

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

SUPERINTENDENT CHRISTOPHER BURKE

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

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

DATE: December 19, 2013

TIME: 10:00 a.m.

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MS. LINT: So this the License Decision Making Hearing, Thursday, December 19, 10:05 a.m. Before you are the Commissioners: Andrea Jackson and Superintendent Chris Burke.

The first matter left from the December 10 hearing is Winding Road, LLC doing business as Abigail's.

And as we know, that was a situation where there were numerous violations of the fire code. And since then Captain Cahill reported everything has been taken care of.

And that his concern is the lack of communication between the staff.

SARAH MURNANE: I sat down with my staff.

CHAIR ANDREA JACKSON: Before you start, good morning.

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

SARAH MURNANE: Sarah Murnane,
M-U-R-N-A-N-E. The owner of Abigail's. Co-owner
of Abigail's. I did sit down with my entire
management staff the following day and drilled
into them the importance of being on top of the
public safety first and foremost is our main goal
here.

I think they are all very much aware
because several people got reprimanded. And they
have been told if this happens again, they will
no longer have a job.

We do need to work on the communication
skills we have weekly meetings.

But from here on out, there will be no
violations.

CHAIR ANDREA JACKSON: You said you will
be have weekly meetings?

SARAH MURNANE: We do anyway.

The last violation I had taken a short leave of absence for health issues but I'm back full-time.

CHAIRWOMAN ANDREA JACKSON: You will be attending those weekly meetings?

SARAH MURNANE: Yes.

CHAIR ANDREA JACKSON: In any event, if you are not able to attend a weekly meeting, who will be there?

SARAH MURNANE: My partner.

We both attend them.

CHAIR ANDREA JACKSON: So in regards to these violations, can you tell me what was discussed at the staff meeting regarding them?

I'm very concerned because to me this is rather egregious. We are talking about violation at the restaurant. But we are also talking public safety concern. You are located, if I

understand it, in the downstairs of a high-rise building.

SARAH MURNANE: Yes.

CHAIR ANDREA JACKSON: So we are talking about -- if there was a fire, this could potentially extremely dangerous.

SARAH MURNANE: I absolutely agree.

The issue I discovered was the former hood cleaning service. They are a national company, and we were having a lot of issues with them having them come out and stick to their schedule.

Prior to the last inspection, my general manager was working on finding a new company which he did find, we started using them, they are local, they are easy to contact. Actually, I have spoken to them several times since I was here last and I explained the situation that we

cannot afford to be late on any inspection. So it should be resolved.

I'll be keeping an eye on those dates myself. I do want to say, if I may, the gentleman, the Officer Cahill did tell me that according to my staff, the next scheduled cleaning was meant to be in January. That was with the prior company that didn't show up for the one that was supposed to have taken place several weeks before, which is what set that whole thing in motion of us firing and us hiring a new company. So there would've been an inspection in, I think, November and then one in January. So that was the next scheduled one. But the previous one had been missed. They didn't show up to do.

CHAIRWOMAN ANDREA JACKSON: And then the one that was missed was in November?

SARAH MURNANE: Yes.

CHAIRWOMAN ANDREA JACKSON: But the hood expired, according to my notes, August of 2013.

So what happened between August and November? I could see if there was some type of glitch in terms of the company or missing, but again, we're looking back to August.

SARAH MURNANE: Yes. I'm extremely upset.

Everyone was sat down and we explained the severity of the situation. I live in the building with two young children. I don't want to see anybody getting hurt. I have since all my management staff take the crowd control certificate, we have now five members of staff certified, who will always probably have two people on staff at any one time who are licensed in crowd control.

CHAIR ANDREA JACKSON: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: I understand that there was -- I get a sense of why the condition was in place when the Captain did his inspection, and I understand, and I'm satisfied that you have taken the steps needed to prevent that from occurring again.

But I'm concerned about the testimony of the Captain and his comment that he was treated dismissive ly by the person that he spoke to.

I think given the location of the business and the potential impact on the residents, I think that's quite concerning.

We are looking beyond the violation was how this manager or staff person was less than responsive to the Captain.

SARAH MURNANE: That person shouldn't

have been the point of contact. The general manager hadn't come in yet for his shift. He was due in 20 minutes after the Captain came in.

The person he spoke to wasn't informed about what was going on. I sat him down myself and I spoke to him.

CHAIRWOMAN ANDREA JACKSON: Who was that person?

SARAH MURNANE: The chef.

But the general manager is the one responsible for scheduling the hood cleanings and making sure that they are adhered to.

SUPERINTENDENT CHRISTOPHER BURKE: So has this issue with the response to public safety been part of this discussion with the staff meeting?

SARAH MURNANE: Absolutely. Absolutely.

Like I said, I don't want it on my

conscious anybody getting hurt for something we failed to do.

CHAIR ANDREA JACKSON: All set?

SUPERINTENDENT CHRISTOPHER BURKE: Yes.

CHAIR ANDREA JACKSON: Ms. Lint, is a motion in order in terms of the appropriate discipline?

EXECUTIVE DIRECTOR ELIZABETH LINT: If you feel comfortable.

CHAIRWOMAN ANDREA JACKSON: I make a motion that we find them in violation and we issue a warning. Is there a second?

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

CHAIR ANDREA JACKSON: All in favor say aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRWOMAN ANDREA JACKSON: We'll be

issuing you a warning. I need you to understand we take this matter very seriously and we could have suspended your license.

SARAH MURNANE: I appreciate your not doing that. I will be on top of this myself. There will be several people who will be responsible not just the general manager. I will not be sitting here again for this issue. Thank you. I appreciate it.

EXECUTIVE DIRECTOR ELIZABETH LINT: And the other matter that was left was the student group at MIT for an exemption to Attorney General's regs to have casino night. I see no one here.

CHAIRWOMAN ANDREA JACKSON: In regard to this application, I looked at the regs, looked at the Attorney General's website, and I don't find that the event complies with the regulations.

They are charging to get in to give out prizes, and as I understand it, if they are going to be charging for it, the money has to be for a charitable purpose. And if I remember correctly, the gentleman said they were looking giving out prizes such as an iPod.

I would suggest to the State that's not a charitable purpose. I asked him to provide information from the MIT police. I have not received it. I did receive a phone call from the MIT police and the officer in which I spoke to said she was not in a place to say yeah or nay. And she would have to get back to me. And I haven't heard anything since. And I have not received any other documentation.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have not received anything either, and it has always has been the practice of this Commission

to prohibit these types of events unless it is strictly for charities such as the Cam Neeley foundation, we've granted them exceptions in the past. And I think that's there's been only one other type of event that we've sanctioned where it was strictly for a charity.

SUPERINTENDENT CHRISTOPHER BURKE: I think given the testimony of the applicant and the fact that he indicated it was for a social event and it is not related to any charitable endeavor, I would make a motion to deny the application.

CHAIRWOMAN ANDREA JACKSON: Seconded.

All in favor say aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRWOMAN ANDREA JACKSON: Aye.

That's it on our agenda.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's all we have.

CHAIRWOMAN ANDREA JACKSON: I make a
motion adjourn.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRWOMAN ANDREA JACKSON: Aye.

(Whereupon the meeting was adjourned)

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That the hearing herein before set forth
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
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