



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

CHRISTINE A. ELW
POLICE COMMISSIONER | BOARD MEMBER

THOMAS CAHILL, JR.
FIRE CHIEF | BOARD MEMBER

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

Tuesday, October 3, 2023

Meeting started at 11:04 a.m.

By Remote Participation Via Zoom

This meeting was held remotely in accordance with Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor.

Board Members (All Present): Nicole Murati Ferrer, Christine A. Elow, and Thomas Cahill, Jr.

Staff Member Present: Chris O'Neil.

Decisions: All decisions were 3-0, unless otherwise indicated, and by roll call.

Public Testimony Matters

1. **Disciplinary** La Fabrica Central, LLC. d/b/a La Fabrica, holder of All Alcohol Common Victualler License #11593, 450 Massachusetts venue, for alleged violation of G.L. c. 138, §§ 23, 64-64A, 69, G. L. c. 140, and Board's Rules 2, 12B.6, and 12B.7 – Service/Sale/Delivery of Alcohol to an intoxicated person on June 11, 2023.

Present: Investigator Tyler Bubenik; Sgt. William Lamonica, Cambridge Police; and Dennis Benzan, La Fabrica.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: After a second call, Dennis Benzan appeared and requested an extension to confer with counsel. Although Benzan acknowledged receipt of the hearing notice, Benzan explained they did not notice it until earlier that day.

Decision: Continued to October 25, 2023.

2. **Disciplinary** LPGMG, Inc. d/b/a New Republik, holder of All Alcohol Common Victualler License #148643, 1172 Cambridge Street, for alleged violation of G.L. c. 138, §§ 23, 64-64A, 69, G. L. c. 140, and Board's Rules 2, 12B.6, and 12B.7 – Service/Sale/Delivery of Alcohol to an intoxicated patron on August 8, 2023.

Present: Investigator Tyler Bubenik; L. Patrick Gallivan, New Republik; Sgt. William Lamonica, Cambridge Police; and William Long.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: Police responded to the location for a possible driving under the influence. When police arrived the individual was not in the vehicle. The individual was exhibiting signs of intoxication - slurring words, unstable on feet, unable to walk on their own. Police spoke to William Long, who was

the bartender and person who called the police. Long admitted to serving three beers (two 12 oz and one 14 oz) to the individual in a span of 30 minutes. Long commented that the individual did not appear intoxicated when they arrived but that they became obnoxious and cut off the individual after the service of the third beer.

Patrick Gallivan testified they were not on the premises when the event occurred. There is no specific time allotted as to how much to serve customers within a period of time. Gallivan testified they would not serve three shots in a row. Gallivan also testified that although there are no written guidelines, levels are monitored before service. Three beers in a span of thirty minutes is not normal, it is above normal.

Long testified that while serving the individual they were observing their level of intoxication. Long testified that the “cut off” came because the individual was being obnoxious (being loud, flailing arms, and continuing to try to talk to customers who did not want to talk with them). The three beers each had an alcohol level of approximately 5%. Long stated that the individual seemed “happy” when they left the premises and Long stated they had mentioned they were walking home.

An individual who went to smoke reported to Long the individual was in vehicle. Long went outside to convince the individual not to drive. When the individual was not complying in stepping out of the vehicle, Long called the police. Long admitted that service of three beers in 30 minutes is faster than usual but that each beer had some content left. Long would remove the beer with the small portion of alcohol left before providing the new one. Long admitted that the individual was showing signs of slight impairment but nothing that would dictate not serving more.

Decision: Under advisement.

3. **Informational** Middle East Restaurant, Inc. d/b/a Middle East, holder of All Alcohol Common Victualler License #11691, 472 Massachusetts Avenue, to address business practices, the manner in which business is being conducted, and increase in incidents at Middle East requiring Police and/or emergency medical response, and determination whether a roll back of operating hours is appropriate, pursuant to G. L. c. 138, §§ 12, 23, 64, G. L. c. 140, and Board’s Rules 5.1-5.3.

Present: Investigator Tyler Bubenik; Attorney Bridget Zerner; Ziad Sater, Middle East; Kim Kendrick, manager; Aaron Gray, head booking agent; Jeff Freedman, president of Wizard Security; and Deputy Anthony Macone, Cambridge Police Department.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: There have been ten incidents since March 17th of this year that have required investigation beyond Police documentation of the events themselves. That is the most of any establishment in 2023, and a sharp jump in the number of incidents investigated in all of 2022 for Middle East, which was four. Each incident has not been heard by the Board because of lack of information, witnesses or best evidence. Middle East has been responsive and has not hindered any investigation.

Middle East has essentially five venues in one. They host approximately 30 events a week. Middle East has made requests for details for some events but they are not always filled. They hire private security. If they use a promoter and have issues with them, they discontinue working with them.

Kim Kendricken is one of the managers. Kendricken has worked to get new security staff and properly train them. Kendricken has made sure all bartenders recertified in TIPS and make sure they are doing the best and not engaging in overservice practices. For all ages shows, service of only one drink per patron is allowed. Kendricken also stated they are currently staffing up. Kendricken testified that any time they see an unsafe situation inside or outside the premises they call the police. Kendricken admitted that the all ages crowd is more problematic and that younger patrons are the ones that tend to create problems.

Aaron Gray explained there are more events this year than last year, which could account for having more issues. Gray explained they expect an influx in events in the Fall too. Gray also acknowledged they are hiring more staff and training them. Gray also stated the previous security company they used, they have stopped contracting with them because found them to be too aggressive. Now they only contract with Wizard Security. Gray explained how they also cut ties with promoters or artists that bring issues to the establishment. Gray explained the different spaces within Middle East communicate but sometimes working on sound, production and marketing happens separately. Gray testified they are booking 6/8 months in advance, and that providing a calendar of events a month prior could be something that could be easily accomplished.

Jeff Freedman testified they provide supplemental security to the Middle East. The company has been around since 1984 and providing security for big events, like concerts, is all they do. They have sufficient staff to handle multiple rooms. They have different gendered staff that report to each event. Wizard Security completes a report for every event.

Ziad Sater testified the Middle East staff is required to complete a report as to any incident, but they do not always do so. Sater acknowledged this is something they need to improve. Kendricken does send an email to the management staff each night. Sater also admitted that using one point of entry has become an issue as sometimes ticketed patrons cannot get into a show because of the line.

There was discussion around the lines that form around the Middle East, on the sidewalk and how sometimes at the beginning of the night, or the end, the crowds become an issue. There was discussion on how a sole entry point is used and whether that is the most appropriate way to handle a multi space premises. In addition, whether there can be an area designated for overflow, not only the sidewalk. There was discussion of staggered start and end times.

Decision: Under advisement. The Board also requested the attorney provide the emails and phone numbers of all Middle East representatives that appeared at the meeting.

Administrative Matters

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of

the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

4. **Board Discussion** Super Target Liquor of Massachusetts, Inc. d/b/a Target, 564 Massachusetts Avenue, Malt and Wine Package Store License #12982, operational plan to address incidences of thefts of alcoholic beverages at the location.

Summary: The Board discussed the plan submitted by Target. There were various items in the plan that seemed appropriate but still the Board expressed how more simple steps, such as moving the alcohol behind registers, or having the staff take the alcohol to the registers could be more easily and quickly implemented. The locks on the bottles is inefficient especially when not placed on each bottle. Regardless many of the thefts are of beer packs. The Board questioned some of the items on the letter and current procedures. There is also an issue as to when thefts are reported.

Decision: Informational hearing on October 25, 2023. The Board will try to approve some specific items to be discussed at the informational hearing at the meeting of the 12th in an attempt to have Target ready to further discuss the matter.

5. **Board Vote [Matter Heard September 28, 2023]** **Application #219065** Chazumba, LLC d/b/a Felipe's Taqueria, 21 Brattle Street, Common Victualler All Alcohol License #11516, to add entertainment, DJ, for outdoor and indoor, and for a Change of Hours for food service to start at 7:00 a.m. all days (current hour 11:00 a.m.). Board granted the change in hours; took under advisement the request to add DJ entertainment indoor and outdoor.

Summary: At the hearing, the Board requested a floor plan showing where the DJ would be located inside. The plan has not yet been submitted and it is necessary considering capacity and space issues.

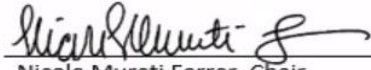
The Board discussed how a DJ on the outdoor area is something that may not be approved. Harvard Square is a dense area, there are many businesses as well as residential units around. Noise travels, and in terms of the amount of people already approved upstairs, to add the DJ beats, is a recipe for noise disturbances. The two places within the City that have a DJ approved for an outdoor area are places that only exist outside (they do not have a brick and mortar) and noise complaints are an issue. The Board discussed how it would approve background music at or below conversation level outside. In terms of the DJ inside, it could be something that would be approved provided the floor plan, seating configurations and capacities are reviewed and approved by Inspectional Services Department. Also, the Board would condition it while the DJ is playing inside the windows and doors must be closed.

Decision: Continue.

By the Board of License Commissioners

Minutes Approved: October 12, 2023

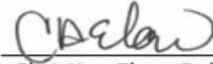
Minutes Posted: October 12, 2023



Nicole Murati Ferrer, Chair



Thomas Cahill, Jr., Fire Chief



Christine Elow, Police Commissioner