91:7, 91:8, 96:16,</p>	<p>97:5, 100:3, 100:5, 103:8, 103:9, 104:6, 108:8, 111:6, 112:6, 112:7, 112:16, 113:7, 115:1, 115:10, 125:18, 127:4, 127:6, 128:5, 129:11, 129:13, 129:15, 133:13, 134:18, 154:11, 179:11, 186:12, 195:5, 195:15, 258:17, 260:14</p> <p>APPLICATION [30] - 2:11, 2:12, 2:14, 2:16, 3:3, 3:5, 3:7, 3:9, 3:11, 3:13, 3:15, 3:17, 4:3, 4:4, 4:6, 6:13, 35:1, 38:13, 50:12, 61:14, 63:17, 69:1, 69:15, 89:13, 96:12, 97:1, 104:4, 111:2, 112:2, 241:9</p> <p>application's [1] - 74:18</p> <p>applications [2] - 68:6, 124:1</p> <p>applied [31] - 6:17, 35:8, 39:1, 62:1, 64:2, 69:6, 70:2, 83:8, 83:10, 89:18, 97:7, 104:7, 111:7, 121:6, 121:7, 124:10, 155:10, 155:12, 160:9, 169:7, 175:16, 186:8, 195:10, 195:11, 201:18, 261:12, 262:2, 262:9, 263:11, 264:1, 264:12</p> <p>applies [1] - 195:14</p> <p>APPLY [1] - 273:15</p> <p>apply [5] - 46:8, 65:9, 179:18, 195:4, 259:10</p> <p>appreciation [1] - 262:11</p> <p>approach [1] - 11:3</p> <p>approached [1] - 23:12</p> <p>appropriate [3] - 116:7, 121:15, 229:14</p> <p>approval [11] - 11:13, 44:12, 44:13, 44:15, 45:10, 108:10, 110:17, 265:1, 268:12, 269:15, 270:8</p> <p>approve [2] - 254:15,</p>	<p>258:16</p> <p>approved [8] - 169:7, 175:16, 185:13, 188:10, 202:1, 246:1, 247:4, 264:5</p> <p>approves [1] - 271:6</p> <p>april [1] - 273:13</p> <p>April [3] - 172:13, 185:7, 210:14</p> <p>ARCOS [25] - 204:8, 205:11, 214:16, 215:1, 215:18, 216:3, 217:3, 217:9, 217:12, 218:14, 218:18, 219:3, 219:9, 219:14, 220:6, 220:13, 221:2, 221:5, 221:14, 221:17, 222:3, 222:8, 237:13, 238:12, 239:1</p> <p>Arcos [11] - 204:9, 205:9, 206:5, 207:7, 208:11, 210:17, 214:14, 221:11, 223:2, 238:10, 241:1</p> <p>ARE [13] - 3:5, 3:7, 4:3, 61:15, 61:17, 62:12, 62:17, 63:18, 64:2, 64:14, 104:5, 104:6, 105:1</p> <p>ARE-MA [3] - 4:3, 104:5, 105:1</p> <p>ARE-Tech [2] - 61:17, 64:2</p> <p>ARE-TECH [4] - 3:5, 3:7, 61:15, 63:18</p> <p>area [16] - 55:3, 55:8, 70:13, 72:8, 73:10, 79:7, 97:13, 99:12, 111:13, 165:13, 198:5, 235:10, 247:17, 248:6, 251:15, 268:11</p> <p>areas [3] - 17:11, 66:9, 105:6</p> <p>arguably [1] - 236:3</p> <p>arises [1] - 85:17</p> <p>ARLINGTON [1] - 5:9</p> <p>Arlington [2] - 188:2, 191:3</p> <p>arrest [4] - 210:12, 210:13, 212:6, 212:12</p> <p>arrests [2] - 142:8, 142:13</p> <p>arrival [2] - 140:3, 206:10</p> <p>arrows [1] - 242:11</p>	<p>art [1] - 28:12</p> <p>article [1] - 16:15</p> <p>Arts [1] - 72:6</p> <p>aspect [2] - 17:4, 83:10</p> <p>ass [1] - 141:11</p> <p>assault [4] - 135:12, 138:13, 139:15, 140:3</p> <p>Asset [1] - 104:17</p> <p>assign [1] - 209:14</p> <p>assigned [2] - 139:16, 204:9</p> <p>assignment [2] - 257:2, 265:3</p> <p>Assistant [1] - 104:17</p> <p>assistant [2] - 59:12, 154:10</p> <p>assists [2] - 12:15, 14:7</p> <p>associated [1] - 28:13</p> <p>Associates [2] - 178:10, 179:8</p> <p>ASSOCIATES [2] - 5:3, 178:8</p> <p>Association [1] - 260:13</p> <p>assume [6] - 25:15, 49:5, 80:16, 128:13, 184:7, 185:13</p> <p>assuming [4] - 92:6, 92:13, 138:12, 143:10</p> <p>assumption [1] - 105:13</p> <p>assure [1] - 28:15</p> <p>AT [1] - 1:11</p> <p>atrium [3] - 63:9, 64:14, 65:5</p> <p>attached [4] - 26:4, 52:11, 163:3, 169:6</p> <p>attachment [4] - 52:14, 52:16, 53:10, 53:13</p> <p>attempt [1] - 219:10</p> <p>attempted [2] - 220:9, 226:4</p> <p>attend [1] - 165:17</p> <p>attended [1] - 32:1</p> <p>attention [5] - 140:16, 142:9, 171:14, 181:7, 194:5</p> <p>attitude [1] - 182:2</p> <p>ATTORNEY [145] - 7:12, 8:4, 9:6, 10:12, 11:5, 12:14, 13:5, 15:7, 15:10, 15:14, 16:8, 17:15, 18:1, 18:7, 18:13, 19:9, 19:13, 19:16, 20:1, 20:6, 20:11,</p>
---	---	--	---	---

<p>20:14, 20:17, 26:1, 27:3, 28:3, 28:7, 28:18, 29:5, 34:6, 34:16, 35:18, 37:7, 38:10, 51:13, 52:2, 52:6, 52:15, 53:3, 53:8, 53:15, 55:1, 56:3, 56:13, 56:16, 57:1, 57:5, 57:8, 57:13, 57:16, 59:2, 59:6, 59:11, 60:13, 61:1, 61:5, 61:11, 96:8, 101:8, 101:13, 136:10, 144:6, 144:10, 145:2, 149:11, 152:5, 153:1, 153:5, 153:11, 154:4, 155:1, 155:4, 155:15, 156:1, 156:11, 156:15, 157:5, 157:9, 157:18, 158:15, 159:12, 204:16, 216:11, 216:15, 217:5, 217:11, 217:13, 217:18, 218:3, 218:6, 218:10, 218:15, 219:1, 219:4, 219:12, 219:15, 220:5, 220:7, 220:14, 221:3, 221:6, 222:12, 224:16, 225:4, 225:16, 226:14, 227:5, 227:13, 227:18, 229:4, 229:11, 231:5, 233:2, 234:13, 235:11, 235:17, 236:6, 238:13, 239:8, 239:13, 239:16, 240:15, 241:2, 241:6, 242:7, 243:3, 243:12, 243:16, 244:18, 245:4, 245:9, 247:11, 247:16, 251:10, 255:9, 255:12, 257:1, 257:4, 257:12, 258:14, 259:4, 259:8, 259:12, 259:16, 261:5</p> <p>attorney [5] - 7:14, 51:16, 153:8, 155:5, 204:17</p> <p>attract [1] - 16:9</p> <p>attracts [1] - 11:11</p> <p>AUDIENCE [7] - 135:13, 135:16,</p>	<p>136:3, 136:5, 257:14, 258:7, 260:9</p> <p>audio [4] - 9:3, 70:15, 90:9, 113:2</p> <p>August [1] - 273:8</p> <p>authorization [1] - 207:5</p> <p>automatic [2] - 70:16, 90:10</p> <p>autos [1] - 104:10</p> <p>available [3] - 242:14, 243:18, 248:3</p> <p>Ave [20] - 6:18, 51:1, 51:2, 53:18, 54:1, 54:14, 70:5, 73:15, 90:1, 139:14, 140:2, 214:6, 215:3, 216:17, 217:10, 218:12, 224:2, 228:16, 248:15, 262:4</p> <p>Avenue [12] - 7:16, 8:6, 29:17, 36:2, 82:6, 184:15, 202:3, 204:18, 213:12, 215:10, 242:9, 242:16</p> <p>average [2] - 15:12, 105:14</p> <p>avoid [1] - 146:16</p> <p>aware [7] - 129:3, 166:9, 176:14, 177:2, 181:13, 198:11, 245:8</p>	<p>206:11, 210:4</p> <p>bank [7] - 206:1, 206:13, 206:15, 208:2, 208:4, 209:3, 211:11</p> <p>Bar [1] - 98:9</p> <p>BAR [1] - 2:13</p> <p>bar [8] - 119:14, 140:14, 140:15, 141:18, 142:2, 150:4, 250:16, 250:17</p> <p>barbecue [1] - 263:14</p> <p>barred [1] - 147:5</p> <p>bars [1] - 79:7</p> <p>base [1] - 256:6</p> <p>based [12] - 49:1, 49:5, 64:18, 65:5, 74:8, 83:1, 115:14, 151:17, 165:15, 211:10, 211:13, 236:4</p> <p>basement [5] - 51:7, 70:12, 112:9, 112:14, 266:16</p> <p>basement's [1] - 102:3</p> <p>bases [1] - 83:11</p> <p>bathroom [1] - 70:11</p> <p>bathrooms [1] - 30:18</p> <p>bay [1] - 102:4</p> <p>be... [1] - 265:8</p> <p>bear [1] - 236:10</p> <p>Beauty's [5] - 38:18, 39:14, 40:7, 40:14, 46:6</p> <p>BEAUTY'S [2] - 2:17, 38:15</p> <p>became [1] - 141:15</p> <p>become [1] - 17:16</p> <p>becomes [1] - 77:12</p> <p>becoming [1] - 73:3</p> <p>bedroom [1] - 27:18</p> <p>beehive [1] - 85:6</p> <p>beer [2] - 40:16, 253:13</p> <p>beginning [1] - 47:1</p> <p>behalf [4] - 36:2, 125:9, 136:12, 265:18</p> <p>behavior [1] - 146:6</p> <p>behind [10] - 14:16, 22:3, 136:4, 181:8, 184:15, 188:5, 222:17, 248:16, 249:1, 251:15</p> <p>belief [1] - 162:8</p> <p>below [7] - 37:2, 70:17, 90:11, 100:11, 103:11, 105:5, 113:4</p>	<p>benchmark [1] - 131:11</p> <p>Benedito [1] - 204:14</p> <p>benefit [1] - 73:8</p> <p>Berkeley [2] - 166:4, 184:16</p> <p>best [3] - 156:8, 173:12, 270:3</p> <p>bet [1] - 199:17</p> <p>better [5] - 82:12, 121:18, 188:8, 204:5, 243:12</p> <p>betting [2] - 196:1, 196:2</p> <p>between [7] - 65:5, 105:3, 127:14, 154:16, 156:17, 202:3</p> <p>beverage [1] - 128:13</p> <p>Beverages [4] - 70:3, 112:8, 113:8, 266:9</p> <p>beverages [3] - 74:9, 115:2, 116:6</p> <p>beyond [5] - 24:14, 176:14, 177:6, 193:18, 216:6</p> <p>big [4] - 93:6, 107:3, 107:7, 107:9</p> <p>bike [1] - 180:17</p> <p>bill [7] - 140:7, 140:9, 140:10, 140:11, 141:3, 141:8, 190:7</p> <p>bills [1] - 84:6</p> <p>Binney [10] - 69:8, 104:8, 105:2, 105:4, 105:9, 105:11, 107:10, 107:12, 109:11</p> <p>bit [4] - 37:4, 71:17, 188:12, 224:6</p> <p>bite [1] - 24:3</p> <p>bless [1] - 73:3</p> <p>blight [1] - 23:10</p> <p>blocking [1] - 23:9</p> <p>blood [1] - 154:16</p> <p>Blower [4] - 167:14, 183:8, 191:17, 200:13</p> <p>blower [32] - 160:11, 161:15, 162:4, 162:6, 162:11, 163:10, 169:4, 169:12, 170:1, 170:7, 170:10, 170:13, 171:12, 175:17, 175:18, 176:4, 176:12, 179:14, 179:16, 180:18, 181:7, 181:8, 182:14, 184:18, 186:14,</p>	<p>193:17, 194:4, 195:7, 197:6, 202:13, 266:3</p> <p>blowers [13] - 172:14, 179:10, 181:10, 188:10, 189:17, 190:16, 191:3, 193:18, 194:6, 197:4, 197:7, 198:7, 202:13</p> <p>blowing [3] - 162:2, 185:2, 189:18</p> <p>blown [1] - 24:11</p> <p>BOARD [1] - 1:4</p> <p>Board [17] - 12:15, 14:10, 24:12, 25:10, 58:3, 65:9, 79:10, 84:12, 153:2, 166:1, 242:10, 250:4, 264:6, 266:11, 266:14, 270:13, 271:3</p> <p>Board's [1] - 237:5</p> <p>Bob [1] - 265:18</p> <p>BOB [2] - 5:11, 265:16</p> <p>boil [2] - 17:5, 17:6</p> <p>booking [2] - 212:15, 213:9</p> <p>booths [1] - 44:3</p> <p>Boston [9] - 51:1, 72:8, 79:7, 210:13, 212:7, 213:15, 223:6, 231:13, 233:14</p> <p>bottom [1] - 80:10</p> <p>bought [5] - 18:18, 62:17, 73:6, 188:16, 189:1</p> <p>bound [2] - 26:12, 26:16</p> <p>bounds [1] - 148:8</p> <p>BOYER [26] - 164:2, 164:6, 164:12, 164:15, 165:5, 166:5, 166:10, 166:13, 168:13, 168:16, 169:1, 169:11, 175:15, 178:18, 179:7, 180:7, 180:10, 180:13, 180:15, 186:6, 189:13, 195:3, 200:2, 201:15, 203:8</p> <p>Boyer [12] - 164:6, 168:11, 168:18, 173:14, 175:13, 178:16, 186:5, 187:1, 187:11, 189:11, 195:2,</p>
---	---	---	--	--

<p>201:12 boyer [1] - 164:9 BR500 [1] - 169:8 BRANDON [11] - 29:15, 30:10, 32:18, 33:7, 82:5, 82:11, 84:10, 84:16, 85:2, 86:8, 87:2 Brandon [3] - 29:16, 82:6, 87:1 Brattle [10] - 202:4, 207:12, 207:14, 207:17, 208:12, 209:7, 211:5, 211:15, 214:17, 217:4 bread [3] - 10:3, 92:16, 93:7 break [2] - 173:4, 198:13 breakfast [8] - 41:7, 41:9, 41:12, 41:13, 46:4, 99:8, 258:6, 258:8 breaking [3] - 66:1, 162:13, 185:18 BREMER [6] - 245:17, 246:2, 246:7, 246:12, 246:17, 247:6 Bremer [1] - 246:7 Brewster [5] - 179:14, 179:16, 181:2, 181:4, 181:5 Brian [3] - 209:15, 210:1, 210:18 brief [1] - 216:12 bring [7] - 12:2, 43:2, 43:14, 49:10, 72:10, 195:15, 196:10 bringing [1] - 12:11 brings [2] - 114:6, 114:9 BRISTOL [1] - 273:3 Broadway [1] - 40:7 broiler [1] - 42:17 brokered [1] - 154:1 Brookline [1] - 198:1 Brothers [2] - 162:7, 162:14 brought [1] - 12:15 brunch [2] - 132:2, 132:6 build [1] - 101:18 Building [2] - 1:11, 6:8 building [18] - 8:13, 9:10, 19:1, 26:17, 27:3, 31:14, 51:4, 64:17, 65:4, 66:2, 67:5, 70:10, 105:12,</p>	<p>106:17, 107:2 building's [1] - 126:5 buildings [6] - 63:10, 64:15, 64:16, 65:4, 65:15, 107:17 built [5] - 18:18, 63:6, 63:10, 64:14, 109:6 bunch [1] - 251:9 Burke [2] - 6:11, 240:7 BURKE [58] - 1:7, 18:9, 19:7, 19:11, 21:4, 34:9, 34:13, 37:13, 38:8, 45:14, 45:18, 47:16, 48:2, 48:9, 49:15, 59:15, 60:9, 60:17, 66:18, 68:15, 81:7, 88:7, 94:15, 96:2, 102:16, 103:13, 110:11, 126:16, 128:10, 133:1, 135:18, 138:16, 151:12, 152:2, 158:12, 166:16, 167:5, 172:4, 174:5, 178:5, 183:1, 190:3, 202:18, 221:10, 221:15, 221:18, 222:5, 222:9, 237:18, 240:3, 240:10, 254:1, 254:14, 255:1, 260:5, 261:2, 267:18, 270:11 burning [3] - 85:7, 85:13, 86:10 business [49] - 8:9, 8:11, 10:6, 10:18, 17:2, 17:5, 19:2, 19:4, 26:12, 35:5, 36:14, 36:15, 37:4, 38:18, 41:11, 50:18, 51:2, 54:3, 54:18, 69:5, 70:1, 74:2, 83:4, 83:12, 83:15, 83:18, 89:17, 97:6, 111:7, 112:6, 113:6, 116:2, 116:9, 117:12, 120:15, 120:18, 121:14, 121:15, 122:1, 123:15, 127:10, 135:11, 139:15, 182:5, 213:6, 213:8, 259:7, 268:18 Business [1] - 260:13 buttons [1] - 136:4 buy [3] - 238:1, 238:4, 238:5 buyer [1] - 40:13 buyers [2] - 154:2,</p>	<p>154:5 by-law [1] - 210:15 BZA [6] - 25:13, 25:15, 30:11, 32:1, 44:13, 48:18</p> <hr/> <p>C</p> <hr/> <p>C&W [1] - 266:2 C-A-S-T-E-L-L-U-C- C-I-O [1] - 201:10 C-H-O-I [1] - 255:11 C-O-L-E-M-A-N [1] - 193:11 C-O-U-R-T-N-E-Y [1] - 113:15 cab [22] - 220:15, 227:16, 229:8, 229:17, 230:8, 230:13, 232:8, 232:9, 232:11, 232:16, 233:12, 234:10, 235:3, 235:9, 236:12, 236:16, 237:12, 238:14, 238:17, 239:5, 239:15 cafe [7] - 72:2, 74:13, 75:11, 83:15, 84:9, 86:7, 90:7 Cafe [2] - 89:18, 135:11 CAFE [4] - 3:14, 4:9, 89:15, 135:8 calendar [1] - 226:2 California [1] - 57:12 CALVIN [13] - 136:18, 137:4, 138:2, 138:6, 138:14, 139:2, 139:6, 139:10, 141:7, 143:6, 143:12, 143:15, 150:1 Calvin [1] - 139:6 CAMBRIDGE [6] - 1:1, 1:2, 2:15, 4:17, 35:2, 174:12 Cambridge [69] - 1:12, 8:8, 10:4, 11:9, 35:5, 35:8, 36:16, 40:11, 72:5, 72:8, 73:2, 73:18, 82:7, 86:1, 97:8, 111:8, 139:11, 139:14, 159:4, 159:18, 164:7, 167:13, 170:10, 174:14, 174:15, 178:11, 179:10, 181:14, 183:7, 187:15, 188:3,</p>	<p>188:10, 190:16, 191:4, 191:16, 194:7, 196:5, 197:7, 197:18, 200:12, 205:14, 205:17, 206:3, 206:7, 206:8, 206:18, 207:2, 207:4, 207:9, 208:18, 209:5, 211:7, 211:18, 212:3, 212:4, 212:13, 214:3, 223:8, 223:10, 223:15, 223:16, 224:3, 228:11, 234:10, 235:9, 242:9, 244:4, 245:8, 260:13 campus [1] - 47:10 cancel [3] - 156:9, 265:11, 266:5 canceled [3] - 36:10, 210:8, 266:5 CANCELLATION [1] - 4:10 cancellation [3] - 152:11, 158:10, 158:14 cannot [4] - 26:18, 27:4, 78:9, 124:18 capacities [1] - 125:14 capacity [11] - 7:1, 26:16, 39:2, 76:18, 77:5, 90:2, 97:8, 106:4, 111:9, 112:11, 244:12 capital [1] - 36:14 CAPTURING [1] - 1:16 Car [5] - 69:6, 69:10, 241:13, 241:16, 270:15 CAR [3] - 3:10, 69:3, 241:11 car [5] - 139:17, 211:3, 225:10, 229:10, 233:1 Card [5] - 206:3, 206:17, 207:3, 207:15, 209:5 card [48] - 159:7, 182:5, 182:8, 205:18, 206:12, 206:14, 207:1, 207:5, 207:11, 208:9, 209:17, 210:5, 211:1, 211:5, 211:17, 212:17, 213:1, 213:2, 213:4, 213:6, 213:8, 213:18, 214:4,</p>	<p>215:8, 215:13, 217:7, 219:7, 219:11, 220:3, 220:5, 220:8, 220:16, 220:17, 223:3, 223:12, 223:13, 225:2, 225:5, 225:9, 225:10, 227:9, 228:18, 230:6, 232:10, 232:18, 236:4, 238:7 card/debit [1] - 209:17 cards [7] - 40:2, 50:1, 109:18, 208:1, 223:2, 225:7, 238:11 care [2] - 108:16, 133:5 carry [1] - 22:10 cars [3] - 18:11, 19:6, 228:14 cart [1] - 109:6 case [9] - 144:9, 155:2, 177:12, 209:13, 209:14, 210:2, 216:4, 222:13, 232:7 cases [1] - 154:15 cash [4] - 206:10, 219:6, 225:11, 253:1 CASTELLUCCIO [6] - 201:1, 201:5, 201:9, 202:8, 202:12, 203:4 Castelluccio [1] - 201:10 castelluccio [1] - 202:7 casual [2] - 248:15, 248:18 category [3] - 32:11, 120:3, 120:14 catering [9] - 83:3, 83:11, 83:12, 83:15, 84:1, 84:3, 84:8, 84:11, 84:17 Catherine [2] - 273:4, 273:10 caught [1] - 33:12 caused [1] - 145:12 caution [1] - 27:7 CD [1] - 113:2 CDM [1] - 2:13 Cedar [3] - 112:9, 113:10, 266:8 celebrity [1] - 17:17 cellphone [2] - 162:3, 163:1</p>
---	--	--	--	---

<p>Central [6] - 10:3, 50:17, 53:18, 54:13, 55:7, 206:8</p> <p>CENTRAL [2] - 3:3, 50:13</p> <p>cents [1] - 218:17</p> <p>certain [5] - 120:13, 163:7, 195:18, 237:7, 242:11</p> <p>certainly [9] - 16:13, 53:6, 163:9, 196:6, 197:2, 223:15, 226:17, 235:14</p> <p>certificate [3] - 155:11, 155:12, 156:4</p> <p>CERTIFICATION [1] - 273:14</p> <p>certification [1] - 154:10</p> <p>Certified [2] - 273:4, 273:11</p> <p>certify [1] - 273:5</p> <p>CERTIFYING [1] - 273:16</p> <p>chain [1] - 26:9</p> <p>chair [1] - 6:9</p> <p>CHAIR [520] - 1:5, 7:9, 8:2, 8:15, 9:2, 11:4, 11:16, 12:1, 12:4, 13:4, 15:2, 19:14, 20:4, 20:10, 20:13, 20:16, 21:1, 21:5, 21:8, 21:18, 22:2, 24:7, 24:18, 25:3, 25:6, 25:12, 27:1, 29:10, 29:13, 30:6, 32:13, 33:5, 34:1, 34:4, 34:7, 34:11, 34:17, 35:11, 37:10, 37:14, 38:1, 38:4, 38:9, 39:9, 39:15, 40:1, 40:4, 40:15, 41:2, 41:10, 41:15, 42:1, 42:5, 44:11, 44:17, 45:3, 45:8, 48:6, 48:10, 48:13, 48:16, 49:12, 49:17, 50:5, 51:9, 52:1, 52:3, 52:7, 52:17, 53:4, 53:12, 54:16, 56:1, 56:9, 56:18, 57:3, 57:6, 57:11, 57:15, 58:1, 58:7, 58:12, 58:15, 59:1, 59:10, 59:13, 60:1, 60:4, 60:7, 60:10, 60:14, 60:18, 61:10, 62:6, 62:13, 63:12, 64:9, 64:12, 66:16, 68:1, 68:4, 68:9, 68:12, 68:16, 69:10,</p>	<p>69:12, 71:1, 71:4, 71:8, 71:11, 71:16, 72:17, 74:5, 74:11, 74:16, 75:2, 75:14, 76:6, 76:10, 76:12, 76:17, 77:3, 77:9, 77:13, 77:17, 78:5, 78:13, 78:18, 79:3, 79:8, 79:14, 79:18, 80:3, 80:11, 80:14, 81:4, 81:8, 81:13, 81:18, 82:3, 83:7, 84:14, 86:18, 87:4, 87:8, 87:12, 87:18, 88:4, 88:8, 88:12, 88:16, 89:2, 89:6, 89:9, 90:13, 90:18, 91:4, 91:12, 91:16, 91:18, 92:3, 92:12, 92:18, 94:12, 94:17, 95:2, 95:5, 95:9, 95:13, 96:3, 96:7, 97:14, 97:17, 98:5, 98:13, 99:7, 99:15, 100:1, 100:9, 100:15, 101:2, 101:6, 101:15, 102:14, 102:18, 103:3, 103:6, 103:14, 103:18, 104:12, 106:7, 108:2, 108:11, 109:1, 109:10, 109:13, 109:16, 110:1, 110:5, 110:8, 110:14, 111:14, 111:17, 113:11, 113:18, 114:2, 114:7, 114:11, 114:16, 115:7, 115:13, 116:4, 116:13, 116:17, 117:3, 117:13, 118:1, 118:5, 118:12, 118:16, 119:4, 120:1, 120:17, 121:5, 121:16, 122:4, 122:9, 122:16, 123:1, 123:7, 123:9, 123:14, 123:17, 124:6, 124:11, 124:14, 124:17, 125:4, 125:7, 126:14, 126:18, 127:18, 128:11, 128:18, 129:14, 129:18, 130:3, 130:8, 130:12, 130:15, 131:2, 131:7, 131:16, 131:18, 132:5,</p>	<p>132:8, 132:10, 132:15, 133:3, 133:8, 133:11, 133:17, 134:4, 134:9, 134:12, 135:3, 136:2, 136:7, 136:16, 137:2, 137:6, 137:14, 138:3, 138:8, 138:18, 139:3, 139:8, 141:5, 143:3, 143:8, 143:13, 144:5, 144:8, 144:12, 147:2, 147:18, 148:4, 149:5, 149:17, 150:2, 151:14, 151:17, 152:3, 152:6, 152:16, 153:4, 153:7, 153:12, 153:17, 154:13, 155:3, 155:14, 155:17, 156:6, 156:13, 157:3, 157:7, 157:13, 158:6, 158:13, 158:17, 159:8, 160:2, 160:5, 160:14, 161:3, 161:8, 163:2, 163:6, 163:14, 164:3, 164:9, 164:13, 165:3, 166:2, 166:8, 166:11, 166:14, 166:18, 167:3, 167:7, 167:15, 168:2, 168:10, 168:14, 168:17, 169:9, 169:15, 170:5, 170:9, 170:12, 171:4, 171:8, 171:11, 172:1, 172:5, 172:12, 173:3, 173:13, 174:2, 174:8, 174:17, 175:4, 175:12, 176:9, 176:16, 177:4, 177:9, 177:14, 178:1, 178:13, 178:15, 179:2, 179:5, 180:4, 180:8, 180:11, 180:14, 182:12, 183:9, 183:15, 184:5, 184:9, 186:4, 186:17, 189:6, 189:14, 190:4, 190:13, 191:7, 191:18, 192:5, 192:13, 192:16, 193:7, 193:12,</p>	<p>194:18, 195:12, 196:7, 197:10, 198:14, 199:4, 199:9, 199:15, 200:1, 200:14, 201:6, 201:12, 202:6, 202:10, 202:15, 203:3, 203:5, 203:10, 204:3, 205:6, 214:13, 214:18, 215:15, 216:1, 216:9, 216:14, 217:16, 218:1, 218:4, 218:8, 220:2, 221:8, 222:11, 224:13, 224:18, 225:14, 226:10, 227:3, 227:7, 227:15, 229:1, 229:6, 230:14, 232:12, 234:7, 237:15, 238:9, 238:16, 239:12, 239:14, 239:17, 240:6, 240:13, 240:18, 241:5, 241:7, 241:12, 241:15, 242:3, 243:1, 243:6, 243:10, 244:15, 245:2, 245:5, 245:12, 245:18, 246:3, 246:9, 246:14, 247:1, 247:7, 247:13, 248:11, 249:4, 249:8, 249:12, 249:16, 250:2, 250:8, 250:12, 250:15, 250:18, 251:4, 251:12, 252:11, 253:4, 253:8, 253:12, 253:16, 253:18, 254:3, 254:6, 254:9, 254:12, 254:16, 255:2, 255:6, 256:14, 257:3, 257:6, 257:16, 258:2, 258:5, 258:9, 259:6, 259:9, 260:2, 260:7, 260:11, 260:17, 261:3, 261:7, 261:17, 262:6, 262:16, 263:2, 263:6, 263:16, 264:7, 264:17, 265:5, 265:9, 265:12, 266:4, 266:17, 267:12, 267:17,</p>	<p>268:1, 269:4, 269:9, 270:4, 270:12, 271:2</p> <p>Chair [9] - 7:13, 8:5, 12:14, 36:1, 56:17, 136:11, 149:12, 153:2, 270:18</p> <p>Chairperson [1] - 214:11</p> <p>Chairperson's [2] - 234:17, 239:10</p> <p>chall [1] - 123:18</p> <p>challenging [2] - 36:7, 72:15</p> <p>chance [3] - 45:4, 147:15, 197:5</p> <p>change [10] - 24:10, 35:8, 37:3, 37:16, 38:6, 251:7, 251:10, 259:14, 272:5</p> <p>CHANGE [6] - 272:7, 272:8, 272:9, 272:10, 272:11, 272:12</p> <p>changed [8] - 65:6, 73:6, 76:18, 93:14, 141:18, 142:2, 213:15</p> <p>changes [7] - 31:18, 92:5, 93:1, 95:6, 95:8, 115:12, 272:15</p> <p>channel [1] - 18:6</p> <p>Chapter [2] - 26:3, 128:4</p> <p>charge [6] - 20:7, 213:10, 214:10, 215:4, 219:16, 230:11</p> <p>charged [2] - 215:8, 215:13</p> <p>charges [1] - 230:10</p> <p>check [8] - 108:18, 109:4, 186:12, 187:7, 189:12, 195:18, 199:12, 264:16</p> <p>Check [4] - 206:3, 206:17, 207:3, 209:4</p> <p>check's [1] - 187:7</p> <p>checkbooks [1] - 195:17</p> <p>checked [7] - 142:9, 142:12, 187:7, 207:13, 215:2, 229:9, 263:5</p> <p>checking [2] - 185:4, 232:16</p> <p>chef [1] - 79:6</p> <p>chief [1] - 164:7</p>
---	---	---	---	--

<p>Chief ^[1] - 6:10</p> <p>CHIEF ^[108] - 1:6, 15:5, 15:12, 16:5, 21:3, 34:10, 34:15, 37:12, 38:7, 42:7, 42:14, 42:18, 43:3, 43:9, 43:16, 44:7, 44:10, 45:13, 46:16, 47:3, 47:7, 48:8, 49:14, 59:17, 60:16, 65:13, 65:17, 66:12, 67:2, 67:7, 67:11, 67:18, 68:3, 68:14, 74:1, 80:16, 81:1, 81:6, 88:3, 88:6, 93:10, 93:13, 94:4, 94:10, 94:14, 96:1, 101:17, 102:7, 103:12, 105:16, 106:3, 106:10, 106:13, 107:3, 107:7, 107:14, 107:18, 108:15, 109:5, 110:10, 126:4, 128:9, 132:18, 150:3, 150:9, 150:16, 151:4, 151:11, 151:16, 152:1, 156:7, 156:12, 158:11, 166:15, 167:2, 172:3, 174:4, 178:4, 179:4, 182:18, 189:7, 190:2, 202:17, 234:9, 235:7, 235:13, 236:1, 237:17, 238:17, 240:5, 240:12, 251:14, 252:1, 252:6, 252:10, 253:17, 254:11, 258:11, 259:1, 259:13, 259:18, 260:4, 261:1, 267:15, 269:1, 269:5, 270:1, 270:10</p> <p>china ^[1] - 32:6</p> <p>Chinese ^[1] - 40:9</p> <p>Chini ^[1] - 87:13</p> <p>Chiny ^[1] - 87:13</p> <p>Choi ^[2] - 111:11, 257:8</p> <p>CHOI ^[4] - 255:10, 257:10, 258:1, 258:4</p> <p>CHOI'S ^[2] - 4:5, 111:3</p> <p>Choi's ^[1] - 111:6</p> <p>CHRIS ^[58] - 1:7, 18:9, 19:7, 19:11, 21:4,</p>	<p>34:9, 34:13, 37:13, 38:8, 45:14, 45:18, 47:16, 48:2, 48:9, 49:15, 59:15, 60:9, 60:17, 66:18, 68:15, 81:7, 88:7, 94:15, 96:2, 102:16, 103:13, 110:11, 126:16, 128:10, 133:1, 135:18, 138:16, 151:12, 152:2, 158:12, 166:16, 167:5, 172:4, 174:5, 178:5, 183:1, 190:3, 202:18, 221:10, 221:15, 221:18, 222:5, 222:9, 237:18, 240:3, 240:10, 254:1, 254:14, 255:1, 260:5, 261:2, 267:18, 270:11</p> <p>CHRISTOPHER ^[16] - 98:2, 98:3, 98:8, 98:15, 99:9, 99:18, 100:7, 100:13, 100:17, 101:5, 101:10, 101:14, 102:1, 102:9, 103:16, 104:2</p> <p>Christopher ^[4] - 6:11, 76:1, 97:10, 98:3</p> <p>CHRISTOPHER' ^[1] - 3:18</p> <p>CHRISTOPHER'S ^[1] - 97:3</p> <p>Christopher's ^[2] - 97:6, 98:6</p> <p>Chronicle ^[3] - 17:14, 17:16, 18:5</p> <p>circumstance ^[3] - 235:1, 236:11, 237:8</p> <p>circumstances ^[2] - 233:12, 234:3</p> <p>circumstantial ^[3] - 163:11, 232:4, 232:7</p> <p>cities ^[1] - 191:1</p> <p>citizen ^[3] - 58:13, 80:1, 250:13</p> <p>City ^[11] - 31:5, 65:7, 86:1, 162:10, 164:7, 176:12, 179:10, 181:12, 182:4, 194:6, 212:8</p> <p>CITY ^[1] - 1:2</p> <p>city ^[6] - 55:13, 123:16, 185:4, 185:6, 185:15,</p>	<p>248:4</p> <p>claiming ^[1] - 230:18</p> <p>Claire ^[1] - 87:13</p> <p>clams ^[1] - 13:11</p> <p>Class ^[8] - 62:2, 62:3, 64:4, 64:5, 64:6, 104:11</p> <p>classes ^[4] - 93:8, 115:17, 120:5</p> <p>clean ^[1] - 102:2</p> <p>cleaning ^[2] - 81:2, 81:3</p> <p>clear ^[6] - 12:12, 128:3, 190:14, 223:3, 268:10, 269:6</p> <p>clearance ^[1] - 155:10</p> <p>clearances ^[1] - 154:12</p> <p>cleared ^[5] - 142:10, 187:8, 189:12, 199:13, 235:16</p> <p>clearer ^[1] - 143:17</p> <p>clearly ^[1] - 194:16</p> <p>clerk ^[1] - 82:7</p> <p>client ^[4] - 52:5, 230:16, 235:13, 248:5</p> <p>clientele ^[3] - 11:11, 16:9, 54:5</p> <p>clients ^[6] - 83:16, 83:17, 84:3, 173:4, 231:3, 231:6</p> <p>Clinton ^[4] - 136:17, 139:12, 139:16, 144:17</p> <p>close ^[7] - 8:6, 14:12, 14:17, 46:7, 46:11, 73:15, 141:10</p> <p>closed ^[4] - 118:7, 118:10, 118:13, 141:16</p> <p>closes ^[1] - 10:7</p> <p>closest ^[1] - 18:15</p> <p>closing ^[3] - 35:9, 36:18, 37:3</p> <p>Club ^[2] - 140:2, 266:9</p> <p>club ^[17] - 72:3, 74:13, 75:11, 84:9, 86:7, 119:17, 140:7, 142:6, 142:18, 145:5, 145:7, 146:1, 147:1, 147:17, 266:15, 268:4, 271:4</p> <p>clubs ^[1] - 78:4</p> <p>CMT ^[1] - 211:4</p> <p>CO ^[2] - 4:15, 167:10</p> <p>co ^[1] - 181:8</p> <p>co-worker ^[1] - 181:8</p>	<p>coast ^[3] - 57:10, 57:14</p> <p>COCOSO ^[1] - 4:15</p> <p>Code ^[7] - 160:1, 167:13, 174:15, 178:12, 183:8, 191:16, 200:12</p> <p>code ^[3] - 65:6, 66:8</p> <p>coffee ^[3] - 41:6, 41:17, 98:12</p> <p>coffees ^[1] - 99:10</p> <p>CoffeeShop ^[1] - 112:6</p> <p>COFFEESHOP ^[2] - 5:12, 112:3</p> <p>coffeeShop ^[1] - 113:6</p> <p>COFFESHOP ^[1] - 4:7</p> <p>cold ^[1] - 16:13</p> <p>COLEMAN ^[4] - 192:15, 193:6, 193:10, 193:14</p> <p>Coleman ^[2] - 193:10, 193:13</p> <p>COLLABORATIVE ^[2] - 5:6, 191:12</p> <p>Collaborative ^[3] - 191:14, 194:13, 194:16</p> <p>collected ^[1] - 142:16</p> <p>collecting ^[1] - 31:5</p> <p>College ^[1] - 21:12</p> <p>comedy ^[1] - 119:17</p> <p>coming ^[6] - 55:9, 56:5, 102:5, 162:3, 184:14, 228:15</p> <p>command ^[1] - 65:14</p> <p>commercial ^[1] - 18:17</p> <p>commissary ^[1] - 99:13</p> <p>COMMISSION ^[3] - 1:1, 1:3, 1:4</p> <p>Commission ^[28] - 6:6, 14:8, 14:10, 30:3, 36:17, 51:17, 54:6, 54:8, 54:15, 55:15, 108:9, 128:2, 136:11, 157:11, 158:1, 162:18, 164:8, 166:1, 180:16, 204:10, 214:10, 232:14, 266:1, 271:10, 272:3, 272:5, 272:14, 273:13</p> <p>COMMISSIONER ^[58] - 1:7, 18:9, 19:7, 19:11, 21:4, 34:9, 34:13, 37:13, 38:8, 45:14, 45:18, 47:16,</p>	<p>48:2, 48:9, 49:15, 59:15, 60:9, 60:17, 66:18, 68:15, 81:7, 88:7, 94:15, 96:2, 102:16, 103:13, 110:11, 126:16, 128:10, 133:1, 135:18, 138:16, 151:12, 152:2, 158:12, 166:16, 167:5, 172:4, 174:5, 178:5, 183:1, 190:3, 202:18, 221:10, 221:15, 221:18, 222:5, 222:9, 237:18, 240:3, 240:10, 254:1, 254:14, 255:1, 260:5, 261:2, 267:18, 270:11</p> <p>Commissioner ^[7] - 6:11, 18:16, 221:14, 232:8, 240:7, 251:11, 255:13</p> <p>Commissioner's ^[1] - 234:17</p> <p>Commissioners ^[2] - 6:9, 120:11</p> <p>commissioners ^[1] - 132:17</p> <p>commit ^[1] - 236:17</p> <p>Committee ^[1] - 82:8</p> <p>committing ^[1] - 232:3</p> <p>Common ^[14] - 6:17, 10:15, 11:14, 22:10, 24:4, 24:18, 39:1, 50:16, 70:2, 90:1, 97:7, 111:8, 113:8, 152:12</p> <p>COMMONWEALTH ^[1] - 273:2</p> <p>Commonwealth ^[3] - 58:4, 79:10, 250:4</p> <p>communal ^[1] - 72:13</p> <p>communications ^[1] - 143:1</p> <p>community ^[4] - 73:4, 122:7, 122:11, 147:8</p> <p>Community ^[2] - 1:11, 6:8</p> <p>companies ^[3] - 200:2, 200:5, 214:7</p> <p>Company ^[1] - 167:12</p> <p>company ^[10] - 84:8, 160:7, 197:4, 198:10, 198:11, 208:17, 210:5, 210:6, 211:4, 220:15</p>
---	--	---	--	---

<p>comparatively ^[1] - 248:9</p> <p>compensation ^[1] - 75:4</p> <p>compete ^[1] - 248:9</p> <p>complain ^[1] - 202:2</p> <p>complainant ^[4] - 160:12, 166:7, 184:6, 192:14</p> <p>complaining ^[1] - 173:16</p> <p>complaint ^[20] - 12:6, 160:10, 165:15, 168:11, 169:2, 169:10, 169:11, 173:17, 175:14, 176:3, 176:6, 179:13, 180:2, 195:6, 201:14, 205:13, 205:15, 206:1, 206:6, 207:10</p> <p>complaints ^[2] - 165:10, 173:11</p> <p>completed ^[3] - 53:13, 106:17, 108:8</p> <p>completely ^[1] - 74:18</p> <p>completing ^[1] - 94:7</p> <p>completion ^[2] - 106:18, 125:12</p> <p>Compliments ^[1] - 2:8</p> <p>COMPLIMENTS ^[1] - 263:17</p> <p>compliments ^[1] - 264:1</p> <p>computer ^[4] - 209:8, 210:2, 215:2, 215:4</p> <p>computerized ^[1] - 113:3</p> <p>concept ^[1] - 122:18</p> <p>concern ^[10] - 13:10, 22:9, 23:11, 25:17, 27:7, 27:10, 30:10, 31:4, 31:15, 144:13</p> <p>concerned ^[1] - 239:10</p> <p>concerning ^[1] - 230:5</p> <p>concerns ^[3] - 30:15, 49:7, 82:16</p> <p>concert ^[1] - 261:15</p> <p>conclusions ^[2] - 215:16, 216:2</p> <p>Concord ^[2] - 184:14, 184:17</p> <p>condition ^[4] - 14:6, 44:2, 127:7, 127:14</p> <p>conditions ^[6] - 12:18, 14:9, 16:11, 26:3, 26:7, 26:9</p>	<p>condo ^[1] - 99:10</p> <p>conduct ^[2] - 146:4, 146:14</p> <p>conducted ^[1] - 209:8</p> <p>confirm ^[1] - 49:1</p> <p>confirmed ^[3] - 207:13, 208:18, 211:15</p> <p>confront ^[2] - 141:13, 258:15</p> <p>confronted ^[1] - 141:1</p> <p>confused ^[1] - 10:1</p> <p>connected ^[3] - 63:8, 63:14, 64:14</p> <p>connection ^[1] - 43:7</p> <p>Connor ^[2] - 214:9, 239:2</p> <p>conservative ^[1] - 157:12</p> <p>consider ^[2] - 124:4, 158:4</p> <p>consideration ^[1] - 242:15</p> <p>considered ^[3] - 75:5, 76:4, 76:14</p> <p>considering ^[2] - 147:5, 173:13</p> <p>construction ^[5] - 31:12, 93:4, 107:1, 181:5, 188:2</p> <p>consultants ^[1] - 62:12</p> <p>consummate ^[1] - 156:17</p> <p>contact ^[2] - 145:9, 151:10</p> <p>contacted ^[4] - 28:4, 182:9, 208:12, 211:14</p> <p>contain ^[1] - 242:17</p> <p>contained ^[2] - 13:13, 17:12</p> <p>containers ^[1] - 17:7</p> <p>contest ^[3] - 196:12, 198:12, 231:13</p> <p>contesting ^[4] - 197:11, 224:14, 224:17, 225:1</p> <p>contingent ^[1] - 110:16</p> <p>continue ^[16] - 11:14, 26:6, 84:1, 85:16, 128:16, 129:12, 130:7, 131:13, 132:11, 132:14, 133:4, 135:2, 182:3, 243:14, 243:15, 256:10</p> <p>Continued ^[3] - 2:18, 3:18, 4:18</p> <p>continued ^[3] - 35:13,</p>	<p>203:11, 203:12</p> <p>continuing ^[1] - 132:16</p> <p>contractor ^[4] - 27:9, 28:5, 28:10, 145:6</p> <p>contributing ^[1] - 36:15</p> <p>CONTROL ^[1] - 273:15</p> <p>control ^[6] - 66:8, 86:14, 221:12, 222:1, 222:6, 238:1</p> <p>controversial ^[1] - 213:4</p> <p>conversation ^[6] - 13:9, 70:18, 74:7, 90:12, 100:13, 113:4</p> <p>conversational ^[4] - 100:11, 100:12, 103:10, 103:11</p> <p>cook ^[1] - 255:18</p> <p>cooking ^[12] - 13:8, 13:13, 14:2, 73:13, 86:10, 93:8, 99:11, 99:14, 115:17, 120:5, 121:17, 123:3</p> <p>cooler ^[1] - 44:3</p> <p>copies ^[1] - 154:7</p> <p>copy ^[8] - 12:16, 14:8, 138:10, 138:17, 139:11, 206:1, 209:2, 257:1</p> <p>Cordials/Liqueurs ^[1] - 70:4</p> <p>corn ^[1] - 107:1</p> <p>corner ^[2] - 69:7, 181:4</p> <p>corners ^[1] - 28:14</p> <p>CORP ^[2] - 4:17, 174:12</p> <p>Corp ^[1] - 174:14</p> <p>corporate ^[1] - 244:8</p> <p>corporation ^[1] - 40:12</p> <p>Correct ^[1] - 170:11</p> <p>correct ^[30] - 56:11, 66:1, 67:6, 78:16, 78:17, 103:17, 106:15, 106:16, 115:4, 115:11, 115:14, 115:17, 124:13, 130:10, 130:11, 131:17, 153:11, 154:4, 163:4, 170:8, 172:17, 180:5, 205:7, 218:14, 245:1, 249:14, 259:7, 267:11,</p>	<p>269:3</p> <p>correction ^[2] - 60:11, 272:6</p> <p>corrections ^[2] - 254:17, 272:14</p> <p>correctly ^[3] - 147:3, 227:4, 253:5</p> <p>correspondence ^[1] - 165:2</p> <p>COSCO ^[15] - 167:10, 167:18, 168:9, 169:16, 170:8, 170:11, 170:15, 171:6, 171:10, 171:13, 172:2, 172:8, 172:17, 173:6, 174:1</p> <p>cosco ^[2] - 167:12, 169:15</p> <p>Cosco ^[3] - 167:18, 168:1, 169:3</p> <p>cost ^[2] - 28:13, 248:5</p> <p>Council ^[1] - 182:5</p> <p>Councillor ^[5] - 21:13, 37:15, 103:8, 180:1, 181:12</p> <p>counsel ^[3] - 100:18, 101:3, 101:9</p> <p>Counselor ^[9] - 8:3, 8:16, 9:5, 138:4, 156:8, 221:9, 230:15, 247:15, 251:5</p> <p>counselor ^[3] - 144:5, 216:10, 222:11</p> <p>count ^[1] - 157:17</p> <p>counter ^[3] - 249:1, 251:15</p> <p>country ^[1] - 57:18</p> <p>couple ^[4] - 57:9, 91:5, 102:4, 232:5</p> <p>course ^[7] - 16:7, 44:9, 55:11, 107:11, 125:2, 194:2, 224:4</p> <p>court ^[1] - 216:5</p> <p>Court ^[2] - 210:13, 212:7</p> <p>Courtney ^[2] - 112:12, 113:14</p> <p>COURTNEY ^[52] - 113:14, 114:13, 115:5, 115:11, 116:3, 116:11, 116:16, 117:1, 117:11, 117:14, 118:2, 118:10, 118:15, 118:18, 119:9, 120:12, 121:2, 121:9, 122:3, 122:7, 122:10, 122:17, 123:5,</p>	<p>123:8, 123:13, 123:15, 124:3, 124:9, 124:13, 124:16, 125:2, 125:6, 127:17, 128:15, 129:3, 129:9, 129:17, 130:2, 130:5, 130:10, 130:14, 130:18, 131:5, 131:9, 131:17, 132:4, 132:7, 132:9, 133:7, 133:9, 133:15, 270:18</p> <p>cover ^[1] - 83:11</p> <p>covered ^[2] - 76:15, 173:14</p> <p>Craig ^[1] - 125:9</p> <p>Craigie ^[5] - 166:4, 166:6, 193:17, 195:7, 197:12</p> <p>Cream ^[2] - 97:6, 98:7</p> <p>CREAM ^[2] - 3:18, 97:3</p> <p>cream ^[5] - 98:12, 102:8, 102:11, 102:12, 102:13</p> <p>create ^[2] - 72:9, 237:7</p> <p>creates ^[1] - 237:10</p> <p>creating ^[1] - 73:10</p> <p>Creative ^[1] - 211:4</p> <p>Credit ^[1] - 207:14</p> <p>credit ^[10] - 159:7, 209:17, 211:17, 212:17, 219:7, 219:10, 220:3, 220:16, 230:6, 232:18</p> <p>credit/debit ^[4] - 208:1, 208:6, 211:1, 211:5</p> <p>crews ^[3] - 187:15, 188:2, 191:1</p> <p>criminal ^[1] - 237:11</p> <p>Crowley ^[2] - 209:12, 209:14</p> <p>cubic ^[2] - 62:4, 64:7</p> <p>culinary ^[1] - 79:1</p> <p>Culinary ^[1] - 72:5</p> <p>current ^[6] - 37:5, 41:11, 65:11, 116:6, 256:8</p> <p>customer ^[6] - 17:6, 19:8, 146:12, 172:18, 231:10, 256:6</p> <p>customer's ^[1] - 249:3</p> <p>customers ^[9] - 11:2, 11:3, 56:5, 173:7,</p>
---	--	--	--	--

<p>213:17, 231:8, 244:1, 248:2, 256:8 cut [2] - 28:14, 46:5 CV [15] - 11:7, 89:7, 91:7, 116:10, 116:14, 121:13, 123:2, 123:3, 123:11, 125:5, 127:6, 127:10, 128:5, 134:17 CV's [1] - 259:10</p>	<p>235:17, 236:6, 238:13, 239:8, 239:13, 239:16, 240:15, 241:2, 241:6 Davis [1] - 73:16 days [28] - 16:3, 39:5, 46:1, 70:6, 90:3, 97:10, 99:16, 111:10, 112:11, 123:2, 127:10, 130:13, 130:16, 131:11, 135:4, 156:16, 157:8, 157:10, 158:4, 177:6, 193:15, 213:5, 226:1, 226:2, 228:3, 228:6, 229:9, 235:4 dead [1] - 216:6 deadlines [1] - 156:18 deal [3] - 22:15, 73:9, 157:2 debit [10] - 205:18, 206:2, 206:12, 206:14, 206:16, 207:10, 208:8, 210:5, 212:18, 220:17 debt [2] - 155:6, 156:10 December [4] - 40:8, 106:18, 157:17, 201:17 decent [1] - 98:17 decibels [1] - 185:12 decide [1] - 78:6 decided [1] - 144:3 deciding [1] - 234:5 decision [6] - 12:16, 13:1, 14:6, 25:13, 45:7, 268:18 declined [9] - 211:17, 214:5, 216:17, 217:7, 218:2, 218:18, 219:14, 220:6, 220:9 dedicated [1] - 77:8 Deeds [1] - 26:8 defend [1] - 148:14 defense [1] - 145:18 defer [3] - 48:18, 49:13, 49:18 deferred [1] - 113:5 deferring [1] - 198:15 definitely [2] - 27:14, 205:7 definitively [2] - 225:17, 227:1 delay [1] - 131:8 delayed [1] - 251:9</p>	<p>Deli [2] - 97:6, 98:6 DELI [2] - 3:18, 97:3 deli [1] - 98:11 deliver [5] - 94:9, 108:18, 109:3, 110:18, 182:8 delivered [2] - 249:3, 272:3 delivery [1] - 39:8 demand [1] - 55:9 demande [1] - 196:13 demands [1] - 243:18 denied [3] - 207:10, 209:6, 212:18 department [1] - 154:9 Department [3] - 33:2, 156:3, 272:3 depot [2] - 191:2, 191:4 deputized [1] - 162:16 deputy [1] - 125:13 describe [1] - 117:9 described [11] - 7:6, 13:6, 16:15, 39:6, 51:4, 70:9, 90:5, 97:11, 111:12, 112:14, 145:17 description [3] - 27:5, 120:9, 244:9 design [2] - 64:18, 93:5 designation [1] - 116:8 designed [1] - 67:8 designs [1] - 65:7 dessert [1] - 98:12 destination [1] - 214:6 details [1] - 82:15 DETECTIVE [13] - 136:18, 137:4, 138:2, 138:6, 138:14, 139:2, 139:6, 139:10, 141:7, 143:6, 143:12, 143:15, 150:1 detective [9] - 143:3, 146:7, 211:1, 216:12, 230:10, 231:1, 232:9, 239:2, 239:6 Detective [11] - 137:4, 137:7, 138:4, 139:4, 139:9, 209:11, 209:14, 209:15, 210:1, 210:18, 214:9 detectors [2] - 125:11</p>	<p>determine [5] - 75:3, 196:18, 221:11, 222:1, 222:6 developed [1] - 10:18 Devereux [2] - 180:1, 182:11 device [2] - 70:17, 90:11 devices [1] - 214:8 diagonally [1] - 98:9 DIETRICH [10] - 113:16, 114:1, 114:4, 114:8, 129:7, 129:16, 130:11, 131:1, 132:13, 133:16 Dietrich [1] - 113:16 difference [2] - 120:18, 237:3 different [17] - 20:8, 32:11, 118:3, 118:4, 120:14, 120:15, 122:13, 165:15, 166:6, 166:7, 198:6, 233:8, 233:18, 236:15, 237:3 difficult [1] - 86:12 digit [1] - 211:12 digital [3] - 70:17, 90:11, 113:3 diligence [1] - 196:6 diligent [1] - 236:12 dine [1] - 39:8 dine-in [1] - 39:8 DINER [2] - 3:3, 50:13 Diner [2] - 50:17, 54:13 dining [6] - 16:11, 51:5, 69:10, 72:3, 111:13, 244:11 Dining [4] - 69:6, 241:13, 241:16, 270:15 DINING [3] - 3:10, 69:3, 241:11 dinner [1] - 41:14 direct [1] - 52:9 DIRECT [1] - 273:15 direction [1] - 54:7 DIRECTION [1] - 273:16 directly [2] - 23:1, 243:13 DIRECTOR [65] - 1:8, 6:4, 6:15, 8:18, 35:4, 38:16, 50:15, 61:3, 61:8, 61:16, 64:1, 69:4, 69:18, 89:16, 96:15, 97:4, 97:15, 111:5, 112:5, 135:1, 135:9,</p>	<p>137:11, 137:16, 152:10, 153:15, 159:3, 159:16, 160:16, 163:16, 164:18, 167:11, 168:5, 174:6, 174:13, 175:7, 178:9, 183:5, 183:16, 190:10, 191:13, 192:8, 192:18, 200:10, 200:17, 201:2, 203:1, 203:16, 241:18, 245:16, 255:4, 261:11, 262:1, 262:8, 262:18, 263:4, 263:9, 263:18, 264:11, 265:2, 265:7, 265:10, 265:17, 266:7, 267:10, 270:17 Director [2] - 63:4, 154:7 dirt [2] - 185:2, 189:18 disappointment [1] - 27:11 disclose [1] - 76:7 discuss [1] - 87:3 discussing [1] - 218:7 discussions [1] - 121:10 dispatched [1] - 140:1 displaying [1] - 141:11 disposable [1] - 32:5 disputing [2] - 166:3, 166:5 disruptive [3] - 161:17, 184:14, 236:17 distance [2] - 215:2, 216:18 distinction [1] - 36:8 District [2] - 210:13, 212:7 distrustful [1] - 22:11 diverse [1] - 11:11 DOES [1] - 273:15 dog [2] - 193:16, 194:10 dogs [1] - 10:2 dollar [11] - 140:7, 140:8, 140:10, 140:11, 141:2, 141:8, 148:8, 217:1, 217:14, 218:16, 219:2 DOMINIC [14] - 167:18, 168:9,</p>
--	---	---	--	--

<p>169:16, 170:8, 170:11, 170:15, 171:6, 171:10, 171:13, 172:2, 172:8, 172:17, 173:6, 174:1</p> <p>Dominic [1] - 167:18</p> <p>done [14] - 55:17, 66:14, 66:15, 142:12, 144:16, 157:2, 157:4, 173:12, 190:8, 202:11, 211:7, 213:2, 258:12, 258:18</p> <p>Donovan [1] - 125:13</p> <p>door [8] - 9:10, 22:7, 24:4, 40:10, 80:9, 149:2, 149:10, 150:13</p> <p>doors [1] - 207:16</p> <p>DOR [2] - 155:11, 155:18</p> <p>DOROTHY [10] - 192:3, 192:12, 195:14, 196:9, 197:13, 199:2, 199:7, 199:14, 199:18, 200:4</p> <p>Dorothy [1] - 192:3</p> <p>dos [1] - 190:8</p> <p>Dosa [4] - 248:12, 248:14, 249:6, 249:17</p> <p>double [1] - 106:6</p> <p>doubt [1] - 216:7</p> <p>doughnuts [1] - 41:18</p> <p>down [18] - 23:4, 23:5, 28:1, 32:7, 53:7, 72:6, 73:13, 76:13, 83:13, 101:11, 102:3, 102:6, 106:14, 126:11, 161:18, 184:16, 204:4, 258:15</p> <p>DOYLE'S [2] - 4:11, 152:9</p> <p>Doyle's [1] - 152:11</p> <p>draw [1] - 215:15</p> <p>dream [1] - 86:5</p> <p>drink [3] - 141:14, 145:14, 148:13</p> <p>drinks [1] - 151:8</p> <p>driver [12] - 205:17, 206:10, 207:5, 207:8, 212:2, 212:4, 212:9, 223:8, 223:13, 236:13, 237:12, 239:4</p> <p>driveway [1] - 194:15</p>	<p>driving [1] - 155:7</p> <p>DUA [2] - 155:12</p> <p>due [11] - 32:14, 135:11, 159:5, 159:18, 167:12, 174:14, 178:11, 183:7, 191:15, 196:6, 200:11</p> <p>during [13] - 72:2, 72:11, 72:16, 74:14, 75:12, 78:2, 78:3, 185:3, 190:17, 212:5, 213:9, 226:12, 238:2</p> <p>dynamite [1] - 102:12</p>	<p>30:8, 166:6</p> <p>electricity [1] - 94:2</p> <p>eleven [16] - 7:2, 7:3, 10:6, 46:11, 70:6, 97:9, 99:16, 111:10, 208:10, 257:8, 257:9, 257:10, 258:3, 262:12</p> <p>eliminated [1] - 197:3</p> <p>Elina [2] - 70:8, 71:6</p> <p>ELINA [47] - 71:3, 71:6, 71:7, 71:9, 71:12, 72:1, 73:2, 74:3, 74:10, 74:12, 75:1, 75:6, 76:5, 76:9, 76:11, 76:16, 77:2, 77:4, 77:10, 77:16, 78:1, 78:11, 78:17, 79:2, 79:5, 79:13, 79:17, 80:2, 80:7, 80:13, 80:18, 81:3, 81:12, 81:16, 82:2, 82:9, 83:5, 83:8, 85:1, 85:5, 86:17, 87:11, 88:10, 88:14, 88:17, 89:4, 89:8</p> <p>Eliot [2] - 135:10, 136:13</p> <p>ELIOT [2] - 4:9, 135:7</p> <p>ELIZABETH [66] - 1:8, 6:4, 6:15, 8:18, 35:4, 38:16, 50:15, 61:3, 61:8, 61:16, 64:1, 69:4, 69:18, 89:16, 96:15, 97:4, 97:15, 104:6, 111:5, 112:5, 135:1, 135:9, 137:11, 137:16, 152:10, 153:15, 159:3, 159:16, 160:16, 163:16, 164:18, 167:11, 168:5, 174:6, 174:13, 175:7, 178:9, 183:5, 183:16, 190:10, 191:13, 192:8, 192:18, 200:10, 200:17, 201:2, 203:1, 203:16, 241:18, 245:16, 255:4, 261:11, 262:1, 262:8, 262:18, 263:4, 263:9, 263:18, 264:11, 265:2, 265:7, 265:10, 265:17, 266:7, 267:10, 270:17</p> <p>elsewhere [1] - 83:4</p> <p>emergency [2] -</p>	<p>101:12, 142:18</p> <p>employee [13] - 143:9, 144:14, 145:5, 147:4, 169:17, 170:17, 171:16, 176:13, 176:17, 177:5, 198:10, 255:16, 256:8</p> <p>employees [9] - 59:4, 59:7, 163:7, 171:5, 171:17, 173:7, 189:5, 252:15, 252:17</p> <p>enclosed [1] - 85:7</p> <p>end [3] - 105:12, 216:6, 224:3</p> <p>enforcement [1] - 204:14</p> <p>engage [1] - 146:13</p> <p>England [3] - 191:15, 194:13, 194:16</p> <p>English [2] - 194:10, 197:15</p> <p>enormous [1] - 185:9</p> <p>ENTERPRISES [1] - 2:13</p> <p>entertainer [4] - 145:4, 145:12, 145:13, 146:2</p> <p>entertainers [2] - 145:9, 145:10</p> <p>entertainment [10] - 89:7, 91:8, 100:3, 103:10, 103:17, 112:17, 128:6, 133:10, 262:2, 262:9</p> <p>Entertainment [6] - 70:14, 90:9, 100:2, 100:4, 100:6, 113:9</p> <p>ENTERTAINMENT [3] - 2:2, 2:4, 261:9</p> <p>entire [1] - 226:12</p> <p>entirely [1] - 66:5</p> <p>entity [1] - 244:8</p> <p>entrance [3] - 51:6, 70:11, 253:2</p> <p>environmental [1] - 86:3</p> <p>equipment [10] - 13:14, 13:16, 42:10, 42:12, 43:13, 93:17, 181:15, 185:13</p> <p>equipped [2] - 207:14, 214:7</p> <p>Equities [1] - 104:18</p> <p>Erin [3] - 72:4, 82:13, 83:2</p> <p>ERRATA [1] - 272:1</p> <p>Errata [2] - 272:2,</p>	<p>272:6</p> <p>escorted [2] - 140:14, 142:5</p> <p>especially [2] - 47:11, 47:12</p> <p>essentially [1] - 232:17</p> <p>Essex [2] - 214:2, 224:2</p> <p>establishment [2] - 8:1, 42:8</p> <p>establishments [2] - 119:10, 248:8</p> <p>Estate [3] - 62:16, 62:17, 104:18</p> <p>estimated [1] - 15:16</p> <p>etcetera [1] - 59:12</p> <p>EUGENE [2] - 5:14, 266:6</p> <p>Eugene [1] - 266:8</p> <p>evening [33] - 7:10, 7:12, 10:16, 29:15, 35:16, 35:18, 39:10, 39:12, 51:10, 51:14, 62:7, 71:2, 71:3, 72:14, 78:3, 90:14, 97:18, 104:13, 104:15, 113:12, 136:8, 136:10, 141:9, 152:17, 153:1, 165:14, 167:16, 174:18, 183:10, 192:1, 204:17, 242:5, 255:7</p> <p>evenings [1] - 72:3</p> <p>event [8] - 76:13, 117:10, 117:17, 118:6, 118:7, 170:6, 189:16, 262:11</p> <p>events [4] - 84:1, 117:2, 122:13, 264:5</p> <p>eventually [1] - 40:16</p> <p>everyday [1] - 9:15</p> <p>evidence [1] - 234:4</p> <p>exactly [11] - 41:16, 122:6, 124:2, 127:11, 156:11, 156:14, 228:2, 234:15, 234:17, 259:8, 259:12</p> <p>examine [1] - 258:16</p> <p>example [1] - 119:16</p> <p>except [2] - 69:8, 272:14</p> <p>exception [3] - 10:2, 115:1, 245:11</p> <p>exchange [1] - 145:13</p> <p>excited [1] - 81:10</p> <p>excuse [7] - 105:3,</p>
--	---	---	---	--

<p>114:1, 142:1, 153:6, 177:15, 177:17, 202:9</p> <p>EXECUTIVE [65] - 1:8, 6:4, 6:15, 8:18, 35:4, 38:16, 50:15, 61:3, 61:8, 61:16, 64:1, 69:4, 69:18, 89:16, 96:15, 97:4, 97:15, 111:5, 112:5, 135:1, 135:9, 137:11, 137:16, 152:10, 153:15, 159:3, 159:16, 160:16, 163:16, 164:18, 167:11, 168:5, 174:6, 174:13, 175:7, 178:9, 183:5, 183:16, 190:10, 191:13, 192:8, 192:18, 200:10, 200:17, 201:2, 203:1, 203:16, 241:18, 245:16, 255:4, 261:11, 262:1, 262:8, 262:18, 263:4, 263:9, 263:18, 264:11, 265:2, 265:7, 265:10, 265:17, 266:7, 267:10, 270:17</p> <p>Executive [2] - 63:4, 154:7</p> <p>exercised [5] - 70:4, 112:9, 113:10, 261:13, 263:12</p> <p>existing [4] - 62:1, 66:9, 67:16, 83:17</p> <p>exiting [1] - 149:15</p> <p>exits [2] - 51:7, 70:12</p> <p>expand [3] - 26:18, 27:4, 73:17</p> <p>expansion [2] - 66:6, 67:16</p> <p>expect [3] - 58:8, 58:9, 250:9</p> <p>expected [4] - 79:15, 261:16, 262:5, 262:13</p> <p>experience [7] - 79:4, 116:8, 141:15, 216:5, 244:3, 244:6, 249:17</p> <p>experienced [1] - 255:15</p> <p>experiences [1] - 86:11</p> <p>expert [1] - 210:2</p> <p>expire [1] - 201:17</p> <p>Expires [1] - 273:13</p>	<p>explain [4] - 122:5, 165:18, 186:15, 186:16</p> <p>explained [5] - 116:9, 120:6, 147:12, 186:13, 209:12</p> <p>expressed [1] - 13:10</p> <p>extend [1] - 37:1</p> <p>exterior [1] - 16:14</p> <p>external [2] - 16:14, 29:8</p> <p>extra [2] - 12:16, 114:9</p> <p>extremely [1] - 185:17</p>	<p>229:9, 229:18, 230:9, 234:18</p> <p>fares [6] - 228:4, 231:18, 232:15, 233:14, 234:18</p> <p>fashion [1] - 267:9</p> <p>fast [5] - 32:10, 33:9, 33:14, 248:14, 248:18</p> <p>FAULKNER [14] - 21:17, 22:1, 22:3, 24:15, 25:2, 25:4, 25:9, 25:17, 27:14, 28:6, 28:16, 29:2, 29:7, 29:12</p> <p>Faulkner [2] - 22:1, 29:11</p> <p>fault [2] - 188:9, 189:5</p> <p>favor [14] - 21:6, 48:11, 60:2, 68:7, 82:4, 82:5, 87:6, 94:18, 103:1, 110:3, 134:2, 134:6, 134:8, 254:4</p> <p>feared [1] - 144:18</p> <p>feature [1] - 63:7</p> <p>February [5] - 160:7, 179:1, 179:7, 195:4, 201:16</p> <p>fee [3] - 20:15, 217:14</p> <p>feed [2] - 46:4, 181:16</p> <p>feelings [1] - 237:5</p> <p>feet [11] - 23:4, 51:7, 51:8, 62:4, 64:7, 70:12, 70:13, 90:5, 112:16, 185:12</p> <p>fell [1] - 207:1</p> <p>felony [1] - 230:11</p> <p>fence [1] - 181:12</p> <p>FERRER [520] - 1:5, 7:9, 8:2, 8:15, 9:2, 11:4, 11:16, 12:1, 12:4, 13:4, 15:2, 19:14, 20:4, 20:10, 20:13, 20:16, 21:1, 21:5, 21:8, 21:18, 22:2, 24:7, 24:18, 25:3, 25:6, 25:12, 27:1, 29:10, 29:13, 30:6, 32:13, 33:5, 34:1, 34:4, 34:7, 34:11, 34:17, 35:11, 37:10, 37:14, 38:1, 38:4, 38:9, 39:9, 39:15, 40:1, 40:4, 40:15, 41:2, 41:10, 41:15, 42:1, 42:5, 44:11, 44:17, 45:3, 45:8, 48:6, 48:10, 48:13, 48:16, 49:12, 49:17, 50:5, 51:9,</p>	<p>52:1, 52:3, 52:7, 52:17, 53:4, 53:12, 54:16, 56:1, 56:9, 56:18, 57:3, 57:6, 57:11, 57:15, 58:1, 58:7, 58:12, 58:15, 59:1, 59:10, 59:13, 60:1, 60:4, 60:7, 60:10, 60:14, 60:18, 61:10, 62:6, 62:13, 63:12, 64:9, 64:12, 66:16, 68:1, 68:4, 68:9, 68:12, 68:16, 69:10, 69:12, 71:1, 71:4, 71:8, 71:11, 71:16, 72:17, 74:5, 74:11, 74:16, 75:2, 75:14, 76:6, 76:10, 76:12, 76:17, 77:3, 77:9, 77:13, 77:17, 78:5, 78:13, 78:18, 79:3, 79:8, 79:14, 79:18, 80:3, 80:11, 80:14, 81:4, 81:8, 81:13, 81:18, 82:3, 83:7, 84:14, 86:18, 87:4, 87:8, 87:12, 87:18, 88:4, 88:8, 88:12, 88:16, 89:2, 89:6, 89:9, 90:13, 90:18, 91:4, 91:12, 91:16, 91:18, 92:3, 92:12, 92:18, 94:12, 94:17, 95:2, 95:5, 95:9, 95:13, 96:3, 96:7, 97:14, 97:17, 98:5, 98:13, 99:7, 99:15, 100:1, 100:9, 100:15, 101:2, 101:6, 101:15, 102:14, 102:18, 103:3, 103:6, 103:14, 103:18, 104:12, 106:7, 108:2, 108:11, 109:1, 109:10, 109:13, 109:16, 110:1, 110:5, 110:8, 110:14, 111:14, 111:17, 113:11, 113:18, 114:2, 114:7, 114:11, 114:16, 115:7, 115:13, 116:4, 116:13, 116:17, 117:3, 117:13, 118:1, 118:5, 118:12, 118:16, 119:4, 120:1, 120:17, 121:5, 121:16, 122:4, 122:9, 122:16,</p>	<p>123:1, 123:7, 123:9, 123:14, 123:17, 124:6, 124:11, 124:14, 124:17, 125:4, 125:7, 126:14, 126:18, 127:18, 128:11, 128:18, 129:14, 129:18, 130:3, 130:8, 130:12, 130:15, 131:2, 131:7, 131:16, 131:18, 132:5, 132:8, 132:10, 132:15, 133:3, 133:8, 133:11, 133:17, 134:4, 134:9, 134:12, 135:3, 136:2, 136:7, 136:16, 137:2, 137:6, 137:14, 138:3, 138:8, 138:18, 139:3, 139:8, 141:5, 143:3, 143:8, 143:13, 144:5, 144:8, 144:12, 147:2, 147:18, 148:4, 149:5, 149:17, 150:2, 151:14, 151:17, 152:3, 152:6, 152:16, 153:4, 153:7, 153:12, 153:17, 154:13, 155:3, 155:14, 155:17, 156:6, 156:13, 157:3, 157:7, 157:13, 158:6, 158:13, 158:17, 159:8, 160:2, 160:5, 160:14, 161:3, 161:8, 163:2, 163:6, 163:14, 164:3, 164:9, 164:13, 165:3, 166:2, 166:8, 166:11, 166:14, 166:18, 167:3, 167:7, 167:15, 168:2, 168:10, 168:14, 168:17, 169:9, 169:15, 170:5, 170:9, 170:12, 171:4, 171:8, 171:11, 172:1, 172:5, 172:12, 173:3, 173:13, 174:2, 174:8, 174:17, 175:4, 175:12, 176:9, 176:16, 177:4, 177:9,</p>
--	--	---	---	--

<p>177:14, 178:1, 178:13, 178:15, 179:2, 179:5, 180:4, 180:8, 180:11, 180:14, 182:12, 183:9, 183:15, 184:5, 184:9, 186:4, 186:17, 189:6, 189:14, 190:4, 190:13, 191:7, 191:18, 192:5, 192:13, 192:16, 193:7, 193:12, 194:18, 195:12, 196:7, 197:10, 198:14, 199:4, 199:9, 199:15, 200:1, 200:14, 201:6, 201:12, 202:6, 202:10, 202:15, 203:3, 203:5, 203:10, 204:3, 205:6, 214:13, 214:18, 215:15, 216:1, 216:9, 216:14, 217:16, 218:1, 218:4, 218:8, 220:2, 221:8, 222:11, 224:13, 224:18, 225:14, 226:10, 227:3, 227:7, 227:15, 229:1, 229:6, 230:14, 232:12, 234:7, 237:15, 238:9, 238:16, 239:12, 239:14, 239:17, 240:6, 240:13, 240:18, 241:5, 241:7, 241:12, 241:15, 242:3, 243:1, 243:6, 243:10, 244:15, 245:2, 245:5, 245:12, 245:18, 246:3, 246:9, 246:14, 247:1, 247:7, 247:13, 248:11, 249:4, 249:8, 249:12, 249:16, 250:2, 250:8, 250:12, 250:15, 250:18, 251:4, 251:12, 252:11, 253:4, 253:8, 253:12, 253:16, 253:18, 254:3, 254:6, 254:9, 254:12, 254:16, 255:2, 255:6, 256:14, 257:3,</p>	<p>257:6, 257:16, 258:2, 258:5, 258:9, 259:6, 259:9, 260:2, 260:7, 260:11, 260:17, 261:3, 261:7, 261:17, 262:6, 262:16, 263:2, 263:6, 263:16, 264:7, 264:17, 265:5, 265:9, 265:12, 266:4, 266:17, 267:12, 267:17, 268:1, 269:4, 269:9, 270:4, 270:12, 271:2 Ferrer [2] - 6:10, 214:11 Ferry [1] - 217:12 few [11] - 8:12, 11:6, 13:1, 36:8, 158:4, 181:11, 188:3, 207:12, 209:2, 245:10, 252:4 figure [2] - 75:17, 145:1 file [6] - 165:7, 169:6, 186:6, 187:5, 195:8, 209:13 filed [2] - 27:5, 112:7 filled [2] - 74:18, 78:9 filling [2] - 154:11, 232:15 final [3] - 44:8, 268:11, 269:15 fine [14] - 72:3, 132:15, 158:11, 167:1, 172:7, 174:3, 182:16, 189:16, 190:5, 198:12, 199:1, 202:16, 257:17, 267:5 finer [1] - 31:8 finger [1] - 141:11 finish [1] - 94:5 fire [13] - 30:17, 40:8, 44:5, 63:11, 65:2, 65:6, 65:14, 68:5, 108:3, 110:17, 126:5 FIRE [108] - 1:6, 15:5, 15:12, 16:5, 21:3, 34:10, 34:15, 37:12, 38:7, 42:7, 42:14, 42:18, 43:3, 43:9, 43:16, 44:7, 44:10, 45:13, 46:16, 47:3, 47:7, 48:8, 49:14, 59:17, 60:16, 65:13, 65:17, 66:12, 67:2, 67:7, 67:11, 67:18, 68:3, 68:14, 74:1,</p>	<p>80:16, 81:1, 81:6, 88:3, 88:6, 93:10, 93:13, 94:4, 94:10, 94:14, 96:1, 101:17, 102:7, 103:12, 105:16, 106:3, 106:10, 106:13, 107:3, 107:7, 107:14, 107:18, 108:15, 109:5, 110:10, 126:4, 128:9, 132:18, 150:3, 150:9, 150:16, 151:4, 151:11, 151:16, 152:1, 156:7, 156:12, 158:11, 166:15, 167:2, 172:3, 174:4, 178:4, 179:4, 182:18, 189:7, 190:2, 202:17, 234:9, 235:7, 235:13, 236:1, 237:17, 238:17, 240:5, 240:12, 251:14, 252:1, 252:6, 252:10, 253:17, 254:11, 258:11, 259:1, 259:13, 259:18, 260:4, 261:1, 267:15, 269:1, 269:5, 270:1, 270:10 firm [1] - 7:14 first [26] - 6:16, 9:8, 23:11, 51:4, 51:6, 70:10, 80:8, 90:6, 100:5, 101:3, 108:6, 154:10, 170:2, 174:14, 175:16, 213:10, 213:14, 216:15, 218:5, 218:7, 223:9, 223:11, 226:3, 226:16, 228:4, 228:6 First [3] - 105:3, 105:4, 176:3 FIRST [2] - 4:17, 174:12 fish [4] - 7:6, 9:11, 9:14, 20:12 fist [1] - 141:16 fit [2] - 67:8, 124:2 five [16] - 10:11, 10:12, 15:6, 15:7, 51:4, 52:12, 53:5, 109:17, 114:8, 161:11, 199:6, 199:8, 228:5, 235:4, 263:13, 264:3</p>	<p>five-page [2] - 52:12, 53:5 five-story [1] - 51:4 fix [1] - 52:13 flag [2] - 224:10, 233:14 flammable [6] - 62:4, 62:5, 63:5, 64:7, 64:8, 64:18 Flammables [3] - 61:18, 64:3, 104:8 fledged [1] - 119:11 fleet [1] - 188:18 Fleet [2] - 211:4, 214:7 floating [1] - 232:18 floor [13] - 9:9, 26:17, 51:4, 51:6, 70:10, 80:4, 80:5, 80:8, 90:6, 93:7, 111:13, 205:1 floors [1] - 90:5 focus [2] - 75:10, 75:11 focussed [2] - 122:10, 122:14 FOGELMAN [23] - 51:13, 52:2, 52:6, 52:15, 53:3, 53:8, 53:15, 55:1, 56:3, 56:13, 56:16, 57:1, 57:5, 57:8, 57:13, 57:16, 59:2, 59:6, 59:11, 60:13, 61:1, 61:5, 61:11 Fogelman [2] - 51:14, 52:4 folder [3] - 179:18, 180:10, 237:14 folks [1] - 32:4 follow [3] - 169:18, 210:2, 232:13 followed [1] - 197:2 following [2] - 11:1, 220:10 Following [3] - 2:18, 3:18, 4:18 FOOD [4] - 4:5, 111:3, 263:17, 264:10 Food [5] - 2:8, 2:9, 111:6, 264:1, 264:12 food [32] - 14:14, 17:2, 26:15, 32:5, 32:10, 33:9, 33:14, 69:7, 72:7, 72:12, 72:14, 73:4, 75:10, 75:13, 77:18, 78:2, 83:10, 99:2, 115:16, 115:18, 117:12, 117:15, 120:4,</p>	<p>122:7, 122:10, 122:11, 122:12, 122:13, 122:14, 248:7, 256:11 Foods [1] - 248:16 foods [1] - 14:7 foot [2] - 39:7, 97:12 footage [1] - 51:8 footprint [2] - 26:17, 27:4 force [1] - 120:14 FOREGOING [1] - 273:14 foregoing [1] - 272:14 foreign [1] - 257:18 floating [5] - 208:13, 209:6, 209:8, 211:14, 211:15 foresee [3] - 78:2, 120:9, 155:18 forgot [1] - 171:2 form [4] - 8:10, 25:5, 76:3, 251:6 formally [1] - 142:17 formerly [1] - 74:3 forms [1] - 9:13 forth [5] - 57:14, 57:18, 58:16, 126:10, 273:6 forthwith [1] - 126:7 forward [4] - 53:13, 73:7, 86:4, 126:8 four [15] - 7:4, 10:7, 19:6, 19:17, 19:18, 20:2, 61:6, 80:11, 80:12, 171:16, 187:14, 189:1, 226:7, 228:3, 262:4 fourth [1] - 82:14 frankly [3] - 172:6, 173:5, 240:8 fraud [5] - 159:6, 159:7, 230:6, 230:7, 232:3 freezer [1] - 44:3 frequented [1] - 248:1 fresh [2] - 72:12, 99:1 Friday [6] - 47:14, 47:15, 91:10, 91:13, 95:14, 188:1 fried [2] - 13:11, 14:6 FROM [7] - 135:13, 135:16, 136:3, 136:5, 257:14, 258:7, 260:9 front [8] - 65:8, 80:9, 148:2, 181:3, 181:6, 181:11, 205:12, 253:2 frying [1] - 14:5 Fryolator [1] - 14:4</p>
--	--	---	---	---

<p>Fryolators [2] - 42:11, 42:17</p> <p>fuel [1] - 105:6</p> <p>full [14] - 17:9, 22:7, 24:5, 24:11, 59:7, 89:10, 118:15, 118:18, 119:11, 121:4, 187:17, 209:15, 211:12, 250:1</p> <p>full-blown [1] - 24:11</p> <p>full-fledged [1] - 119:11</p> <p>fully [2] - 85:7, 127:15</p> <p>function [3] - 83:14, 86:7, 119:13</p> <p>fundraiser [1] - 261:15</p> <p>funds [1] - 268:12</p> <p>future [5] - 22:8, 41:8, 66:5, 66:8, 67:8</p>	<p>generator [1] - 105:11</p> <p>gentleman [2] - 151:8, 255:15</p> <p>Genzyme [1] - 107:10</p> <p>George [2] - 208:13, 211:14</p> <p>GERALD [108] - 1:6, 15:5, 15:12, 16:5, 21:3, 34:10, 34:15, 37:12, 38:7, 42:7, 42:14, 42:18, 43:3, 43:9, 43:16, 44:7, 44:10, 45:13, 46:16, 47:3, 47:7, 48:8, 49:14, 59:17, 60:16, 65:13, 65:17, 66:12, 67:2, 67:7, 67:11, 67:18, 68:3, 68:14, 74:1, 80:16, 81:1, 81:6, 88:3, 88:6, 93:10, 93:13, 94:4, 94:10, 94:14, 96:1, 101:17, 102:7, 103:12, 105:16, 106:3, 106:10, 106:13, 107:3, 107:7, 107:14, 107:18, 108:15, 109:5, 110:10, 126:4, 128:9, 132:18, 150:3, 150:9, 150:16, 151:4, 151:11, 151:16, 152:1, 156:7, 156:12, 158:11, 166:15, 167:2, 172:3, 174:4, 178:4, 179:4, 182:18, 189:7, 190:2, 202:17, 234:9, 235:7, 235:13, 236:1, 237:17, 238:17, 240:5, 240:12, 251:14, 252:1, 252:6, 252:10, 253:17, 254:11, 258:11, 259:1, 259:13, 259:18, 260:4, 261:1, 267:15, 269:1, 269:5, 270:1, 270:10</p> <p>Gerald [1] - 6:10</p> <p>given [2] - 155:5, 177:2</p> <p>glass [1] - 145:15</p> <p>GO [1] - 117:5</p> <p>GOLDBERG [21] - 242:7, 243:3, 243:12, 243:16, 244:18, 245:4,</p>	<p>245:9, 247:11, 247:16, 251:10, 255:9, 255:12, 257:1, 257:4, 257:12, 258:14, 259:4, 259:8, 259:12, 259:16, 261:5</p> <p>Goldberg [2] - 242:8, 255:13</p> <p>GOLDGERG [1] - 242:8</p> <p>gonna [6] - 22:15, 24:1, 24:3, 78:1, 92:15, 222:15</p> <p>GOP [15] - 114:5, 114:12, 114:14, 116:10, 116:14, 119:5, 119:6, 120:3, 121:14, 124:4, 124:17, 124:18, 129:17, 132:1, 134:16</p> <p>GPS [1] - 214:8</p> <p>grade [1] - 105:5</p> <p>grandfathered [1] - 77:11</p> <p>grant [16] - 31:2, 34:12, 38:6, 60:11, 68:13, 88:5, 95:14, 103:9, 110:9, 127:4, 127:6, 128:7, 158:1, 254:17, 256:12, 260:18</p> <p>granted [24] - 12:16, 34:17, 38:9, 44:16, 60:18, 68:16, 88:8, 89:1, 89:9, 96:4, 103:15, 110:14, 121:8, 130:3, 255:2, 261:7, 261:17, 262:6, 263:7, 263:16, 264:9, 264:18, 268:5, 269:11</p> <p>granting [1] - 129:4</p> <p>Graziano [2] - 2:6, 262:9</p> <p>GRAZIANO [1] - 262:7</p> <p>grease [1] - 102:4</p> <p>great [9] - 10:2, 44:2, 73:9, 84:7, 88:14, 89:4, 96:9, 110:12, 110:18</p> <p>green [3] - 40:2, 50:1, 114:12</p> <p>greens [1] - 114:13</p> <p>Grill [1] - 98:9</p> <p>grill [5] - 13:11, 14:4, 42:11, 42:15, 42:16</p>	<p>grilling [1] - 14:5</p> <p>GRIMALDI [44] - 159:12, 204:16, 216:11, 216:15, 217:5, 217:11, 217:13, 217:18, 218:3, 218:6, 218:10, 218:15, 219:1, 219:4, 219:12, 219:15, 220:5, 220:7, 220:14, 221:3, 221:6, 222:12, 224:16, 225:4, 225:16, 226:14, 227:5, 227:13, 227:18, 229:4, 229:11, 231:5, 233:2, 234:13, 235:11, 235:17, 236:6, 238:13, 239:8, 239:13, 239:16, 240:15, 241:2, 241:6</p> <p>Grimaldi [1] - 204:17</p> <p>Grimmack [1] - 87:10</p> <p>Grimmick [2] - 87:9, 87:12</p> <p>grimmick [1] - 87:11</p> <p>grocery [2] - 248:17, 252:15</p> <p>grounds [1] - 234:6</p> <p>group [1] - 82:12</p> <p>growing [1] - 256:6</p> <p>growth [1] - 67:4</p> <p>guess [16] - 30:2, 32:18, 82:12, 83:1, 120:1, 121:1, 121:17, 143:16, 157:16, 202:9, 220:10, 235:7, 253:14, 258:14, 268:18, 269:16</p> <p>gun [1] - 52:4</p> <p>guy [4] - 147:14, 148:13, 148:15, 151:7</p> <p>guys [11] - 34:8, 55:10, 75:17, 92:9, 150:10, 158:9, 187:12, 187:18, 188:8, 202:9, 267:13</p> <p>guys' [1] - 191:6</p>	<p>208:15, 212:4, 223:13, 240:16, 241:3</p> <p>HACKNEY [1] - 4:12</p> <p>half [2] - 46:15, 98:11</p> <p>HALL [1] - 5:14</p> <p>Hall [9] - 266:16, 268:5, 268:9, 269:18, 270:6, 270:7, 271:5, 271:7</p> <p>Hampshire [2] - 39:2, 40:13</p> <p>Hancock [1] - 176:4</p> <p>hand [16] - 137:13, 137:15, 141:17, 145:15, 160:15, 168:4, 175:5, 183:18, 193:2, 200:15, 200:16, 203:15, 208:5, 240:17, 240:18, 273:8</p> <p>handicap [1] - 30:17</p> <p>handing [1] - 241:3</p> <p>handles [1] - 19:5</p> <p>hands [3] - 16:3, 141:12, 191:6</p> <p>hands-on [1] - 16:3</p> <p>handwriting [1] - 21:10</p> <p>Happy [2] - 51:2, 51:14</p> <p>happy [1] - 54:14</p> <p>harassing [1] - 141:2</p> <p>hard [2] - 99:3, 225:16</p> <p>hardship [1] - 182:2</p> <p>hardy [1] - 16:9</p> <p>Harrington [9] - 205:16, 206:6, 208:14, 209:18, 210:3, 210:7, 210:18, 225:9, 232:4</p> <p>Harrington's [5] - 208:8, 209:3, 211:3, 212:18, 220:8</p> <p>Hartunian [1] - 139:18</p> <p>Harvard [1] - 92:16</p> <p>HATHAWAY [2] - 5:3, 178:8</p> <p>Hathaway [4] - 178:10, 179:8, 179:13, 179:15</p> <p>hathaway [1] - 178:13</p> <p>Hathaway's [1] - 181:3</p> <p>hd [1] - 228:8</p> <p>heads [1] - 143:17</p> <p>Healy [2] - 1:11, 6:7</p> <p>hear [3] - 29:18, 82:18, 130:17</p>
G				
<p>GABRIEL [6] - 245:17, 246:2, 246:7, 246:12, 246:17, 247:6</p> <p>gabriel [1] - 246:7</p> <p>Gallery [1] - 261:13</p> <p>gallon [4] - 105:7, 105:10, 105:12, 106:11</p> <p>gallons [10] - 62:2, 62:3, 64:4, 64:5, 64:6, 104:9, 104:10, 105:15</p> <p>Garage [1] - 104:8</p> <p>garage [8] - 8:13, 19:1, 105:5, 105:7, 105:14, 105:18, 106:2, 106:14</p> <p>garage-style [1] - 8:13</p> <p>GARY [8] - 183:12, 184:4, 187:1, 189:8, 190:7, 190:12, 190:14, 191:9</p> <p>Gary [1] - 183:12</p> <p>gas [3] - 41:5, 62:5, 64:8</p> <p>gasoline [1] - 104:9</p> <p>gen [1] - 107:4</p> <p>general [7] - 30:18, 32:9, 115:3, 119:6, 121:6, 123:10, 127:4</p> <p>General [3] - 113:7, 128:4, 152:14</p> <p>generated [2] - 205:13, 222:15</p>				
H				
<p>H-U-S-S-A-I-N [1] - 71:7</p> <p>Hackney [8] - 159:5, 205:15, 207:9,</p>				

<p>heard [5] - 23:18, 161:15, 180:17, 184:13, 193:17</p> <p>hearing [31] - 50:4, 115:15, 127:2, 135:10, 158:10, 158:14, 164:11, 165:4, 165:10, 165:14, 165:17, 166:9, 178:10, 185:1, 186:15, 186:16, 189:18, 196:17, 196:18, 204:12, 214:12, 216:8, 229:13, 230:4, 232:5, 233:8, 233:16, 233:17, 240:8, 273:6</p> <p>HEARING [2] - 1:1, 1:3</p> <p>hearings [4] - 15:1, 30:11, 32:1, 232:5</p> <p>heart [1] - 177:10</p> <p>Hearth [4] - 70:1, 70:2, 71:18, 72:1</p> <p>HEARTH [4] - 3:11, 3:12, 69:16, 69:17</p> <p>heat [2] - 93:18, 125:11</p> <p>hectic [1] - 57:17</p> <p>held [1] - 50:17</p> <p>help [1] - 22:14</p> <p>helped [3] - 27:14, 27:15, 235:14</p> <p>helpful [2] - 154:16, 257:7</p> <p>helping [1] - 257:15</p> <p>Hennessy [2] - 2:3, 261:12</p> <p>HENNESSY [1] - 261:10</p> <p>hereby [1] - 272:15</p> <p>herein [1] - 273:6</p> <p>hereunto [1] - 273:7</p> <p>HHF [1] - 241:12</p> <p>hi [1] - 29:15</p> <p>high [2] - 28:12, 175:18</p> <p>higher [3] - 27:16, 28:2, 77:11</p> <p>highly [1] - 10:5</p> <p>himself [4] - 146:13, 148:14, 182:8, 235:14</p> <p>hire [1] - 154:1</p> <p>historically [1] - 16:9</p> <p>history [2] - 18:15, 36:7</p> <p>hit [1] - 151:8</p> <p>hmm [1] - 81:14</p> <p>hold [3] - 91:12,</p>	<p>99:13, 108:9</p> <p>holder [8] - 35:6, 61:17, 152:12, 153:9, 154:17, 159:4, 245:15, 266:8</p> <p>HOLDINGS [2] - 3:13, 89:14</p> <p>Holdings [1] - 89:17</p> <p>home [4] - 17:7, 161:15, 184:12, 206:9</p> <p>honestly [1] - 177:1</p> <p>honor [1] - 231:12</p> <p>hope [4] - 29:18, 31:1, 84:1, 100:18</p> <p>hopeful [1] - 156:5</p> <p>hopefully [1] - 158:8</p> <p>hopes [1] - 72:1</p> <p>hoping [1] - 49:18</p> <p>horse [1] - 109:7</p> <p>hospital [2] - 142:14, 142:15</p> <p>hot [2] - 10:2, 55:8</p> <p>Hot [3] - 51:1, 51:2, 51:14</p> <p>hour [2] - 35:9, 46:13</p> <p>hours [39] - 7:2, 13:2, 14:14, 26:14, 26:15, 36:18, 37:2, 37:5, 39:4, 41:3, 42:2, 46:17, 46:18, 48:3, 49:4, 49:8, 70:5, 90:2, 91:5, 91:9, 97:9, 111:9, 112:10, 124:7, 124:10, 125:3, 125:5, 210:11, 218:12, 220:18, 221:13, 222:2, 222:7, 226:3, 226:6, 226:7, 226:9, 258:1</p> <p>house [4] - 9:9, 181:1, 181:9, 194:15</p> <p>Hughes [1] - 62:11</p> <p>hundred [1] - 11:8</p> <p>hung [1] - 121:12</p> <p>Huron [1] - 202:3</p> <p>Hussain [3] - 70:8, 71:6, 71:16</p> <p>HUSSAIN [46] - 71:3, 71:6, 71:9, 71:12, 72:1, 73:2, 74:3, 74:10, 74:12, 75:1, 75:6, 76:5, 76:9, 76:11, 76:16, 77:2, 77:4, 77:10, 77:16, 78:1, 78:11, 78:17, 79:2, 79:5, 79:13, 79:17, 80:2, 80:7, 80:13, 80:18, 81:3,</p>	<p>81:12, 81:16, 82:2, 82:9, 83:5, 83:8, 85:1, 85:5, 86:17, 87:11, 88:10, 88:14, 88:17, 89:4, 89:8</p> <p>Hyde [6] - 213:12, 215:10, 223:9, 228:10, 231:9, 231:11</p> <p>hypothetical [1] - 67:17</p> <hr/> <p>I</p> <hr/> <p>I... [1] - 200:6</p> <p>i.e [1] - 24:10</p> <p>Ice [2] - 97:6, 98:7</p> <p>ICE [2] - 3:18, 97:3</p> <p>ice [5] - 98:12, 102:8, 102:11, 102:12, 102:13</p> <p>idea [3] - 77:6, 185:18, 194:7</p> <p>identical [1] - 115:1</p> <p>identified [4] - 140:4, 140:18, 142:4, 181:12</p> <p>identity [4] - 159:6, 209:16, 230:6, 232:3</p> <p>idiot [1] - 147:15</p> <p>ignore [2] - 80:15, 182:3</p> <p>illegal [1] - 225:2</p> <p>illegally [3] - 213:11, 213:15, 214:1</p> <p>impact [2] - 85:11, 86:4</p> <p>imposed [2] - 14:9, 31:9</p> <p>impression [2] - 186:1, 204:12</p> <p>improvement [1] - 36:14</p> <p>IN [3] - 1:3, 273:7, 273:15</p> <p>inactive [2] - 152:12, 157:15</p> <p>inappropriately [1] - 238:8</p> <p>INC [16] - 1:16, 3:3, 3:15, 3:17, 4:5, 4:9, 5:5, 5:6, 38:14, 50:13, 96:13, 97:2, 111:3, 135:7, 183:4, 191:12</p> <p>Inc [1] - 242:4</p> <p>incident [5] - 143:5, 144:13, 145:10, 146:9, 146:16</p> <p>incidental [1] - 75:13</p>	<p>include [4] - 15:8, 70:15, 75:18, 90:9</p> <p>included [1] - 134:17</p> <p>including [6] - 112:15, 122:14, 125:11, 145:9, 211:2, 211:16</p> <p>incorporate [3] - 115:8, 127:1, 134:15</p> <p>Incorporated [7] - 38:18, 50:18, 97:5, 111:6, 135:11, 183:6, 191:15</p> <p>indeed [3] - 32:10, 33:9, 33:12</p> <p>independent [1] - 145:6</p> <p>Index [3] - 2:18, 3:18, 4:18</p> <p>INDEX [4] - 2:1, 3:1, 4:1, 5:1</p> <p>Indian [1] - 248:15</p> <p>indicated [4] - 181:17, 182:5, 208:5, 211:6</p> <p>indicating [1] - 208:16</p> <p>indication [1] - 156:5</p> <p>individual [4] - 25:7, 145:3, 146:18, 194:1</p> <p>individuals [1] - 146:8</p> <p>indulgence [1] - 261:6</p> <p>industry [5] - 72:8, 79:4, 83:10, 122:12, 122:15</p> <p>inference [3] - 236:7, 236:8, 237:10</p> <p>inform [1] - 181:9</p> <p>information [17] - 76:3, 138:13, 142:16, 165:8, 195:4, 210:17, 211:12, 211:13, 212:1, 212:14, 217:2, 217:3, 238:15, 239:2, 239:3, 239:6, 262:14</p> <p>INFORMATIONAL [1] - 2:13</p> <p>informed [1] - 146:18</p> <p>informing [1] - 179:9</p> <p>infraction [1] - 178:2</p> <p>initial [1] - 270:8</p> <p>Inman [4] - 35:5, 35:6, 36:3, 36:15</p> <p>INMAN [4] - 2:15, 2:15, 35:2, 35:3</p> <p>inquire [1] - 221:4</p>	<p>inquiries [1] - 220:11</p> <p>inquiry [3] - 219:17, 220:15, 235:5</p> <p>inside [9] - 10:8, 22:16, 23:2, 39:3, 70:7, 80:5, 140:6, 225:10, 252:7</p> <p>insignificant [1] - 173:17</p> <p>insistent [1] - 182:1</p> <p>inspected [4] - 30:17, 42:12, 67:4, 264:15</p> <p>inspection [5] - 44:8, 44:12, 94:5, 125:13, 264:18</p> <p>Inspectional [2] - 33:1, 33:11</p> <p>inspectors [1] - 258:15</p> <p>installed [2] - 43:18, 44:4</p> <p>installing [4] - 28:14, 125:10, 125:16, 126:7</p> <p>instance [1] - 223:11</p> <p>instances [1] - 12:7</p> <p>instead [1] - 215:6</p> <p>instructions [1] - 190:11</p> <p>INSTRUCTIONS [2] - 272:1, 272:4</p> <p>instructors [1] - 72:5</p> <p>instruments [1] - 113:1</p> <p>insure [1] - 131:14</p> <p>intend [1] - 16:6</p> <p>intended [1] - 27:10</p> <p>intensive [1] - 99:3</p> <p>intent [2] - 115:15, 116:18</p> <p>interacting [1] - 145:8</p> <p>interest [2] - 52:9, 156:8</p> <p>interested [3] - 84:4, 154:2, 190:1</p> <p>internal [2] - 28:17, 29:3</p> <p>International [1] - 38:17</p> <p>INTERNATIONAL [3] - 2:13, 2:17, 38:14</p> <p>interrupt [2] - 26:2, 63:13</p> <p>intersection [1] - 8:7</p> <p>interview [3] - 207:7, 212:16, 228:3</p> <p>interviewing [1] - 235:3</p> <p>introduce [2] - 82:15, 86:9</p> <p>inventory [2] - 65:18,</p>
--	---	---	--	---

<p>213:9 invested ^[1] - 72:7 investigate ^[1] - 237:8 investigation ^[5] - 209:16, 212:5, 215:17, 216:2, 222:18 investigator ^[1] - 164:7 investigators ^[1] - 12:9 invite ^[1] - 82:13 involve ^[2] - 26:14, 84:17 involved ^[12] - 8:9, 9:12, 9:15, 32:6, 102:13, 140:18, 143:4, 143:7, 145:10, 204:13, 208:17, 211:3 involves ^[4] - 13:7, 17:2, 36:18, 242:14 issue ^[24] - 13:7, 33:15, 50:7, 76:15, 77:12, 84:15, 108:12, 126:4, 126:8, 126:9, 126:12, 129:2, 131:4, 158:8, 167:1, 182:16, 190:18, 198:17, 224:6, 224:9, 230:7, 233:6, 269:6 issued ^[6] - 33:17, 84:12, 108:13, 210:13, 212:7, 266:12 issues ^[10] - 27:9, 30:18, 31:12, 32:14, 82:18, 85:12, 125:14, 155:18, 233:7, 233:9 Italian ^[1] - 39:7 item ^[2] - 9:18, 35:13 items ^[5] - 99:13, 141:16, 229:10, 244:6, 258:17 itself ^[3] - 14:12, 24:15, 26:10</p> <p>J</p> <p>Jackson ^[1] - 134:7 Jamaica ^[3] - 213:12, 215:10, 224:14 JAMES ^[44] - 7:12, 8:4, 9:6, 10:12, 11:5, 12:14, 13:5, 15:7, 15:10, 15:14, 16:8, 17:15, 18:1, 18:7, 18:13, 19:9,</p>	<p>19:13, 19:16, 20:1, 20:6, 20:11, 20:14, 20:17, 26:1, 27:3, 28:3, 28:7, 28:18, 29:5, 34:6, 34:16, 35:18, 37:7, 38:10, 96:8, 101:8, 101:13, 134:6, 136:10, 144:6, 144:10, 145:2, 149:11, 152:5 James ^[5] - 7:13, 36:1, 134:7, 136:11, 209:14 Jan ^[1] - 182:11 jaw ^[2] - 140:15, 141:17 JEFFREY ^[20] - 104:15, 104:16, 106:1, 106:5, 106:9, 106:12, 106:16, 107:5, 107:9, 107:16, 108:4, 108:14, 108:17, 109:3, 109:8, 109:11, 109:14, 109:17, 110:12, 110:18 jeffrey ^[1] - 104:15 Jenny ^[1] - 205:15 Jensen ^[1] - 62:11 jeopardy ^[1] - 244:7 JEREMY ^[5] - 62:10, 66:4, 67:10, 67:15, 68:17 Jeremy ^[1] - 62:10 Jimmy ^[1] - 209:12 JO ^[9] - 160:13, 161:2, 161:6, 161:14, 163:5, 163:9, 184:7, 184:11, 189:17 Jo ^[1] - 161:6 job ^[1] - 173:12 JOHNS ^[1] - 5:9 Johns ^[1] - 203:12 July ^[17] - 1:13, 6:2, 6:6, 35:13, 63:1, 82:14, 147:11, 176:7, 177:6, 187:12, 203:11, 261:14, 262:4, 262:12, 263:12, 264:2, 264:13 jumped ^[1] - 52:4 June ^[49] - 12:8, 45:5, 45:6, 45:9, 113:5, 115:15, 147:10, 156:16, 160:10, 161:14, 169:2, 169:4, 169:12, 170:3, 170:6,</p>	<p>170:13, 171:3, 176:2, 177:5, 177:9, 179:12, 180:16, 184:11, 189:16, 195:6, 197:8, 197:11, 202:1, 202:4, 205:14, 206:4, 206:5, 206:7, 206:14, 206:16, 207:6, 208:10, 209:5, 209:18, 210:10, 210:16, 212:11, 213:11, 214:1, 214:5, 220:18, 221:12, 226:5, 233:15 jurisdiction ^[2] - 31:15, 231:18</p> <p>K</p> <p>K-A-K ^[1] - 255:11 K-A-N-T-O-R ^[1] - 139:7 K-O-S-I-N-S-K-I ^[1] - 98:4 Kak ^[2] - 111:11, 255:10 KAK ^[4] - 255:10, 257:10, 258:1, 258:4 KANTOR ^[13] - 136:18, 137:4, 138:2, 138:6, 138:14, 139:2, 139:6, 139:10, 141:7, 143:6, 143:12, 143:15, 150:1 Kantor ^[2] - 137:5, 139:6 keep ^[2] - 77:7, 84:5 keeping ^[3] - 42:9, 237:4, 237:12 kept ^[1] - 162:12 kettle ^[1] - 13:17 KHF ^[4] - 3:9, 69:2, 69:5, 241:10 Kickin' ^[2] - 8:5, 9:11 KICKIN' ^[2] - 2:11, 6:14 kicking ^[1] - 14:1 Kim ^[1] - 113:14 Kimberly ^[1] - 112:12 KIMBERLY ^[52] - 113:14, 114:13, 115:5, 115:11, 116:3, 116:11, 116:16, 117:1, 117:11, 117:14, 118:2, 118:10,</p>	<p>118:15, 118:18, 119:9, 120:12, 121:2, 121:9, 122:3, 122:7, 122:10, 122:17, 123:5, 123:8, 123:13, 123:15, 124:3, 124:9, 124:13, 124:16, 125:2, 125:6, 127:17, 128:15, 129:3, 129:9, 129:17, 130:2, 130:5, 130:10, 130:14, 130:18, 131:5, 131:9, 131:17, 132:4, 132:7, 132:9, 133:7, 133:9, 133:15, 270:18 KIMCHI ^[2] - 4:5, 111:4 Kimchi ^[4] - 111:7, 111:14, 242:1, 255:5 kind ^[15] - 16:1, 19:2, 23:10, 25:4, 54:10, 72:9, 86:5, 98:12, 99:12, 116:1, 117:10, 128:8, 144:17, 146:16 kitchen ^[5] - 7:6, 44:1, 51:5, 111:13, 112:15 Kitchen ^[4] - 111:7, 111:15, 242:1, 255:5 KITCHEN ^[2] - 4:5, 111:4 knowledge ^[1] - 225:8 known ^[2] - 211:8, 244:4 knows ^[1] - 228:15 Kosinski ^[2] - 97:10, 98:3 KOSINSKI ^[15] - 98:2, 98:8, 98:15, 99:9, 99:18, 100:7, 100:13, 100:17, 101:5, 101:10, 101:14, 102:1, 102:9, 103:16, 104:2</p> <p>L</p> <p>L'Impasto ^[2] - 74:3, 77:5 L'Impasto's ^[1] - 74:2 L's ^[1] - 205:4 L-E-W-I-S ^[1] - 192:4 L-U-K ^[1] - 51:18</p>	<p>lab ^[4] - 64:16, 64:17, 67:8, 107:12 labor ^[1] - 99:3 Labor ^[1] - 187:13 Lakeview ^[1] - 202:3 Lamb ^[2] - 51:2, 51:14 land ^[2] - 26:4, 26:11 landlord ^[6] - 36:10, 153:9, 154:17, 155:5, 155:8, 156:10 landscape ^[3] - 181:2, 191:14, 200:3 LANDSCAPE ^[6] - 4:14, 4:15, 5:6, 159:15, 167:10, 191:12 Landscape ^[4] - 159:17, 167:12, 169:3, 183:13 landscaper ^[1] - 181:6 Landscaping ^[8] - 168:1, 183:6, 184:18, 185:5, 185:8, 200:11, 201:11, 203:12 LANDSCAPING ^[5] - 5:5, 5:8, 5:9, 183:4, 200:9 language ^[3] - 127:12, 128:1, 257:18 larceny ^[1] - 209:16 large ^[2] - 13:17, 17:1 larger ^[1] - 107:6 last ^[24] - 8:11, 36:2, 54:6, 55:2, 90:16, 114:14, 115:7, 115:10, 120:6, 124:7, 127:2, 153:7, 153:18, 156:4, 157:17, 165:5, 203:8, 203:11, 205:2, 205:5, 226:4, 247:4, 255:11 Last ^[1] - 161:6 late ^[3] - 47:8, 82:12, 157:15 Laura ^[2] - 2:6, 262:8 LAURA ^[1] - 262:7 law ^[8] - 7:14, 26:3, 173:4, 182:1, 182:3, 188:17, 198:13, 210:15 Law ^[1] - 128:4 lawn ^[2] - 194:2, 202:13 laws ^[6] - 58:3, 58:10, 79:10, 79:16, 250:4, 250:10 Laws ^[1] - 152:14</p>
---	--	--	---	--

<p>Lawson ^[1] - 273:4</p> <p>layout ^[1] - 9:8</p> <p>lead ^[1] - 13:11</p> <p>leaf ^[27] - 160:11, 161:15, 162:4, 162:6, 169:12, 170:7, 170:10, 170:13, 171:12, 172:14, 175:17, 175:18, 176:3, 176:11, 179:10, 179:14, 179:16, 180:18, 181:8, 181:10, 182:14, 186:14, 193:17, 193:18, 194:6, 195:7, 266:2</p> <p>Leaf ^[4] - 167:14, 183:8, 191:17, 200:13</p> <p>Leah ^[2] - 2:3, 261:12</p> <p>LEAH ^[1] - 261:10</p> <p>leap ^[1] - 236:15</p> <p>learn ^[1] - 27:11</p> <p>learned ^[2] - 11:6, 212:5</p> <p>lease ^[7] - 40:10, 156:17, 256:16, 257:2, 261:4</p> <p>least ^[5] - 31:2, 33:13, 55:9, 76:2, 154:1</p> <p>leave ^[5] - 148:16, 149:1, 169:4, 255:14, 257:4</p> <p>LEBOWITZ ^[6] - 62:10, 62:11, 66:4, 67:10, 67:15, 68:17</p> <p>Lebowitz ^[1] - 62:10</p> <p>led ^[1] - 212:1</p> <p>left ^[15] - 7:16, 20:3, 23:17, 36:4, 136:13, 141:18, 142:2, 147:17, 148:15, 149:9, 184:15, 205:2, 207:16, 209:7, 227:10</p> <p>leftover ^[1] - 229:10</p> <p>legal ^[1] - 138:11</p> <p>legally ^[1] - 230:17</p> <p>LESLEY ^[2] - 5:11, 265:16</p> <p>Lesley ^[1] - 265:18</p> <p>letter ^[20] - 21:14, 37:15, 103:7, 125:9, 160:7, 165:7, 172:14, 179:8, 179:15, 179:18, 187:2, 187:3, 190:11, 201:16, 205:3, 230:5, 233:15, 260:12,</p>	<p>264:8, 264:14</p> <p>letters ^[6] - 49:3, 71:12, 87:9, 114:9, 114:10, 165:2</p> <p>letting ^[1] - 147:5</p> <p>level ^[18] - 11:2, 70:18, 90:6, 90:12, 100:12, 102:2, 103:11, 105:5, 105:7, 105:8, 105:9, 106:2, 112:9, 112:14, 113:4, 158:3, 158:7, 266:16</p> <p>levels ^[1] - 105:18</p> <p>LEWIS ^[10] - 192:3, 192:12, 195:14, 196:9, 197:13, 199:2, 199:7, 199:14, 199:18, 200:4</p> <p>Lewis ^[2] - 192:3, 195:13</p> <p>Lexington ^[13] - 213:13, 214:2, 215:8, 215:12, 223:10, 224:1, 224:5, 224:15, 228:11, 233:14, 234:11, 235:9</p> <p>License ^[40] - 6:5, 10:15, 11:14, 22:11, 24:4, 35:7, 39:1, 50:17, 61:18, 64:3, 65:10, 69:6, 70:4, 70:15, 90:1, 90:9, 100:3, 100:4, 100:6, 108:9, 111:8, 113:8, 113:9, 152:13, 159:5, 162:17, 164:7, 166:1, 180:15, 204:10, 207:9, 214:10, 266:1, 266:9, 271:10, 272:3, 272:5, 272:14, 273:12</p> <p>LICENSE ^[4] - 1:1, 1:3, 1:4, 4:12</p> <p>license ^[94] - 6:18, 11:7, 18:8, 20:5, 24:13, 24:15, 24:17, 25:5, 25:7, 25:11, 27:5, 30:12, 31:10, 34:12, 36:10, 36:12, 40:5, 46:9, 46:13, 53:1, 54:2, 54:7, 54:12, 54:17, 55:4, 55:12, 55:15, 56:11, 62:1, 63:5, 64:18, 65:9, 65:12, 72:18, 75:9, 78:15, 83:11,</p>	<p>84:11, 84:12, 88:17, 97:7, 98:14, 108:6, 108:12, 112:8, 112:17, 115:3, 116:7, 120:13, 121:7, 121:14, 127:8, 127:14, 128:6, 128:13, 128:16, 129:4, 131:14, 134:1, 152:14, 157:14, 160:8, 212:4, 212:9, 240:14, 240:16, 241:4, 242:14, 242:15, 243:17, 244:7, 245:15, 246:16, 247:12, 247:14, 248:5, 249:14, 256:13, 261:13, 262:3, 262:9, 263:12, 264:12, 266:15, 268:4, 268:8, 268:13, 268:17, 269:7, 269:13, 270:9, 271:6</p> <p>licensed ^[4] - 51:5, 70:10, 248:10, 253:9</p> <p>licensee ^[14] - 36:3, 136:12, 153:5, 153:10, 153:13, 154:9, 154:14, 154:15, 154:18, 155:4, 155:9, 247:5, 251:7, 271:3</p> <p>licensee's ^[1] - 156:8</p> <p>LICENSES ^[3] - 2:2, 2:4, 261:8</p> <p>licenses ^[9] - 52:10, 53:2, 55:17, 57:2, 57:4, 84:15, 129:2, 264:1</p> <p>Licenses ^[1] - 25:1</p> <p>Licensing ^[1] - 65:9</p> <p>licensing ^[1] - 24:8</p> <p>Lickin' ^[1] - 6:16</p> <p>Lieutenant ^[1] - 108:5</p> <p>lieutenant ^[1] - 109:2</p> <p>life ^[2] - 142:18, 236:18</p> <p>light ^[1] - 30:14</p> <p>likely ^[1] - 225:6</p> <p>limb ^[1] - 156:2</p> <p>limit ^[1] - 181:14</p> <p>limitations ^[3] - 26:14, 26:15, 26:16</p> <p>limited ^[2] - 13:6, 27:6</p> <p>LINE ^[1] - 272:7</p> <p>lined ^[1] - 106:6</p> <p>lines ^[1] - 106:14</p>	<p>Lint ^[7] - 33:1, 88:13, 164:16, 205:4, 230:5, 255:14, 257:5</p> <p>LINT ^[66] - 1:8, 6:4, 6:15, 8:18, 35:4, 38:16, 50:15, 61:3, 61:8, 61:16, 64:1, 69:4, 69:18, 89:16, 96:15, 97:4, 97:15, 104:6, 111:5, 112:5, 135:1, 135:9, 137:11, 137:16, 152:10, 153:15, 159:3, 159:16, 160:16, 163:16, 164:18, 167:11, 168:5, 174:6, 174:13, 175:7, 178:9, 183:5, 183:16, 190:10, 191:13, 192:8, 192:18, 200:10, 200:17, 201:2, 203:1, 203:16, 241:18, 245:16, 255:4, 261:11, 262:1, 262:8, 262:18, 263:4, 263:9, 263:18, 264:11, 265:2, 265:7, 265:10, 265:17, 266:7, 267:10, 270:17</p> <p>liquor ^[13] - 36:9, 36:12, 41:5, 56:11, 75:12, 78:15, 244:5, 244:13, 244:14, 248:7, 248:8, 249:13</p> <p>list ^[5] - 55:17, 85:9, 143:2, 196:4, 258:17</p> <p>lists ^[2] - 52:11, 53:5</p> <p>live ^[10] - 11:9, 13:18, 17:9, 22:3, 29:16, 112:18, 113:1, 184:15, 188:5, 262:10</p> <p>lives ^[2] - 8:14, 9:8</p> <p>LLC ^[38] - 2:11, 2:15, 3:5, 3:7, 3:9, 3:11, 3:13, 4:3, 4:7, 4:11, 4:14, 5:12, 6:14, 6:17, 35:2, 35:5, 51:1, 61:15, 61:17, 63:18, 64:2, 69:2, 69:5, 69:16, 70:1, 89:14, 89:17, 104:5, 104:7, 105:1, 112:3, 112:6, 113:6, 152:9, 152:12, 159:15,</p>	<p>159:17, 241:10</p> <p>lobster ^[11] - 8:9, 9:18, 10:1, 10:5, 13:18, 16:16, 17:1, 17:5, 17:6, 17:8, 19:1</p> <p>Lobsters ^[1] - 6:17</p> <p>LOBSTERS ^[2] - 2:11, 6:14</p> <p>lobsters ^[6] - 9:13, 13:17, 13:18, 17:3, 17:4, 17:10</p> <p>local ^[3] - 11:1, 84:2, 85:13</p> <p>located ^[4] - 7:15, 14:15, 14:16, 83:4</p> <p>location ^[26] - 8:6, 9:16, 11:10, 12:17, 14:15, 16:18, 41:5, 46:3, 55:5, 73:1, 73:15, 98:10, 165:13, 166:4, 166:7, 172:15, 176:8, 215:3, 215:11, 216:18, 218:13, 228:16, 247:15, 249:5, 258:13, 268:16</p> <p>locations ^[5] - 93:5, 95:18, 214:9, 223:14, 224:9</p> <p>log ^[2] - 223:6, 223:9</p> <p>logical ^[1] - 236:18</p> <p>logo ^[1] - 181:3</p> <p>logos ^[1] - 207:15</p> <p>long-term ^[1] - 126:9</p> <p>look ^[10] - 13:14, 28:11, 29:8, 52:18, 93:5, 196:1, 231:6, 233:2, 236:11, 247:8</p> <p>looked ^[4] - 75:3, 229:8, 229:12, 229:17</p> <p>looking ^[7] - 37:1, 40:11, 72:9, 84:2, 115:6, 156:14, 230:8</p> <p>looks ^[3] - 23:3, 226:15, 226:17</p> <p>lost ^[4] - 40:10, 199:17, 225:10, 251:8</p> <p>loud ^[2] - 184:14, 185:11</p> <p>Louie ^[1] - 22:12</p> <p>Louie's ^[1] - 22:3</p> <p>LOUIS ^[9] - 10:11, 11:18, 12:3, 15:9, 17:13, 17:18, 18:5, 18:12, 19:18</p>
--	--	--	--	---

<p>Louis [2] - 7:4, 7:16 love [1] - 122:11 luck [1] - 227:12 Luk [3] - 51:3, 51:15, 51:18 luk [3] - 56:2, 56:4, 56:10 LUK [7] - 56:12, 56:15, 58:6, 58:11, 58:14, 58:18, 59:5 lunch [3] - 41:13, 99:4, 99:6 LYNCH [2] - 5:14, 266:6 lynch [1] - 266:8</p>	<p>MALONEY [1] - 263:8 Maloney [2] - 2:7, 263:11 Malt [2] - 50:17, 70:3 MALT [2] - 2:2, 261:8 malt [3] - 249:9, 261:12, 263:12 man [1] - 181:11 manage [1] - 236:16 managed [1] - 11:8 management [3] - 66:13, 146:1, 146:5 MANAGEMENT [2] - 4:9, 135:7 Management [2] - 135:10, 136:13 manager [20] - 7:5, 7:18, 39:6, 39:14, 51:3, 52:7, 52:14, 53:1, 56:10, 56:12, 58:17, 60:12, 78:14, 81:9, 90:4, 97:11, 111:11, 112:13, 136:14, 249:13 Manager [1] - 70:9 managers [1] - 59:12 managing [1] - 74:13 manner [2] - 99:6, 144:4 March [5] - 53:18, 154:2, 160:9, 201:18, 266:13 Marino [1] - 86:12 MARIO [2] - 4:12, 159:2 Mario [5] - 203:6, 205:2, 210:11, 212:1, 221:17 mario [1] - 159:4 market [3] - 7:6, 9:12, 20:12 Mary [2] - 2:7, 263:11 MARY [1] - 263:8 Marylou [1] - 87:14 Mass [25] - 36:2, 51:1, 51:2, 53:18, 54:1, 54:14, 70:5, 73:15, 90:1, 104:7, 139:14, 140:2, 206:3, 206:18, 207:4, 209:5, 214:6, 215:3, 216:17, 217:10, 218:12, 224:2, 228:16, 248:15, 262:3 mass [1] - 11:9 MASSACHUSETTS [1] - 273:2 Massachusetts [11] - 1:12, 7:15, 56:14, 56:15, 58:4, 79:11,</p>	<p>204:18, 212:9, 242:8, 242:16, 250:5 Mastrangelo [5] - 7:4, 7:16, 7:17, 8:8, 9:8 mastrangelo [4] - 9:14, 15:17, 18:2, 18:17 MASTRANGELO [9] - 10:11, 11:18, 12:3, 15:9, 17:13, 17:18, 18:5, 18:12, 19:18 Mastrangelo's [1] - 14:17 match [1] - 208:7 Matt [1] - 87:9 matter [15] - 6:16, 26:2, 43:14, 113:5, 126:1, 143:18, 144:1, 144:2, 144:3, 150:5, 198:15, 203:7, 230:9, 237:6, 237:9 matters [2] - 199:1, 233:18 MATTERS [6] - 2:10, 3:2, 4:2, 5:2, 5:10, 265:15 MATTHEW [23] - 51:13, 52:2, 52:6, 52:15, 53:3, 53:8, 53:15, 55:1, 56:3, 56:13, 56:16, 57:1, 57:5, 57:8, 57:13, 57:16, 59:2, 59:6, 59:11, 60:13, 61:1, 61:5, 61:11 Matthew [1] - 51:14 McCarthy [16] - 136:14, 142:5, 146:10, 146:15, 147:3, 147:7, 148:2, 148:6, 149:7, 149:13, 149:14, 150:4, 150:7, 150:12, 151:1, 151:7 McComish [20] - 104:15, 104:16, 106:1, 106:5, 106:9, 106:12, 106:16, 107:5, 107:9, 107:16, 108:4, 108:14, 108:17, 109:3, 109:8, 109:11, 109:14, 109:17, 110:12, 110:18 meal [1] - 119:2 meals [2] - 31:5, 121:4 mean [41] - 25:15,</p>	<p>30:6, 32:15, 45:9, 52:18, 59:2, 75:14, 81:13, 117:4, 117:5, 119:6, 120:3, 120:10, 131:3, 131:5, 132:12, 157:8, 157:9, 157:14, 158:7, 172:8, 180:5, 180:6, 195:18, 197:18, 228:13, 232:2, 232:4, 232:6, 236:2, 240:8, 267:3, 267:13, 268:5, 268:13, 268:14, 269:9, 269:10, 269:11, 269:14, 269:16 meaning [1] - 118:13 means [1] - 219:7 meant [2] - 127:8, 237:14 measured [1] - 185:11 meat [1] - 98:18 mechanic [1] - 136:1 mechanical [3] - 27:8, 28:5, 105:9 mechanicals [1] - 93:14 media [3] - 70:17, 90:11, 113:3 medical [2] - 140:16, 142:8 meeting [4] - 82:14, 86:16, 87:5, 198:9 member [2] - 25:14, 185:9 MEMBER [7] - 135:13, 135:16, 136:3, 136:5, 257:14, 258:7, 260:9 MEMBERS [1] - 1:4 Members [3] - 136:11, 153:2, 242:9 Memorial [1] - 187:13 memory [1] - 238:6 men [3] - 184:17, 185:16, 197:17 mention [1] - 44:12 mentioned [4] - 56:4, 74:7, 184:12, 213:3 mentioning [2] - 56:4, 216:16 menu [2] - 256:2, 256:3 messed [1] - 187:6 met [4] - 108:4, 140:4, 208:12, 209:11 MICHAEL [61] - 29:15,</p>	<p>30:10, 32:18, 33:7, 39:12, 39:17, 40:3, 40:6, 40:18, 41:4, 41:13, 41:17, 42:4, 42:9, 42:16, 43:1, 43:5, 43:6, 43:12, 44:1, 44:9, 44:15, 45:1, 45:5, 45:6, 45:17, 46:2, 47:1, 47:4, 47:9, 47:11, 47:12, 47:14, 47:15, 48:1, 48:4, 49:9, 50:3, 50:9, 50:10, 56:12, 56:15, 58:6, 58:11, 58:14, 58:18, 59:5, 82:5, 82:11, 84:10, 84:16, 85:2, 86:8, 87:2, 175:2, 175:11, 176:11, 176:18, 177:8, 177:11, 177:16 Michael [9] - 29:16, 39:5, 39:13, 39:17, 51:3, 51:15, 51:18, 82:6, 175:2 microwave [1] - 14:3 mid [2] - 63:10, 64:14 mid-sixties [1] - 64:14 middle [3] - 141:11, 228:17, 229:18 midnight [3] - 48:5, 124:12, 127:5 might [14] - 16:11, 33:11, 76:6, 82:17, 124:7, 228:17, 233:7, 233:8, 234:16, 236:12, 237:6, 247:2, 251:7 migrated [1] - 55:6 miles [4] - 215:4, 215:12, 218:16 military [1] - 141:15 Miller [3] - 72:4, 76:1, 87:15 mind [2] - 67:13, 172:10 minimal [1] - 86:3 minutes [1] - 181:11 miscellaneous [1] - 210:14 missed [1] - 219:2 missing [4] - 46:14, 206:12, 211:12, 212:17 missteps [1] - 236:5 mistake [4] - 171:18, 186:14, 188:8, 236:3 mistakes [2] - 172:8, 236:2 MIT [3] - 63:3, 262:3,</p>
<p>M</p> <p>M-A-S-T-R-A-N-G-E-L-O [1] - 7:17 M-C-C-A-R-T-H-Y [1] - 136:14 M-C-C-O-M-I-S-H [1] - 104:16 M-I-C-H-A-E-L [2] - 39:13, 39:18 M-O-R-E-L-U-S [1] - 205:3 MA [4] - 4:3, 104:5, 105:1, 261:18 Ma'am [4] - 175:15, 184:9, 188:6, 192:13 machine [4] - 113:2, 207:15, 211:18, 238:3 machine/CD/ computerized [2] - 70:16, 90:10 Madam [9] - 7:13, 8:5, 12:14, 36:1, 56:16, 136:11, 149:12, 153:2, 270:18 Magazine [1] - 17:16 mail [10] - 21:12, 21:14, 125:8, 163:3, 164:16, 165:1, 166:12, 182:6, 189:9, 193:16 mailed [3] - 164:15, 189:10, 189:13 mailings [1] - 109:15 mails [1] - 27:16 main [2] - 51:5, 253:2 maintain [1] - 145:7 major [2] - 102:5 majority [1] - 11:9 male [5] - 140:4, 140:7, 140:8, 140:17, 142:4</p>				

263:14 mobile [1] - 69:7 model [7] - 116:9, 120:15, 120:16, 121:1, 121:14, 121:15, 122:1 models [1] - 123:16 modest [1] - 36:17 Monday [12] - 1:13, 6:6, 7:3, 49:18, 91:6, 91:10, 91:13, 95:14, 198:16, 199:2, 199:5, 204:13 monetary [1] - 251:5 money [5] - 148:10, 148:11, 206:17, 210:7, 248:6 monitor [2] - 252:18, 253:3 month [5] - 45:1, 146:3, 147:4, 147:9, 170:18 months [15] - 17:10, 23:8, 29:9, 30:13, 157:1, 157:8, 157:10, 158:2, 158:10, 158:14, 207:13, 209:2, 267:2, 267:6 months' [1] - 158:10 moral [1] - 237:1 morelus [13] - 212:3, 212:6, 212:12, 212:18, 222:8, 222:14, 223:5, 225:8, 226:11, 227:17, 229:2, 229:7, 238:12 MORELUS [2] - 4:12, 159:2 Morelus [9] - 159:4, 203:6, 205:2, 210:11, 210:12, 212:2, 212:15, 221:17, 222:4 morelus's [1] - 241:3 morning [6] - 41:7, 188:4, 207:7, 208:11, 226:6 morphed [1] - 19:2 most [8] - 13:15, 16:3, 42:9, 59:7, 93:15, 94:2, 121:14, 236:12 mounted [2] - 211:18, 238:4 move [5] - 86:4, 124:4, 151:3, 204:4, 241:17 movie [1] - 119:16	moving [3] - 73:7, 92:16, 196:15 mower [1] - 202:13 muffins [1] - 41:18 muffler [1] - 188:13 multifunction [1] - 118:2 multiple [5] - 52:10, 53:2, 53:6, 140:4, 232:17 multipurpose [1] - 118:3 Municipal [7] - 159:18, 167:13, 174:15, 178:11, 183:7, 191:16, 200:12 municipal [1] - 210:14 MURATI [520] - 1:5, 7:9, 8:2, 8:15, 9:2, 11:4, 11:16, 12:1, 12:4, 13:4, 15:2, 19:14, 20:4, 20:10, 20:13, 20:16, 21:1, 21:5, 21:8, 21:18, 22:2, 24:7, 24:18, 25:3, 25:6, 25:12, 27:1, 29:10, 29:13, 30:6, 32:13, 33:5, 34:1, 34:4, 34:7, 34:11, 34:17, 35:11, 37:10, 37:14, 38:1, 38:4, 38:9, 39:9, 39:15, 40:1, 40:4, 40:15, 41:2, 41:10, 41:15, 42:1, 42:5, 44:11, 44:17, 45:3, 45:8, 48:6, 48:10, 48:13, 48:16, 49:12, 49:17, 50:5, 51:9, 52:1, 52:3, 52:7, 52:17, 53:4, 53:12, 54:16, 56:1, 56:9, 56:18, 57:3, 57:6, 57:11, 57:15, 58:1, 58:7, 58:12, 58:15, 59:1, 59:10, 59:13, 60:1, 60:4, 60:7, 60:10, 60:14, 60:18, 61:10, 62:6, 62:13, 63:12, 64:9, 64:12, 66:16, 68:1, 68:4, 68:9, 68:12, 68:16, 69:10, 69:12, 71:1, 71:4, 71:8, 71:11, 71:16, 72:17, 74:5, 74:11, 74:16, 75:2, 75:14, 76:6, 76:10, 76:12, 76:17, 77:3, 77:9, 77:13, 77:17, 78:5, 78:13, 78:18, 79:3, 79:8, 79:14, 79:18, 80:3, 80:11, 80:14, 81:4, 81:8, 81:13, 81:18, 82:3, 83:7, 84:14, 86:18, 87:4, 87:8, 87:12, 87:18, 88:4, 88:8, 88:12, 88:16, 89:2, 89:6, 89:9, 90:13, 90:18, 91:4, 91:12, 91:16, 91:18, 92:3, 92:12, 92:18, 94:12, 94:17, 95:2, 95:5, 95:9, 95:13, 96:3, 96:7, 97:14, 97:17, 98:5, 98:13, 99:7, 99:15, 100:1, 100:9, 100:15, 101:2, 101:6, 101:15, 102:14, 102:18, 103:3, 103:6, 103:14, 103:18, 104:12, 106:7, 108:2, 108:11, 109:1, 109:10, 109:13, 109:16, 110:1, 110:5, 110:8, 110:14, 111:14, 111:17, 113:11, 113:18, 114:2, 114:7, 114:11, 114:16, 115:7, 115:13, 116:4, 116:13, 116:17, 117:3, 117:13, 118:1, 118:5, 118:12, 118:16, 119:4, 120:1, 120:17, 121:5, 121:16, 122:4, 122:9, 122:16, 123:1, 123:7, 123:9, 123:14, 123:17, 124:6, 124:11, 124:14, 124:17, 125:4, 125:7, 126:14, 126:18, 127:18, 128:11, 128:18, 129:14, 129:18, 130:3, 130:8, 130:12, 130:15, 131:2, 131:7, 131:16, 131:18, 132:5, 132:8, 132:10, 132:15, 133:3, 133:8, 133:11, 133:17, 134:4, 134:9, 134:12, 135:3, 136:2, 136:7, 136:16, 137:2, 137:6, 137:14, 138:3, 138:8, 138:18, 139:3, 139:8, 141:5, 143:3, 143:8, 143:13, 144:5, 144:8, 144:12, 147:2, 147:18, 148:4, 149:5, 149:17, 150:2, 151:14, 151:17, 152:3, 152:6, 152:16, 153:4, 153:7, 153:12, 153:17, 154:13, 155:3, 155:14, 155:17, 156:6, 156:13, 157:3, 157:7, 157:13, 158:6, 158:13, 158:17, 159:8, 160:2, 160:5, 160:14, 161:3, 161:8, 163:2, 163:6, 163:14, 164:3, 164:9, 164:13, 165:3, 166:2, 166:8, 166:11, 166:14, 166:18, 167:3, 167:7, 167:15, 168:2, 168:10, 168:14, 168:17, 169:9, 169:15, 170:5, 170:9, 170:12, 171:4, 171:8, 171:11, 172:1, 172:5, 172:12, 173:3, 173:13, 174:2, 174:8, 174:17, 175:4, 175:12, 176:9, 176:16, 177:4, 177:9, 177:14, 178:1, 178:13, 178:15, 179:2, 179:5, 180:4, 180:8, 180:11, 180:14, 182:12, 183:9, 183:15, 184:5, 184:9, 186:4, 186:17, 189:6, 189:14, 190:4, 190:13, 191:7, 191:18, 192:5, 192:13, 192:16, 193:7, 193:12, 194:18, 195:12, 196:7, 197:10, 198:14, 199:4, 199:9, 199:15, 200:1, 200:14, 201:6, 201:12, 202:6, 202:10, 202:15, 203:3, 203:5, 203:10, 204:3, 205:6, 214:13, 214:18, 215:15, 216:1, 216:9, 216:14, 217:16, 218:1, 218:4, 218:8, 220:2, 221:8, 222:11, 224:13, 224:18, 225:14, 226:10, 227:3, 227:7, 227:15, 229:1, 229:6, 230:14, 232:12, 234:7, 237:15, 238:9, 238:16, 239:12, 239:14, 239:17, 240:6, 240:13, 240:18, 241:5, 241:7, 241:12, 241:15, 242:3, 243:1, 243:6, 243:10, 244:15, 245:2, 245:5, 245:12, 245:18, 246:3, 246:9, 246:14, 247:1, 247:7, 247:13, 248:11, 249:4, 249:8, 249:12, 249:16, 250:2, 250:8, 250:12, 250:15, 250:18, 251:4, 251:12, 252:11, 253:4, 253:8, 253:12, 253:16, 253:18, 254:3, 254:6, 254:9, 254:12, 254:16, 255:2, 255:6, 256:14, 257:3, 257:6, 257:16, 258:2, 258:5, 258:9, 259:6, 259:9, 260:2, 260:7, 260:11, 260:17, 261:3, 261:7, 261:17, 262:6, 262:16, 263:2, 263:6, 263:16, 264:7, 264:17, 265:5, 265:9, 265:12, 266:4, 266:17, 267:12, 267:17, 268:1, 269:4, 269:9, 270:4, 270:12, 271:2 Murati [2] - 6:10, 214:11 Murphy [1] - 125:9 music [6] - 70:17, 90:11, 100:8, 100:10, 119:17,
--	--

<p>262:10 musical ^[1] - 112:18 must ^[4] - 23:3, 165:14, 179:11, 270:6 mystery ^[1] - 238:5</p>	<p>119:12, 258:12 necessary ^[7] - 22:6, 86:6, 121:11, 132:11, 196:11, 251:16 necessitated ^[1] - 248:4 need ^[30] - 41:3, 41:8, 46:5, 46:8, 47:4, 52:13, 54:17, 67:8, 72:18, 78:7, 80:3, 80:6, 85:8, 85:15, 92:5, 98:13, 98:15, 101:1, 101:2, 123:2, 123:3, 129:6, 129:12, 140:16, 158:3, 199:9, 247:9, 247:14, 247:17, 248:6 needed ^[1] - 11:7 needs ^[3] - 247:3, 258:12, 269:15 negative ^[1] - 209:10 negligent ^[1] - 237:12 neighborhood ^[12] - 11:11, 23:10, 72:2, 72:7, 73:8, 73:9, 73:15, 85:11, 98:17, 162:8, 256:4, 256:10 neighborhoods ^[1] - 36:16 neighbors ^[1] - 82:17 nephew ^[1] - 23:12 Net ^[2] - 211:4, 214:7 never ^[10] - 56:10, 78:14, 82:12, 146:13, 156:1, 182:9, 190:8, 197:5, 249:13, 270:16 NEW ^[2] - 3:15, 96:13 new ^[25] - 40:12, 46:3, 54:7, 54:10, 55:15, 64:3, 67:17, 70:2, 83:9, 84:3, 104:7, 112:7, 113:7, 169:17, 170:3, 170:16, 171:16, 171:17, 188:14, 210:17, 211:13, 245:3, 245:8, 259:10, 259:14 New ^[8] - 57:6, 57:9, 96:16, 191:14, 194:13, 194:16, 242:2, 242:3 newspaper ^[1] - 16:16 Newton ^[2] - 51:16, 198:2 next ^[10] - 9:10, 40:10, 49:18, 63:14,</p>	<p>101:11, 143:16, 163:10, 198:16, 204:12, 206:11 next-door ^[2] - 9:10, 40:10 nice ^[3] - 18:8, 72:11, 147:14 nicolazzo ^[1] - 159:17 NICOLAZZO ^[2] - 4:14, 159:15 Nicolazzo ^[8] - 160:2, 162:1, 162:6, 162:14, 163:8, 164:10, 165:6, 165:11 Nicolazzo's ^[1] - 162:1 NICOLE ^[520] - 1:5, 7:9, 8:2, 8:15, 9:2, 11:4, 11:16, 12:1, 12:4, 13:4, 15:2, 19:14, 20:4, 20:10, 20:13, 20:16, 21:1, 21:5, 21:8, 21:18, 22:2, 24:7, 24:18, 25:3, 25:6, 25:12, 27:1, 29:10, 29:13, 30:6, 32:13, 33:5, 34:1, 34:4, 34:7, 34:11, 34:17, 35:11, 37:10, 37:14, 38:1, 38:4, 38:9, 39:9, 39:15, 40:1, 40:4, 40:15, 41:2, 41:10, 41:15, 42:1, 42:5, 44:11, 44:17, 45:3, 45:8, 48:6, 48:10, 48:13, 48:16, 49:12, 49:17, 50:5, 51:9, 52:1, 52:3, 52:7, 52:17, 53:4, 53:12, 54:16, 56:1, 56:9, 56:18, 57:3, 57:6, 57:11, 57:15, 58:1, 58:7, 58:12, 58:15, 59:1, 59:10, 59:13, 60:1, 60:4, 60:7, 60:10, 60:14, 60:18, 61:10, 62:6, 62:13, 63:12, 64:9, 64:12, 66:16, 68:1, 68:4, 68:9, 68:12, 68:16, 69:10, 69:12, 71:1, 71:4, 71:8, 71:11, 71:16, 72:17, 74:5, 74:11, 74:16, 75:2, 75:14, 76:6, 76:10, 76:12, 76:17, 77:3, 77:9, 77:13, 77:17, 78:5, 78:13, 78:18, 79:3, 79:8, 79:14, 79:18, 80:3, 80:11,</p>	<p>80:14, 81:4, 81:8, 81:13, 81:18, 82:3, 83:7, 84:14, 86:18, 87:4, 87:8, 87:12, 87:18, 88:4, 88:8, 88:12, 88:16, 89:2, 89:6, 89:9, 90:13, 90:18, 91:4, 91:12, 91:16, 91:18, 92:3, 92:12, 92:18, 94:12, 94:17, 95:2, 95:5, 95:9, 95:13, 96:3, 96:7, 97:14, 97:17, 98:5, 98:13, 99:7, 99:15, 100:1, 100:9, 100:15, 101:2, 101:6, 101:15, 102:14, 102:18, 103:3, 103:6, 103:14, 103:18, 104:12, 106:7, 108:2, 108:11, 109:1, 109:10, 109:13, 109:16, 110:1, 110:5, 110:8, 110:14, 111:14, 111:17, 113:11, 113:18, 114:2, 114:7, 114:11, 114:16, 115:7, 115:13, 116:4, 116:13, 116:17, 117:3, 117:13, 118:1, 118:5, 118:12, 118:16, 119:4, 120:1, 120:17, 121:5, 121:16, 122:4, 122:9, 122:16, 123:1, 123:7, 123:9, 123:14, 123:17, 124:6, 124:11, 124:14, 124:17, 125:4, 125:7, 126:14, 126:18, 127:18, 128:11, 128:18, 129:14, 129:18, 130:3, 130:8, 130:12, 130:15, 131:2, 131:7, 131:16, 131:18, 132:5, 132:8, 132:10, 132:15, 133:3, 133:8, 133:11, 133:17, 134:4, 134:9, 134:12, 135:3, 136:2, 136:7, 136:16, 137:2, 137:6, 137:14, 138:3, 138:8, 138:18, 139:3,</p>	<p>139:8, 141:5, 143:3, 143:8, 143:13, 144:5, 144:8, 144:12, 147:2, 147:18, 148:4, 149:5, 149:17, 150:2, 151:14, 151:17, 152:3, 152:6, 152:16, 153:4, 153:7, 153:12, 153:17, 154:13, 155:3, 155:14, 155:17, 156:6, 156:13, 157:3, 157:7, 157:13, 158:6, 158:13, 158:17, 159:8, 160:2, 160:5, 160:14, 161:3, 161:8, 163:2, 163:6, 163:14, 164:3, 164:9, 164:13, 165:3, 166:2, 166:8, 166:11, 166:14, 166:18, 167:3, 167:7, 167:15, 168:2, 168:10, 168:14, 168:17, 169:9, 169:15, 170:5, 170:9, 170:12, 171:4, 171:8, 171:11, 172:1, 172:5, 172:12, 173:3, 173:13, 174:2, 174:8, 174:17, 175:4, 175:12, 176:9, 176:16, 177:4, 177:9, 177:14, 178:1, 178:13, 178:15, 179:2, 179:5, 180:4, 180:8, 180:11, 180:14, 182:12, 183:9, 183:15, 184:5, 184:9, 186:4, 186:17, 189:6, 189:14, 190:4, 190:13, 191:7, 191:18, 192:5, 192:13, 192:16, 193:7, 193:12, 194:18, 195:12, 196:7, 197:10, 198:14, 199:4, 199:9, 199:15, 200:1, 200:14, 201:6, 201:12, 202:6, 202:10, 202:15, 203:3, 203:5, 203:10, 204:3, 205:6,</p>
<p>N</p> <p>N1 ^[1] - 105:8 Nader ^[2] - 39:5, 39:13 NADER ^[29] - 39:12, 39:13, 40:6, 40:18, 41:4, 41:13, 41:17, 42:4, 42:9, 42:16, 43:1, 43:6, 43:12, 44:1, 44:9, 44:15, 45:1, 45:6, 45:17, 46:2, 47:1, 47:4, 47:9, 47:12, 47:15, 48:1, 48:4, 50:3, 50:10 name ^[43] - 7:13, 21:11, 22:1, 29:16, 39:11, 39:12, 39:16, 71:5, 71:6, 73:6, 90:15, 90:16, 98:1, 98:2, 104:14, 134:6, 139:5, 149:4, 152:18, 161:4, 161:6, 164:4, 167:17, 167:18, 175:2, 183:11, 192:2, 192:3, 193:8, 201:7, 204:8, 205:2, 205:5, 206:16, 207:3, 209:7, 243:5, 243:8, 246:6, 247:5, 255:7, 255:10, 255:11 named ^[1] - 206:17 names ^[9] - 7:11, 35:17, 51:11, 62:8, 113:13, 136:8, 175:1, 204:7, 242:6 native ^[1] - 8:8 nature ^[5] - 41:4, 49:2, 102:6, 222:13, 234:4 NAZHATT ^[9] - 39:17, 39:18, 40:3, 43:5, 45:5, 47:11, 47:14, 49:9, 50:9 Nazhatt ^[1] - 39:17 NE ^[2] - 5:6, 191:12 near ^[1] - 181:4 nearby ^[1] - 13:9 nearly ^[1] - 9:14 necessarily ^[4] - 117:15, 117:18,</p>				

<p>214:13, 214:18, 215:15, 216:1, 216:9, 216:14, 217:16, 218:1, 218:4, 218:8, 220:2, 221:8, 222:11, 224:13, 224:18, 225:14, 226:10, 227:3, 227:7, 227:15, 229:1, 229:6, 230:14, 232:12, 234:7, 237:15, 238:9, 238:16, 239:12, 239:14, 239:17, 240:6, 240:13, 240:18, 241:5, 241:7, 241:12, 241:15, 242:3, 243:1, 243:6, 243:10, 244:15, 245:2, 245:5, 245:12, 245:18, 246:3, 246:9, 246:14, 247:1, 247:7, 247:13, 248:11, 249:4, 249:8, 249:12, 249:16, 250:2, 250:8, 250:12, 250:15, 250:18, 251:4, 251:12, 252:11, 253:4, 253:8, 253:12, 253:16, 253:18, 254:3, 254:6, 254:9, 254:12, 254:16, 255:2, 255:6, 256:14, 257:3, 257:6, 257:16, 258:2, 258:5, 258:9, 259:6, 259:9, 260:2, 260:7, 260:11, 260:17, 261:3, 261:7, 261:17, 262:6, 262:16, 263:2, 263:6, 263:16, 264:7, 264:17, 265:5, 265:9, 265:12, 266:4, 266:17, 267:12, 267:17, 268:1, 269:4, 269:9, 270:4, 270:12, 271:2 Nicole [2] - 6:10, 214:11 night [9] - 17:18, 18:4, 47:9, 149:14, 214:1, 228:17, 229:18, 235:6, 235:8 nighttime [1] - 47:10</p>	<p>nine [9] - 63:9, 69:9, 90:3, 91:6, 91:11, 91:13, 91:14, 95:15, 207:6 nine-story [1] - 63:9 ninth [1] - 205:1 NO [2] - 4:3, 104:5 nobody [2] - 44:6, 188:9 noise [3] - 22:18, 185:9, 188:12 noises [1] - 161:17 non [2] - 152:13, 170:7 non-permitted [1] - 170:7 non-use [1] - 152:13 none [6] - 13:11, 13:12, 37:13, 172:4, 248:3, 259:4 noon [1] - 180:17 normal [3] - 46:11, 235:6, 235:8 normally [1] - 150:17 North [5] - 73:2, 73:18, 82:7, 264:2, 264:4 NOT [1] - 273:15 Notary [2] - 273:4, 273:11 note [11] - 12:7, 21:9, 68:4, 82:10, 103:7, 125:7, 125:17, 180:1, 182:3, 260:11, 272:5 noted [4] - 26:13, 146:8, 233:5, 272:15 nothing [16] - 23:9, 74:15, 102:5, 102:17, 138:1, 161:1, 163:13, 164:1, 168:7, 175:10, 184:3, 192:11, 193:4, 194:15, 201:3, 203:18 notice [9] - 41:5, 52:11, 80:4, 143:1, 164:10, 165:9, 205:3, 230:3, 233:6 notification [3] - 71:13, 150:5, 164:16 notified [1] - 266:1 notify [1] - 150:17 notwithstanding [5] - 146:4, 222:17, 232:1, 232:2, 236:14 nowhere [1] - 223:10</p>	<p>number [5] - 173:16, 211:13, 236:2, 239:3, 248:2</p> <hr/> <p>O</p> <hr/> <p>o'clock [5] - 46:7, 46:12, 207:6, 208:11 O'Connor [5] - 209:15, 210:1, 210:18, 211:1, 239:7 O'LEARY [8] - 62:9, 62:15, 64:11, 64:13, 65:16, 66:15, 67:6, 68:18 O'Leary [2] - 62:9, 62:15 O'-L-E-A-R-Y [1] - 62:9 O-R [1] - 90:17 oath [2] - 175:6, 184:8 observe [1] - 148:5 observed [4] - 148:6, 161:18, 184:17, 185:8 obtain [2] - 10:15, 179:11 obtained [3] - 206:15, 211:1, 239:6 obviously [3] - 45:11, 54:3, 55:7 occasion [2] - 145:6, 161:16 occasions [1] - 179:17 occupancy [1] - 112:12 occur [1] - 13:8 occurred [2] - 31:13, 266:13 occurs [1] - 19:4 October [2] - 157:3, 157:4 odd [1] - 218:17 odor [3] - 28:9, 28:10, 86:14 odors [3] - 27:13, 27:15, 27:18 OF [12] - 1:2, 2:1, 3:1, 4:1, 5:1, 5:6, 5:9, 191:12, 273:2, 273:14, 273:15, 273:16 offer [4] - 54:4, 154:6, 155:8, 156:16 offering [1] - 120:8 office [12] - 16:1, 64:16, 70:13, 101:11, 161:16,</p>	<p>176:2, 179:12, 184:12, 184:16, 204:18, 208:4, 209:8 officer [12] - 136:16, 139:16, 139:17, 149:13, 159:10, 204:3, 205:9, 214:13, 221:10, 222:18, 230:11, 238:9 OFFICER [2] - 204:8, 205:11 Officer [10] - 139:12, 139:18, 144:16, 204:14, 206:5, 207:7, 208:11, 210:17, 223:1, 241:1 officer's [1] - 138:5 officers [1] - 150:15 OFFICIAL [1] - 1:16 offs [2] - 33:6, 43:18 often [2] - 15:17, 184:13 old [1] - 251:7 older [1] - 63:3 once [10] - 43:18, 108:6, 139:4, 141:12, 142:11, 147:11, 188:11, 189:17, 209:10, 210:5 one [96] - 8:10, 13:2, 22:6, 30:2, 30:5, 36:18, 50:2, 51:6, 52:11, 53:1, 53:5, 54:9, 54:11, 56:8, 57:9, 63:14, 64:16, 64:17, 70:11, 71:14, 73:7, 73:8, 73:11, 81:8, 83:2, 85:18, 102:2, 114:13, 115:8, 115:10, 116:6, 124:5, 132:11, 133:4, 133:12, 143:18, 144:1, 149:7, 149:8, 154:5, 154:14, 155:13, 160:9, 162:2, 162:15, 165:11, 169:8, 170:17, 176:11, 176:13, 177:17, 184:6, 185:2, 186:7, 188:15, 192:14, 195:11, 195:14, 195:16, 203:9, 203:11, 205:5, 210:9, 210:11, 211:16, 212:1, 213:16, 215:3,</p>	<p>215:9, 216:11, 217:9, 227:1, 230:10, 231:7, 232:17, 234:18, 236:3, 238:10, 239:2, 241:16, 243:18, 245:6, 249:2, 251:1, 252:8, 252:9, 256:6, 259:11, 264:12, 265:4, 266:11 One [4] - 51:1, 112:9, 113:10, 266:8 ones [6] - 52:13, 53:6, 84:5, 114:12, 188:11, 263:10 open [21] - 10:6, 20:5, 37:8, 40:14, 41:12, 43:11, 44:8, 46:17, 53:17, 98:11, 116:12, 116:15, 116:18, 117:12, 119:11, 121:2, 124:8, 125:1, 132:1, 249:7, 257:8 opening [1] - 20:18 opens [2] - 22:7, 24:4 operate [7] - 19:1, 31:9, 69:7, 85:8, 85:15, 123:12, 264:2 operated [5] - 30:12, 54:14, 127:9, 127:11, 232:9 operates [1] - 8:12 operating [9] - 8:6, 30:5, 45:15, 47:17, 91:5, 180:18, 269:18, 270:5, 271:4 operation [13] - 10:17, 11:15, 13:3, 31:18, 33:14, 42:13, 48:3, 83:3, 92:13, 92:14, 99:4, 123:11, 259:15 operational [2] - 127:16, 244:4 operations [2] - 54:4, 266:3 operator [3] - 182:6, 238:7, 255:18 opportunity [5] - 65:8, 73:17, 85:17, 212:16, 255:17 opposed [5] - 22:5, 230:7, 230:8, 236:16, 237:11 opposition [14] - 21:16, 30:8, 38:2, 48:14, 60:5, 68:10, 87:16, 95:3, 103:4,</p>
---	---	---	---	--

<p>110:6, 134:5, 134:10, 254:7, 260:15</p> <p>options [1] - 73:18</p> <p>OR [18] - 90:16, 91:3, 91:10, 91:14, 91:17, 92:2, 92:11, 92:15, 93:3, 93:12, 93:15, 94:8, 95:7, 95:11, 95:17, 96:6, 96:10, 261:8</p> <p>order [4] - 22:16, 99:1, 156:9, 248:18</p> <p>Ordinance [3] - 33:10, 167:4, 212:8</p> <p>ordinance [1] - 210:15</p> <p>ordinary [1] - 228:14</p> <p>original [4] - 211:9, 211:10, 245:14, 272:2</p> <p>originally [2] - 64:16, 239:15</p> <p>otherwise [2] - 162:10, 198:18</p> <p>out-of-town [1] - 204:14</p> <p>outcome [1] - 267:5</p> <p>outdoor [1] - 78:3</p> <p>outfit [1] - 194:8</p> <p>outlying [2] - 234:12, 234:14</p> <p>outset [1] - 26:13</p> <p>outside [13] - 7:7, 16:11, 23:2, 57:4, 80:6, 80:9, 92:10, 119:13, 161:18, 231:18, 244:16, 245:7, 252:18</p> <p>oven [8] - 14:3, 43:4, 43:6, 85:4, 85:6, 85:7, 85:15, 93:6</p> <p>ovens [2] - 85:13, 93:17</p> <p>overall [1] - 31:16</p> <p>owed [1] - 156:10</p> <p>owes [1] - 155:6</p> <p>own [16] - 12:11, 21:10, 25:16, 40:6, 43:2, 72:10, 98:8, 102:8, 176:11, 213:6, 230:12, 231:18, 232:11, 233:12, 236:16, 256:6</p> <p>owner [12] - 7:18, 14:18, 26:11, 42:10, 126:6, 142:17, 182:4, 182:9, 201:10, 244:2, 255:17, 259:14</p>	<p>owner/manager [2] - 208:13, 211:14</p> <p>owners [1] - 126:13</p> <p>ownership [3] - 246:5, 246:15, 247:10</p> <p>owns [1] - 244:8</p> <p>P</p> <p>P-A-B-L-A [1] - 243:9</p> <p>p.m [43] - 1:14, 6:7, 7:3, 7:4, 10:6, 10:7, 35:9, 35:10, 37:8, 69:9, 70:6, 90:3, 91:6, 91:11, 91:13, 91:15, 92:1, 95:15, 95:16, 97:9, 99:16, 111:10, 161:10, 161:11, 199:6, 199:8, 213:11, 226:4, 241:16, 257:9, 257:11, 257:13, 258:3, 261:14, 261:15, 262:4, 262:13, 263:13, 264:3, 271:9</p> <p>P4 [2] - 105:7, 106:1</p> <p>PABLA [22] - 242:18, 243:4, 243:8, 243:15, 248:14, 249:6, 249:11, 249:15, 249:18, 250:7, 250:11, 250:14, 250:17, 251:3, 251:18, 252:3, 252:9, 252:14, 253:7, 253:11, 253:15, 255:3</p> <p>Pabla [3] - 243:9, 244:3, 248:11</p> <p>Package [1] - 35:7</p> <p>package [1] - 244:5</p> <p>packet [2] - 255:14, 256:3</p> <p>PAGE [5] - 2:10, 3:2, 4:2, 5:2, 272:7</p> <p>page [7] - 52:12, 53:5, 100:2, 100:4, 100:5, 101:3, 103:17</p> <p>Page [3] - 2:18, 3:18, 4:18</p> <p>Pageant [1] - 139:18</p> <p>paid [14] - 163:12, 206:10, 217:7, 217:14, 217:15, 219:6, 219:7, 219:8, 219:13, 220:1, 220:2, 220:3,</p>	<p>220:12, 225:11</p> <p>pair [1] - 75:9</p> <p>pan [1] - 229:9</p> <p>panel [3] - 63:11, 65:2, 65:14</p> <p>Panera [2] - 91:2, 93:16</p> <p>paper [1] - 154:3</p> <p>paperwork [2] - 83:9, 88:10</p> <p>PARADISE [2] - 4:9, 135:8</p> <p>Paradise [5] - 135:11, 140:2, 148:18, 149:6, 149:8</p> <p>Park [7] - 213:12, 215:10, 223:9, 228:11, 231:9, 231:11, 262:11</p> <p>park [6] - 18:11, 20:2, 20:3, 262:14, 263:1, 263:3</p> <p>parked [2] - 181:3, 194:14</p> <p>parking [17] - 18:17, 19:4, 19:8, 20:5, 20:7, 20:9, 20:12, 22:18, 23:1, 28:1, 77:8, 87:2, 104:9, 105:5, 105:6, 105:14, 196:15</p> <p>part [10] - 22:14, 27:5, 31:1, 74:14, 76:7, 155:16, 256:3, 264:4, 268:3, 271:5</p> <p>partially [1] - 211:11</p> <p>particular [6] - 8:12, 26:17, 144:13, 165:13, 215:1, 236:11</p> <p>particularly [2] - 11:1, 161:17</p> <p>parties [4] - 140:4, 142:10, 156:17</p> <p>parties' [1] - 142:16</p> <p>partner [5] - 72:4, 81:10, 82:9, 137:3, 246:12</p> <p>partnered [1] - 147:14</p> <p>party [2] - 140:15, 143:1</p> <p>pass [1] - 237:13</p> <p>passenger [8] - 226:12, 226:16, 227:1, 227:9, 227:11, 227:16, 238:5</p> <p>passengers [1] - 227:2</p> <p>passes [1] - 213:6</p> <p>passive [1] - 186:14</p>	<p>past [8] - 11:6, 33:13, 36:8, 55:5, 186:11, 195:10, 231:12, 256:7</p> <p>pastries [1] - 99:9</p> <p>patients [2] - 161:16, 184:13</p> <p>patio [12] - 7:1, 39:3, 42:2, 47:17, 48:3, 70:7, 77:15, 77:17, 78:7, 78:10, 78:11, 252:13</p> <p>patrol [1] - 139:16</p> <p>patron [16] - 143:10, 143:11, 144:15, 145:10, 145:14, 145:18, 146:5, 146:10, 147:5, 149:15, 150:11, 225:7, 225:12, 225:15</p> <p>patron's [1] - 223:13</p> <p>patrons [2] - 227:8, 232:17</p> <p>PAUL [8] - 147:7, 148:2, 148:6, 149:7, 150:7, 150:12, 151:1, 151:7</p> <p>Paul [2] - 136:13, 142:4</p> <p>pause [1] - 95:12</p> <p>PAVANDEP [23] - 242:18, 243:4, 243:8, 243:9, 243:15, 248:14, 249:6, 249:11, 249:15, 249:18, 250:7, 250:11, 250:14, 250:17, 251:3, 251:18, 252:3, 252:9, 252:14, 253:7, 253:11, 253:15, 255:3</p> <p>Pavandep [1] - 243:8</p> <p>pavilion [1] - 263:14</p> <p>pay [3] - 84:6, 219:10, 253:1</p> <p>paying [2] - 171:14, 223:8</p> <p>payment [1] - 207:18</p> <p>PB-46LN [1] - 169:8</p> <p>peacefully [1] - 148:15</p> <p>Pearl [1] - 261:13</p> <p>penalties [1] - 242:11</p> <p>pending [7] - 30:9, 44:13, 45:10, 60:11, 261:3, 264:18, 267:4</p> <p>people [31] - 12:2,</p>	<p>15:15, 16:1, 16:12, 24:16, 27:17, 55:9, 59:9, 63:15, 73:14, 117:16, 122:11, 122:12, 143:4, 147:13, 171:7, 172:9, 173:8, 173:10, 173:16, 196:17, 213:7, 228:14, 231:2, 231:12, 244:13, 248:2, 248:18, 253:12, 263:15</p> <p>people's [1] - 228:13</p> <p>per [5] - 39:5, 70:6, 90:3, 105:15, 112:11</p> <p>percent [2] - 83:18, 106:4</p> <p>percentage [3] - 32:2, 32:3, 246:15</p> <p>perfect [1] - 257:3</p> <p>performer [1] - 147:8</p> <p>performs [1] - 145:4</p> <p>perhaps [2] - 29:1, 224:11</p> <p>period [1] - 220:18</p> <p>perks [1] - 224:10</p> <p>permanently [1] - 238:4</p> <p>permit [28] - 31:3, 33:15, 67:3, 108:3, 108:8, 108:12, 110:17, 160:9, 179:11, 179:17, 187:3, 187:4, 187:5, 187:9, 189:9, 190:5, 196:8, 196:10, 198:17, 199:10, 199:11, 203:2, 262:15, 263:1, 263:3, 266:5</p> <p>Permit [4] - 167:14, 183:8, 191:17, 200:13</p> <p>permits [2] - 31:14, 68:5</p> <p>permitted [8] - 37:2, 42:4, 48:5, 170:7, 182:14, 186:11, 195:9, 224:5</p> <p>permitting [2] - 16:7, 189:15</p> <p>persistent [1] - 173:2</p> <p>person [23] - 140:6, 140:13, 141:7, 141:9, 141:11, 141:12, 141:17, 141:18, 142:6, 142:7, 142:11, 142:13, 142:15,</p>
--	--	---	---	--

<p>142:16, 143:10, 144:18, 147:9, 173:1, 196:2, 235:2, 238:14, 249:2 personal [3] - 76:3, 79:5, 213:6 personally [1] - 9:15 persons [1] - 140:11 persuaded [1] - 154:8 petition [22] - 21:6, 48:11, 48:14, 60:2, 60:5, 82:4, 87:6, 87:16, 94:18, 95:3, 103:1, 103:4, 110:3, 110:6, 134:2, 134:10, 246:4, 247:9, 254:4, 254:7, 260:8, 260:15 petitions [4] - 11:6, 68:7, 68:10, 134:14 Phillips [1] - 21:11 phone [3] - 189:11, 207:18, 238:11 phonetic [9] - 87:10, 87:13, 87:14, 139:18, 140:1, 204:15, 207:8, 208:13, 246:10 phonetic [1] - 87:10 photograph [1] - 162:5 photos [2] - 162:17, 185:16 physical [4] - 9:7, 145:9, 151:6, 151:10 pick [5] - 191:5, 204:5, 223:15, 225:2, 231:18 picked [5] - 224:14, 227:9, 231:9, 231:12, 234:16 picking [3] - 213:14, 223:6, 224:4 picks [1] - 231:11 picnic [9] - 7:7, 10:9, 10:10, 10:12, 10:14, 15:6, 15:7, 15:15, 18:10 picture [2] - 169:6, 223:11 piece [2] - 13:16, 17:8 pier [1] - 9:14 Pines [2] - 29:17, 82:6 pipe [1] - 86:5 Pizza [5] - 38:18, 39:14, 40:7, 40:14, 46:6 PIZZA [2] - 2:17, 38:15 pizza [4] - 39:7, 40:13,</p>	<p>43:3, 43:6 place [9] - 72:10, 73:8, 98:12, 98:16, 119:3, 143:7, 151:3, 170:16, 214:10 Place [1] - 134:7 placed [4] - 12:18, 140:7, 210:12, 212:12 places [3] - 182:1, 198:5, 256:7 Plain [3] - 213:12, 215:10, 224:15 plan [7] - 26:17, 41:11, 42:8, 80:4, 80:5, 94:6, 116:2 planning [4] - 83:13, 93:1, 132:2, 187:14 plans [1] - 249:9 plates [1] - 32:5 plausible [3] - 227:14, 228:7, 228:10 play [2] - 72:14, 262:3 played [1] - 113:3 playing [2] - 70:17, 90:11 pledge [3] - 153:9, 154:17, 247:12 plumbing [1] - 94:2 plus [2] - 53:2, 257:2 poetry [1] - 112:18 Point [2] - 264:2, 264:4 point [7] - 22:8, 55:15, 65:1, 86:6, 128:8, 185:15, 223:16 pointed [1] - 194:12 police [15] - 135:12, 149:3, 149:12, 150:5, 150:14, 150:17, 159:5, 205:12, 209:13, 211:9, 211:10, 222:15, 225:18, 228:1, 228:9 Police [4] - 139:11, 139:14, 205:14, 212:13 POLICE [58] - 1:7, 18:9, 19:7, 19:11, 21:4, 34:9, 34:13, 37:13, 38:8, 45:14, 45:18, 47:16, 48:2, 48:9, 49:15, 59:15, 60:9, 60:17, 66:18, 68:15, 81:7, 88:7, 94:15, 96:2, 102:16, 103:13, 110:11, 126:16, 128:10, 133:1, 135:18, 138:16, 151:12,</p>	<p>152:2, 158:12, 166:16, 167:5, 172:4, 174:5, 178:5, 183:1, 190:3, 202:18, 221:10, 221:15, 221:18, 222:5, 222:9, 237:18, 240:3, 240:10, 254:1, 254:14, 255:1, 260:5, 261:2, 267:18, 270:11 policies [3] - 145:8, 229:12, 229:14 policy [1] - 145:11 polite [2] - 181:18, 185:17 pop [1] - 120:6 pop-ups [1] - 120:6 popular [4] - 9:18, 10:5, 11:10, 17:4 Porter [1] - 73:16 portion [5] - 17:2, 18:14, 75:4, 121:13, 269:13 position [6] - 226:18, 229:5, 229:15, 230:16, 233:3, 271:4 positive [1] - 195:16 possession [1] - 36:11 possible [1] - 135:14 possibly [2] - 32:7, 83:17 POST [2] - 5:14, 266:6 Post [1] - 266:8 post [1] - 189:16 post-June [1] - 189:16 posting [1] - 46:17 Pot [3] - 51:1, 51:2, 51:14 pounds [2] - 62:3, 64:6 power [1] - 155:5 powers [1] - 138:12 pre [3] - 99:1, 118:14, 118:17 pre-made [1] - 99:1 preceding [1] - 158:2 precise [1] - 219:2 precisely [1] - 224:9 precursor [1] - 179:1 predicting [2] - 156:2, 187:17 preferred [1] - 54:8 premise [12] - 7:5, 39:6, 67:3, 70:9, 90:4, 97:11, 111:12, 115:3, 119:6, 121:6,</p>	<p>123:10, 127:4 Premise [1] - 113:8 premises [27] - 10:8, 10:13, 11:17, 12:2, 12:7, 12:9, 12:10, 12:12, 27:4, 51:3, 112:13, 120:9, 149:16, 242:16, 242:17, 244:9, 244:14, 253:5, 256:13, 256:17, 258:16, 259:5, 268:6, 268:15, 269:12, 270:7, 271:7 prep [2] - 70:13, 99:12 preparation [1] - 115:18 prepared [1] - 14:7 preparing [2] - 121:17, 123:3 prescribed [1] - 17:11 presence [1] - 10:14 present [1] - 244:2 presentation [1] - 29:18 presented [1] - 29:3 presently [2] - 242:16, 256:9 President [2] - 36:5, 104:17 pretty [5] - 57:17, 86:10, 102:2, 147:14, 184:14 prevent [1] - 237:6 previous [2] - 42:10, 238:14 previously [4] - 14:16, 55:18, 165:12, 211:8 primarily [1] - 75:7 primary [2] - 75:10, 83:14 Printon [1] - 207:8 printout [1] - 206:15 printouts [1] - 211:2 private [4] - 7:1, 7:7, 39:3, 182:7 pro [1] - 142:9 Pro [3] - 142:10, 142:12, 142:15 probable [1] - 216:4 problem [5] - 120:10, 146:13, 147:11, 148:11, 247:2 problematic [2] - 86:14, 172:18 problems [2] - 85:6, 237:7 procedures [2] - 229:12, 229:14</p>	<p>proceed [1] - 216:4 proceeded [1] - 209:2 proceedings [1] - 273:6 process [4] - 31:1, 56:7, 109:12, 207:18 processed [6] - 208:6, 211:5, 211:17, 212:15, 213:11, 214:1 produces [1] - 10:5 product [1] - 99:5 production [1] - 92:16 products [1] - 99:2 progress [2] - 139:15, 140:3 promise [4] - 160:17, 163:17, 175:8, 193:2 proof [1] - 198:16 propensity [1] - 236:9 proper [1] - 33:16 properly [2] - 30:17, 253:3 property [26] - 7:2, 7:8, 8:14, 14:18, 18:18, 23:6, 23:7, 26:5, 26:11, 30:16, 31:13, 31:16, 39:4, 62:18, 63:2, 63:3, 70:8, 105:2, 142:18, 176:4, 182:4, 182:7, 182:9, 213:9 proponent [1] - 30:4 proposed [17] - 7:2, 7:5, 7:18, 39:4, 39:6, 51:3, 70:5, 70:8, 76:17, 90:2, 90:4, 97:9, 97:11, 111:9, 111:11, 112:10, 112:13 proposing [1] - 42:2 proprietor [3] - 7:18, 16:3, 36:5 proprietors [1] - 86:13 protected [1] - 106:15 protection [5] - 106:4, 106:6, 181:17, 185:2, 189:18 protocol [2] - 170:1, 171:2 prove [1] - 216:6 proven [2] - 8:11, 146:13 provide [8] - 55:11, 99:5, 108:7, 122:13, 198:16, 208:2, 214:8 provided [9] - 134:16,</p>
---	--	---	--	--

<p>206:1, 216:18, 228:1, 238:14, 239:1, 239:3, 239:4, 267:8</p> <p>providing [1] - 266:2</p> <p>proximity [1] - 14:13</p> <p>PUB [1] - 152:9</p> <p>Pub [1] - 152:11</p> <p>Public [4] - 1:11, 6:7, 273:4, 273:11</p> <p>public [8] - 54:17, 70:8, 72:18, 118:8, 118:11, 118:13, 247:14, 248:1</p> <p>pull [1] - 125:12</p> <p>pulled [4] - 28:2, 28:3, 188:1, 262:14</p> <p>pumps [1] - 94:1</p> <p>punched [2] - 140:13, 151:2</p> <p>purchase [5] - 54:9, 54:11, 54:12, 154:6, 248:4</p> <p>purchased [2] - 17:3, 244:1</p> <p>purely [1] - 119:14</p> <p>purpose [3] - 37:9, 119:13, 119:15</p> <p>purposes [1] - 118:4</p> <p>purse [2] - 206:12, 207:1</p> <p>pursuant [1] - 152:14</p> <p>pursue [5] - 143:18, 144:1, 144:2, 144:4</p> <p>pursued [1] - 33:4</p> <p>pursuing [1] - 84:4</p> <p>push [2] - 50:2, 148:13</p> <p>pushed [5] - 107:11, 148:17, 149:5, 149:8, 149:9</p> <p>pushing [1] - 149:6</p> <p>put [16] - 22:15, 23:2, 27:12, 86:13, 102:4, 120:3, 120:8, 127:7, 151:8, 163:10, 170:18, 182:6, 197:16, 224:9, 244:7</p> <p>PUT [1] - 4:11</p> <p>Putnam [2] - 6:18, 8:6</p> <p>putting [1] - 23:15</p>	<p>questions [36] - 15:4, 37:11, 37:12, 42:6, 45:12, 45:13, 54:15, 59:1, 59:14, 59:16, 67:1, 81:5, 82:16, 91:5, 101:1, 126:3, 126:15, 126:17, 144:7, 144:11, 150:2, 151:13, 166:14, 166:15, 166:17, 172:1, 172:3, 182:10, 189:6, 189:7, 234:8, 237:16, 253:16, 253:18, 258:10</p> <p>quick [1] - 243:5</p> <p>quickly [1] - 99:3</p> <p>quite [8] - 18:2, 172:6, 173:5, 194:10, 226:1, 236:15, 240:8, 245:9</p> <p>quote/unquote [1] - 181:15</p>	<p>ran [2] - 223:2, 225:7</p> <p>range [2] - 17:9, 91:8</p> <p>rate [2] - 197:1, 218:17</p> <p>rather [6] - 23:1, 36:17, 47:8, 54:9, 115:3, 116:9</p> <p>RAY [14] - 21:17, 22:1, 22:3, 24:15, 25:2, 25:4, 25:9, 25:17, 27:14, 28:6, 28:16, 29:2, 29:7, 29:12</p> <p>Ray [2] - 22:1, 26:14</p> <p>RE [1] - 1:3</p> <p>reach [1] - 216:2</p> <p>reaction [1] - 144:17</p> <p>read [9] - 21:10, 138:10, 139:11, 141:3, 177:11, 180:3, 180:11, 271:1, 272:14</p> <p>reading [3] - 112:17, 138:5, 272:5</p> <p>Reading [1] - 180:15</p> <p>ready [7] - 34:8, 60:8, 60:9, 88:2, 240:4, 254:9, 254:12</p> <p>Real [3] - 62:16, 62:17, 104:18</p> <p>real [3] - 16:13, 147:14, 243:5</p> <p>realized [1] - 242:10</p> <p>really [23] - 36:15, 73:17, 75:12, 84:6, 119:5, 122:1, 123:10, 144:14, 153:9, 171:15, 223:4, 226:7, 226:8, 233:10, 235:12, 236:10, 236:15, 253:9, 253:10, 267:7, 268:10, 268:14, 268:17</p> <p>REALTY [2] - 4:17, 174:12</p> <p>Realty [3] - 174:14, 175:16, 176:3</p> <p>reapply [1] - 201:17</p> <p>rear [1] - 8:13</p> <p>REARDON [108] - 1:6, 15:5, 15:12, 16:5, 21:3, 34:10, 34:15, 37:12, 38:7, 42:7, 42:14, 42:18, 43:3, 43:9, 43:16, 44:7, 44:10, 45:13, 46:16, 47:3, 47:7, 48:8, 49:14, 59:17, 60:16, 65:13, 65:17, 66:12, 67:2, 67:7, 67:11,</p>	<p>67:18, 68:3, 68:14, 74:1, 80:16, 81:1, 81:6, 88:3, 88:6, 93:10, 93:13, 94:4, 94:10, 94:14, 96:1, 101:17, 102:7, 103:12, 105:16, 106:3, 106:10, 106:13, 107:3, 107:7, 107:14, 107:18, 108:15, 109:5, 110:10, 126:4, 128:9, 132:18, 150:3, 150:9, 150:16, 151:4, 151:11, 151:16, 152:1, 156:7, 156:12, 158:11, 166:15, 167:2, 172:3, 174:4, 178:4, 179:4, 182:18, 189:7, 190:2, 202:17, 234:9, 235:7, 235:13, 236:1, 237:17, 238:17, 240:5, 240:12, 251:14, 252:1, 252:6, 252:10, 253:17, 254:11, 258:11, 259:1, 259:13, 259:18, 260:4, 261:1, 267:15, 269:1, 269:5, 270:1, 270:10</p> <p>Reardon [1] - 6:10</p> <p>reason [6] - 22:11, 75:8, 77:6, 173:2, 224:11, 272:6</p> <p>REASON [6] - 272:8, 272:9, 272:10, 272:11, 272:12, 272:13</p> <p>reasonable [3] - 14:12, 157:6, 216:7</p> <p>receipt [2] - 49:5, 71:13</p> <p>receipts [1] - 71:14</p> <p>receive [4] - 165:6, 165:8, 195:6, 196:8</p> <p>received [22] - 12:6, 125:8, 160:7, 160:10, 164:10, 165:9, 169:2, 172:13, 176:2, 176:6, 179:12, 186:10, 186:13, 195:5, 202:2, 205:4, 205:15, 210:3, 210:17, 230:5, 260:12</p>	<p>receiving [1] - 198:12</p> <p>recent [1] - 12:6</p> <p>recently [4] - 13:9, 30:15, 65:7, 176:7</p> <p>recited [1] - 149:12</p> <p>recognize [1] - 234:10</p> <p>recommend [3] - 81:11, 127:3, 198:15</p> <p>recommendation [3] - 75:18, 128:8, 216:8</p> <p>recommended [1] - 214:11</p> <p>record [72] - 7:5, 7:11, 7:13, 9:4, 12:5, 12:8, 12:13, 21:9, 33:8, 35:12, 35:14, 35:17, 37:15, 39:6, 39:11, 39:14, 51:3, 51:11, 56:10, 62:8, 68:5, 70:9, 71:5, 78:15, 87:9, 90:4, 90:15, 97:11, 98:1, 103:7, 104:14, 111:11, 112:13, 113:13, 114:18, 125:8, 125:17, 125:18, 126:2, 134:13, 136:9, 136:15, 139:5, 152:18, 160:6, 161:5, 161:10, 162:4, 164:5, 167:17, 175:1, 179:3, 180:3, 180:12, 183:11, 186:9, 192:2, 193:9, 201:8, 204:7, 205:8, 219:9, 219:16, 241:3, 242:6, 249:13, 255:8, 255:15, 260:12, 262:10, 272:15, 273:6</p> <p>RECORD [1] - 1:16</p> <p>recorded [3] - 8:17, 9:3, 26:8</p> <p>recording [1] - 232:15</p> <p>records [5] - 211:2, 211:6, 219:5, 237:12, 239:5</p> <p>recovered [1] - 31:7</p> <p>red [2] - 224:10, 233:13</p> <p>redacted [6] - 138:9, 138:12, 139:11, 140:5, 141:4, 142:2</p> <p>redesign [1] - 93:3</p> <p>Redmax [1] - 169:4</p> <p>Redmaxes [1] -</p>
<p>Q</p>				
<p>Qdoba [1] - 90:7</p> <p>qualified [1] - 188:15</p> <p>qualify [1] - 189:2</p> <p>quality [2] - 28:12, 99:5</p>				

188:18 redundancy [2] - 107:11, 107:13 reference [4] - 115:9, 127:1, 134:15, 256:17 referred [1] - 208:15 referring [1] - 49:7 reflected [2] - 211:11, 223:1 reflects [1] - 66:9 refrigeration [2] - 251:16, 252:4 regard [13] - 58:4, 79:11, 125:10, 125:14, 128:4, 128:12, 133:18, 165:4, 215:16, 250:5, 266:18, 268:6, 268:9 regarding [3] - 176:18, 179:16, 266:12 REGION [2] - 4:3, 104:5 Region [1] - 105:1 region [1] - 104:7 register [1] - 253:1 registered [3] - 176:12, 185:5, 185:14 Registry [1] - 26:8 regular [3] - 213:16, 231:7, 231:10 regularly [4] - 116:12, 116:15, 116:18, 119:12 regulations [9] - 58:3, 58:10, 79:9, 79:16, 170:3, 171:1, 232:14, 250:3, 250:10 reject [2] - 129:1 relate [1] - 134:18 related [1] - 31:12 relates [1] - 133:13 relevance [1] - 14:11 relevant [2] - 13:2, 30:7 relocated [2] - 14:18, 40:11 relocating [2] - 94:2, 94:3 remain [2] - 37:8, 259:5 remains [1] - 271:5 remedy [1] - 237:6 remember [4] - 165:1, 227:17, 234:11, 235:2 remembering [1] -	253:5 remembers [1] - 228:2 removal [6] - 66:14, 266:15, 268:4, 268:8, 269:11, 271:7 remove [2] - 268:13, 269:12 removed [5] - 145:18, 269:2, 269:7, 269:15, 270:7 removes [1] - 269:3 renewable [1] - 212:10 renovation [3] - 43:10, 258:13, 259:3 renovations [1] - 80:17 repeat [1] - 64:10 repetitive [1] - 30:1 replaced [1] - 188:17 replacing [3] - 42:11, 43:12, 73:11 report [16] - 135:12, 138:5, 138:10, 138:11, 139:15, 140:2, 149:13, 159:5, 209:13, 210:9, 210:10, 210:16, 211:9, 211:10, 225:18, 228:9 Report [2] - 139:12, 212:13 reported [3] - 144:16, 146:7, 149:14 Reporter [2] - 273:4, 273:11 REPORTER [1] - 273:16 REPORTERS [1] - 1:16 reporting [6] - 140:6, 140:10, 140:15, 141:17, 141:18, 142:7 reports [4] - 145:15, 150:8, 205:12, 222:15 represent [1] - 222:16 representative [1] - 206:13 representing [3] - 23:14, 66:5, 153:3 represents [1] - 66:7 REPRODUCTION [1] - 273:15 request [8] - 36:17, 37:8, 146:17, 157:1,	158:5, 256:12, 267:1, 269:12 requested [4] - 128:7, 142:8, 142:14, 155:9 requesting [1] - 146:14 requests [3] - 244:1, 248:3, 266:10 require [1] - 116:12 required [3] - 116:15, 154:11, 162:10 requirements [1] - 120:13 requires [1] - 10:14 requisite [2] - 155:10, 156:18 research [1] - 85:16 researching [1] - 85:9 reservation [2] - 117:2, 117:8 residence [2] - 14:17, 164:17 resident [1] - 165:16 residential [1] - 14:13 residents [1] - 11:12 resist [1] - 148:16 resolved [4] - 33:16, 125:15, 126:6, 126:13 RESPECT [1] - 273:15 respect [2] - 32:15, 230:2 responded [1] - 139:14 response [1] - 23:14 Response [28] - 21:7, 34:3, 37:18, 38:3, 48:12, 48:15, 60:3, 60:6, 68:8, 68:11, 69:11, 87:7, 87:17, 95:1, 95:4, 103:2, 103:5, 110:4, 110:7, 111:16, 134:3, 134:11, 160:4, 178:14, 241:14, 254:5, 254:8, 260:16 responses [1] - 127:2 responsible [2] - 269:2, 269:8 rest [1] - 105:17 Restaurant [3] - 90:7, 112:8, 152:11 restaurant [41] - 22:4, 22:7, 24:5, 24:11, 25:5, 32:3, 32:7, 32:10, 32:12, 33:9, 33:11, 39:7, 40:9, 41:6, 53:17, 73:4,	73:6, 73:10, 75:8, 83:16, 99:2, 99:11, 111:12, 115:2, 116:7, 119:12, 120:13, 122:2, 122:18, 128:15, 130:6, 134:1, 242:17, 243:17, 244:9, 248:1, 248:15, 256:1, 256:2, 256:5, 256:11 RESTAURANT [3] - 2:13, 4:11, 152:9 restaurants [6] - 85:13, 119:11, 119:18, 244:5, 247:18, 250:1 restricted [2] - 26:7, 185:3 restriction [1] - 13:13 restrictions [8] - 14:14, 22:9, 24:17, 25:9, 26:13, 49:1, 181:10, 181:13 restroom [1] - 97:13 resubmit [1] - 53:9 result [1] - 15:1 results [1] - 209:9 retail [8] - 7:6, 9:11, 17:2, 17:3, 20:8, 20:11, 97:12, 251:5 return [3] - 146:3, 146:15, 208:4 returned [2] - 109:18, 141:10 Revenue [1] - 156:3 reverts [1] - 268:16 review [2] - 186:6, 195:8 reviewed [1] - 83:1 revocation [1] - 240:9 revoke [1] - 240:14 ride [1] - 215:1 rides [3] - 213:7, 227:16, 229:3 riding [1] - 180:16 rightly [1] - 232:8 ripped [3] - 140:9, 140:11, 141:8 Ristorante [1] - 86:11 River [1] - 8:7 Road [7] - 213:13, 214:2, 215:7, 215:11, 224:1, 234:11, 234:15 roadside [1] - 16:18 Robert [4] - 1:11, 6:7, 139:12, 201:9 ROBERT [6] - 201:1, 201:5, 201:9, 202:8,	202:12, 203:4 Roberts [1] - 202:2 Rogers [2] - 262:11, 262:12 roll [2] - 10:1, 10:2 roof [4] - 22:16, 23:4, 23:16, 105:9 room [7] - 51:5, 70:11, 135:15, 251:1, 252:8, 252:9, 253:9 Room [2] - 1:11, 6:8 rooms [3] - 70:11, 105:8, 112:14 round [1] - 16:6 RP [1] - 141:2 rule [4] - 198:1, 198:2, 245:11 rules [12] - 58:2, 58:9, 79:9, 79:16, 162:13, 186:1, 186:2, 197:2, 197:16, 232:14, 250:3, 250:10 run [7] - 16:6, 26:4, 85:5, 228:12, 228:18, 232:10, 232:13 running [3] - 224:8, 230:12, 244:4 runs [1] - 26:10
S				
S&R [4] - 5:8, 200:9, 200:11, 201:11 S-O-L-E-T [1] - 161:7 S-O-U-S-A [1] - 36:4 Saco [2] - 2:9, 264:11 SACO [1] - 264:10 safe [1] - 31:16 Safety [2] - 1:11, 6:8 safety [3] - 30:18, 144:18 sailing [1] - 263:14 Sal [1] - 202:2 sale [5] - 9:12, 26:5, 58:5, 79:11, 250:5 sales [8] - 17:3, 74:8, 75:2, 75:5, 75:12, 76:4 Salts [3] - 96:16, 242:2, 242:3 SALTS [4] - 3:15, 3:16, 96:13, 96:14 SAME [1] - 273:15 sandwich [5] - 9:18, 10:5, 17:8, 98:11, 98:18 Sanofi [1] - 107:10 Saturday [5] - 7:3,				

<p>47:12, 47:15, 91:14, 95:15</p> <p>saw [6] - 49:2, 74:6, 76:18, 100:1, 162:3, 244:17</p> <p>scale [1] - 83:17</p> <p>scenario [1] - 228:6</p> <p>scenarios [1] - 227:8</p> <p>scene [1] - 9:7</p> <p>schedule [2] - 57:17, 94:8</p> <p>scheduled [4] - 106:18, 161:11, 188:9, 214:12</p> <p>School [1] - 72:5</p> <p>school [3] - 73:13, 79:1, 266:3</p> <p>screwed [1] - 188:13</p> <p>scrubber [2] - 28:11, 28:12</p> <p>scrubbers [1] - 86:14</p> <p>seafood [4] - 9:13, 9:16, 9:17, 17:9</p> <p>Sean [1] - 101:14</p> <p>search [1] - 209:9</p> <p>Season [1] - 83:13</p> <p>season [1] - 185:3</p> <p>seasonal [4] - 16:6, 39:3, 70:7, 72:12</p> <p>seat [4] - 207:2, 227:10, 233:1, 256:1</p> <p>seated [4] - 7:16, 15:18, 36:4, 136:13</p> <p>seating [20] - 7:1, 7:7, 16:14, 39:2, 70:6, 76:18, 77:4, 78:3, 78:12, 80:6, 90:2, 92:10, 93:8, 97:8, 97:13, 111:9, 112:11, 244:12, 244:17, 245:7</p> <p>seats [6] - 7:1, 39:3, 47:17, 70:7, 248:17, 252:7</p> <p>second [19] - 63:13, 69:12, 90:6, 93:7, 96:17, 100:2, 100:4, 111:17, 129:15, 159:9, 161:12, 181:10, 210:10, 213:18, 223:17, 228:13, 245:6, 268:3</p> <p>Second [3] - 105:3, 105:4, 105:12</p> <p>Section [1] - 152:14</p> <p>secured [1] - 98:10</p> <p>see [18] - 109:1, 116:5, 131:4, 151:5, 156:9, 163:1, 166:8,</p>	<p>166:9, 184:13, 185:4, 189:1, 212:13, 228:7, 229:13, 247:5, 256:15, 256:16</p> <p>seek [4] - 11:13, 40:16, 84:7, 108:5</p> <p>seeking [9] - 24:9, 46:13, 55:16, 58:16, 91:1, 100:6, 107:13, 123:10, 255:16</p> <p>seem [1] - 223:3</p> <p>self [1] - 145:18</p> <p>self-defense [1] - 145:18</p> <p>sell [1] - 99:14</p> <p>selling [1] - 84:17</p> <p>seminar [2] - 117:12, 119:3</p> <p>seminars [1] - 122:14</p> <p>send [13] - 61:3, 82:1, 162:17, 165:4, 189:2, 190:11, 195:4, 196:3, 196:15, 198:7, 199:10, 199:13, 254:18</p> <p>sense [5] - 223:13, 224:8, 230:12, 231:14, 233:11</p> <p>sent [12] - 21:12, 21:13, 49:3, 82:9, 143:1, 165:2, 179:8, 179:15, 187:6, 188:3, 195:16, 201:16</p> <p>sentiment [1] - 235:18</p> <p>separate [9] - 65:3, 65:9, 83:4, 84:12, 88:18, 119:13, 119:15, 224:6</p> <p>separately [2] - 66:14, 66:15</p> <p>September [3] - 94:9, 179:15, 197:8</p> <p>Sergeant [1] - 209:12</p> <p>series [3] - 10:9, 12:18, 264:4</p> <p>serious [3] - 230:9, 233:9, 234:2</p> <p>serve [13] - 11:17, 41:8, 74:15, 78:7, 78:9, 99:6, 99:8, 107:16, 115:16, 121:3, 132:2, 245:10, 250:1</p> <p>served [5] - 32:5, 117:16, 244:13, 249:2, 256:12</p> <p>serves [1] - 256:2</p>	<p>service [9] - 24:5, 26:15, 32:8, 58:5, 79:12, 209:1, 244:16, 250:6, 268:10</p> <p>Service [1] - 207:12</p> <p>SERVICES [2] - 4:9, 135:7</p> <p>services [1] - 63:4</p> <p>Services [6] - 33:2, 33:11, 104:17, 135:10, 207:17, 266:2</p> <p>serving [13] - 41:6, 41:16, 77:14, 84:18, 119:7, 119:14, 244:5, 247:18, 248:8, 267:4, 267:14, 267:16</p> <p>set [20] - 21:3, 21:4, 48:8, 48:9, 81:6, 94:14, 94:16, 96:6, 96:7, 102:17, 108:1, 151:16, 187:8, 237:17, 253:17, 254:2, 260:4, 260:6, 273:6, 273:7</p> <p>sets [1] - 107:4</p> <p>setting [1] - 9:7</p> <p>seven [29] - 23:8, 39:5, 46:1, 61:6, 69:9, 70:6, 90:3, 91:6, 91:10, 91:13, 91:17, 92:1, 95:14, 95:16, 97:9, 97:10, 99:16, 111:10, 112:10, 112:11, 124:8, 124:11, 124:18, 125:1, 257:10, 257:13, 261:15</p> <p>Seven [2] - 29:16, 82:6</p> <p>several [6] - 11:8, 51:17, 79:6, 79:7, 179:17, 181:9</p> <p>sexual [1] - 138:13</p> <p>shack [1] - 16:16</p> <p>Shalimar [2] - 242:4, 248:16</p> <p>shame [1] - 236:13</p> <p>share [4] - 31:5, 63:10, 65:1, 66:13</p> <p>shared [2] - 64:18, 72:13</p> <p>sharing [1] - 65:14</p> <p>SHEET [1] - 272:1</p> <p>sheet [2] - 52:11, 272:6</p> <p>Sheet [2] - 272:2, 272:6</p>	<p>shell [1] - 107:1</p> <p>shirt [1] - 148:18</p> <p>shirts [1] - 184:18</p> <p>shop [7] - 42:17, 98:11, 171:1, 197:17, 198:4, 253:13</p> <p>short [2] - 208:3, 209:11</p> <p>Shorthand [2] - 273:4, 273:11</p> <p>shoved [4] - 141:13, 142:6, 149:15, 151:6</p> <p>show [7] - 66:1, 153:14, 153:16, 186:7, 196:13, 209:2, 255:18</p> <p>showed [1] - 270:16</p> <p>showing [2] - 206:2, 206:15</p> <p>shows [3] - 195:8, 215:4, 219:10</p> <p>sic [2] - 97:12, 202:1</p> <p>side [2] - 43:8, 165:18</p> <p>SIDE [2] - 3:17, 97:2</p> <p>Side [2] - 97:5, 98:9</p> <p>sides [1] - 176:5</p> <p>sidewalk [2] - 78:12, 162:2</p> <p>Sign [1] - 272:6</p> <p>sign [7] - 11:5, 33:2, 33:6, 43:18, 117:16, 155:8, 247:3</p> <p>sign-offs [2] - 33:6, 43:18</p> <p>signature [1] - 247:4</p> <p>SIGNATURE [1] - 272:1</p> <p>signatures [2] - 11:8, 114:5</p> <p>signed [7] - 45:9, 66:7, 81:10, 154:6, 156:15, 246:4, 247:10</p> <p>significant [4] - 11:1, 13:16, 36:13, 155:6</p> <p>similar [1] - 123:16</p> <p>single [2] - 196:3, 229:18</p> <p>sink [2] - 43:7, 102:4</p> <p>sit [6] - 15:8, 16:2, 16:12, 17:1, 32:7, 126:10</p> <p>site [1] - 28:8</p> <p>sitting [1] - 16:4</p> <p>situated [1] - 244:14</p> <p>situation [2] - 234:12, 234:14</p> <p>six [20] - 7:3, 10:6, 10:10, 15:9, 15:10,</p>	<p>15:13, 23:7, 27:6, 30:13, 35:9, 37:6, 37:7, 39:4, 41:3, 42:3, 45:16, 105:5, 228:6, 235:4, 267:2</p> <p>Sixth [2] - 1:11, 6:8</p> <p>sixth [2] - 15:11, 15:18</p> <p>sixties [2] - 63:10, 64:14</p> <p>slays [1] - 242:11</p> <p>slice [1] - 98:18</p> <p>slide [2] - 23:3, 23:16</p> <p>slight [1] - 95:12</p> <p>slot [1] - 182:6</p> <p>slow [2] - 53:6, 76:13</p> <p>small [7] - 83:17, 85:11, 147:7, 173:10, 173:16, 173:17, 256:1</p> <p>smell [2] - 22:18, 85:14</p> <p>smoke [3] - 13:11, 85:14, 125:11</p> <p>snow [1] - 16:13</p> <p>so... [1] - 186:3</p> <p>so... [2] - 198:13, 202:14</p> <p>Society [1] - 185:10</p> <p>software [1] - 239:11</p> <p>SOLET [9] - 160:13, 161:2, 161:6, 161:14, 163:5, 163:9, 184:7, 184:11, 189:17</p> <p>Solet [5] - 161:6, 161:9, 161:13, 165:16, 184:5</p> <p>solids [2] - 62:4, 64:7</p> <p>someone [13] - 26:5, 67:13, 119:1, 131:12, 145:5, 149:6, 151:2, 170:2, 171:9, 171:10, 171:12, 218:5</p> <p>sometime [1] - 10:18</p> <p>sometimes [2] - 16:2, 259:13</p> <p>Sons [5] - 159:17, 160:3, 162:1, 164:10, 165:11</p> <p>SONS [2] - 4:14, 159:15</p> <p>soon [3] - 23:18, 94:6, 198:2</p> <p>sore [1] - 140:16</p> <p>sorry [24] - 8:15, 9:2, 9:5, 21:18, 29:17, 87:14, 95:11, 117:6, 133:12, 133:18, 136:1, 137:6, 139:4,</p>
--	---	---	---	---

<p>150:1, 179:2, 192:5, 193:1, 203:10, 215:18, 221:9, 243:3, 243:11, 245:4</p> <p>sort [7] - 85:4, 127:13, 235:5, 236:9, 236:18, 237:3, 237:10</p> <p>sorts [1] - 233:7</p> <p>sound [6] - 27:12, 27:15, 161:15, 181:1, 184:14</p> <p>sounded [1] - 145:17</p> <p>sounds [1] - 157:5</p> <p>sources [1] - 10:3</p> <p>Sousa [3] - 36:4, 36:5, 36:10</p> <p>SOUSA [2] - 37:6, 38:11</p> <p>space [8] - 25:7, 36:11, 67:13, 93:2, 102:2, 118:3, 119:1, 122:8</p> <p>spaces [3] - 104:9, 105:6, 105:14</p> <p>Spanish [1] - 197:15</p> <p>speakers [1] - 117:15</p> <p>speaking [5] - 30:7, 32:17, 82:7, 243:13, 257:18</p> <p>special [2] - 17:7, 264:5</p> <p>specific [1] - 180:2</p> <p>specifically [2] - 127:8, 188:16</p> <p>specs [1] - 28:4</p> <p>speed [2] - 175:18, 176:1</p> <p>spell [23] - 7:10, 35:17, 39:10, 51:11, 62:7, 71:5, 90:14, 98:1, 104:13, 113:12, 139:5, 152:17, 161:4, 164:4, 167:16, 174:18, 183:11, 192:1, 193:8, 201:7, 204:6, 242:6, 255:8</p> <p>spelled [1] - 205:3</p> <p>spelling [1] - 36:1</p> <p>Spices [1] - 248:16</p> <p>spill [1] - 106:5</p> <p>SPIRITS [2] - 2:15, 35:3</p> <p>Spirits [2] - 35:6, 36:3</p> <p>spoken [3] - 146:1, 176:17, 208:14</p> <p>spot [2] - 40:12, 73:5</p> <p>spots [1] - 19:15</p> <p>sprinkler [1] - 125:16</p>	<p>sprinklers [1] - 126:10</p> <p>square [13] - 39:7, 51:7, 51:8, 54:11, 70:12, 70:13, 90:5, 97:12, 112:16, 207:18, 208:2, 239:11</p> <p>SQUARE [8] - 2:15, 3:5, 3:6, 3:7, 3:8, 35:3, 61:15, 63:18</p> <p>Square [24] - 35:6, 36:3, 36:16, 53:18, 55:7, 61:17, 61:18, 62:18, 63:1, 63:6, 63:7, 63:8, 63:9, 64:2, 64:4, 64:13, 64:15, 65:10, 65:12, 73:16, 92:17, 206:8, 264:14</p> <p>SS [1] - 273:3</p> <p>Stabilization [1] - 82:8</p> <p>staff [2] - 140:14, 147:13</p> <p>Staff [1] - 148:18</p> <p>STAFF [1] - 1:8</p> <p>stage [6] - 140:13, 141:10, 141:13, 145:12, 148:3, 148:12</p> <p>stake [1] - 233:9</p> <p>stand [10] - 17:1, 137:12, 137:14, 160:15, 168:3, 175:5, 183:17, 192:17, 200:14, 203:14</p> <p>standalone [2] - 65:4, 65:12</p> <p>standard [2] - 15:15, 25:4</p> <p>standards [1] - 65:11</p> <p>standing [4] - 155:11, 156:4, 163:10, 192:6</p> <p>stands [2] - 222:17, 231:1</p> <p>start [3] - 40:18, 138:4, 205:9</p> <p>started [5] - 6:5, 40:9, 40:12, 52:4, 93:11</p> <p>starting [3] - 46:2, 170:3, 171:3</p> <p>state [26] - 7:10, 28:12, 35:16, 39:10, 51:10, 62:7, 71:5, 90:14, 97:18, 104:13, 113:12, 136:8, 139:4, 152:17, 161:4,</p>	<p>164:4, 167:16, 174:18, 183:10, 192:1, 193:8, 201:7, 204:6, 242:5, 243:4, 255:7</p> <p>state-of-the-art [1] - 28:12</p> <p>statement [7] - 180:2, 180:9, 206:2, 208:2, 208:5, 209:3, 211:11</p> <p>statement(s) [1] - 272:16</p> <p>statements [3] - 208:5, 228:1, 231:7</p> <p>states [1] - 139:13</p> <p>stating [2] - 127:8, 160:8</p> <p>station [2] - 41:5, 253:1</p> <p>stations [1] - 125:12</p> <p>statutory [1] - 37:3</p> <p>stay [14] - 46:8, 46:10, 46:13, 46:17, 58:8, 58:9, 79:15, 191:4, 192:6, 250:9, 266:11, 267:1, 267:3, 268:2</p> <p>staying [3] - 266:18, 267:13, 267:15</p> <p>stealing [1] - 237:1</p> <p>steamed [1] - 13:17</p> <p>steamer [2] - 13:16, 14:2</p> <p>Stedman [7] - 213:13, 214:2, 215:7, 215:11, 224:1, 234:11, 234:15</p> <p>STENOGRAPHER [1] - 246:6</p> <p>step [1] - 154:10</p> <p>steps [2] - 129:6, 129:12</p> <p>Steve [1] - 87:14</p> <p>sticking [1] - 124:9</p> <p>Stihl [1] - 169:8</p> <p>Stihls [1] - 188:14</p> <p>still [17] - 30:16, 37:2, 43:4, 44:5, 85:9, 94:4, 98:17, 101:3, 116:14, 117:4, 126:10, 153:8, 184:7, 268:16, 269:1, 269:8, 270:8</p> <p>stipulation [1] - 175:17</p> <p>stipulations [1] - 176:14</p> <p>stock [1] - 246:15</p> <p>stolen [1] - 212:17</p> <p>stop [2] - 141:2, 191:2</p>	<p>stopped [1] - 194:4</p> <p>stops [1] - 188:3</p> <p>storage [8] - 43:14, 51:7, 70:12, 97:13, 105:6, 105:17, 105:18, 111:12</p> <p>store [9] - 20:8, 36:6, 36:7, 36:9, 40:9, 41:5, 244:5, 248:17, 252:15</p> <p>Store [1] - 35:7</p> <p>stored [1] - 66:10</p> <p>storefront [1] - 97:12</p> <p>story [6] - 51:4, 63:9, 70:10, 213:15, 227:4, 227:6</p> <p>stove [1] - 43:2</p> <p>straight [1] - 212:6</p> <p>strangers [1] - 121:3</p> <p>Street [36] - 1:11, 6:8, 8:7, 35:8, 36:16, 39:2, 40:13, 69:8, 97:8, 104:8, 105:2, 105:4, 105:10, 105:12, 107:13, 111:8, 112:9, 113:10, 152:13, 169:5, 169:13, 172:16, 176:4, 179:14, 179:16, 180:17, 181:2, 181:5, 193:17, 195:7, 217:12, 261:14, 262:11, 262:12, 266:8</p> <p>street [14] - 18:15, 72:6, 73:13, 83:14, 90:6, 98:10, 99:12, 117:18, 161:18, 176:5, 181:5, 185:3, 189:18, 194:14</p> <p>stress [1] - 200:6</p> <p>strictly [2] - 16:14, 74:17</p> <p>striking [2] - 143:9, 143:14</p> <p>struck [3] - 141:17, 144:14, 145:13</p> <p>structure [1] - 93:16</p> <p>students [2] - 11:12</p> <p>stuff [7] - 42:11, 43:8, 124:15, 168:15, 190:6, 233:11, 235:16</p> <p>style [2] - 8:13, 15:16</p> <p>sub [2] - 67:9, 67:10</p> <p>subject [3] - 221:7, 233:7, 233:18</p> <p>submission [1] - 261:4</p> <p>submit [2] - 61:2, 80:4</p>	<p>submittal [1] - 265:1</p> <p>submitted [6] - 37:15, 154:7, 180:1, 199:12, 256:3, 266:10</p> <p>subscribe [1] - 272:15</p> <p>subsequent [1] - 26:11</p> <p>successful [1] - 8:11</p> <p>successfully [1] - 227:10</p> <p>suffer [1] - 242:11</p> <p>sufficient [1] - 238:6</p> <p>suggest [1] - 13:1</p> <p>suggested [1] - 182:2</p> <p>suggesting [1] - 27:17</p> <p>summation [1] - 144:11</p> <p>summer [2] - 187:12, 264:4</p> <p>Sunday [10] - 7:4, 35:9, 36:18, 37:4, 37:5, 37:8, 47:13, 91:6, 91:17, 95:15</p> <p>Sundays [3] - 10:7, 132:1, 132:3</p> <p>sundries [1] - 235:15</p> <p>SUNG [5] - 255:10, 255:11, 257:10, 258:1, 258:4</p> <p>Sung [2] - 111:11, 255:10</p> <p>supervising [1] - 162:16</p> <p>supper [6] - 72:3, 74:13, 75:11, 78:4, 84:9, 86:7</p> <p>support [17] - 16:11, 21:12, 21:14, 30:8, 37:16, 37:17, 71:12, 73:12, 103:8, 114:9, 114:10, 125:18, 134:15, 134:16, 238:7, 260:8, 260:13</p> <p>supported [1] - 22:12</p> <p>suppose [1] - 235:12</p> <p>supposed [5] - 22:15, 159:10, 197:7, 198:3, 223:7</p> <p>suppression [1] - 65:3</p> <p>surprise [2] - 27:11, 185:14</p> <p>surprised [1] - 231:17</p> <p>surrounded [1] - 140:14</p> <p>SUSHI [1] - 2:13</p> <p>suspect [3] - 141:1,</p>
--	---	--	--	--

<p>141:13, 141:14 suspend [1] - 147:8 suspended [2] - 147:4, 212:9 suspension [6] - 266:12, 266:18, 267:4, 267:14, 267:16, 268:8 swear [7] - 137:17, 163:15, 168:6, 183:17, 184:1, 192:9, 200:18 swiping [1] - 238:11 sworn [2] - 175:6, 204:2 system [11] - 28:17, 29:4, 29:8, 44:5, 125:10, 125:13, 125:16, 126:5, 207:18, 208:16, 262:10 systems [1] - 65:3</p> <p>T</p> <p>T-A-T-C-H-I-O [1] - 175:3 T-I-B-B-E-T-T-S [1] - 183:14 T-Z-U-R-I-T [1] - 90:16 table [9] - 15:8, 15:13, 15:16, 15:17, 15:18, 16:4, 32:8, 244:12, 249:3 tables [12] - 7:7, 10:8, 10:9, 10:13, 10:14, 14:15, 15:6, 15:8, 18:10, 27:6, 72:13, 80:8 takeout [3] - 32:2, 32:3, 39:8 tank [4] - 105:7, 105:10, 105:13, 106:11 tanks [5] - 13:18, 104:10, 105:17, 106:6, 107:8 tape [4] - 9:3, 70:15, 90:9, 113:2 tardiness [1] - 242:10 Taste [1] - 83:13 TATCHIO [7] - 175:2, 175:11, 176:11, 176:18, 177:8, 177:11, 177:16 Tatchio [2] - 175:3, 176:10 Tatte [3] - 89:17, 89:18, 92:14 TATTE [4] - 3:13, 3:14, 89:14, 89:15</p>	<p>tavern [1] - 119:15 tax [3] - 31:6, 154:11, 155:10 Taxi [18] - 205:17, 206:3, 206:7, 207:2, 207:4, 207:9, 208:12, 209:1, 209:5, 211:7, 211:8, 211:18, 212:3, 221:12, 222:1, 222:7, 238:1, 238:4 taxi [5] - 207:13, 212:4, 213:3, 213:5, 223:8 taxicab [1] - 228:14 taxicabs [1] - 231:17 teacher [1] - 79:1 teaching [1] - 253:3 TECH [4] - 3:5, 3:7, 61:15, 63:18 Tech [2] - 61:17, 64:2 technically [1] - 145:5 TECHNOLOGY [2] - 3:6, 3:8 Technology [13] - 61:18, 62:18, 63:1, 63:6, 63:7, 63:8, 63:9, 64:3, 64:13, 64:15, 65:10, 65:11, 264:14 TED [8] - 62:9, 62:15, 64:11, 64:13, 65:16, 66:15, 67:6, 68:18 Ted [2] - 62:9, 62:15 telephone [1] - 186:9 television [1] - 18:3 temporary [4] - 266:15, 268:4, 268:7, 269:11 temptations [1] - 191:6 ten [4] - 46:11, 63:1, 132:6, 193:15 tenant [3] - 67:12, 107:12, 262:11 tenants [4] - 66:6, 66:9, 67:16, 67:17 tentatively [1] - 82:5 term [1] - 126:9 terms [13] - 66:3, 66:13, 76:3, 93:14, 120:18, 126:6, 126:11, 128:3, 134:14, 156:14, 230:3, 233:9, 235:15 terrible [2] - 86:10, 176:15 terribly [1] - 200:6 testify [5] - 137:10, 137:12, 203:14,</p>	<p>222:16, 230:17 testimony [15] - 137:17, 151:18, 160:17, 163:17, 168:6, 175:8, 184:1, 192:9, 193:3, 200:18, 203:17, 205:10, 218:7, 223:1, 231:1 Texas [1] - 71:15 THE [16] - 1:16, 3:10, 69:3, 135:13, 135:16, 136:3, 136:5, 241:11, 246:6, 257:14, 258:7, 260:9, 273:14, 273:15, 273:15, 273:16 theatre [1] - 119:16 theatrical [1] - 262:3 theft [2] - 209:16, 233:10 themselves [2] - 107:17, 146:8 theory [1] - 231:2 therefor [1] - 272:6 therefore [1] - 214:8 they've [2] - 24:8, 264:15 thief [1] - 232:3 thingy [1] - 238:11 thinking [4] - 20:5, 120:4, 172:10, 187:5 Third [1] - 69:8 third [6] - 210:16, 214:4, 217:17, 218:10, 226:5, 228:16 THIS [1] - 273:14 Three [1] - 195:7 three [34] - 10:4, 12:9, 15:16, 18:12, 19:6, 19:15, 23:4, 39:4, 41:3, 42:3, 45:16, 45:17, 47:7, 47:17, 82:18, 102:4, 125:16, 157:1, 157:8, 157:10, 158:2, 158:9, 158:10, 158:14, 191:1, 205:12, 211:2, 211:12, 211:16, 226:8, 227:16, 263:10, 267:6 three-bay [1] - 102:4 threw [4] - 140:10, 140:11, 141:3, 141:8 throughout [2] -</p>	<p>127:9, 244:4 throw [3] - 148:8, 151:2, 162:4 thrown [3] - 141:16, 145:14, 162:11 thrust [1] - 32:9 Thursday [6] - 17:14, 17:18, 18:4, 198:9, 264:2, 264:13 Thursdays [1] - 69:9 ti's [1] - 45:10 Tibbetts [8] - 183:6, 183:12, 183:13, 184:17, 185:5, 185:8, 186:8, 186:18 TIBBETTS [10] - 5:5, 183:4, 183:12, 184:4, 187:1, 189:8, 190:7, 190:12, 190:14, 191:9 tibbetts [1] - 183:13 ticket [2] - 196:14, 196:16 TIME [1] - 1:14 timeline [1] - 267:8 timely [2] - 99:5, 267:9 title [1] - 26:9 TO [1] - 273:15 today [20] - 11:13, 12:6, 13:9, 27:8, 28:4, 28:9, 36:18, 49:10, 120:7, 177:2, 187:7, 189:13, 205:1, 222:16, 224:12, 229:5, 230:4, 233:4, 265:13 today's [1] - 164:11 tolerate [1] - 146:5 Tommy [1] - 152:11 TOMMY [2] - 4:11, 152:9 tomorrow [8] - 49:11, 53:13, 61:2, 82:1, 88:13, 108:16, 111:1, 199:8 tonight [1] - 63:5 took [11] - 36:11, 42:10, 42:14, 42:16, 65:8, 141:2, 141:7, 143:7, 149:3, 194:10, 214:10 Toomey [3] - 21:13, 37:15, 103:8 tore [1] - 140:8 Toscanini's [1] - 102:10 total [7] - 51:8, 62:2, 112:12, 178:3,</p>	<p>182:17, 244:12, 249:7 totally [1] - 23:8 touch [1] - 44:6 tough [1] - 141:3 towards [1] - 154:10 town [1] - 204:14 towns [1] - 198:6 Towski [1] - 108:5 traced [1] - 180:18 traditional [1] - 72:13 trained [3] - 177:17, 186:2, 187:15 training [2] - 162:9, 252:17 transaction [6] - 155:7, 216:16, 223:18, 226:3, 226:5 transactions [12] - 206:16, 208:6, 208:18, 209:4, 211:3, 211:6, 211:7, 211:16, 213:1, 220:17, 238:2, 238:3 TRANSCRIPT [1] - 273:14 transcript [4] - 272:2, 272:5, 272:14, 272:15 transfer [14] - 25:1, 25:2, 25:10, 25:14, 50:16, 54:9, 55:13, 96:16, 242:1, 242:4, 242:14, 246:4, 247:9, 259:10 transferred [3] - 24:16, 36:13, 246:18 transfers [1] - 55:6 translate [2] - 197:15, 257:15 transmittal [1] - 251:5 transportation [1] - 9:16 transported [1] - 142:15 traps [1] - 102:5 traveled [1] - 57:13 travelers [2] - 11:13, 121:3 travelling [1] - 58:16 treat [1] - 161:16 trend [2] - 245:3, 245:8 trespass [1] - 143:2 trespassed [1] - 142:17 trick [1] - 74:17 tricky [1] - 238:5</p>
--	---	---	--	---

<p>tried [3] - 147:11, 210:5, 225:12</p> <p>tries [1] - 228:12</p> <p>trip [3] - 213:10, 214:4, 215:7</p> <p>truck [9] - 69:7, 162:1, 162:5, 162:11, 163:10, 163:11, 181:2, 194:13</p> <p>TRUCK [1] - 264:10</p> <p>Truck [2] - 2:9, 264:12</p> <p>truck's [1] - 194:12</p> <p>trucks [3] - 190:15, 198:7</p> <p>true [3] - 16:17, 223:17, 273:6</p> <p>trust [2] - 24:1, 177:10</p> <p>truth [30] - 137:18, 138:1, 160:18, 161:1, 163:18, 164:1, 168:7, 168:8, 175:9, 175:10, 184:2, 184:3, 192:10, 192:11, 193:4, 193:5, 201:3, 201:4, 203:18, 204:1</p> <p>try [4] - 22:13, 24:10, 46:4, 187:13</p> <p>trying [18] - 56:8, 84:8, 84:9, 85:10, 117:7, 121:1, 121:18, 123:18, 124:1, 145:1, 173:1, 173:7, 173:9, 173:11, 181:16, 225:7, 228:17, 237:2</p> <p>turbo [1] - 176:1</p> <p>turn [2] - 99:3, 135:14</p> <p>turned [1] - 81:17</p> <p>TVs [1] - 113:4</p> <p>twelve [6] - 37:6, 46:7, 46:12, 93:4, 112:10, 261:14</p> <p>twelve-week [1] - 93:4</p> <p>twice [4] - 101:7, 206:14, 225:13, 227:10</p> <p>Two [1] - 70:10</p> <p>two [50] - 8:14, 9:9, 12:7, 18:12, 22:6, 23:3, 37:1, 51:7, 65:14, 70:11, 70:12, 82:18, 90:5, 93:12, 105:6, 112:14, 112:15, 113:4, 124:1, 129:2, 154:1, 165:10, 171:6,</p>	<p>171:7, 172:14, 173:14, 182:13, 184:17, 185:16, 189:17, 191:1, 205:4, 206:2, 206:15, 208:6, 209:4, 213:5, 214:14, 223:14, 226:1, 227:1, 227:8, 234:18, 256:7, 262:4, 262:13, 266:10, 266:14, 267:6</p> <p>two-family [2] - 8:14, 9:9</p> <p>Two-story [1] - 70:10</p> <p>type [9] - 13:7, 109:7, 116:8, 128:1, 146:5, 234:12, 234:14, 236:10, 256:10</p> <p>types [3] - 14:14, 122:13, 197:3</p> <p>Tzurit [1] - 90:4</p> <p>TZURIT [17] - 90:16, 91:3, 91:10, 91:14, 91:17, 92:2, 92:11, 92:15, 93:3, 93:12, 93:15, 94:8, 95:7, 95:11, 95:17, 96:6, 96:10</p>	<p>UNIDENTIFIED [7] - 135:13, 135:16, 136:3, 136:5, 257:14, 258:7, 260:9</p> <p>uniform [1] - 139:16</p> <p>unique [3] - 11:10, 16:17, 63:7</p> <p>Unit [1] - 205:15</p> <p>unit [2] - 99:10, 208:15</p> <p>units [1] - 99:14</p> <p>universities [1] - 84:2</p> <p>University [1] - 266:1</p> <p>UNIVERSITY [2] - 5:11, 265:16</p> <p>university [1] - 11:12</p> <p>unknown [6] - 146:11, 214:6, 215:3, 215:11, 216:17, 218:12</p> <p>unless [3] - 50:7, 144:11, 190:17</p> <p>UNLESS [1] - 273:15</p> <p>unlikely [1] - 223:4</p> <p>unnecessary [2] - 131:8, 181:18</p> <p>unscrupulous [1] - 225:12</p> <p>unusual [1] - 235:1</p> <p>up [54] - 23:16, 27:18, 28:2, 43:11, 58:9, 66:1, 79:15, 83:2, 106:14, 107:15, 114:6, 114:9, 117:17, 121:12, 137:7, 140:9, 141:8, 153:14, 153:16, 158:7, 160:15, 162:3, 168:3, 170:18, 175:5, 187:6, 188:13, 190:14, 191:5, 192:17, 196:13, 200:15, 203:14, 204:5, 210:2, 213:14, 220:10, 223:6, 223:15, 224:4, 224:10, 224:11, 224:14, 227:9, 231:9, 231:11, 231:12, 231:18, 234:16, 235:16, 240:17, 250:9, 254:18, 270:16</p> <p>upper [1] - 105:9</p> <p>UPPER [2] - 4:7, 5:13</p> <p>UPPERWEST [1] - 112:4</p> <p>UpperWest [1] -</p>	<p>112:7</p> <p>UpperWest's [1] - 113:7</p> <p>ups [2] - 120:6, 225:3</p> <p>upstairs [1] - 93:9</p> <p>UPTON [15] - 153:1, 153:3, 153:5, 153:11, 154:4, 155:1, 155:4, 155:15, 156:1, 156:11, 156:15, 157:5, 157:9, 157:18, 158:15</p> <p>Upton [1] - 153:2</p> <p>URBAN [4] - 3:11, 3:12, 69:16, 69:17</p> <p>Urban [3] - 70:2, 71:17, 72:1</p> <p>urban [2] - 16:16, 70:1</p> <p>usage [5] - 169:12, 169:14, 176:6, 179:16, 202:4</p> <p>uses [2] - 14:13, 176:13</p> <p>utensils [1] - 32:6</p>	<p>24:4, 25:1, 39:1, 50:16, 70:3, 90:1, 97:7, 111:8, 113:9, 152:12</p> <p>virtual [1] - 256:13</p> <p>videos [1] - 190:1</p> <p>violate [1] - 234:5</p> <p>violated [1] - 145:11</p> <p>violation [39] - 128:4, 135:10, 151:18, 152:4, 159:4, 159:17, 159:18, 167:1, 167:12, 167:13, 169:17, 172:6, 174:3, 174:14, 174:15, 178:2, 178:10, 178:11, 182:16, 183:6, 183:7, 186:13, 187:10, 187:16, 189:15, 189:16, 190:4, 190:5, 191:14, 191:15, 196:15, 197:1, 198:18, 200:11, 200:12, 202:16, 212:8, 230:3, 233:16</p> <p>VIOLATION [20] - 4:8, 4:12, 4:13, 4:15, 4:16, 5:3, 5:4, 5:6, 5:7, 5:9, 135:6, 152:8, 159:1, 159:14, 167:9, 174:11, 178:7, 183:3, 191:11, 200:8</p> <p>violations [6] - 159:6, 182:13, 210:15, 234:1, 244:7, 266:12</p> <p>VIRGINIA [4] - 192:15, 193:6, 193:10, 193:14</p> <p>Virginia [1] - 193:10</p> <p>visible [1] - 23:8</p> <p>visualizing [1] - 117:10</p> <p>vocals [1] - 113:1</p> <p>volume [1] - 272:5</p> <p>vote [31] - 34:8, 34:11, 38:6, 60:8, 60:11, 68:13, 88:2, 88:4, 95:10, 95:14, 103:9, 110:9, 128:7, 129:1, 129:15, 130:8, 130:17, 131:11, 166:18, 172:5, 174:2, 178:1, 198:18, 202:15, 240:2, 240:4, 254:10, 254:13,</p>
	<p>U</p> <p>U.S [3] - 58:13, 80:1, 250:13</p> <p>UAV [4] - 125:9, 125:14, 125:15, 271:5</p> <p>unapproved [1] - 169:3</p> <p>unconfirmed [1] - 214:14</p> <p>under [14] - 32:11, 33:9, 48:17, 146:17, 167:4, 175:6, 184:8, 204:11, 210:12, 212:12, 233:12, 240:1, 247:5, 270:9</p> <p>UNDER [1] - 273:15</p> <p>undersigned [1] - 273:4</p> <p>understood [3] - 76:16, 127:9, 259:18</p> <p>underwear [2] - 140:8, 140:9</p> <p>unemployment [1] - 154:9</p> <p>unfair [1] - 181:14</p> <p>unfortunately [1] - 225:10</p>		<p>V</p> <p>vacation [2] - 137:1, 187:12</p> <p>Variance [10] - 17:12, 22:12, 22:14, 25:10, 25:16, 26:7, 26:8, 26:10, 33:16</p> <p>Variances [1] - 26:3</p> <p>VC [1] - 121:7</p> <p>vehicle [1] - 105:15</p> <p>vehicles [1] - 197:16</p> <p>vend [1] - 264:13</p> <p>vendor [1] - 264:1</p> <p>Vendor/Peddler [1] - 69:6</p> <p>vent [4] - 22:16, 23:2</p> <p>ventilation [1] - 135:14</p> <p>venting [2] - 85:14, 99:11</p> <p>venue [1] - 119:17</p> <p>Verillo [2] - 246:10, 247:10</p> <p>versus [2] - 119:7, 120:3</p> <p>vibrant [1] - 73:3</p> <p>Vice [1] - 104:17</p> <p>vicinity [1] - 180:18</p> <p>victim [2] - 180:5, 180:6</p> <p>Victualler [14] - 6:18, 10:15, 11:14, 22:10,</p>	

254:16, 260:17, 270:8	165:5, 187:17 weekend [1] - 187:14 weekends [1] - 47:11 weeks [3] - 11:6, 93:12, 158:4 welcome [1] - 147:1 welcomed [1] - 256:4 Wendell [4] - 169:5, 169:13, 170:14, 172:15 WEST [2] - 4:7, 5:13 west [2] - 57:10, 57:14 whatnot [1] - 124:15 whatsoever [3] - 23:9, 151:10, 185:18 Wheelock [1] - 21:11 WHEREOF [1] - 273:7 whole [15] - 91:8, 126:12, 137:18, 160:18, 163:18, 168:7, 175:9, 184:2, 188:18, 192:10, 193:4, 201:3, 203:18, 251:9, 259:15 wholesaling [1] - 19:2 wholesome [1] - 72:12 wife [4] - 187:5, 242:12, 246:13, 247:3 WILLIAM [21] - 242:7, 243:3, 243:12, 243:16, 244:18, 245:4, 245:9, 247:11, 247:16, 251:10, 255:9, 255:12, 257:1, 257:4, 257:12, 258:14, 259:4, 259:8, 259:12, 259:16, 261:5 William [2] - 242:7, 255:13 WILLIAMSON [1] - 134:6 Williamson [1] - 134:7 wine [4] - 40:16, 249:10, 261:12, 263:12 Wine [4] - 35:6, 36:3, 50:17, 70:3 WINE [4] - 2:2, 2:15, 35:3, 261:8 Winthrop [1] - 152:13 wisdom [1] - 158:1 wish [1] - 85:9 wished [1] - 182:5 WITH [1] - 261:8	withdraw [1] - 129:11 withdrawals [1] - 206:2 withdrawing [1] - 128:14 withdrawn [1] - 208:8 WITHOUT [2] - 2:2, 261:8 witness [1] - 180:6 WITNESS [1] - 273:7 witnesses [1] - 204:2 Woburn [1] - 188:2 woman [1] - 79:7 wonderful [1] - 89:8 wondering [4] - 32:1, 138:9, 245:7, 245:13 wood [4] - 85:4, 85:7, 85:13, 86:9 wooden [1] - 15:15 word [1] - 232:4 words [1] - 59:8 worker [3] - 23:13, 179:13, 181:8 workers [2] - 162:2, 162:9 works [2] - 46:9, 112:18 world [1] - 236:13 worried [1] - 148:9 writing [1] - 270:13 written [4] - 24:17, 134:14, 180:2, 206:1 wrote [2] - 182:3, 229:3 www.reportersinc. com [1] - 1:17	years [12] - 8:8, 8:10, 8:12, 30:12, 31:6, 36:8, 63:1, 63:2, 79:6, 86:11, 125:16, 249:7 York [2] - 57:6, 57:9 young [2] - 79:7, 244:2 yourself [2] - 64:10, 151:5 yourselves [1] - 82:16
W		Z	
WAGNER [1] - 5:14 Wagner [9] - 266:16, 268:5, 268:9, 269:18, 270:5, 270:7, 271:4, 271:5, 271:7 waited [1] - 150:15 waiter [1] - 32:8 waitress [1] - 32:8 walk [3] - 117:18, 119:1, 251:1 walked [5] - 149:2, 149:10, 150:12, 161:17, 184:16 walking [2] - 119:2, 193:16 wall [2] - 22:17, 23:5 wallet [1] - 213:8 walls [1] - 102:5 Walter [1] - 36:4 WALTER [2] - 37:6, 38:11 wants [2] - 85:18, 146:15 warning [3] - 172:14, 189:15, 190:5 warrant [3] - 210:13, 212:6, 212:12 was...well [1] - 31:11 waste [1] - 66:13 watch [1] - 148:7 water [2] - 23:3, 23:16 Watertown [2] - 205:16, 206:9 waybill [3] - 230:1, 230:7, 231:4 waybills [6] - 214:15, 229:3, 230:15, 232:15, 235:15, 237:4 ways [1] - 72:13 wearing [3] - 181:17, 184:17, 185:1 wears [1] - 255:18 weather [3] - 16:7, 16:10, 48:5 website [2] - 83:1, 185:4 Wednesday [2] - 82:14, 187:18 week [14] - 10:4, 39:5, 46:1, 50:2, 70:6, 90:3, 93:4, 97:10, 99:17, 111:10, 112:11, 157:17,		ZBA [1] - 45:10 Zelinski [2] - 273:4, 273:10 Zoning [7] - 12:16, 13:13, 14:10, 15:1, 32:11, 32:14, 33:2	
	X		
	XAVIER [10] - 113:16, 114:1, 114:4, 114:8, 129:7, 129:16, 130:11, 131:1, 132:13, 133:16 xavier [1] - 113:16		
	Y		
	yard [1] - 181:6 year [20] - 12:17, 16:6, 17:11, 23:8, 29:9, 46:15, 54:6, 98:11, 170:17, 171:16, 171:18, 172:13, 173:15, 186:7, 187:6, 188:15, 189:1, 195:11, 196:3, 267:7		