

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

POLICE COMMISSIONER BRENT B. LARRABEE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: February 15, 2017

TIME: 3:01 p.m.

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P R O C E E D I N G S

February 15, 2017, 3:01 p.m.

CHAIR NICOLE MURATI FERRER: We'll be calling stuff a little bit differently. We are going to call Middle East matter so our police officers can get back to the roads.

With regard to the Clover Food Lab that has also been deferred. Or not "also," that has been deferred.

EXECUTIVE DIRECTOR ELIZABETH LINT: Beat me to it.

If anyone has a cell phone on, can you turn it off or put it on silent. Thank you.

And this is a hearing of the Cambridge License Commission, Wednesday February 15, 2017 at 3:01 p.m.

We are in the Michael J. Lombardi Building, 831 Mass. Ave, Basement Conference

Room. Before you are commissioners Chair Nicole Murati Ferrer and Interim Commissioner Brent Larrabee.

EXECUTIVE DIRECTOR ELIZABETH LINT: As the Chair stated, we will be starting with No. 12 on the agenda.

DISCIPLINARY: MIDDLE EAST RESTAURANT, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: Disciplinary. Middle East Restaurant, Inc. Holder of a common victualler all alcohol license at 472 Mass. Ave for alleged violations of General Laws Chapter 138, Section 23, 64 and 69 and rules and regulations of the Board of License Commissioners 12B.6.

Specifically it's alleged that on December 15, 2016 a patron was over served and required medical attention.

CHAIR NICOLE MURATI FERRER: Before we start, we are being audio and taped recorded.

EXECUTIVE DIRECTOR ELIZABETH LINT: That was next.

CHAIR NICOLE MURATI FERRER: And, Counselor, before I ask all of you to identify yourselves, listen out. Do you think we'll be calling these individually but why don't I swear everyone in now and get anybody's name and we can get that off the table, state your --

EXECUTIVE DIRECTOR ELIZABETH LINT:
Anyone that will testify, please stand.

(Witnesses sworn.)

CHAIR NICOLE MURATI FERRER: Please state and spell your names for the record.

ATTY BERNARD SHADRAWY: Bernard Shadrawy
S-H-A-D-R-A-W-Y. Shadrawy & Shadrawy at 31 State
Street, Boston, Mass 02109.

CHAIR NICOLE MURATI FERRER: Thank you.

JOE SATER: Joseph Sater.

ATTY BERNARD SHADRAWY: I can give you

their names if you prefer. Joseph Sater, owner and manager of the Middle East.

Ashley Lord, who is the security manager for the Middle East.

CHAIR NICOLE MURATI FERRER: How do you spell your last name?

ASHLEY LORD: L-O-R-D.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY BERNARD SHADRAWY: Kellen Ball, who is security staff.

And Ned Wellbery, who is the booking manager.

CHAIR NICOLE MURATI FERRER: How do we spell that last name.

ATTY BERNARD SHADRAWY: W-E-L-L-B-E-R-Y.

And Nabil Sater, the owner of the Middle East Restaurant.

CHAIR NICOLE MURATI FERRER: Thank you.

If I can get the names of the police

officers.

SERGEANT JOSEPH MURPHY: Joseph Murphy,
M-U-R-P-H-Y.

CHAIR NICOLE MURATI FERRER: Thank you,
Sergeant.

POLICE OFFICER CHRISTOPHER AMES: Officer
Christopher Ames, A-M-E-S.

CHAIR NICOLE MURATI FERRER: Thank you
very much.

And who is going to start us off with
regard to the December 15th incident?

Neither of you were there?

(No verbal response.)

CHAIR NICOLE MURATI FERRER: Ms. Boyer,
did you talk to the officer about this at all?

ANDREA BOYER: Now, I believe he was --

CHAIR NICOLE MURATI FERRER: I'm sorry?

ANDREA BOYER: He was notified by email
through Chris O'Neil to attend.

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe we had notice.

CHAIR NICOLE MURATI FERRER: Is Mr. Murphy here?

SERGEANT JOSEPH MURPHY: I'm Sergeant Murphy. I wrote a report. Would you like me to go over that?

CHAIR NICOLE MURATI FERRER: Yeah, yeah. Absolutely.

SERGEANT JOSEPH MURPHY: I was going to wait.

So do we have issues if I refer to my report?

CHAIR NICOLE MURATI FERRER: No. Usually you guys just end up reading the report, and if we have any questions, we can ask you.

SERGEANT JOSEPH MURPHY: On the evening of December 15, 2016, I was a street supervisor that covered the area of Central Square which

included the Middle East club.

And at approximately 22:56 hours, just before 11 p.m., medical, fire and police personnel were dispatched to the Middle East for an incoherent unresponsive person.

That person was conveyed to the Cambridge hospital emergency room by means of Professional Ambulance.

One of the officers that responded, Officer Thomas Gaudette, 628, notified me that they had conveyed the person from the Middle East licensed establishment and needed medical attention.

I responded straight to the Cambridge emergency room where I went to see the person named Mr. Rogers. Mr. Rogers was still incapacitated, incoherent and could not converse with me at all.

Assisting with him was a woman named

Claire Flemming that was with him previous to that for the past -- for a few hours previous to him begin conveyed to the hospital. And she said in her conversation to him, before Rogers arrived at the Middle East, he had consumed three -- told her that he had consumed three-quarters of a bottle of wine previous to that.

That while he was at the Middle East, he was drinking whiskey.

The Middle East has numerous bars and almost venues inside of venues, so I want to be specific which bar that he was in, in the description of the bartender, so I asked her those questions, and it was the bar closest to the corner of Mass and Brookline on the first floor, ground level.

And that the bartender there was a white male bartender in his 50s.

I left the hospital, I went to the Middle

East. I met with the owner Mr. Sater and asked him to talk about -- to see the bartenders.

The interior first floor bar had a black male bartender who had been working there that whole evening, downstairs had a white female bartender, and in the corner bar, that was closest to the corner, had a white male bartender in his 50s who was later identified as Mr. Page.

Am I using the wrong name here?

Mr. Rogers was the victim taken to the hospital. And Mr. Page was the bartender.

I went up to Mr. Page and asked him what happened with the person that was taken out. And initially right away he was very evasive in his answers and it was apparent to me he was not being truthful and he tried to divert and say "that person that was taken out by ambulance was on something. I saw him, they brought him up from the downstairs bar and he wasn't up in this

bar area at all."

So having known what I knew from talking to the person that was with him, that wasn't a possibility.

Mr. Sater came up and I said "Can we go and get some security, get the bartender from downstairs and she came upstairs. And she came into our conversation when she was partially denying this and she gave him the look and he said "Well, maybe he was in this bar but it was a big group of people at a table and he was on some kind of drugs."

I asked him to identify himself and as part of his identification, I asked him for his date of birth to which he gave me his correct month and date, but he recorded his year as being three years younger than he was.

Having -- doing that, compiling a report, because the person was taken to a hospital from

the licensed establishment, I looked up Mr. Page and found he did indeed lie to me about his date of birth and I felt some other things that I wrote in the report and filed it with this Commission.

CHAIR NICOLE MURATI FERRER: Thank you.

SERGEANT JOSEPH MURPHY: I have to say Mr. Sater was cooperative and at times throughout that interchange had told the bartender to just tell me the truth, to tell me what happened.

CHAIR NICOLE MURATI FERRER: Thank you, Sergeant.

Counselor, do you have any questions for the Sergeant?

ATTY BERNARD SHADRAWY: No.

CHAIR NICOLE MURATI FERRER: Mr. Page (phonetic) is not here, correct?

ATTY BERNARD SHADRAWY: Correct.

I would like to offer, just in summary

and then we can ask the witnesses to present their testimony.

What actually happened was that Bob Page was a white male bartender that evening at what is called the Corner Cafe.

The patron that was taken to the hospital was not in that area until he was brought out and placed in that area when the ambulance, and the police officer arrived.

The patron was actually in what is called the back club of the Middle East Restaurant, which is behind the Mass Ave entrance on the Brookline Street side.

There is, and was, a white bartender in there that night, male, whose name is Tim Harris and, in fact, we have his supervisor and witnesses that did observe the patron in the back club.

CHAIR NICOLE MURATI FERRER: Why don't we

have him testify to it then.

ATTY BERNARD SHADRAWY: Okay.

During that time. I just wanted to set the stage as to why Bob Page was so confused.

CHAIR NICOLE MURATI FERRER: How do we know that Mr. Page was not -- how do we know what you just told us, the summary you told us, that this person was in a certain area and not really with Mr. Page, how do we know that?

ATTY BERNARD SHADRAWY: If I -- do you want me to ask questions or --

CHAIR NICOLE MURATI FERRER: He can answer my question if he knows the answer.

JOE SATER: The guy was in the upstairs club, and so and he fell, okay, on the floor. So the bartender, the upstairs, took him and did the due diligence and took him to the outside and called security to call the cops.

So, to be fair to Bob Page, I guess he

was nervous. I didn't know -- I didn't know he didn't know anything about it. And I want him to be truthful. I want to work with the cops.

Anything happen, we call the cops.

ATTY BERNARD SHADRAWY: Let's start with the event.

The reason that we know where he was is that you actually saw him in there?

JOE SATER: Yeah, I saw the guy earlier coming from my side to go upstairs, coming on 472 Mass Ave.

ATTY BERNARD SHADRAWY: Where do they enter in to get into that club?

JOE SATER: To 472 Mass Ave.

ATTY BERNARD SHADRAWY: So they come in 472, they go back, to the back of 472 Mass Ave and there's an entrance?

JOE SATER: Exactly. In case of emergency, upstairs is the closest door you are

to the person, you move the person out of the crowd and you call security and you call the police.

ATTY BERNARD SHADRAWY: Okay, and in order to get in the club that night, was there a fee? Was there a charge to get in?

JOE SATER: There's a cover, yes.

ATTY BERNARD SHADRAWY: So there was a band in there and --

JOE SATER: Yes.

ATTY BERNARD SHADRAWY: -- some sort of entertainment?

And this gentleman in order to get in that room paid money to get in that room?

JOE SATER: Exactly.

ATTY BERNARD SHADRAWY: So then during the evening, how was it that you got into that club in order to be able to see the patron?

JOE SATER: I do my own roaming of the

club. It wasn't that busy that night upstairs and you could see and I noticed the guy dancing and he was coherent.

ATTY BERNARD SHADRAWY: He was coherent?

JOE SATER: Yes.

ATTY BERNARD SHADRAWY: Can you say whether or not you served him alcohol or not at your club?

JOE SATER: I can't say that.

CHAIR NICOLE MURATI FERRER: You cannot?

JOE SATER: I cannot because I'm not the bartender.

CHAIR NICOLE MURATI FERRER: Did you speak to the bartender in the area?

JOE SATER: I did. I spoke to Tim Harris and Tim Harris said "I did not serve him."

CHAIR NICOLE MURATI FERRER: Do you have -- go ahead.

POLICE COMMISSIONER BRENT LARRABEE: What

time did you first see him?

JOE SATER: Around 9:00, 9:30.

POLICE COMMISSIONER BRENT LARRABEE: So it is your testimony that he was in the bar for two hours and he didn't drink, is that your testimony?

ATTY BERNARD SHADRAWY: I don't believe that was his testimony.

JOE SATER: No. My testimony --

POLICE COMMISSIONER BRENT LARRABEE: You were asked if he was served and you said "no."

JOE SATER: I asked the bartender after the event "Did you serve this guy, this guy claiming being served?" He said "Joseph, no." "When this guy fell on the floor in front of my bar I dragged him -- I took him outside, you know, with the help of security, put him on the table, and called the cops."

POLICE COMMISSIONER BRENT LARRABEE:

Okay.

ATTY BERNARD SHADRAWY: If I could go to the head of security.

CHAIR NICOLE MURATI FERRER: Yeah.

I do have one question.

And in the Sergeant's report, it said that one of the things that Page said in response to whether he had served this gentleman was "Well, there was a large group at a big table and he could have been there."

Do we know --

JOE SATER: It was out of nervousness. The guy got put on the table, that's what we do with them, put them on available -- or chair, put them on the table, the EMTs come in and take care of them.

CHAIR NICOLE MURATI FERRER: Do you have cameras inside?

JOE SATER: Not in that area.

ATTY BERNARD SHADRAWY: The answer is "yes" but not in that area.

CHAIR NICOLE MURATI FERRER: And did -- when you got notice of this hearing, or when you were -- basically when the Sergeant was asking questions as to the service that was provided to this gentleman, did anyone think to look at the credit card receipts to see if he had paid for anything?

JOE SATER: No, we didn't.

I don't usually interfere with the cops when they talk to my help.

CHAIR NICOLE MURATI FERRER: I meant, when the Sergeant was talking to both of you, did, after the fact, or at any point, did you check to see whether this gentleman had paid at the premises?

ATTY BERNARD SHADRAWY: I might point out that the report we got was totally redacted.

CHAIR NICOLE MURATI FERRER: It has the names redacted. Not by my preference but by counsel for the police department.

ATTY BERNARD SHADRAWY: We couldn't --

CHAIR NICOLE MURATI FERRER: What you have, are the names redacted.

ATTY BERNARD SHADRAWY: So we couldn't tell -- we couldn't go back and look to see.

CHAIR NICOLE MURATI FERRER: I see your point, Counselor. Let me see. But they didn't -- okay, they redacted the name of the gentleman but not --

ATTY BERNARD SHADRAWY: Right. This was the first.

CHAIR NICOLE MURATI FERRER: Got it. Not of Robert Page. Got it.

ATTY BERNARD SHADRAWY: Robert Page worked for us.

CHAIR NICOLE MURATI FERRER: Got it.

Okay. I'm sorry. Go ahead.

ATTY BERNARD SHADRAWY: So and this is Ashley Lord, the chief of security.

Mr. Lord, can you explain, did you have an occasions to go into the back club that night?

ASHLEY LORD: Yes.

Every night I need to patrol every single room to check on the patrons and check on the bartenders and make sure everything is all right and going well.

And I did witness that guy and his girlfriend earlier in the upstairs club.

ATTY BERNARD SHADRAWY: Approximately what time?

ASHLEY LORD: Approximately 10:00. And they were both dancing, having a good time. He didn't seem intoxicated.

I remember him after the fact because I remember from his sweatshirt, so that's when I

observed him and he was fine at that point.

It was kind of offed that about 20 minutes later he was just incoherent and couldn't respond to anything.

ATTY BERNARD SHADRAWY: Do you have an occasion to look at his face?

ASHLEY LORD: Yeah, I remember his face.

ATTY BERNARD SHADRAWY: Do you remember anything specific about his face?

ASHLEY LORD: He was very pale. His eyes were, obviously, dilated. He could not respond at all. He couldn't talk at all. I felt like EMS was the right call to make.

CHAIR NICOLE MURATI FERRER: How do we know we were talking about the same person? Was this documented in an internal report?

ATTY BERNARD SHADRAWY: Yes.

CHAIR NICOLE MURATI FERRER: Do you have a copy of that report for us?

ATTY BERNARD SHADRAWY: No, I don't.

CHAIR NICOLE MURATI FERRER: Anything else?

ATTY BERNARD SHADRAWY: I think the other two gentlemen were not involved, so that's what we had.

I want to just reiterate Bob Page really had nothing to do with this incident other than when he saw him brought out into his bar and was, obviously, confused as to what was going on.

Why he gave her the wrong date of birth, I can't, for the life of me, figure out other than he must have been so flustered he gave the wrong date of birth.

I don't think there's any issue with him being under age and being a bartender. I think it was just he misstated his age. And he was pretty flustered by the whole event.

But he also was asked if he served him

and he said "no."

POLICE COMMISSIONER BRENT LARRABEE: You mentioned he worked for them.

Is he still employed?

ATTY BERNARD SHADRAWY: Yes, he's still there.

JOE SATER: He has been with us 25 years.

CHAIR NICOLE MURATI FERRER: As a bartender? Tim Harris --

ATTY BERNARD SHADRAWY: Tim Harris has been there --

JOE SATER: About 22 years. They're both senior so they're both responsible.

CHAIR NICOLE MURATI FERRER: Has Mr. Harris been recertified?

JOE SATER: Yes. They all have been.

CHAIR NICOLE MURATI FERRER: He's not on the list that you gave us.

JOE SATER: Not on the list?

CHAIR NICOLE MURATI FERRER: His name is not on the list.

ATTY BERNARD SHADRAWY: We are in the process and I will give you, and Mr. Nabil Sater will testify as to it, the retraining is going on for all the staff including the CLAB and I believe it is 21 Proof training for the staff.

CHAIR NICOLE MURATI FERRER: So it can be either 21 Proof training or a comparable service like TIPS certification, something that complies with our rules.

ATTY BERNARD SHADRAWY: I think he committed to the 21 Proof.

CHAIR NICOLE MURATI FERRER: Which is fine. But those certifications were due at the end of January.

NABIL SATER: Tim Harris took his, and they just emailed me his certification. He did not take that particular course. He took TIPS so

I have it in my office.

ATTY BERNARD SHADRAWY: That's Nabil Sater.

CHAIR NICOLE MURATI FERRER: Are you ready to vote?

So, I mean, I think it is very clear based on the law of over-service in the State of Massachusetts that there's not sufficient evidence here to find a violation, but what concerns me, gentlemen, is that one of the reasons why we had asked for everyone to be recertified were those OUI reports that we received from the State that relate back to someone saying that they were served at Middle East.

Again, those are not called for hearings for the same precise reason, under the law, the way it is written, you can't be found responsible unless someone says, you know, they were

intoxicated or they -- impaired and the person that served them should have known or did know when they served them.

Obviously, here, we don't have sufficient evidence with regard to that, but I'm really concerned, you know, that we had the issue and that's why we asked for the recertification and now we have it again.

And I get that you are -- your point is that no one served him, but why would someone lie about being served whiskey at a premises? I mean --

ATTY BERNARD SHADRAWY: It is my understanding that he did not say that.

CHAIR NICOLE MURATI FERRER: His companion.

ATTY BERNARD SHADRAWY: Correct.

CHAIR NICOLE MURATI FERRER: I'm saying what is the point about lying about that?

So you know, it is a wake-up call.

Clearly, there's something going on.

Clearly, we felt strongly enough about this to ask for your entire staff to be recertified with regard to noticing signs.

And I just think something needs to happen in terms of the managers or security kind of being more aware.

I do commend you for calling the ambulances, that's something we ask of you to do, and that's fantastic, but let's try not to get to that point.

ATTY BERNARD SHADRAWY: If I could just -- where are you on your 21 Proof training?

NABIL SATER: We have about six people left, so they have taken it today and we certified everybody including security, assistant manager, managers, owners. So we have about total of 60 people get certified and recertified.

ATTY BERNARD SHADRAWY: And I have an invoice that I would like to submit, if I could.

Also, because we're having three separate hearings, I don't want to be redundant, but perhaps -- I was going to submit this at the end but perhaps I'll submit it now.

It is a list of upgrades that -- in the security plan that the Saters have instituted and I would like just briefly state them.

It is to hire 2 to 4 additional security staff to increase the visibility both inside and outside of the premises.

They are making an application to the building department to install additional lighting along the exterior of the building on Green and Brookline Streets.

And this actually pertains more to the next two matters into a way to better disperse

the crowd once they are outside of the establishment. To install security cameras on the perimeter of the building, which we did not have.

To meet with the Cambridge Police Department in order to ensure one paid detail will be available every weekend for larger shows, and to place that detail in such a location it will have access to all of the venues on the corner of the property on Brookline and Mass Ave.

Also, we're instituting through Ned Wellbery, the booking manager, that prior to booking any bands, that he's to review and discuss their prior engagements at other locations in order not to employ any bands that had serious incidents around other venues that they may have been at.

The other thing is, to reiterate, to send

approximately 60 employees, including the bartenders, bar backs, security staff, and door personnel to 21 Proof or TIPS training for the purpose of training -- for purposes of limiting the consumption of alcohol by customers. And I would like to submit that also into the record.

CHAIR NICOLE MURATI FERRER: Thank you.

Just for the record, with regard to the matter for the December 15 incident, I would vote no violation.

POLICE COMMISSIONER BRENT LARRABEE:

Agree.

CHAIR NICOLE MURATI FERRER: No violation.

ATTY BERNARD SHADRAWY: I have one other thing I would like to add.

CHAIR NICOLE MURATI FERRER: Let's call the other matter. It doesn't relate to this one, right?

ATTY BERNARD SHADRAWY: No. It relates to all of them, but it can go in any one of them.

DISCIPLINARY: MIDDLE EAST RESTAURANT INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary. Middle East Restaurant, Inc., holder of a common victualler all alcohol license at 472 Mass. Ave for alleged violations of General Laws Chapter 138, Section 23, 64 and 69 and rules and regulations of the Board of Commissioners 5.1, 5.2 and 11.5.

Specifically it's alleged that a fight broke out on January 8, 2017 outside of the premise and an individual was stabbed.

ATTY BERNARD SHADRAWY: What was the date on that one? I'm sorry.

CHAIR NICOLE MURATI FERRER: January 8, 2017.

ATTY BERNARD SHADRAWY: I'm sorry. I was

going in a different order.

CHAIR NICOLE MURATI FERRER: I want to touch up on what, Counselor, your -- the Middle East security plan upgrade that you handed to us.

One of the things I caution everyone about in terms of details, is that details don't always get filled.

And detail officers are there to assist. They are not there to do what your security and your personnel should be doing.

I want to qualify that with that because I don't want anyone sitting on their hands because there's a paid detail.

ATTY BERNARD SHADRAWY: We are well aware of that, but thank you.

CHAIR NICOLE MURATI FERRER: Okay. Officer, were you involved in this one?

POLICE OFFICER CHRISTOPHER AMES: No, ma'am.

CHAIR NICOLE MURATI FERRER: Do we have any of the officers with regard to the stabbing incident?

Officer, do you mind reading a report for us, since you already are sworn in.

POLICE OFFICER AMES: My report is in regards to February 3rd.

CHAIR NICOLE MURATI FERRER: I know. I'm giving you a report since we already swore you in, if you could read that report, please, into the record.

POLICE OFFICER AMES: On Sunday, January 8, 2017, Officer Robert Clinton assigned to uniform patrol unit 4R. At approximately 12:29 p.m. he was driving on Mass Ave in a marked police cruiser. At the intersection of Mass Ave and Brookline Street, he heard a loud yell that got his attention and he turned around on Mass Ave and drove back toward Brookline Street.

Upon arrival, multiple parties came running to the cruiser yelling that a fight had broken out and someone had been stabbed.

He exited his vehicle to find a white male, later identified as Steve McQuire, in severe distress with multiple stab wounds.

He immediately called for back up as more fights were starting. While he was attending to McQuire. The units arrived on scene and began controlling the scene and collecting information.

Pro Ambulance and Cambridge Fire Department arrived to help McQuire.

Pro Ambulance then transported McQuire and he stayed in the ambulance with McQuire to the MGH.

McQuire stated that the suspect who stabbed him was six feet tall, light skinned Indian male with a beard, mustache, brown eyes, dark green hoodie with tan pants.

McQuire was seen at MGH and determined that none of his injuries were life threatening.

During his medical treatment, I asked McQuire what happened tonight. He said that him and his friends were at a concert at the Middle East restaurant. After the concert, the group made its way to the coat check.

While waiting for the coats, McQuire's friend overheard a group planning to jump McQuire's friend.

McQuire and his friends all stayed together so that no one would be attacked. He stated that outside of the club on Brookline Street, a shouting match started.

McQuire stated a short Hispanic male with dreadlocks, a dark windbreaker with a dark hoodie underneath was antagonizing the fight. Eventually all parties involved began to fistfight.

McQuire stated that he was fighting when out of nowhere came two males. The suspect and a white male with glasses attacked McQuire.

McQuire stated he was struck in the face by a punch when he realized the suspect pulled out a weapon. McQuire stated the weapon looked like a large baton. McQuire placed his right forearm in the air to stop from being struck by the baton, but once it hit his arm, he felt a severe burning sensation. That is when McQuire realized he had been stabbed.

The suspect then stabbed McQuire in the back twice, once in the low back, and once in the left shoulder. McQuire was in shock and made his way to Mass Ave at that time.

I spoke with the ER doctors at MGH who stated McQuire would be fine and that he would have to stay overnight for observation.

CHAIR NICOLE MURATI FERRER: Just for the

record, Officer, if you could say who wrote that report, that would be great.

POLICE OFFICER CHRISTOPHER AMES: Robert Clinton.

CHAIR NICOLE MURATI FERRER: Thank you.

I did have questions for Officer Clinton. Since he's not here, Counselor, do you want to go ahead?

ATTY BERNARD SHADRAWY: I don't have any questions in regards to the report.

CHAIR NICOLE MURATI FERRER: Maybe we can speed this up since the officer is not here.

Were any of you present that night?

ATTY BERNARD SHADRAWY: In fact, all of them were.

CHAIR NICOLE MURATI FERRER: My main concern here is that based on the report it appears that at least one of the gentlemen that was involved in this fight outside heard

something inside the club.

Were any of you alerted to that?

KELLEN BALL: No.

ATTY BERNARD SHADRAWY: No.

ASHLEY LORD: No.

CHAIR NICOLE MURATI FERRER: Had there been any incidents inside the premises that night to alert that there had -- there were going to be issues?

ASHLEY LORD: No.

CHAIR NICOLE MURATI FERRER: When people come into the club, do you guys pat them down?

ASHLEY LORD: Yes.

CHAIR NICOLE MURATI FERRER: Did any of you confiscate any weapons that night?

ASHLEY LORD: No weapons that night.

CHAIR NICOLE MURATI FERRER: You can start, Counselor.

ATTY BERNARD SHADRAWY: In fact, you are

on duty at that time.

ASHLEY LORD: Yes.

ATTY BERNARD SHADRAWY: As part of your duties, you were in that area?

ASHLEY LORD: Yes. I was downstairs doing the meet and greet at the time of the incident.

ATTY BERNARD SHADRAWY: During the whole evening, you were circulating?

ASHLEY LORD: Yes.

ATTY BERNARD SHADRAWY: You saw no incidents, no intoxicated patrons?

ASHLEY LORD: No.

ATTY BERNARD SHADRAWY: No belligerent actions?

ASHLEY LORD: No. It was a Sunday night. Mostly an Under 21 event. No one was drinking. There was no intoxication. No issues that night at all.

ATTY BERNARD SHADRAWY: And it seemed like a calm event?

ASHLEY LORD: Very calm.

ATTY BERNARD SHADRAWY: So at the end of the event, which ended, I believe, it was 11:30. Was it?

ASHLEY LORD: Around 11:30.

ATTY BERNARD SHADRAWY: What is your normal procedure?

ASHLEY LORD: Normal procedure at the time we made a meet and greet that night so most of the security, except for the ones at the door and the one watching the coat check line, you proceed to put everybody in the line to deal with the meet and greet backstage.

Also, the rest of the security in the room clears the room, and people watch the coat check area to make sure the girl behind there is doing her job and nobody is bothering her.

And two people upstairs who monitor the door.

ATTY BERNARD SHADRAWY: And escort the people outside?

ASHLEY LORD: Yes.

ATTY BERNARD SHADRAWY: And that all seemed to occur in a normal course of an event in a calm and orderly manner?

ASHLEY LORD: Yes.

ATTY BERNARD SHADRAWY: Okay.

Kellen Ball, could you state where you were situated that night?

KELLEN BALL: I was stationed at the corner door.

ATTY BERNARD SHADRAWY: Which is the corner of Mass Ave?

KELLEN BALL: Mass Ave and Brookline.

ATTY BERNARD SHADRAWY: Can you state what you observed?

KELLEN BALL: There was -- I was inside the door. I saw a large mass of people gather around somebody. I walked outside. Someone said "Hey, do you have anything to cover my friend's wound. He's been stabbed."

I took off my sweatshirt and gave it to him, called backup on my radio.

There was a detail policeman either inside or just outside of the door of the downstairs. I waved over to him.

He came over, and by then, the police had surrounded the area. And that was it.

ATTY BERNARD SHADRAWY: And Ned Wellbery, you were also all night in the event.

NED WELLBERY: I oversaw the event.

There were no issues at all that night until the stabbing outside.

CHAIR NICOLE MURATI FERRER: Did any of you see whether this gentleman was, in fact, a

patron.

NED WELLBERY: No.

ASHLEY LORD: I didn't see the patron.

CHAIR NICOLE MURATI FERRER: You didn't see the person that got stabbed?

ASHLEY LORD: No.

CHAIR NICOLE MURATI FERRER: You saw the person that got stabbed?

KELLEN BALL: Yes.

CHAIR NICOLE MURATI FERRER: You were stationed outside the entire night?

KELLEN BALL: I was stationed inside or outside the door.

CHAIR NICOLE MURATI FERRER: Do you remember seeing him?

KELLEN BALL: He definitely wasn't in my bar.

ATTY BERNARD SHADRAWY: Ned, do you remember?

NED WELLBERY: I did not see him at all.

CHAIR NICOLE MURATI FERRER: Anything else, Counselor?

ATTY BERNARD SHADRAWY: No.

POLICE COMMISSIONER BRENT LARRABEE: I have nothing.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY BERNARD SHADRAWY: I can now -- if I could hand in now, if you would like, the employee manual, which I neglected to hand in last time, for the record.

As you can see, it is a lengthy document, and all of the employees go through that manual and training and will again.

All security personnel and door people will be retained, and as stated in the previous hearing, will be retrained in either TIPS or the City of Cambridge's program.

CHAIR NICOLE MURATI FERRER: Then we'll

incorporate your upgraded security plan.

ATTY BERNARD SHADRAWY: Right. I can give you another one, if you would like, so you keep in your files. However you want to do it.

CHAIR NICOLE MURATI FERRER: We can make -- they will be in the same file. You have one file.

EXECUTIVE DIRECTOR ELIZABETH LINT: Now.

CHAIR NICOLE MURATI FERRER: Now.

So based on the lack of evidence, I would find no violation.

I mean, even if this was a patron of the licensee, the gentleman did not alert the licensee. He clearly knew something was going to happen.

The report doesn't say that he told the establishment. The only witness is live witnesses here that say they weren't alerted.

I would vote no violation.

POLICE COMMISSIONER BRENT LARRABEE:

Okay. Pretty clear.

CHAIR NICOLE MURATI FERRER: No

violation.

DISCIPLINARY: MIDDLE EAST RESTAURANT INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary. Middle East Restaurant, Inc.,
holder of a common victualler all alcohol license
at 472 Mass. Ave for alleged violations of
General Laws Chapter 138, Section 23, 64 and 69
and rules and regulations of the Board of License
Commissioners, 2.5, 5.1 and 8.1.

Specifically it's alleged that a patron
was assaulted by an employee, or contractor, on
February 3, 2017.

CHAIR NICOLE MURATI FERRER: Go ahead,
Officer.

POLICE OFFICER CHRISTOPHER AMES: On

February 3, 2017, I was flagged down by a female party outside of the Middle East Restaurant on the corner of Mass Ave and Brookline Avenue. The bystander stated that there was a fight going on outside of the Brookline Street entrance.

I already previously noticed there was a fairly large crowd gathering outside, and when I went, I met with the male party outside of the entrance identified as William McKelvey.

William stated that he was punched in the face by a security guard right outside of the entrance.

I noticed William had redness and swelling around his right eye. He explained to me that he approached a security guard and asked if they had security cameras outside of the restaurant because his friend was arrested earlier that night for assaulting the detail officer and he wanted to inquire whether that had

camera footage.

William said he got in an argument with the security guard and the security guard then punched him in the eye. I asked him if he needed medical attention. He declined.

William described the suspect that punched him was a thinly-built black male, approximately six feet tall wearing a black jacket.

I asked if they had his security, anything, read "security" on his apparel and he said that the suspect did not.

The head of security came over to us, which was the gentleman to my far left. He stated that he went inside and spoke with his security staff and that nobody got into any -- were involved in any sort of altercations with Mr. McKelvey.

And that he assumed that he was punched

by an individual that didn't work at the Middle East.

CHAIR NICOLE MURATI FERRER: Counsel?

ATTY BERNARD SHADRAWY: So, just as a summary, to give a context to it, as the Officer accurately stated, earlier in the evening when the show was to begin, a detail officer was there, a patron wanting access to the premises came up and he appeared to be intoxicated or incapacitated at some level.

The security went to stop him and the detail officer also came to stop him. And, unfortunately, the gentleman went at the police officer for not allowing him access. And I think he might have been charged with assault on a police officer. And at that point, needless to say, it went very quickly, rightfully and properly.

The police officer then turned to the

security personnel, person who was there, and said "I'm taking this fella in, booking him, but I'm calling the police department and letting them know I'm leaving and to send a car or personnel to either fill in or watch the location."

CHAIR NICOLE MURATI FERRER: Officer, is that why you were in the area?

POLICE OFFICER AMES: No. I was on routine patrol. I don't believe anybody filled in the detail after that.

ATTY BERNARD SHADRAWY: So what then happened is, the rest of the evening went as normal, and I'm just going to synopsise and then I'll have the specific people testify.

CHAIR NICOLE MURATI FERRER: Why don't you just have them testify, it is easier.

ATTY BERNARD SHADRAWY: Okay.

Let's start with -- it was Ned who first

encountered the individual that we believe was struck.

NED WELLBERY: The person showed up to the venue asking questions about his friend that had been arrested. And I simply put him in touch with the head of security, Ashley, at the time, and Ashley came up and told him the story politely and gave him all the information that he needed and there was no issues with him at that point.

ATTY BERNARD SHADRAWY: So this was -- actually, the patron came in before his friend got arrested, is that correct? He was already in the premises?

NED WELLBERY: I believe so.

CHAIR NICOLE MURATI FERRER: Wait. Hold on. I'm completely confused now.

So the person that you are talking about that had this conversation is the guy that's

claiming that one of your security people punched him?

NED WELLBERY: Yes.

CHAIR NICOLE MURATI FERRER: And he was already in the premises?

NED WELLBERY: I had seen him after the person had been arrested.

CHAIR NICOLE MURATI FERRER: Okay.

NED WELLBERY: So I don't know -- I can't --

CHAIR NICOLE MURATI FERRER: So what you are testifying to is the person is already arrested, the detail officer is gone, this person comes and talks to you.

NED WELLBERY: Asks questions and we gave him everything he wanted.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY BERNARD SHADRAWY: If I could now, Ashley was the -- lord.

CHAIR NICOLE MURATI FERRER: I'm sorry.

No. One second.

And this conversation, was this inside the premises or outside the premises?

NED WELLBERY: Inside.

It was at the door. The entrance.

CHAIR NICOLE MURATI FERRER: At the door basically where he's saying he got punched?

ATTY BERNARD SHADRAWY: No.

NED WELLBERY: Inside the club. He approached me inside the club at the cash register.

CHAIR NICOLE MURATI FERRER: Okay.

And then once you gave the gentleman the information, what did he do?

NED WELLBERY: I turned him over to Ashley. From there, I left.

CHAIR NICOLE MURATI FERRER: What happened?

ASHLEY LORD: As Ned had sent the guy over to me, I explained to him what his friend ended up doing to the police officer earlier and he got arrested.

Then, after that, he said "Okay," and he went about his way.

He was there for the show for the majority of the night so he was there earlier, and --

CHAIR NICOLE MURATI FERRER: Around what time was this conversation with him?

ASHLEY LORD: Probably 10:30.

CHAIR NICOLE MURATI FERRER: So the show ended?

ASHLEY LORD: The show was still going on.

The show ended probably 12:00, 12:30 that night. So after -- I observed him going up and down the stairs, going in and out for the rest of

the night.

And it wasn't until after I responded to a fight outside on my radio that I noticed that the two guys yelling at each other outside happened to be one of the -- happened to be the guy who claimed he got punched by a patron.

ATTY BERNARD SHADRAWY: No.

CHAIR NICOLE MURATI FERRER: So wait.

So you saw this guy getting punched by a patron?

ASHLEY LORD: I responded to a fight, a call on the radio, that someone outside was in a fight, so that was from my security guard at the door.

I responded to the fight. I got outside and the guard and my security separated two guys yelling at each other.

And one of the guys yelling happened to be the guy who called the officer over that said

he got punched.

ATTY BERNARD SHADRAWY: Did you also bring -- it was actually stated to you, was it not, that he thought he was punched by a security person and employee --

ASHLEY LORD: It wasn't until after we broke the fight up that he said a security guard punched him.

ATTY BERNARD SHADRAWY: What did you do?

ASHLEY LORD: At that moment -- all the security was outside breaking up the fight.

I asked him to point out which security punched him and we all with security shirts on, and we all identify ourselves as security, and he couldn't identify not one of my security guards.

He did identify the patron that we had already broke up and pushed down the street, who wasn't a security guard at all.

He happened to be a black guy and most of my staff is of black ethnicity.

POLICE COMMISSIONER BRENT LARRABEE: Do you have any security people who match the description that's in the report?

ASHLEY LORD: None.

CHAIR NICOLE MURATI FERRER: And, Officer, when you arrived around -- can you sort of tell around the timeline that he was giving us when you arrived.

POLICE OFFICER CHRISTOPHER AMES: I arrived after he did because when I showed up he was still on the scene.

When I came up, the reporting party was pretty upset and he was yelling, saying that one of the security guards punched him and he wanted to grab some witnesses. He said "These people saw it over there."

When he went to grab the witnesses, I

actually asked him, I said "Did you see what happened?"

And he said "No." I believe he said "No, I didn't."

And I said "Did one of you guys punch him?"

And he said "No. None of us punched him."

I went up to the reporting party and he claimed one of them struck him in the face.

CHAIR NICOLE MURATI FERRER: He didn't identify any of the security guards?

POLICE OFFICER CHRISTOPHER AMES: I asked him "Did one of these two security guards hit you?"

And he said "No. I don't know where he went."

ATTY BERNARD SHADRAWY: So if I could ask you one more question:

Did you actually go into the crowd that

was there and particularly the patron that you thought was arguing with the gentleman that's the alleged victim and ask if anybody saw anything and punch thrown and who might have thrown it?

ASHLEY LORD: Yes.

When the patron was yelling that someone punched him and he was asking witnesses, alleged witnesses around the area, if they knew who punched him, or if they could testify for him.

At that immediate time I asked the crowd around him "Did anybody see him get punched? Did anybody see the person that punched him?" And not one person identified anybody outside at the time.

CHAIR NICOLE MURATI FERRER: You said that your security personnel wear shirts that say "security"?

ASHLEY LORD: Yes.

CHAIR NICOLE MURATI FERRER: Front?

Back? Side? Where?

ASHLEY LORD: It says "Middle East" on the front and it says "security" on the back.

POLICE COMMISSIONER BRENT LARRABEE: What does it look like?

ASHLEY LORD: All black shirt with yellow bold writing.

POLICE COMMISSIONER BRENT LARRABEE: Is this patron that you identified, is he a regular?

ASHLEY LORD: No. Never seen the guy before.

ATTY BERNARD SHADRAWY: I believe the report also indicated that the victim claimed that he saw nothing on the person that hit him that indicated that he was security or a Middle East employee?

CHAIR NICOLE MURATI FERRER: Anything else?

NABIL SATER: May I add something?

Most of the security, they are black and the guy who punched him was a black guy, so he assumed that it was one of the security that hit him.

CHAIR NICOLE MURATI FERRER: Thank you.

Anything else?

ATTY BERNARD SHADRAWY: I don't know if Mr. Sater, Nabil Sater, wants to say anything to the Commission.

NABIL SATER: I want to say that we would love to keep Central Square safe and we have been keeping it safe for the last 40-plus years.

And our intention is to bring safety and good music and good culture to the area, and we are doing the best we can.

And it is -- maybe some weird energy in the air that these things happen but we -- but we'll keep patrolling and keeping everything

under control. We would like to make it very safe environment for everybody.

I live across the street at -- ten steps away from the club, and I would like to have safe environment with the help of the police and security and all the officials, we love to have a good neighborhood.

CHAIR NICOLE MURATI FERRER: Thank you.

I do want to say with regard to the upgraded security plan, No. 6, about the prior to booking any bands, our Investigator Andrea Boyer, and, you know, her unit, as well as the police department, are great resources in terms of bands and promoters that have been problematic in the past, so certainly reach out to them as they are a wealth of information.

ATTY BERNARD SHADRAWY: If I could just say what I gave in the prior hearings would be in this hearing as well.

CHAIR NICOLE MURATI FERRER: Yes.

Absolutely.

So based on the evidence, I would find no violation on this matter.

POLICE COMMISSIONER BRENT LARRABEE: I'm going -- I want to ask, internally we spend a lot of time at your restaurant, at your venue.

I don't want to be there anymore.

We didn't find any violations, but we've got a lot of information here that your patrons, maybe some of your staff are involved in something.

We think perhaps it goes to the heart of what Nicole just said, it has to do with who you are booking, it has been drawing some people probably maybe were less than desirable, so I'm going to keep an eye on it.

I have only been here five weeks, and this is three violations that it is alleged in a

five-week period that I'm hearing about.

That's a lot for all the licenses in the City of Cambridge. There's officers come here and they spend their time, they make the reports, they try to do what they can with what the witnesses say.

I understand it is a tough environment when you got a lot of people drinking and all of that. I understand that. I'm fully aware of that, but I don't want to see your name come across my desk anymore.

I mean that.

That's my statement to you.

And I'll support what the Chairman has ruled.

CHAIR NICOLE MURATI FERRER: Thank you.

We'll go back to number 1.

APPLICATION: BAGELSAURUS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application. Bagelsaurus, LLC, holder of a common victualler license at 1796 Mass. Ave has applied for a change of hours to open on Mondays from 7 a.m. to 3 p.m.

CHAIR NICOLE MURATI FERRER: Good

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

MARY TING HYATT: Mary Ting Hyatt, that's M-A-R-Y T-I-N-G H-Y-A-T-T.

CHAIR NICOLE MURATI FERRER: Thank you.

Can you tell us what is the need to be open on Mondays other than apparently good business?

MARY TING HYATT: We get -- we have our bakers there on Mondays anyway preparing the bagels for Tuesday, and we have a lot of people coming to the door disappointed we are not open.

We now are more staffed than we've ever been, we have enough people that we can add some staff up front and open and the businesses all around us are open on Mondays.

I think they would be supportive as well.

CHAIR NICOLE MURATI FERRER: Okay.

One of the concerns that has been raised in the past with regard to your establishment is the line that forms.

I have only heard this complaint in terms of the weekends, so it might actually not be an issue for Mondays.

But what are you guys doing to sort of deal with that issue.

MARY TING HYATT: You are right that it is only an issue on Saturdays and Sundays that occasionally the line does extend outside of the door and it tends to go, if you are inside the shop, it goes to the left and crosses Cambridge

Clogs, which Elizabeth is happy but because more people shop there, and then it occasionally hits the driveway and that's when we get the complaints.

Or maybe people are complaining there's a line at all, but what I think that they are talking about is when people block the driveway.

CHAIR NICOLE MURATI FERRER: Yeah, I think the complaints have been blocking the sidewalk and driveway.

We have sent our investigators out, as you know, and when they have gone, they haven't found anything.

MARY TING HYATT: It is pretty much occasional that it actually gets that long but we have put up signs that say "Please Don't Block the Driveway." And I try to draw a diagram that shows that they should veer.

CHAIR NICOLE MURATI FERRER: Except I'm

waiting in line down the street, I'm not inside your premises and I don't see the sign.

So maybe when you have a line that long, maybe just sending someone out for a moment to make sure that they are not blocking the driveway or they are just against the building.

MARY TING HYATT: I think he's, like, the -- maybe the head of the condo association in the building next door and he has come in and said like "Can you get people to move. They are in the way" and I have gone out, and by the time I go outside, they are not blocking the driveway anymore.

It kind of happens quickly.

And I'm sure it probably is an annoyance, and if you have anything you want us to do, other than putting up signs --

CHAIR NICOLE MURATI FERRER: I mean, I think when you realize that your line is, you

know, beyond your own windows, maybe just having someone pop out from time to time to make sure that they are not blocking the sidewalk from other people walking on the street or you know the driveway.

MARY TING HYATT: Uh-huh.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER BRENT LARRABEE: No questions.

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: I would vote to grant.

POLICE COMMISSIONER BRENT LARRABEE:

Fine.

CHAIR NICOLE MURATI FERRER: Granted.

APPLICATION: ROADIES DINER, LLC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application. Roadies Diner, LLC has applied for a vendor/peddler license to operate a mobile food truck at 32-34-36 Cambridgepark Drive on Wednesday from 11 a.m. to 2 p.m.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your name for the record.

ERICA PRATICO: Erica Pratico, E-R-I-C-A P-R-A-T-I-C-O.

CHAIR NICOLE MURATI FERRER: Thank you. Hi. Can you tell us what Roadies Diner is?

ERICA PRATICO: It is a mobile food truck. We serve Latin American-inspired cuisine.

CHAIR NICOLE MURATI FERRER: Latin
American like what?

ERICA PRATICO: You want the whole menu?

CHAIR NICOLE MURATI FERRER: I want some
of it.

ERICA PRATICO: We do sandwiches.

And we do a pressed Cuban sandwich.

We do a sandwich called a Chivito.

We have a fried chicken sandwich.

And we do platters off the grill as well.

CHAIR NICOLE MURATI FERRER: Are you
doing like traditional or doing like those fancy
create-your-own type of Cuban sandwich?

ERICA PRATICO: No. It is traditional.

CHAIR NICOLE MURATI FERRER: Okay. And I
see that you have it on Wednesday from 11 to 2
p.m. for the season basically.

ERICA PRATICO: 2 p.m.

CHAIR NICOLE MURATI FERRER: I'm sorry,

2 p.m.

ERICA PRATICO: Until I believe the end of March and then they are doing their spring season, I guess.

They are working on that now.

CHAIR NICOLE MURATI FERRER: All right.

Questions?

POLICE COMMISSIONER BRENT LARRABEE: No.

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: I would vote to grant.

POLICE COMMISSIONER BRENT LARRABEE:
Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

Thank you.

APPLICATION: GIVE 'EM ENOUGH ROPE, LLC
D/B/A THE AUTOMATIC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application. Give 'Em Enough Rope LLC doing business as the automatic, holder of a common victualler all alcohol license at 50 Hampshire Street has applied for a change of closing hour to 2 a.m., seven days per week.

CHAIR NICOLE MURATI FERRER: Good afternoon.

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

DAVID CAGLE: David Cagle, D-A-V-I-D
C-A-G-L-E.

CHAIR NICOLE MURATI FERRER: Good afternoon, Mr. Cagle.

Tell us what the public need is in the

change of hours.

DAVID CAGLE: I under estimated the demand for late night food there. A lot of people that work in the offices and labs in the area, we're like ten yards outside of Kendall Square on Hampshire Street, and I've had lots of people pulling on the door trying to get food and so we already raised our hours up to 12:30 selling food on the weekends and still all the restaurants down there, all the kids that get out of work, they are servers, cooks and bartenders and we serve food to them and just ...

CHAIR NICOLE MURATI FERRER: Until what time would you keep the kitchen open?

DAVID CAGLE: The kitchen open until 1:15 a.m.

That would give us plenty of time to serve everyone and get them fed.

CHAIR NICOLE MURATI FERRER: Okay.

You have been there since March of last year?

DAVID CAGLE: We opened on November 18th to the public.

CHAIR NICOLE MURATI FERRER: Clearly I took that note wrong.

DAVID CAGLE: The process was a lot longer than I expected, too.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER BRENT LARRABEE: No questions.

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: I would

actually vote to grant.

I like the fact that they are keeping the kitchen open until 1:15 to service that area.

POLICE COMMISSIONER BRENT LARRABEE:

Okay. Concur.

CHAIR NICOLE MURATI FERRER: Granted.

DAVID CAGLE: Yeah. I like you guys.

Thank you.

APPLICATION: CHECKRAISE, LLC

D/B/A LORD HOB0

EXECUTIVE DIRECTOR ELIZABETH LINT.

Application. Checkraise, LLC, doing business as Lord Hobo, holder of a common victualler all alcohol license at 92 Hampshire Street has applied for a change of closing hour to 2 a.m., seven days per week.

CHAIR NICOLE MURATI FERRER: Lord Hobo, second call.

APPLICATION COFFEESHOP, LLC

D/B/A UPPERWEST.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application. CoffeeShop, LLC, doing business as UpperWest, holder of a general on premise all alcohol license, 1 Cedar Street, B, has applied for a change of hours to close at 2 a.m., seven days per week.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

XAVIER DIETRICH: Xavier Dietrich
X-A-V-I-E-R D-I-E-T-R-I-C-H.

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

CHAIR NICOLE MURATI FERRER: Thank you.
Could either of you tell us what's the public need in the change of hours, please?

KIMBERLY COURTNEY: We have customers that have asked for later hours.

CHAIR NICOLE MURATI FERRER: And same question as before, until what time would you keep the food service open?

KIMBERLY COURTNEY: So the food is generally until a half hour before close.

CHAIR NICOLE MURATI FERRER: So you would do this until 1:30?

KIMBERLY COURTNEY: Yeah. It wouldn't be every day that we would be open. So on the days that we would be open late, yes.

POLICE COMMISSIONER BRENT LARRABEE: Does that mean there's not a need to have a 2:00 license for every day?

KIMBERLY COURTNEY: Correct. With our type of license, that's correct.

CHAIR NICOLE MURATI FERRER: Are there particular days you want to do this?

KIMBERLY COURTNEY: Every day because it depends on what is happening that day. We have different types of events.

CHAIR NICOLE MURATI FERRER: Because of the pop ups and --

KIMBERLY COURTNEY: Yeah, different things happening on different days and we can't anticipate.

CHAIR NICOLE MURATI FERRER: So how would you tell the public whether you are open on a particular day until the later hours or not?

KIMBERLY COURTNEY: So we have a lot of communication with our customers. We have a website with calendar events.

CHAIR NICOLE MURATI FERRER: Okay.
Did you guys bring the notice to abutters, the affidavit of notice, and the hearing fee?

KIMBERLY COURTNEY: Yeah. And a check.

I have one of the letters of support printed, but I didn't bring the other.

CHAIR NICOLE MURATI FERRER: I was going to say, for the record, we received two emails today.

One is from Rebecca Yeah or Yeh, I don't know that I'm pronouncing that properly. Y-E-H.

And the other one is from Lauren Segal (phonetic) both in support for the request for the hours, for the extension of hours.

CHAIR NICOLE MURATI FERRER: Okay.
Anything else?

POLICE COMMISSIONER BRENT LARRABEE: No questions.

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: I would vote
to grant.

POLICE COMMISSIONER BRENT LARRABEE:
Concur.

CHAIR NICOLE MURATI FERRER: Granted.

KIMBERLY COURTNEY: Okay. Thanks.

XAVIER DIETRICH: Thanks.

APPLICATION KOKIRI, INC.

D/B/A 2ND STREET CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application. Kokiri, Inc., doing business as 2nd
Street Cafe has applied for a common victualler
license at 89 2nd Street with a seating capacity
of 14 and proposed hours of 7:30 a.m. to 3 p.m.
Monday through Friday. Tamara Allen De Martinez
as proposed manager of record.

Premise is described as approximately

1,322 square feet, first floor, breakfast and lunch restaurant in a small apartment building.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your name for the record.

TAMARA ALLEN DE MARTINEZ: Tamara Allen De Martinez, T-A-M-A-R-A A-L-L-E-N D-E M-A-R-T-I-N-E-Z. I'm super nervous.

CHAIR NICOLE MURATI FERRER: Don't be nervous.

Tell us what 2nd Street Cafe will be all about.

TAMARA ALLEN DE MARTINEZ: I worked there for ten and a half years. Basically I'm going to keep it the same as it always has been.

It has basically been the exact same restaurant for 15 years with two owners and I worked for both. And I have been running it

basically for about five, and my boss is going to sell it to me, which I'm really happy.

The same menu. It has not changed. Chicken pestos. And again, the Cubanos seem popular. Homemade meatballs. Soups and salads. Soups are changed every couple days. Homemade in-house. Daily special which is posted on the website and the chalkboard.

And yeah, Monday through Friday, the same hours. Basically not changing it. It works and I like it, so ...

CHAIR NICOLE MURATI FERRER: And I just want to clean up a little of the premise description. I know it is the same one. This is just one room where you have the people sitting, it is on the first floor?

TAMARA ALLEN DE MARTINEZ: Correct.

CHAIR NICOLE MURATI FERRER: The kitchen is in the back?

TAMARA ALLEN DE MARTINEZ: Right. It is all just one room open. You can pretty much see everything.

You walk in the door and there's a couple tables and there's a bathroom here, and the counter where you order, and behind there, the girls are making sandwiches. And off to the corner you can see the stove and the sink and a prep table.

(Off the record.)

CHAIR NICOLE MURATI FERRER: Okay, and I'm not quite sure where we left.

You have storage in the basement.

TAMARA ALLEN DE MARTINEZ: Storage in the basement, yes.

CHAIR NICOLE MURATI FERRER: How about we call this description approximately 1,322 square feet, one room on the first floor with kitchen in the rear and storage in the basement.

Does that sound accurate?

TAMARA ALLEN DE MARTINEZ: I think so.

Yeah, that sounds good.

CHAIR NICOLE MURATI FERRER: You are going to be on the premises?

You are going to continue to be there?

TAMARA ALLEN DE MARTINEZ: Yes. No. I'm going to continue working.

CHAIR NICOLE MURATI FERRER: Excellent.

Questions?

POLICE COMMISSIONER BRENT LARRABEE: No questions.

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

Yes, sir. If you could come up please and state your name and if you are a resident your address, please.

ALAN GREENE: My name is Alan Greene,
A-L-A-N G-R-E-E-N-E. I live at 82 Fifth Street

in Cambridge.

I want to say this sandwich shop is one of the rare bits of civilization in our neighborhood by my standard.

I love their sandwiches. I think it is a great place.

I'm in favor of this petition. I just want to -- I have a story.

I had a friend from France a couple years ago to come visit and we wanted to go eat lunch somewhere and I took him to this sandwich shop and he loved the place. The first thing he said "Can I get a beer?" And they said "Sorry. We don't sell it." That would have really made his day, I know.

TAMARA ALLEN DE MARTINEZ: Thank you.

ALAN GREENE: The only thing I have against it is I wish you were like open every day and longer hours.

TAMARA ALLEN DE MARTINEZ: Maybe some day on the weekends, who knows.

CHAIR NICOLE MURATI FERRER: Thank you. Anybody else in favor of this petition?

(No response.)

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

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant.

Granted.

TAMARA ALLEN DE MARTINEZ: Thank you.

APPLICATION: OLE! MEXICAN GRILL OF MASS II, LLC
D/B/A OLE! MEXICAN GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application. Transfer of the common victualler all alcoholic beverages license from Ole! Mexican Grill of Mass 11, LLC, doing business as Ole!

Mexican Grill at 11 Springfield Street to Cambridge Restaurant Partners, LLC, doing business as Taco of Cambridge at 11 Springfield Street.

Thomas Brush proposed manager of record of a premise described as restaurant with two dining rooms and one kitchen on the first floor.

Basement has storage and prep areas.

The proposed hours of operation are 8 a.m. to 1 a.m., Monday through Saturday and 10 a.m. to 1 a.m. on Sunday with seating for 175.

An application has also been made for an entertainment license to include audio tape machine, CD, digital media playing music below conversation level and two phonograph machines.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

ATTY ANDREW UPTON: Good afternoon, Madam Chair. For the applicant, Andrew Upton, U-P-T-O-N.

With me is Tom Brush, proposed manager of record. And Felipe Herrera, consulting chef.

FELIPE HERRERA: F-E-L-I-P-E.
H-E-R-R-E-R-A.

CHAIR NICOLE MURATI FERRER: Can you tell us about Oaxaca Taco of Cambridge and whether you are going to have Oaxaca cheese.

ATTY ANDREW UPTON: We can answer the second question first. And the answer will be --

FELIPE HERRERA: (Speaking in Spanish with Chair.)

THE REPORTER: You realize, Chair, this isn't on the record.

CHAIR NICOLE MURATI FERRER: I will try to translate.

They are going to try to find a cheese

that's better than the Oaxaca cheeses being offered elsewhere.

Uh-huh.

FELIPE HERRERA: Eventually, we gonna have a cheese -- the chili rellenos with Oaxaca cheese.

CHAIR NICOLE MURATI FERRER: They're gonna have stuff cheeses with Oaxaca cheese. I don't know. It sounds like a "no" to me.

ATTY ANDREW UPTON: Cautiously optimistic.

CHAIR NICOLE MURATI FERRER: Okay, we'll see.

Maybe not the restaurant depot stuff.

TOM BRUSH: That's really an Italian cheese company making something and calling it Oaxaca but it is not. It is not Oaxaca cheese.

CHAIR NICOLE MURATI FERRER: Maybe Mr. Herrera can go to Mexico back and forth and

bring some Oaxaca cheese.

FELIPE HERRERA: Next month.

CHAIR NICOLE MURATI FERRER: Okay. I got my answer. It's "no." Fine.

ATTY ANDREW UPTON: To give you the overall picture, Ole! Mexican Grill has been in the spot for 18 years.

Mr. Ramos has been the proprietor. He's getting out of the business due to family concerns.

Cambridge Restaurant Partners has entered an agreement to take over the premises and Tom Brush is the proposed manager of record and part owner.

Mr. Brush is experienced with the sale and service of alcohol. He is an approved licensee by this board. He has completed the 21 Proof training.

And he has supervised numerous employees

that completed 21 Proof training. He's an experienced manager approved by this board and the ABCC.

The concept, as we have discussed, will be Oaxaca-style Mexican that we have a little description of that we would like to enter, for the record, as well as a proposed menu for your review.

I'll let Tom talk about the concept and approach.

For the record, I would just state that there's -- there appears to be a clear public need for this type of cuisine and license in this space, as demonstrated by their success over the last 18 years.

We hope you find the character and fitness of the applicant is up to the Commission's standards.

We have experienced business people and

experienced management, creative cuisine, and a good approach.

The other benefit to this transition, if you will, is, apparently, the physical plant of this restaurant was in considerable disrepair, so the ability, not only to freshen up the menu, the concept and service, but to bring the hoods and the plumbing and all life safety stuff up to standards, I think will be a benefit for everyone.

I would like Tom Brush to say his experience and the concept.

TOM BRUSH: So this location was brought to my attention by one of the -- by an investor that got involved with Erwin (phonetic).

It is a great facility. It does need a lot of the work, and we really had to come in and clean up everything. All the systems.

One of the things is to create more

activity. And one of the things we really want to provide is a little more value at the restaurant compared to what it had been.

Also, similar to Felipe's, it is just giving a little more value for the money.

I think that area, particularly in Inman, there's a need for that.

I know Olecito, across the street that is part of Ole, has really been more of a driving force there than the restaurant itself.

I feel the restaurant, a sit-down restaurant can do a lot more business. They just need to provide a little bit better value.

And so that's part of our retooling of Ole, is to provide better value, really good quality food, but keeping the entries mostly under \$20, and just to kind of reengineer the program a little bit.

Basically it will still be an authentic

Mexican restaurant.

CHAIR NICOLE MURATI FERRER: Is it going to be northern authentic or southern authentic.

TOM BRUSH: Southern.

CHAIR NICOLE MURATI FERRER: All right.

Thank you.

Mr. Brush, I do note for the record, as your Counsel said, that you have been a manager before with no disciplinary issues with the local board or the ABCC, is that correct?

TOM BRUSH: That is correct.

CHAIR NICOLE MURATI FERRER: In your application you noted places that you are currently the manager of record but are you actually manager of record of more at this time?

TOM BRUSH: No. Just those two. They are right next door to each other, Flat Patties and Felipe's.

CHAIR NICOLE MURATI FERRER: Are you

going to spend the bulk of your time in this location rather than the two?

TOM BRUSH: I will be initially, but I imagine at some point in the near future, in the future that there will be another -- I want to get the whole thing started and running but there could be or would be another manager taking over at Ole!

CHAIR NICOLE MURATI FERRER: And are you up to date with the rules and regulations of this board, the ABCC, and the laws of the Commonwealth with regard to the sale and service of alcohol.

TOM BRUSH: Yes, I am.

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

TOM BRUSH: Yes, I do.

CHAIR NICOLE MURATI FERRER: Are you guys really going to be open at 8 a.m.?

TOM BRUSH: Well, we want -- at one point we're doing brunch there.

CHAIR NICOLE MURATI FERRER: I'm just wondering because I know that hours, people just tend to keep them the same as the previous licensee. And that's fine, if you are going to be using them but if not, I mean --

TOM BRUSH: We are in there like 6 a.m.

CHAIR NICOLE MURATI FERRER: Just wondering.

I mean, your menu doesn't seem like breakfast, but then again, I mean after a hangover, I'm sure it would be fine for anyone.

Your entertainment application, on your actual application, it says that you are applying for one phonograph machine, but on our agenda it says two.

Is our agenda wrong? And that's fine, I just want to --

TOM BRUSH: I don't think we need more than one.

ATTY ANDREW UPTON: An actual record player?

TOM BRUSH: No. You know, it is one music source. It's whatever.

CHAIR NICOLE MURATI FERRER: Do -- can we get rid of the phonograph if it doesn't exist?

ATTY ANDREW UPTON: That would be fine.

CHAIR NICOLE MURATI FERRER: Okay. So no phonograph. It will be music below conversation level?

TOM BRUSH: Correct.

CHAIR NICOLE MURATI FERRER: Yes? At some point Mariachi?

TOM BRUSH: Maybe on the Cinco de Mayo.

CHAIR NICOLE MURATI FERRER: You'll need a one-day for that one.

My last question, since we are doing

everything electronically, especially with regard to liquor licenses, are we going to be using info@oaxacataco.com as the official one or tom@oaxacataco.com?

Do you recall which one you gave to the ABCC? We would like to have our records kind of in sync.

ATTY ANDREW UPTON: I believe it was info.

CHAIR NICOLE MURATI FERRER: But info does get read?

TOM BRUSH: Yes, that's right.

CHAIR NICOLE MURATI FERRER: And info, if we send hearing notices, will get the email.

TOM BRUSH: Yes.

CHAIR NICOLE MURATI FERRER: Okay. So info it is. And I think those are all my questions.

No. One more thing.

The Ole! license only paid half of their renewal fee, so if the transfer were to be approved, you would have to pay that second portion at that time.

ATTY ANDREW UPTON: That would be?

CHAIR NICOLE MURATI FERRER: \$2,000.

ATTY ANDREW UPTON: \$2,000.

So is that the second half of 2016?

CHAIR NICOLE MURATI FERRER: That's the second half of 2017.

ATTY ANDREW UPTON: They paid for January. Yeah, that makes sense.

CHAIR NICOLE MURATI FERRER: Okay.

Any questions.

POLICE COMMISSIONER BRENT LARRABEE: No questions.

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

(No response.)

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

Come up, ma'am, and state your name, and if you are a resident, your address, please, and the basis of your opposition. Thank you.

SUSAN MARKOWITZ: My name is Susan Markowitz, M-A-R-K-O-W-I-T-Z.

I'm representing six families who the other five weren't able to be here today because they are working.

We're very concerned about the new Oaxaca Taco Restaurant proposed hours of operation 8 a.m. to 1 a.m. on Monday through Saturday and 10 a.m. to 1 a.m. on Sunday.

We, as the residents, live on Oak Street and we live immediately behind the restaurant.

There's a city fence, a chainlink fence that separates all the residents on one side and then the restaurant is within a few feet of the

chain-link fence on the other side, adjacent to the city parking lot.

Ole! the previous restaurant, operated until 11 p.m., which worked out fine for us.

Its reputation was a high-end Mexican restaurant where people would go in for dinner and they had a typical -- a bar typical of restaurants with a liquor license and people would sit at the bar when they were waiting to have dinner and then sit down.

The noise was never excessive. Everything seemed fine to us.

However, Oaxaca Taco is making a significant portion of the restaurant into an area where there's going to be a bar with drinking until very late hours.

The potential noise level is extremely problematic for residents after 11p.m.

We are so close to the restaurant and the

parking lot. We are particularly concerned because people coming from the restaurant/bar could be drinking quite a bit. They could be inebriated and could cause disturbances in the city owned parking lot.

It is a good-sized parking lot so that leads us to believe, because of the proximity of the restaurant, it increases the likelihood that patrons of the restaurant are also going to use the parking lot.

So we don't want to be faced with loud noise coming out of the restaurant or the parking lot at 1 a.m. in the morning.

And there have been cases where this has happened because it is a city parking lot.

In addition, two of the families who are not able to be here today, have school-aged kids, so we -- they are, in particular, do not want to be faced with this kind of loud noise, especially

during the week, but not even on the weekends until 1 a.m.

We've -- they want their kids to be able do their homework and go to sleep at a reasonable hour.

Our request is that we go back to the 11:00 closing time, which worked fine for us then.

I don't know what kind of music really Ole!'s had before, but we never had any trouble with Ole! being there before, and if your music is at conversation level, I don't think that should be a problem.

But we are particularly worried about the closing at 1 a.m., if people are going to come out of a bar and we also understand that the Olecito part of it is gonna be more of what your restaurant will be like. It is not going to be as high-end anymore. So it will be a faster kind

of a crowd coming in. People that are interested in drinking.

There are a lot of bars on Cambridge Street in Inman Square. We don't have to go through that. There are plenty of places for people to drink.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else?

(No response.)

CHAIR NICOLE MURATI FERRER: Counselor, do you want to say anything?

ATTY ANDREW UPTON: I will note for the record that Mr. Brush, in his many years of operation, has never had any type of alcohol violation or noise ordinance violation in his previous two -- in his previous restaurants that he currently runs.

And maybe would like to say a little more about your operation.

TOM BRUSH: Well, there's absolutely no expansion on the bar, or bar area, or anything. It is the identical bar. It is in the exact same footprint so we are not expanding the bar area in any way, shape or form.

We are going to still have the sit down -- the restaurant actually is sort of separated. There's a back room that seats about 60 people, kind of banquet area, whatever, and there's also a front area.

The bar area and the rear area are still all table service. We are going to have a section as you walk in the door to the left that will be a take-out area.

And there will be some food, again, I mentioned to you earlier, we were planning to offer some more economical pricing in the restaurant and we'll have that, but it literally occupies only one-quarter of the restaurant area

whereas three-quarters of the restaurant is the sit-down area, and the bar is identical in size.

Felipe's, which is a much larger facility in Harvard Square, even with a much larger crowd, we really don't attract or have had any noise or rowdiness or anything.

It is not that kind of a place. We are not an Irish bar, a sports bar or whatever. We have not had any --

POLICE COMMISSIONER BRENT LARRABEE: I'm not Irish.

TOM BRUSH: But certainly, I mean, if there was any kind of problem, we certainly want to be a good neighbor and would certainly do whatever was necessary to -- if it became any kind of a problem.

CHAIR NICOLE MURATI FERRER: I note for the record that Olecito has the same exact hours that Ole! Mexican Grill had the same hours 8 a.m.

to 1 a.m., Monday through Saturday and 10 a.m. to 1 a.m.

So it very well could have been that they closed earlier based on business need.

SUSAN MARKOWITZ: I'm sitting here and you are over there, that's the distance between my window and Ole!

I know actually what you are doing.

CHAIR NICOLE MURATI FERRER: Ma'am, I'm not minimizing what you are saying.

I'm saying that the hours that the current applicant is applying for are the exact same hours that were granted to Ole!

You know, it very well could have been that business processes down the line sort of showed that they didn't need to be open until 1 a.m. But they certainly had the right to be, is what I'm saying.

I wanted to note that for the record.

ATTY ANDREW UPTON: And we're not aware of any noise violation, complaints, or any violations or complaints in the previous operator but --

SUSAN MARKOWITZ: I live there and I really don't think there was much noise.

CHAIR NICOLE MURATI FERRER: There were no violations in any regard.

ATTY ANDREW UPTON: Our hope is that -- it doesn't strike me that people who are getting \$10 enchiladas and \$14 appetizers are necessarily a rowdy type of crowd.

But Tom is an experienced operator in one of the toughest, most scrutinized areas in Harvard Square, and has thrived there for many years, and we are certainly committed to trying to do the right thing by the neighbors.

TOM BRUSH: This pushes into sort of a residential area and we have a parking lot, but

there's housing around us and I'm very aware of that.

The primary entry and exit is on Springfield Street. Not -- even though the parking lot is on the side, there's a wheelchair ramp and people can come in. Most all of the movement is in and out through the front door, which is not --

SUSAN MARKOWITZ: People come in the front door or they go up the ramp but that parking lot is sizeable and people park there to go into Ole!

TOM BRUSH: There's a lot of service people in the restaurant industry who also park there that work late in the neighborhood. It is not just -- it is a city lot. It is not just people from Ole!, but I do hear you and certainly Felipe and I, we are active owners, neighbors, you know, we certainly would do -- if there was a

problem of any kind, we would take whatever steps are necessary to correct it whether it is noise or rowdiness, something that would be disturbing in the neighborhood late at night.

CHAIR NICOLE MURATI FERRER: Thank you.
Thank you.

SUSAN MARKOWITZ: Should I submit this?

CHAIR NICOLE MURATI FERRER: If you want to submit it, we'll definitely take it for the record. Thank you.

Any questions?

POLICE COMMISSIONER BRENT LARRABEE: No questions.

CHAIR NICOLE MURATI FERRER: Ready to vote?

POLICE COMMISSIONER BRENT LARRABEE: I think so.

CHAIR NICOLE MURATI FERRER: So, I mean, I think considering the history of the license

that has been here, but also considering the operators, the owners, the two proposed owners, and Mr. Brush who has an incredible track record, the fact that they are not changing the footprint and it is basically staying the same, I understand the price point may be lower, but quite frankly, the one in Harvard Square, Felipe's is much lower than this and we had have no issues with their operation there of any nature.

And I think there's enough tools, and if we do have active residents, they can contact us and we would take immediate action, but I would vote to grant the application as filed.

POLICE COMMISSIONER BRENT LARRABEE: I concur.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY ANDREW UPTON: Thank you very much.

INFORMATIONAL: 0912 LLC

D/B/A FORAGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational. 0912, LLC, doing business as Forage, holder of a common victualler all alcohol license at 5 Craigie Circle pursuant to Board's original granting of the license on February 23, 2016 with the condition that the 1 a.m. closing hour would be reviewed after six months of being in operation.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

STANISLAS HILBERT: Stanislas Hilbert, S-T-A-N-I-S-L-A-S. And last name is H-I-L-B-E-R-T.

CHAIR NICOLE MURATI FERRER: Good afternoon, Mr. Hilbert.

It seems like it is going fine because I

haven't heard a single complaint on this.

STANISLAS HILBERT: Good.

CHAIR NICOLE MURATI FERRER: Have you heard any issues or had any issues?

STANISLAS HILBERT: No.

CHAIR NICOLE MURATI FERRER: Is the 1 a.m. working?

STANISLAS HILBERT: Yeah. I don't think anybody has actually been there that late but --

CHAIR NICOLE MURATI FERRER: Is anyone here to speak as to this matter with regard to Forage? Is it "foraj" or "forij"?

STANISLAS HILBERT: Forij.

CHAIR NICOLE MURATI FERRER: Nope.

Well, considering our previous vote, I would just say that we have had our hearing as we required it and make the 1 a.m. closing permanent.

POLICE COMMISSIONER BRENT LARRABEE:

Sure.

CHAIR NICOLE MURATI FERRER: Okay.

STANISLAS HILBERT: Thank you very much.

Have a nice day.

CHAIR NICOLE MURATI FERRER: You too.

INFORMATIONAL: THE ELEPHANT WALK RESTAURANT.

GROUP, INC.

D/B/A THE ELEPHANT WALK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational. The Elephant Walk Restaurant Group, Inc., doing business as The Elephant Walk, holder of a common victualler all alcohol license at 2067 Mass. Ave pursuant to General Laws Chapter 138 due to closing of the restaurant.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

ATTY ANTHONY MCGUINNESS: Anthony
McGuinness, A-N-T-H-O-N-Y M-C-G-U-I-N-N-E-S-S.
Attorney for the Elephant Walk.

CHAIR NICOLE MURATI FERRER: Thank you.

GERARD LOPEZ: Gerard Lopez, G-E-R-A-R-D
L-O-P-E-Z.

CHAIR NICOLE MURATI FERRER: Can you guys
tell me when you closed? I'm not quite sure.

GERARD LOPEZ: January 1.

CHAIR NICOLE MURATI FERRER: What is the
plan?

ATTY ANTHONY MCGUINNESS: For the past
year, before closing, they were trying to sell
the restaurant, and they had a lot of trouble
selling kind of the liquor license and the
restaurant.

So they did end up having to close, but
however, just last week, they were able to get an
offer from an interested party.

They got a signed offer and so the plan is to sell the restaurant to the new buyers with the liquor license as well, and we just need some time to let that process happen.

So we were asking that maybe we can extend for six months so that we can do the transfer process and continue.

CHAIR NICOLE MURATI FERRER: So you have the signed offer but no P&S, so I assume that's what you are negotiating now.

ATTY ANTHONY MCGUINNESS: That's correct.

I believe the P&S is to be signed within the next 21 days, and we are working with the landlord as well, they are working with us to move for terms and the transition of the lease to the new buyer.

CHAIR NICOLE MURATI FERRER: Does that mean that all Elephant Walks are now done?

Was this the Last Elephant Walk?

GERARD LOPEZ: No. There's another in the South End, Washington Street. That's the last one.

ATTY ANTHONY MCGUINNESS: They are separate owners and not related, just the name.

CHAIR NICOLE MURATI FERRER: Okay. So I think as we have done with other ones, I would grant them the six months and do a cancellation in six months unless we get a transfer application in before that time.

ATTY ANTHONY MCGUINNESS: Thank you very much.

VIOLATION: COSCO LANDSCAPE CO.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Violation, Cosco Landscape Co., for alleged violation of Cambridge municipal ordinance 8.16.08(f) on parcels of 10,000 square feet or less, only one leaf blower at a time may be used

on November 10, 2016 at numbers 9, 13, and 15
Wendell Street.

CHAIR NICOLE MURATI FERRER: So Cosco
actually filed a waiver of hearing admitting to
the violation.

So I would vote a violation and a \$300
fine as we have done in the past.

POLICE COMMISSIONER BRENT LARRABEE:
Okay.

CHAIR NICOLE MURATI FERRER: Violation
\$300 fine.

VIOLATION: COLLIER'S INTERNATIONAL

EXECUTIVE DIRECTOR ELIZABETH LINT:
Violation. Collier's International at One
Hampshire Street for violation of Cambridge
Municipal Code 8.16.060(B), noise in residential
areas affecting residential property, and
8.16.060(E), area noise standards.

This hearing is a continuance of the Board of License Commissioner's decision of August 29, 2016, which found Collier's International in violation of the City of Cambridge Noise Ordinance with no fines being assessed at that time and to revisit this matter in 16 weeks to see what the status is of the replacement of strobic fans.

CHAIR NICOLE MURATI FERRER: Good afternoon.

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

MORGAN GAGER: Morgan Gager, M-O-R-G-A-N G-A-G-E-R.

DENNIS CALLAHAN: Dennis, D-E-N-N-I-S. Callahan, C-A-L-L-A-H-A-N.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R. Chief Investigator, License Commission.

CHAIR NICOLE MURATI FERRER: Gentlemen, I

think the last that we heard you guys, you told us that you were going to replace the four fans on the roof, is that correct, and can you tell us where we are at this point in time.

MORGAN GAGER: March 4th is the planned date to replace all four.

Rain date is March 11th.

We had -- not we. Collier's, the manufacturer, had a delay in manufacturing the strobic fan housing. It is not just a motor, it is the motor, the propeller, the rod, and the housing that goes with it, so it's the whole assembly.

So they have been delivered to the yard, staging yard, rigging yard, and we could have done it earlier if the rigger had a crane available for us, but it does -- it is heavy in getting it up about 100 feet plus.

It requires a special crane, so March 4th

is the day.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, do you want to add anything?

ANDREA BOYER: No. I don't have anything to add.

The timeline is sufficient based on what I've -- the feedback I received from other noise violation people as well that these things take more longer to fabricate than it used to, so as long as this timeline works, hopefully it will all be in compliance.

MORGAN GAGER: These fans are an exact replacement, manufacturer, horsepower, and size as to what was originally approved with the design of the building. It is a Toshiba fan motor, 100 horsepower.

CHAIR NICOLE MURATI FERRER: Do we have a firm commitment from them for that March 4th and March 11th rain date?

MORGAN GAGER: I have the schedule, yeah. 6 a.m. is when our building gets shut down and our fans go off, and hopefully by 5:30, they get fired back up with the new ones.

ANDREA BOYER: As a reminder, it was one of the strobic fans that was out of compliance, and literally and maybe on its last legs or something like that, so for them to be replacing all four of them, if they do sound what is better than what is there now, it should be in compliance.

CHAIR NICOLE MURATI FERRER: Okay.

Is anyone here to speak on this matter?

Sir?

ALAN GREENE: My name is Alan Greene, A-L-A-N G-R-E-E-N-E. I live at 82 5th Street, east Cambridge.

I was at the August hearing so I'm following up as well.

As I understand it, you'll be doing the work on March 4th and March 11th, is that correct?

MORGAN GAGER: Rain date of March 11th.

ALAN GREENE: So the problem will be rectified as of the replacement of that fan.

The fact that it is one unit rather than all four is news to me.

I will say I walked over there yesterday to listen for things and it still was a rather loud sound in that area.

I want to remind you that our neighborhood has been affected all last summer. There was the ambient sound that's always there and always a problem, and then this one, which was sort of a cycling, sounding like a truck idling or something was very noisy, and I'm no technician, so I'm hoping, we'll go with your word, and one -- and replacing the one unit --

CHAIR NICOLE MURATI FERRER: No. They are replacing all four.

ALAN GREENE: All four, okay.

ANDREA BOYER: One was problematic.

ALAN GREENE: Well --

CHAIR NICOLE MURATI FERRER: They are replacing all four, which is what they had represented to the Board in the last hearing. Even though it had only been one, they were going to replace all four and they put in the order.

We did understand that there was going to be -- they were going to be manufactured and that's why we gave it 16 weeks out.

ALAN GREENE: Okay, that's great. And that sounds reasonable enough, if we can get it before we open our windows up for the summer, that's great.

CHAIR NICOLE MURATI FERRER: Thank you. Anyone else?

(No response.)

CHAIR NICOLE MURATI FERRER: What I would say is, we schedule another hearing for the end of March because even if they do the rain date, that will give our investigator sufficient time to take a reading to confirm that everything is done and have a hearing at the end of March, if necessary, if after the investigator goes there, there's nothing, we'll close this case out, okay?

MORGAN GAGER: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.

DISCIPLINARY: CRYSTAL LUNCH, INC.

D/B/A CANTAB LOUNGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary. Crystal Lunch, Inc., doing business as the Cantab Lounge holder of a common victualler all alcohol license at 738 Mass. Ave for alleged violations of General Law Chapter

138, section 23 and rules and regulations of the Board of License Commissioners 8.1 and 8.1 (b). Specifically it's alleged that a patron was assaulted by an employee on December 31, 2016.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

RICH SCLAFANI: Rich ScIafani
S-C-L-A-F-A-N-I.

STEPHEN RAMSEY: Stephen S-T-E-P-H-E-N
R-A-M-S-E-Y.

CHAIR NICOLE MURATI FERRER: Thank you, gentlemen.

And is Officer Filachew (phonetic) around?

(No response.)

CHAIR NICOLE MURATI FERRER: Nope.

Gentlemen, I'm not quite sure if you

received it but basically we were informed -- I know that you received the CAD. I don't know if you received the follow-up from the officer.

STEPHEN RAMSEY: No.

CHAIR NICOLE MURATI FERRER: It basically says that the -- according to the bouncer, the patron was sitting on his stool and obstructing the doorway for other patrons. He claimed that he asked him several times to step back so he can do his job, and bouncer further stated that the patron was argumentative and refused to move. At one point the bouncer pushed the patron and said that the patron slipped and fell.

The officer said that he did note that the patron was wearing flip-flops.

Do you guys know anything about this incident?

STEPHEN RAMSEY: I know the incident. I was inside the bar at the back end where I

usually pitch a tent. And Ritchie came back and told me that there was an incident and a man didn't want to get out of the way. He guided him out of the way of the door. He was being very belligerent about blocking the door.

To be honest with you, I know who the fellow was and he's there quite a lot, outside the door.

But, anyways, I wasn't out front. I told Richard just handle it with the police officer, tell him what happened, and let's go from there. That's all.

CHAIR NICOLE MURATI FERRER: Was this a regular patron of yours?

STEPHEN RAMSEY: No, he's not even a patron. And he wasn't that night either.

RICH SCLAFANI: He's outside hanging out.

STEPHEN RAMSEY: Yeah, he's outside of the door quite a bit. He enjoys and entertains

himself out front quite a bit, listening to the music as the door opens up. And a nuisance, that's all. All we want to do is, please move, it is New Year's Eve. We want to get people inside and he's obstructing the doorway and just being a great guy.

RICH SCLAFANI: That report is wrong. I never said I pushed him. I guided him out of the door. I did the one arm, you got to get out of the doorway, that's what I said, and he was wearing flip-flops actually.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER BRENT LARRABEE: Have you ever had any problems like this before?

RICH SCLAFANI: No. I've had some usually by the second time -- no one sits on that stool, first off, besides my other bouncer.

STEPHEN RAMSEY: What we normally do, if there's a situation that calls for security --

POLICE COMMISSIONER BRENT LARRABEE: You mean "security." You don't mean "bouncer."

STEPHEN RAMSEY: We're old school.

POLICE COMMISSIONER BRENT LARRABEE: You can't be old school anymore.

RICH SCLAFANI: Doorman.

STEPHEN RAMSEY: When we do need the Cambridge Police Department we call. We call. We are lucky --

POLICE COMMISSIONER BRENT LARRABEE: It is better than putting your hands on somebody. Putting your hands on somebody is not a good thing.

RICH SCLAFANI: You can't touch nobody at all. Usually, if anything, we stand in the way.

POLICE COMMISSIONER BRENT LARRABEE: It's assault and battery and you really can't.

CHAIR NICOLE MURATI FERRER: As you know, our rules say that you shouldn't really be

putting your hands on a patron or anybody.

STEPHEN RAMSEY: We don't.

We call the police right away and step back, please go on your own. Don't make us call the police. If I have to call the police, I will and we do. We have a pretty good history of calling for assistance because we don't want to get into a combative situation. We understand this and that's what we do.

CHAIR NICOLE MURATI FERRER: Based on the evidence, I would vote no violation.

POLICE COMMISSIONER BRENT LARRABEE: No violation.

CHAIR NICOLE MURATI FERRER: No violation.

STEPHEN RAMSEY: Thank you very much.
Enjoy your evening.

CHAIR NICOLE MURATI FERRER: You too.

Are you here for something in particular?

ATTY JOSEPH FOLEY: East-West Cab.

CHAIR NICOLE MURATI FERRER: Are you both here for that?

UNIDENTIFIED AUDIENCE MEMBER: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

ADMINISTRATIVE AGENDA

ERIC QUADRINO

EXECUTIVE DIRECTOR ELIZABETH LINT: Eric Quadrino on behalf of J2LLC, doing business as Mexicali Burrito, holder of common victualler No. VIC00511, located at 500 Main Street is requesting a change to his licensed premise to add five outdoor tables with ten chairs on private property.

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER BRENT LARRABEE: Granted.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Next one is deferred.

EAST-WEST TRANS, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Bachir Sassine, holder of a Hackney License Number 28839 on behalf of East-West Trans, Inc., is seeking approval for the transfer of medallion 245 owned by PGB Cab, Inc.

CHAIR NICOLE MURATI FERRER: I'm ready to vote on this matter.

Is there anything that's changed?

ATTY JOSEPH FOLEY: I didn't realize I was supposed to be here last week.

CHAIR NICOLE MURATI FERRER: I, quite frankly, had not seen all the paperwork and I saw some of the paperwork and I was confused.

For the record, can you state your name?

ATTY JOSEPH FOLEY: Joseph Foley,

J-O-S-E-P-H F-O-L-E-Y. I'm an attorney and I represent East-West.

CHAIR NICOLE MURATI FERRER: I just wanted to look at the papers before I voted on them. I looked at them and I think this is all in order. It is what we asked for.

I would vote to grant.

POLICE COMMISSIONER BRENT LARRABEE:
Granted.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY JOSEPH FOLEY: Thank you very much.

BOARD OF LICENSE COMMISSIONERS WILL DISCUSS
ENTERTAINMENT LICENSE FEES RELATING TO NON-PROFIT
ORGANIZATIONS

EXECUTIVE DIRECTOR ELIZABETH LINT: The Board of License Commissioners will discuss the entertainment license fees as they relate to non-profit organizations.

CHAIR NICOLE MURATI FERRER: I had Elizabeth reach out and see if we have anyone else, you know, any neighboring municipalities if they had a process for this.

Basically the long and short is "no."

EXECUTIVE DIRECTOR ELIZABETH LINT: More or less.

One town charges the non-profit, the application fee and then waives the annual fee.

All of them say -- well, it is like a game of telephone. And it became "Oh, we don't charge for outdoor entertainment." So then I had to go back and then say "I didn't ask you that, just asked if you have a separate fee for non-profits" and basically everyone said "no" and I reviewed those town's entertainment fees and they are significantly lower than ours.

CHAIR NICOLE MURATI FERRER: I mean, I think there's two ways we can do this.

We can do this on a case-by-case basis, which I think can be dangerous and a slippery slope.

POLICE COMMISSIONER BRENT LARRABEE: I would not support that.

CHAIR NICOLE MURATI FERRER: And the other thing is -- so based on our fee schedule, you know, we charge different stuff for different types of entertainment.

And if you have multiple entertainment like a pool table, a bowling alley, and jukebox we charge you that individual fee per service.

So that would be \$110 for pool table, \$110 for bowling alley, \$135 for the jukebox. So what I was thinking that might work, and be a proposal, is that we charge the non-profit the lowest fee, so, for example, if they have a combined one, the pool table, bowling alley and jukebox, we charge the highest fee but just one

fee. So \$135. So rather than charging them --
let me do my math here.

Rather than charging them \$355, we would charge them only \$135, which is the highest of the individual entertainment fees.

If they just have one thing, so if they have one pool table, they have to pay for the one pool table, but I don't know if that works.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm looking at one of the categories.

So, for example, the Y, that's looking for the waiver, one of their categories is the stage because they loan it out to a lot of the schools, so our fee for that is \$715, which includes a CV fee, but they don't have a CV.

CHAIR NICOLE MURATI FERRER: So they would pay \$715 and they wouldn't pay for all the other entertainment that they have.

EXECUTIVE DIRECTOR ELIZABETH LINT: But

why is that including a CV fee? It makes no sense to me.

CHAIR NICOLE MURATI FERRER: Our entertainment -- I think that's because most of the time people assume that the theatrical stage or cinema screen is for a movie theater. I mean, if their stage is for dancing --

EXECUTIVE DIRECTOR ELIZABETH LINT: Then the next one down, cinema screen or stage with annual attendance under 10,000 persons, including a CV is \$165.

POLICE COMMISSIONER BRENT LARRABEE: So why do they charge so much for the theatrical stage? Are they assuming it is a paid event?

CHAIR NICOLE MURATI FERRER: These entertainment fees are the bane of my existence.

I have been looking at them since I got there.

Unfortunately, not only is the schedule

complicated, the statutes behind some of these fees are complicated and tangled, so it is -- it takes a lot of entanglement, and I can tell you that I have identified some that can be changed and should be changed. But this is all up at the law department in terms of whether we have the right to do it per statute or per ordinance or per the city charter or whether this is something that has to go through certain different means like City Council.

So I think we have to work off the fee schedule that we currently have, and then if that changes down the line, then we'll revisit everything else again, but in terms of -- we don't have to decide this stuff as to the nonprofit organizations, I mean, we already said "no" to the why they have to pay the entertainment fee, the same we told the other non-profit, the dance complex studio, the same

thing, you know, and the dance complex, quite frankly, said that they didn't want an annual one. What they have been doing is applying for one-day licenses.

So the Y could certainly do that because if in theory, all they are doing is a theatrical stage, then they can say to whomever rents the area, they can ask for the one-day license.

EXECUTIVE DIRECTOR ELIZABETH LINT: The dance complex actually pays \$1 annually for their entertainment license.

They have been getting one-days for alcohol.

CHAIR NICOLE MURATI FERRER: They don't pay \$1 for their annual entertainment license.

EXECUTIVE DIRECTOR ELIZABETH LINT: They pay \$1.

CHAIR NICOLE MURATI FERRER: We denied the request --

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

That was --

CHAIR NICOLE MURATI FERRER: -- to waive the fee.

EXECUTIVE DIRECTOR ELIZABETH LINT: It wasn't the dance complex.

It was the place up on Mass Ave that was applying for the first time.

CHAIR NICOLE MURATI FERRER: That's the one -- I'm talking about the one that we denied that is a non-profit that asked for a waiver of fee. That's the one I'm talking about.

EXECUTIVE DIRECTOR ELIZABETH LINT: But the dance complex is down here. They pay \$1 and have since they've had their license.

CHAIR NICOLE MURATI FERRER: That should have been raised to the Board because I have no idea why they pay \$1.

POLICE COMMISSIONER BRENT LARRABEE: So

you are into picking and choosing already.

CHAIR NICOLE MURATI FERRER: And we shouldn't be.

So then what we need to do is an audit of what we have because, quite frankly, when the Board voted with regard to the other dance place a "no," then if you knew about the dance complex, the \$1, that should have been raised at that time.

EXECUTIVE DIRECTOR ELIZABETH LINT: I actually discovered that when they came to pick up their license and I saw that they had that.

CHAIR NICOLE MURATI FERRER: That should have been raised at that time. That very well could have been an error. We don't know.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I was shocked at it, so I reviewed the whole file and it went back way to the beginning.

CHAIR NICOLE MURATI FERRER: That should

have been brought back to us at that time, not now.

POLICE COMMISSIONER BRENT LARRABEE: Why can't we make a blanket rule for like all non-profits will be 50 percent of the fees.

CHAIR NICOLE MURATI FERRER: 50 percent of?

POLICE COMMISSIONER BRENT LARRABEE: Of the fee.

So if someone's fees will be \$1,000, they only pay \$500. You are not killing them, but you are also not giving them something for free.

CHAIR NICOLE MURATI FERRER: Okay.

POLICE COMMISSIONER BRENT LARRABEE: I think giving things free, when there's a potential that the nonprofit is going to make some money off an event and giving them a leg up on competition, I don't think necessarily giving it free is a good thing. I think there has to be

a type of fee.

CHAIR NICOLE MURATI FERRER: I also think, even though we're the government, we don't work for free. We have to pay salaries and cost, and quite frankly, all of our fees are to recover administrative costs.

So we also can't be -- I mean, there's plenty of organizations out there nonprofit and so ...

POLICE COMMISSIONER BRENT LARRABEE: Maybe I vote to table this until we get a third member that comes back from Florida.

CHAIR NICOLE MURATI FERRER: Okay.

POLICE COMMISSIONER BRENT LARRABEE: See what he has to say.

He's a man of a lot more history than me.

CHAIR NICOLE MURATI FERRER: And me.

POLICE COMMISSIONER BRENT LARRABEE: You got history from other places.

What do they do in Boston?

CHAIR NICOLE MURATI FERRER: It is not waived.

For non-profits in Boston, the fee is not waived.

For a one-day entertainment license, a nonprofit can ask for a reduced fee and the reduced fee is basically \$5. Same for alcohol. And for one-days. But in terms of a non-profit, they have to pay the full fee annually.

I like the 50 percent nonprofit, but yeah.

POLICE COMMISSIONER BRENT LARRABEE: That way it is across the board. There's no debate. That's what it is. It is reduced. Some people are getting it for free or have been.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's the only one I know of.

POLICE COMMISSIONER BRENT LARRABEE: So

that's not going to be a killer for them, is it?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know.

CHAIR NICOLE MURATI FERRER: Let's pull that file anyways. I want to see that because, quite frankly, that needs to be dealt with now. Not later.

What is next?

MIT WOMEN'S INDEPENDENT LIVING GROUP

EXECUTIVE DIRECTOR ELIZABETH LINT: It was continued from February 8. It's the MIT Women's Independent Living Group holder of license LIN10021 located at 355 Mass Ave has applied for a change of manager from Deena Dharuk to Katherine Stohlman.

So last week we didn't have her background check but she subsequently submitted it to me and it was fine.

CHAIR NICOLE MURATI FERRER: Granted.

GLENNA CLIFTON

EXECUTIVE DIRECTOR ELIZABETH LINT:

Glenna Clifton has applied for a malt & wine license to be exercised at First Church of Cambridge, 11 Garden Street for February 18 from 8 p.m. to 10:30 for a dance performance. 120 expected.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben

Pertler has applied for a malt & wine to be exercised at Roberts Family Room on February 17 from 4 p.m. to 5:30 for a reception with 280 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler has applied for a malt & wine license to be exercised at the Media Lab Winter Garden Room Education Suite Lounge on March 3, 100 expected expect.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler applied for a malt & wine to be exercised at the Executive Education Suite Lounge at MIT on March 3 from 5 p.m. to 7 p.m. for a reception with 100 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler applied for a malt & wine license to be exercised at the Executive Education space at MIT, 1 Broadway on March 6 from 5 p.m. to 6 p.m.

for a reception with 35 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler has applied for a malt & wine license to be exercised at the Executive Education space, 1 Broadway on March 13, 5 p.m. to 6 p.m. with 35 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler has applied for a malt & wine license to be exercised at the Executive Education space, 1 Broadway on March 16 from 5 p.m. to 6 p.m. for a reception with 35 expected.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler has applied for a malt & wine license to

be exercised at the Executive Education space, 1 Broadway, 100 Main Street on March 22 from 5 to 6 p.m. for a reception with 35 expected.

CHAIR NICOLE MURATI FERRER: No. 100 people expected.

Granted. Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 22?

CHAIR NICOLE MURATI FERRER: They changed it on the application and the same is true for the 22nd, March 28th, March 30th.

EXECUTIVE DIRECTOR ELIZABETH LINT: Those two I have 100.

CHAIR NICOLE MURATI FERRER: The 22nd was 35 people. I'm sorry. The 28th and 30th are both 100 people.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Both of those police detailed required.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler applied for a malt & wine license to be exercised at the Executive Education space, 1 Broadway on March 7 from 5 to 6 for a reception with 35 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler applied for a malt & wine license to be exercised at the Executive Education space, 1 Broadway from 5:00 to 6:00 with 35 expected.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: It would have been much easier --

CHAIR NICOLE MURATI FERRER: You can do Ben Pertler and then list all the dates down the line. So, just for the record, items 13 through 21 all are Ben Pertler at 1 Broadway, Cambridge

and then just say the dates and times and we'll go from there.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 14th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 16th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 21st from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 23rd from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 28th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 30th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: April
11th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: April
13th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: May
8th from 5:00 to 6:00 for 35.

CHAIR NICOLE MURATI FERRER: Granted.

ERIKA GAUTHIER

EXECUTIVE DIRECTOR ELIZABETH LINT: So
then the next three would be Erika Gauthier has
applied for a malt & wine license to be exercised
at Novartis at 250 Mass Ave on February 16th from
4:00 to 6:30.

CHAIR NICOLE MURATI FERRER: For 100
people. Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

February 23rd for 70 and February -- March 22nd
for 125.

CHAIR NICOLE MURATI FERRER: February
23rd, granted. March 22nd, granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Then
on March 9th, Erika Gauthier at 181 Mass Ave also
Novartis for 600.

CHAIR NICOLE MURATI FERRER: Granted.

JULIE THOMSEN

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie
Thomsen has applied for a malt & wine license to
be exercised at Harvard Law School on February
25th from 5:30 to 7:30 for a conference reception
with 150 expected.

CHAIR NICOLE MURATI FERRER: Granted.
Police detail required.

ALICIA LICHOULAS

EXECUTIVE DIRECTOR ELIZABETH LINT:
Alicia Lichoulas has applied for a malt & wine --

no. She's just applying for an entertainment at Harvard Law School on March 4 from 9 p.m. to 12 a.m. for an alumni reception with dancing and recorded or live music with 125 expected.

CHAIR NICOLE MURATI FERRER: They also applied for a malt & wine?

EXECUTIVE DIRECTOR ELIZABETH LINT: She's giving away the malt & wine, and she didn't -- I had literally 20 emails back and forth with her.

CHAIR NICOLE MURATI FERRER: Tell me about the malt & wine.

POLICE COMMISSIONER BRENT LARRABEE: She's going to be a lawyer.

CHAIR NICOLE MURATI FERRER: Tell me about the malt & wine.

EXECUTIVE DIRECTOR ELIZABETH LINT: She sent us an email last week saying that they are having this event and they are applying for an entertainment license and Restaurant Associates

will handle the alcohol, as they always do. So I said, "Are they doing it under their catering license?"

What it came down to is that Restaurant Associates said "We never do it that way because this is a private event, invitation-only, no charge for the alcohol."

POLICE COMMISSIONER BRENT LARRABEE: Why would you need a license?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Exactly. She just kind of gummed up the works.

CHAIR NICOLE MURATI FERRER: They don't even need an entertainment.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Exactly.

CHAIR NICOLE MURATI FERRER: So then no.

POLICE COMMISSIONER BRENT LARRABEE: Deny it.

CHAIR NICOLE MURATI FERRER: Yeah.

It is closed to the public.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is inside the law school.

CHAIR NICOLE MURATI FERRER: No. If the law school requires them to get it, we'll give them a license, but no. Denied.

EXECUTIVE DIRECTOR ELIZABETH LINT: The funniest part of the story was that Dana was copied on all of the emails and she said "Will you call me tonight and let me know if it's granted"?

And I said "You can check with Dana tomorrow."

And she said "Who is Dana?"

EXECUTIVE DIRECTOR ELIZABETH LINT: At O'Connors, but we haven't heard that at Special Events. I don't know what if you want to address it.

CHAIR NICOLE MURATI FERRER: Well, it is

for a road race.

EXECUTIVE DIRECTOR ELIZABETH LINT: On the 12th. And we have a meeting on the 1st.

CHAIR NICOLE MURATI FERRER: You know what, one of the things we're getting a lot of heat in terms of the noise with these road races and the entertainment portion of it. Now it looks like --

EXECUTIVE DIRECTOR ELIZABETH LINT: It is inside the Galleria garage.

CHAIR NICOLE MURATI FERRER: The entertainment will be inside the Galleria, inside the garage and is the alcohol inside the Galleria?

EXECUTIVE DIRECTOR ELIZABETH LINT: Those are the things --

CHAIR NICOLE MURATI FERRER: So even if this goes through Special Events, we don't have the benefit of sitting at the Special Events

committee when all of these things are being discussed.

So I would ask that we email Edward O'Connor and ask him, 1, is the patrons' dancing and recorded live music, where will it be. If it is in there --

EXECUTIVE DIRECTOR ELIZABETH LINT: It is in the garage.

CHAIR NICOLE MURATI FERRER: But I want them to say it because all we have right now --

EXECUTIVE DIRECTOR ELIZABETH LINT: That's why I -- I said "Where is the entertainment?"

He said "In the garage."

I said "I need the floor plan for the garage." It's on area B.

CHAIR NICOLE MURATI FERRER: I know. So the email you have attached to this doesn't say that.

It says "You will find a copy of the floor plan for a road race. 68,000 square foot of event space. CPD officers, three details and ten private securities."

Unless they are even doing the road race all inside the garage, which I highly doubt.

So I just wanted to be very clear that they are going to have the alcohol and the entertainment inside the garage and if inside the garage, where exactly are the stations going to be.

If there's going to be any alcohol or any music or any dancing in the area outside of the garage, we also need to know where that will be because we are getting slaughtered with complaints with regard to the road races and noise and issues. And so we need to be a little bit more careful about that and get the information.

Even those going through Special Events, clearly we're not getting all the information we need.

EXECUTIVE DIRECTOR ELIZABETH LINT: And that one was a big mess.

CHAIR NICOLE MURATI FERRER: Okay. So that one is deferred.

EXECUTIVE DIRECTOR ELIZABETH LINT: So that's why we have the committee.

CHAIR NICOLE MURATI FERRER: I'm not quite sure when our next meeting is, if it is before the 12th.

EXECUTIVE DIRECTOR ELIZABETH LINT: March 1st.

CHAIR NICOLE MURATI FERRER: You said the Special Events meeting is March 1.

EXECUTIVE DIRECTOR ELIZABETH LINT: No. No. Becky has not rescheduled it yet.

CHAIR NICOLE MURATI FERRER: Oh, okay.

He needs to get all that information for us before then, and then we just need to make sure that we then scan this and send it to all our departments that participate in the Special Events and get their take on it.

ENTERTAINMENT LICENSES ONLY

ROBERT BLAIR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Robert Blair has applied for an entertainment for a live band, amplification system, to be exercised at the People's Republik on 875-878 Mass Ave from 7 p.m. to 12 a.m.

CHAIR NICOLE MURATI FERRER: We have had no issues on this so I vote to grant.

KAYLA MARVIL

CHECK EXECUTIVE DIRECTOR ELIZABETH LINT:

Kayla Marvil has applied for an amplification system for trivia on February 28th from 8 p.m. to

10 p.m.

CHAIR NICOLE MURATI FERRER: We have a letter from them saying they spoke to John and Helena at 16 Elm and they agreed to reconsider their application if they first tried trivia on the warmer days when the windows are open.

They are hoping to apply for one-day trivia licenses between now and June and hopefully resubmit our application for weekly trivia, so that we can have our window open and address any potential noise concerns.

So they are asking for -- they are going to be asking for licenses on February 28, March 7, 14, 21, March 28, April 5, 12, April 19, April 26, May 2, 9, 16, May 23 and May 30.

So they understand that the one-day entertainment application is normally \$50 per event but they would like to lump sum these 14 trivias for a total of \$50 under the

circumstances.

So, quite frankly, I don't think they need to have all of these one-day entertainment licenses.

I think -- one of my majority issues with their application was, 1, they were very flimsy as to when they were going to have trivia, if they would have trivia, and what day or the night they would have trivia.

POLICE COMMISSIONER BRENT LARRABEE: They were very fuzzy.

I think I said that to them.

CHAIR NICOLE MURATI FERRER: Yeah, you did.

And then the same with the acoustic music. They didn't know exactly what kind of music, where the music would be and all this stuff.

POLICE COMMISSIONER BRENT LARRABEE:

Let's give them a couple of those and see what happens.

CHAIR NICOLE MURATI FERRER: Yeah.

What I was going to say, I don't really think they need to do 14 events before we get to decide whether or not they are going to be issued are not. That's neither here nor there.

This one is for February 28th and March 7th, you know --

POLICE COMMISSIONER BRENT LARRABEE: The people that came in and spoke against them said -- they said during the warm weather is when they are worried, so I would give February and March. And how many in March?

CHAIR NICOLE MURATI FERRER: Basically every week. Every week -- every Tuesday of every month between now and May.

POLICE COMMISSIONER BRENT LARRABEE: No. I wouldn't do that.

CHAIR NICOLE MURATI FERRER: Yeah.

They are not requesting all of them right now but basically -- what I'm saying is, I think the neighbors' concerns as to noise are fine and dandy, we always get these complaints, but one of the issues in terms of places with large windows is that then we can put a condition on the license to close the windows at a certain time, especially if you are having trivia, so on the night of trivia you close them at 10 p.m. rather than at midnight when you close down.

Anyways, part of the letter is to lump sum their one-day entertainments to \$50, rather than charging them per event, which I think is fine. Do we do February through March?

POLICE COMMISSIONER BRENT LARRABEE:

Yeah. In March you may start to get spring weather and we can do one at a time after that and just ease into it to make sure we don't get

any complaints.

CHAIR NICOLE MURATI FERRER: Yeah.

POLICE COMMISSIONER BRENT LARRABEE:

Originally they were going to do it on Sunday.

CHAIR NICOLE MURATI FERRER: They moved it to Tuesday.

POLICE COMMISSIONER BRENT LARRABEE: They objected, the neighbors objected. They are now doing it Tuesday.

I think it will be all right until everybody opens their windows and then you'll probably have a problem.

CHAIR NICOLE MURATI FERRER: I think in terms of the noise, even with the trivia, I think it will be a matter you need to close your windows if you have trivia whether it is a nice day or not. So granted.

Do we want to grant February 28th to April 19th?

POLICE COMMISSIONER BRENT LARRABEE:

That's Patriots Day.

EXECUTIVE DIRECTOR ELIZABETH LINT: Right around then.

POLICE COMMISSIONER BRENT LARRABEE:

Sure. Do you want to go that far out?

CHAIR NICOLE MURATI FERRER: I just don't think that we need it.

I think it is nice that they are trying to do this with the neighbors, but I also don't think -- the neighbors weren't objecting to trivia they were objecting to the possible noise of trivia.

And they were objecting to trivia on Sunday because of the parking for street cleaning. So, fine, but they were objecting -- and then on top of that, they were worried as to trivia with the windows open, because of the noise.

So I, quite frankly, didn't think they were going to jump out here with this. I would have much rather they said "Fine, we decided to do trivia on Tuesdays" and so be it. And I think at that point we could have voted on it and --

POLICE COMMISSIONER BRENT LARRABEE: I agree. Okay. April 19th, that sounds great.

KATHRYN FENNEMAN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kathryn Fenneman of Tutoring Plus of Cambridge has applied for a raffle license to be exercised at Broad Institute, 415 Cambridge Street on March 2, drawing will be held at 7:30.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: And then there's two more. The special noise variance.

CHAIR NICOLE MURATI FERRER: And how about Alysse Hamm? Let's do that because I have

it here.

ALYSSE HAMM

EXECUTIVE DIRECTOR ELIZABETH LINT:

Alysse Hamm applied for a one-day entertainment to be exercised on February 18 from 5 p.m. to 1 a.m. at Kresge Auditorium, 106 Vassar Street for performers dancing, record live music and a light show.

CHAIR NICOLE MURATI FERRER: Granted.

DAN MORIARTY

EXECUTIVE DIRECTOR ELIZABETH LINT: Dan

Moriarty, on behalf of AmQuip Crane, has applied for a special noise variance to be exercised on Saturday, March 4 from 6 a.m. to 9 p.m. at 1 Hampshire Street, Galileo Way, for crane and trucks delivering crane parts and lab fans for Collier's.

CHAIR NICOLE MURATI FERRER: I was going to say to them you need a noise variance, so

granted, I'm glad it is already filed.

POLICE COMMISSIONER BRENT LARRABEE:

Since we are still in session, I would like to talk about the presentation part with the police on the record.

Is that the way they come to make a presentation?

CHAIR NICOLE MURATI FERRER: Well --

POLICE COMMISSIONER BRENT LARRABEE: Are they subpoenaed?

CHAIR NICOLE MURATI FERRER: No.

So police officers, so basically when we schedule the hearing, if there were police officers involved, there's a police report written or a detective picked up the case or whatever. We send them the hearing notice, I cc'd Jack Albert on the notice as well so that he knows. And then he can take the appropriate steps to make sure that they appear.

In terms of how they present the testimony, my experience in Boston is very different from here. I feel like --

POLICE COMMISSIONER BRENT LARRABEE:

That's very different from what I have seen.

Our presentations was like a court presentation.

You would have evidence, you may have a victim, and you may have witnesses.

You just don't come in and read a report because, I mean, how can you ever find any evidence of a violation? Because they say "no" and they just read a report that said somebody said.

CHAIR NICOLE MURATI FERRER: So "yes" and "no."

And I think for that reason sometimes we've had the investigator, so, for example, when I get a report like this.

POLICE COMMISSIONER BRENT LARRABEE:

Personally I'm going to tighten that up because I think it has to be more formal.

It is not like we are not dealing with somebody's livelihood. I was going to ask questions about "Was anybody charged? Did anybody charge anybody in any of these cases?" Why bother.

The problem for me, they go back and say "It should have been closed down" and I will say "There's no evidence. Absolutely no evidence. Yeah, somebody got stabbed. Could have been somebody from East Pachooch." Spell that.

THE REPORTER: I will.

CHAIR NICOLE MURATI FERRER: Yeah. I agree, and I think what I've been doing is that for the ones where we have nothing, that's why sometimes Andrea is here to testify more because she does a follow-up investigation.

But as you can well imagine, sometimes that doesn't work, the evidence or the witnesses are now gone or in hiatus or whatever.

So for me, personally, it has been a struggle to get used to the Cambridge system.

POLICE COMMISSIONER BRENT LARRABEE: It is not going to be like that. It is not helpful.

We had lots of hearing in Framingham with lots of bars and lots of hearings in Stamford, Connecticut with lots of bars and there was a formal presentation.

And actually, they would get up and testify like they were in court and we could call witnesses. And we had to have evidence.

I was going to ask anybody "Does anybody have any follow-up reports, like toxicology reports. Did you find out whether the guy was..."

For them, that's not a big case.

The problem is, it comes here and it is a big case for those people sitting out there because they are spending thousands of dollars to come in.

Like Officer Ames just read the report, that's all we needed, and there's not enough to sustain anything.

EXECUTIVE DIRECTOR ELIZABETH LINT: Over the years, it has gotten a lot better than it used to be.

POLICE COMMISSIONER BRENT LARRABEE:
Really?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

When I first started working here, the way it would be presented is. Just Andrea would come in and read the officers' reports and the officers would be present in case anybody on the Board wanted to ask him a question.

That evolved with Bob having the officers

do all the testimony and we ran -- we started running it a little more like a court presentation.

POLICE COMMISSIONER BRENT LARRABEE: I'll bring this up tomorrow with the group because, 1, it is not fair to the cops to come here and read the things and what good is that.

And then they feel like -- they had this case where the stabbing was a big deal and we find no evidence and there was no evidence.

And again, you got the taxpayers, license holders, spending lots of money to come in here and look pretty for us. And I -- it is not -- I also think maybe if we have a disciplinary, we should have it on a separate day, if we can. I don't know if you can.

CHAIR NICOLE MURATI FERRER: If you can make yourself available. I'm here every day.

The thing is getting the Commission

together.

Again, for me, this has been a transition because I used to have a violation hearing date, a petition date and voting date.

POLICE COMMISSIONER BRENT LARRABEE: That doesn't bother me. That doesn't bother me at all.

I think it is unfair for a person who is going to get a five-minute hearing to sit through 45 minutes of testimony.

So if we have a disciplinary hearing, that should be a separate day, so we can run through it and then you don't have to worry looking out there and say "What the heck is going on?" That poor guy for the medallion, he was here --

EXECUTIVE DIRECTOR ELIZABETH LINT: They didn't even need to come. They just were anxious about it.

POLICE COMMISSIONER BRENT LARRABEE: He's here, though.

EXECUTIVE DIRECTOR ELIZABETH LINT: The other thing with noticing police, so Chris had been sending the emails and not copying me on them, and I'm getting phone calls saying "I'll be there" and I'm like "Wait a minute. Who are you and what are you..." "

POLICE COMMISSIONER BRENT LARRABEE: We can tighten that up.

So you're communicating through Jack Albert.

CHAIR NICOLE MURATI FERRER: So it is supposed to go -- the hearing notice is supposed to be sent to the officer, to the officer's email address, and Jack Albert.

POLICE COMMISSIONER BRENT LARRABEE:
Okay.

CHAIR NICOLE MURATI FERRER: I know when

Andrea is involved in the case, she also reaches out to the officer to make sure that they -- you know, to remind them.

POLICE COMMISSIONER BRENT LARRABEE:

There's no need for them to come if they are just reading the report. It doesn't make any sense at all.

CHAIR NICOLE MURATI FERRER: Except, quite frankly, we didn't see it today, but a lot of times those officers have a lot more memory when you start asking them questions, there's a lot more than what is on the report.

POLICE COMMISSIONER BRENT LARRABEE:

That's correct.

CHAIR NICOLE MURATI FERRER: And then that's the problem, like if you stop bringing them in because they are going to read the -- like I get it, it is not the best practice for them to sit here and read the report. I get

that. Like you said, these are small potatoes for them. And most of the times, these happen and they forget about them.

POLICE COMMISSIONER BRENT LARRABEE: The stabbing wasn't a small potatoes.

CHAIR NICOLE MURATI FERRER: And I, quite frankly, thought the detectives would be here on that as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: I was told one of them was going to be here.

CHAIR NICOLE MURATI FERRER: I don't know where the breakdown is.

POLICE COMMISSIONER BRENT LARRABEE: I'll tighten it up.

EXECUTIVE DIRECTOR ELIZABETH LINT: I made inquiry as to whether or not the detectives wanted us to wait on that particular one in case there were charges pending and I never got anything back on that.

POLICE COMMISSIONER BRENT LARRABEE:

There's no charges pending on any of these cases. I mean, the stabbing was a big deal. I mean, what I'm going to say to these folks, when I go back, establishments that got three significant violations for this community and we have no testimony to it. The stabbing didn't sound bad to me, did it to you?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not the way it came out.

POLICE COMMISSIONER BRENT LARRABEE: It came across like it is routine.

EXECUTIVE DIRECTOR ELIZABETH LINT: I went to the hospital and I said he's fine.

CHAIR NICOLE MURATI FERRER: Yeah.

Usually, in Boston when there was something like that, the officer, the first responder, the first officer would be there, the detective assigned to the case and either of them

would reach out to the victim.

POLICE COMMISSIONER BRENT LARRABEE: And witnesses.

CHAIR NICOLE MURATI FERRER: And witnesses. And, for example, for the victim, if the victim decided not to come, they would say "We reached out to the victim on X-such date and the victim decided they did not want to come."

POLICE COMMISSIONER BRENT LARRABEE: And that changes the whole course of the case and they know that.

So if that happens, that's fine.

But from my years of being a police officer and being a police executive, those are -- they are doing what they have been doing and I just -- if somebody else sees it, I don't like it. It has to be changed.

If we are going to have discipline hearings, where you potentially take people's

licenses away for a period of time, there had to be much more meaty, substantive testimony with witnesses and pictures. Nobody took pictures, which surprised me. I don't know if they took pictures of the stabbing. Again, that happened the first day I was here.

EXECUTIVE DIRECTOR ELIZABETH LINT: But, Nicole, you may remember, you were -- I don't know if shocked is the right word, but at one of those Monroe hearings when we had five or six officers here that all testified and not one did a follow-up with the victim. Not one of them reached out to see if they wanted to come in. There were a whole series like that.

CHAIR NICOLE MURATI FERRER: And I raised it at the hearing.

POLICE COMMISSIONER BRENT LARRABEE: When was this?

CHAIR NICOLE MURATI FERRER: This was

several months ago. It was an establishment that's further down from here, from Middle East, that was creating a lot of issues and here everyone from the police department all the way to neighbors and City Council and City Hall and they are all like "This place is crazy." They were right. It was one thing after the other. And we clumped together all these hearings. And I asked them questions and they were like "I don't know." "Yeah, we saw him there." I was like "you guys are tying our hands. There's nothing for us to do, if you don't do your job."

EXECUTIVE DIRECTOR ELIZABETH LINT: That was horrifying.

CHAIR NICOLE MURATI FERRER: Was Burke here? I felt bad when I said it because I, literally, I went off on the police officers but I couldn't take it anymore.

EXECUTIVE DIRECTOR ELIZABETH LINT: It

was embarrassing.

POLICE COMMISSIONER BRENT LARRABEE: What was the violation?

EXECUTIVE DIRECTOR ELIZABETH LINT: There were so many.

CHAIR NICOLE MURATI FERRER: This was the one we ended up, we found evidence that there were public safety concerns about closing times, and we ended up rolling back their hours.

And then the place ended up shutting down on their own and selling the license shortly thereafter.

Yeah, but it was interesting because when we first got the case, I'm like "there's nothing here." I need crime analysis as to how many calls have been around closing time.

POLICE COMMISSIONER BRENT LARRABEE: They have that.

CHAIR NICOLE MURATI FERRER: But it

wasn't there.

POLICE COMMISSIONER BRENT LARRABEE: It
will be.

I can assure you it will be because we --
I have never seen this and I have always seen it
much more formal.

EXECUTIVE DIRECTOR ELIZABETH LINT: Even
in my sleepy little town, it is a lot more
formal.

POLICE COMMISSIONER BRENT LARRABEE:
Where is that?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Foxboro.

POLICE COMMISSIONER BRENT LARRABEE:
Coming out of Foxboro Stadium.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Anything up at Patriot Place.

Did anybody review the minutes from the
11th?

CHAIR NICOLE MURATI FERRER: I did not review any.

POLICE COMMISSIONER BRENT LARRABEE: I did. Not thoroughly though.

EXECUTIVE DIRECTOR ELIZABETH LINT: You are not ready to vote on them?

POLICE COMMISSIONER BRENT LARRABEE: I'm ready to vote on them.

EXECUTIVE DIRECTOR ELIZABETH LINT: She's not.

POLICE COMMISSIONER BRENT LARRABEE: They are fine.

CHAIR NICOLE MURATI FERRER: So they are fine. I trust the Commissioner.

EXECUTIVE DIRECTOR ELIZABETH LINT: Sign that for me.

POLICE COMMISSIONER BRENT LARRABEE: What is it?

CHAIR NICOLE MURATI FERRER: Notice of

decision.

(Hearing adjourned.)

ERRATA SHEET

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

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

CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of February 2017.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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