

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman  
Robert C. Haas, Police Commissioner  
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139  
Tuesday, February 24, 2009  
6:00 p.m.

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P R O C E E D I N G S

MR. SCALI: License Commission General Hearing, Tuesday, February 24, 2009 at 6:00 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you the Commissioners: Chairman Richard Scali, Commissioner Robert Haas, and Deputy Chief Dan Turner.

If anyone is here for Cremaldi's, The Druid, and Gateway Inn, those matters have been continued to March 10.

MR. SCALI: Is anyone here for Cremaldi's?

MS. MCLEOD: Who filed for Cremaldi's? One of the Cremaldi's?

MR. SCALI: It's an application to continue their inactive status. Is anyone here for that?

Gateway, Cambridge Gateway Inn? So that's continued to March 10.

The bottom of Page 2, The Druid,

change of manager. Is anyone here for that?

March 10?

MS. LINT: Yes.

MR. SCALI: So let's go to our first  
item then.

MS. LINT: Disciplinary matter: 53 Wendell Street, Kristen Kissmeyer, Owner, for failure to fully cooperate with the Cambridge License Commission and Building Department to determine which class of license should be applied for regarding the property located at 53 Wendell Street.

MR. SCALI: 53 Wendell?

MS. LINT: They're not here.

MS. BOYER: I am on for this case but she is not here. I don't know if you want to do a recall, or if you want me to read into the record the issue.

MR. SCALI: I think we should have you come forward, yes, because this is an issue that has been ongoing. Tell us your name for the record.

MS. BOYER: Andrea Boyer, B-O-Y-E-R, Chief Investigator for the City of Cambridge License Commission.

Originally this case started based on a Comcast phone complaint to Elizabeth Lint stating

that the work person at the location thought that maybe it was a lodging house or a bed-and-breakfast, but it was licensed to be one. After the telephone call, I looked to see if the address was a license for a bed-and-breakfast or a lodging house and it showed that it was not.

I went to the location to see if there was any evidence that it may be a lodging house and the best that I could do without being on premise was noting that there were multiple mailboxes, which could possibly show that there were many individuals inside the home.

There were many e-mails that went back and forth between Elizabeth Lint and Ms. Kissmeyer trying to have a meeting to discuss whether or not there was a lodging house or a bed-and-breakfast at the location. And then there was a meeting that took place before Christmas -- excuse me, Elizabeth, was that around Christmas time?

MS. LINT: I think it was, yes.

MS. BOYER: I apologize for not knowing that particular date. We did have a

meeting with Ms. Kissmeyer here in the basement to discuss --

MS. LINT: It was December 18.

MS. BOYER: -- to discuss whether or not it was possibly a lodging house or a bed-and-breakfast, and trying to decipher through being on the Internet and seeing that there were rooms that -- was that part of the package, Elizabeth; the rooms that were the suite? I would like to add that into our --

MR. SCALI: Is that something we've already got?

MS. BOYER: You may not have.

MS. LINT: I don't have it in my file.

MR. SCALI: We can pass that around and we can take a look at that.

MS. BOYER: Based on the Embassy Suite, Treetop Suite, and Versailles Suite that there was possibly room rentals. But what we couldn't figure out is whether it would be under a lodging house or bed-and-breakfast, because one of the situations states that there would be a stove

in each room, or not a stove, or sharing a bed and a bath with four or more unrelated people.

So that was one of the reasons we wanted to have the meeting, just to try to figure out what is on premise, and to also try to schedule for me and a gentleman, or an inspector from Inspectional Services to be able to see the premise to determine whether or not a lodging house or a bed-and-breakfast license was needed.

Ms. Kissmeyer stated that -- and we wanted to give her some time to think about that or just go to being a regular home. And we were waiting for her to respond to allow me to go on premise to check the rooms, but she did not contact us.

I had sent an e-mail in January just to remind her that we were waiting to hear from her, and we did not hear from her at that time either. This is when Elizabeth and I decided that it should be put on the agenda for lack of cooperation, just to determine what is actually on premise, and if she should be applying for a

lodging house or a bed-and-breakfast license.

MS. LINT: I would add to that, that she indicated to us that she didn't feel she fit into any of our categories of licenses. She indicates that she is tourist housing. The Assessors' database has her as a two-family, but clearly from looking at this --

MR. HAAS: How many rooms is she offering for rent?

MS. LINT: I believe five.

MS. BOYER: The basis that I have is what was on the website. Without actually being on location, I do not know the exact rooms but it seems as if there's five.

MR. HAAS: It looks like it was five here.

MS. BOYER: Five, correct, which could prove to be four or more unrelated people renting and lodging.

MS. LINT: I also had information from Lillian at the Assessors that they sent one of their inspectors out and they were not given access

to the property.

MS. BOYER: One of the things I was trying to emphasize to Ms. Kissmeyer is it's not necessarily that we're trying to get a lodging house fee; it's based on safety. If you have so many people in a space, then we would need Inspectional Services or Fire to determine whether or not those individuals could get out if necessary. And basically, why we keep asking her to come on is because now that we are knowledgeable of this information, we just can't let it go; that we need to continue to make sure that safety is the first priority.

MR. SCALI: Okay. So you've given her ample opportunity from what I understand through letters, and you actually had a meeting with her; am I correct?

MS. BOYER: Yes.

MS. LINT: And numerous e-mails.

MR. SCALI: When you met with her in December, what was her position at that point?

MS. LINT: She didn't think she fit

into any of our categories. She was going to think about it and get back to Andrea.

MR. SCALI: And that was two months ago?

MS. LINT: Yes.

MS. BOYER: That was December 18.

MR. TURNER: Mr. Chairman?

MR. SCALI: Deputy Chief.

MR. TURNER: Through you to Andrea, what triggered the investigation?

MS. BOYER: Actually a Comcast telephone call from the company stating that they believed that there were more --

MS. LINT: Comcast indicated that she was asking them to put in at least five telephone lines, and that he considered that a commercial property. Assessors said that they consider that short-term leasing when it's not a living residence, and it's also commercial under Mass. law and receives a commercial tax rate, and they're not paying a commercial tax rate.

MR. HAAS: Who has jurisdiction to

compel an inspection at this point? I mean, do we have to get a court order to get in?

MS. LINT: I believe what would be appropriate is to -- I would suggest that you consider voting to send it to the Law Department for further action.

MR. HAAS: Would it be Inspectional Services that would get the court order, or would it be this body that gets the court order?

MR. SCALI: I think it would probably be a joint effort with the Inspectional Services Department to do that.

MS. LINT: And Assessors.

MR. HAAS: It seems to me Inspectional Services would have more ability to leverage a court order at this point, but I think we could jointly file for it.

MR. SCALI: Does anybody want to be heard on this matter at all? Anything else, Mrs. Lint? Deputy Chief?

MS. LINT: No.

MR. TURNER: No.

MR. SCALI: Is there anything further you want information on this, Commissioners? Or, do you want to take this under consideration?

MR. HAAS: I feel comfortable conferring with the City Solicitor to figure out what legal action should be taken at this point, the appropriate legal action based on what we know.

MR. SCALI: So is that a motion then to confer with the City Solicitor?

MR. HAAS: Yes.

MR. TURNER: I'll second that.

MR. SCALI: Motion then to confer with the City Solicitor on further action and in addition with the Inspectional Services Department and Assessors on further legal action. Moved. Seconded?

MR. TURNER: I'll second it.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MR. TURNER: Aye.

MS. BOYER: Would you like me to wait

just a little while to see if she shows up?

MR. SCALI: If you would. I mean it's only 6:15. She may be looking for a parking space, so if you want to wait about five or ten minutes that would be great.

MS. BOYER: Okay.

MR. SCALI: Do you want to hold onto this, Ms. Boyer?

MS. BOYER: If I could hold onto it, please. If you'd like copies, I can make them and send them to you.

MR. SCALI: We will eventually need those for the Law Department I'm sure

MS. LINT: The next matter scheduled was a Disciplinary for 3 Frost Street, Farrington Realty, LLC, for failing to complete the lodging house application.

Sarah Farrington actually had come into the office quite some time ago and picked up an application and had been working on it. She recently hired Attorney Rafferty who came in today with a letter for me. They, in the process of filling out the application, had gone to Inspectional Services and Zoning to get the appropriate sign offs, and Zoning tells them that they cannot have a lodging house in that location; it's not zoned for it. And they're in the process of turning it into a legal two-family.

MR. SCALI: Am I to assume that Inspectional Services told them to stop operating?

MS. LINT: I can't answer that question. What it says is, "The physical characteristics of the property including the existence of separate kitchen and sanitary facilities on the second-floor." Because of that

they would have to convert to a two-family; that they cannot operate a lodging house.

MR. SCALI: So the letter says that they are going to convert to a two-family? Does it say that they have guests?

MS. LINT: It doesn't say. That's it.

MR. SCALI: Is there anyone here on 3 Frost Street at all? Comments or anything? No. Deputy Chief, any comments?

MR. TURNER: The way this should play out is that means they're going to have to apply for a change of use which should trigger the inspection process, so we should get our foot in the door on this one.

MR. SCALI: To a two-family?

MS. LINT: Not for us.

MR. SCALI: It wouldn't come through us.

MR. TURNER: Well, Inspectional Services; a Certificate of Occupancy and Certificate of Inspection.

MR. SCALI: I don't want to get into

the same situation where we order people to stop operating if we don't have the authority to do that, so I guess we're in the same situation. We're referring it.

MS. BOYER: Mr. Scali, we actually can't ask them to stop operating because they don't have a license. So there's nothing that we're stopping. This was the process for them to hold, I mean to actually get a license. They're not licensed by us at all.

MR. HAAS: It seems to me they have retained counsel. It would be easier to just confer with the retained counsel, figure out what they're doing right now. And if they in fact are operating a lodging home, then just report back to that effect and then this body can decide what it wants to do with that information.

My guess is they realize they can't and hopefully they're not, and we'll find that out one way or another.

MR. SCALI: I think you can report back to us then on March 5, Mrs. Lint.

MS. LINT: Okay.

MR. SCALI: So a motion then to confer with counsel, find out what they intend to do, and report back to us on March 5.

That's moved.

MR. HAAS: Moved.

MR. SCALI: Second.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye.

MS. LINT: Disciplinary matter:  
Continued from August 11, 2008. Actually, Mr.  
Goldberg is in the hallway.

MR. SCALI: Okay. Why don't you  
announce it and we'll get Mr. Goldberg.

MS. LINT: Jaswinder, Inc. d/b/a Cafe  
of India, holder of an All Alcoholic Beverages as a  
Restaurant license at 52A-52B Brattle Street;  
Manpriya. Inc. d/b/a Doma, All Alcoholic Beverages  
as a Package Store license at 56 JFK Street;  
Libby's Market, Inc. d/b/a Libby's Market, All  
Alcoholic Beverages as a Package Store license at  
575 Massachusetts Avenue, for holding two Package  
Store licenses and one Restaurant license in the  
same Municipality, which is a violation of  
Massachusetts General Laws, Chapter 138, Section  
17.

MR. SCALI: And in conjunction with  
that, the Application?

MS. LINT: Yes. Jaswinder  
Incorporated d/b/a Cafe of India, Jaswinder Pabla,  
Manager, holder of an All Alcoholic Beverages as a

Restaurant license at 52A-52B Brattle Street has applied for a change of officers/directors, change of manager, and to transfer stock. The proposed officers/directors are: Daljit Kaur, President, Treasurer, Secretary, and Director; William Goldberg, Director; Proposed manager, Rashpal Singh.

MR. SCALI: Good evening.

MR. GOLDBERG: Good evening.

MR. SCALI: Tell us who you are.

MR. GOLDBERG: I'm William Goldberg, 620 Massachusetts Avenue, Cambridge.

MR. SINGH: I'm Rashpal.

MR. SCALI: Rashpal Singh?

MR. SINGH: Yes, Rashpal Singh, 22 Miller Street.

MS. KAUR: Daljit Kaur.

MR. SCALI: Are we at the end of the rope, Mr. Goldberg? Is this the end of the line?

MR. GOLDBERG: We hope so. With regard to Rashpal Singh, he's going to be the manager and he has the experience. He's working

presently at Cafe of India. He had worked there before at Bukara, which is a restaurant in Jamaica Plain. So he has the experience to manage the business. He's familiar with the laws pertaining to the sale of alcohol to minors and to intoxicated persons.

He is going to be spending 35 to 40 hours a week there in his managerial capacity. He has worked there for the past six months, so he's familiar with the operation of the Cafe of India.

Daljit Singh who is a director --

MS. KAUR: Daljit Kaur.

MR. GOLDBERG: I'm sorry, Daljit Kaur. That's my error, excuse me.

Daljit Kaur is the President, Treasurer, and Clerk. She was the husband of Balbir Singh who has passed on. She was --

MR. SCALI: The wife you mean?

MR. GOLDBERG: Yes. She was the wife of Balbir Singh, son of Amrik and Jaswinder. She is familiar with the operation. She at some point in time when they initially opened up Cafe of

India, she was assisting her husband in the operation of the business.

She understands what is going on. I've had conference with her. She is aware of the fact that her sons, Amrik and Jaswinder, cannot have any association with the business. She knows this. She knows and having been aware of the operation and the creation of the restaurant by her husband, she doesn't want to lose this business. She doesn't want any outsiders to come into the business. As a matter of fact, I think I've informed you that it's very difficult to get outsiders to come into this type of a business anyway.

So she is well aware of the consequences. She is willing to be in the capacity as a director and an officer of the corporation. There are people who run the business. Her role will be in an advisory capacity, and I will assist her in making certain that there is no outside influence to control the decisions of the corporation. Frankly, it's one

that's smoothly running, smoothly operating, but she will be there to guide and make certain that any major decisions are done by herself with respect and with the assistance of myself.

MR. SCALI: Let me just see if I have the scenario correct, because I'm trying to figure out who is who.

MR. GOLDBERG: Okay.

MR. SCALI: Jaswinder Singh is also Jaswinda Pabla; right?

MR. GOLDBERG: Jaswinder Singh Pabla, yes.

MR. SCALI: Because he changed his name to Pabla.

MR. GOLDBERG: Yes.

MR. SCALI: And that is her son?

MR. GOLDBERG: Exactly.

MR. SCALI: So Ms. Daljit Kaur is going to be the President, Treasurer, Secretary, and Director.

MR. GOLDBERG: Exactly.

MR. SCALI: And Mr. Rashpal Singh is

also her son?

MR. GOLDBERG: No, son-in-law; married to Ms. Kaur's daughter.

MR. SCALI: So you're going to be manager and no ownership.

MR. GOLDBERG: Well, no. I'm glad you brought that up. There has been a prior application to the Licensing Commission concerning the sale of stock of Amrik Singh Pabla to Rashpal Singh. I think it's 10 shares. That was the -- when you approved that, that went to the Alcohol Beverage Control Commission and that created this issue now. Daljit Kaur is purchasing the shares of stock from her son, Jaswinder.

MR. SCALI: Okay. So Mr. Singh here, Mr. Rashpal Singh will have no stock?

MR. GOLDBERG: Yes. There is a prior application for the transfer of stock from Amrik Singh Pabla to Rashpal.

MR. SCALI: But that didn't go through.

MR. GOLDBERG: Well, you approved it,

but when it got to the ABCC that's when it created the issue that we're presented with now.

MR. SCALI: It got kicked back to us. So are you saying you still want that portion to go through?

MR. GOLDBERG: Yes.

MR. SCALI: Is that on the application you have here?

MR. GOLDBERG: No, it's not. But they sent it back from the Alcohol Beverage Control Commission and I think that procedurally you have to reapply. What is it Rule 44?

MR. SCALI: Rule 43. I'm not sure how old it is. It may be too old to re-file, but we can check on that. If it's older than six months, they won't take it back.

MS. LINT: I'm pretty sure it's over six months.

MR. SCALI: You may have to re-file on that.

MR. GOLDBERG: Well, we'll try again. I want that to go forward in the event of approval

by the License Commission.

MR. SCALI: Ms. Kaur, you understand that you are the President, Secretary, Treasurer, Director of the corporation?

MS. KAUR: Yes.

MR. SCALI: Essentially running the operation?

MS. KAUR: Yes.

MR. SCALI: And your sons are not involved in that location?

MS. KAUR: Yes.

MR. SCALI: You understand my reluctance to --

MR. GOLDBERG: I understand --

MR. SCALI: Because the ABCC has made it quite clear that they need transparency here.

MR. GOLDBERG: I think that that's a decision that you have to meet, but I don't think it's a decision that's transparent. It's not as if she's been separated from the restaurant business, and she was totally involved with her husband when they created the Cafe of India in Harvard Square.

Her sons were at that point in time, youngsters, and they were not involved at all.

It was after a period of time that there was a transfer of the stock from their father to the sons. There is no question that she has been away from the operation of the business but she is aware of the circumstances and the necessity of having a separation between the sons operation and her involvement with the restaurant.

MR. SCALI: Any question, Commissioners?

MR. HAAS: Prior to this transfer, what was Mr. Pabla's involvement in the business at Cafe of India? What was he doing at that operation?

MR. GOLDBERG: The father or the sons?

MR. HAAS: The sons.

MR. GOLDBERG: The sons were stockholders, directors, and officers, and managers. I think Jaswinder Singh may have been manager of the restaurant for a period of time.

MR. SCALI: Jaswinder Pabla was

President, Treasurer, Secretary; Amrik Pabla was Director; Harjinder Kaur was a Director; and Rashpal Singh, stockholder.

MR. GOLDBERG: That's correct. So Rashpal Singh has the experience and is to be appointed as the manager of the business. He fills the role presently as Assistant Manager, but has the experience to be a good and effective operational manager.

MR. HAAS: I share Mr. Chair's concern about transparency. Under the proposed change, Ms. Kaur would be the sole control at the restaurant and oversee the operation of that restaurant?

MR. GOLDBERG: She would be the President, and the Treasurer, and the Secretary.

MR. SCALI: And Director.

MR. GOLDBERG: And Director, right. Those roles are functional but don't involve the day to day operation of the business. But of necessity, she is assuming those roles, significant roles, in order to keep the business in the name of the Singhs.

MR. HAAS: So Mr. Singh under the prior arrangement and the current arrangement would remain as the operating manager for the day to day operations; that doesn't change?

MR. GOLDBERG: This Mr. Singh; he'll be the manager, yes.

MR. SCALI: Is Mr. Pabla, Jaswinder Pabla and Mr. Amrik Pabla going to be on the premises on a day to day basis?

MR. GOLDBERG: No. Just this young man is going to be the manager and be there daily. That's how it's going to be and that's what it's going to be. The brothers are not involved day to day and will not be involved day to day.

MR. SCALI: Just a couple of housekeeping things from what we've discovered looking through the files today. Under Libby's license, we have it under Jaswinder Singh. It needs to be changed to Jaswinder Pabla if that's his official name. And then under Doma, there's a tax issue still on that to be corrected.

MR. GOLDBERG: What is the amount? Is

it License?

MS. LINT: No.

MR. SCALI: It was kicked back when you wanted to add Jasbir.

MR. GOLDBERG: Oh, right.

MR. SCALI: So on the corporate papers it has Jasbir on there, but on the license it does not. So those are two corrections you need to make.

MR. GOLDBERG: What was the first one again, please?

MR. SCALI: Libby's changing name from Jaswinder Singh to Jaswinder Pabla.

MR. GOLDBERG: If you want a --

MR. SCALI: You need to do an application to change it.

Questions?

MR. HAAS: No questions.

MR. SCALI: This took us all day to figure this out.

MS. LINT: Not us.

MR. SCALI: Mr. O'Neil did this.

MR. GOLDBERG: I should have drawn a diagram. If there's any questions -- I think you've got the players now and the roles.

MR. SCALI: Does anybody from the public want to be heard on this? Questions, Commissioners?

MR. HAAS: We were just going to follow up with the ABCC to make sure that they were okay with this transfer; right? Did we ever? They seem to be okay with it?

MS. LINT: Yes.

MR. HAAS: Okay.

MS. LINT: You never really know until you get it back.

MR. HAAS: I'm just trying to get some preliminary indications from them whether or not they're going to sit back and say okay, we don't see it, or if there is sense not to entertain this application, I guess is what I'm asking.

MR. SCALI: Take it under consideration, Commissioners?

MR. HAAS: No.

MR. SCALI: I think the Commissioner has had enough of this at this time.

MR. HAAS: I want you to kind of move on with your lives.

MS. LINT: I still need to hear from them.

MR. GOLDBERG: Oh, yes. That's on my agenda. I have got that down. I will try to accomplish all three of those things by the end of the week.

MS. LINT: Good idea.

MR. HAAS: Mr. Chair, if it's appropriate I'd like to make it conditional upon the housekeeping issues being resolved in order for this application to go forward. So we don't again find ourselves in a month or two from now going back over this issue.

MR. GOLDBERG: Ms. Lint, could I ask you also -- Mr. Scali brought up a point concerning the timeframe between the denial of the first transfer of stock. Could you check with the ABCC with regard to the timeframe?

MS. LINT: It would be six months.

MR. SCALI: I think on the application for Cafe of India, the new one here now, you have down shares of stock. Is it Harmen Hinder Singh, 25 shares?

MR. GOLDBERG: Yes.

MR. SCALI: Jagdi Singh, 25 shares?

MR. GOLDBERG: That's correct.

MR. SCALI: And Rashpal Singh, 15.

MR. GOLDBERG: Fifteen, right.

MR. SCALI: So that's the current application?

MR. GOLDBERG: Well, no.

MR. SCALI: That's the old one?

MR. SCALI: I'm sorry, no, this is the current application.

MR. SCALI: That's what you want?

MR. GOLDBERG: Exactly.

MR. SCALI: So if that's on the application now with the changing over to Mrs. Kaur, then we'll just submit it this way.

MR. GOLDBERG: Okay.

MS. LINT: This came back, "returned, no action," in May. It was filed with in April.

MR. SCALI: I think he corrected it though on the current application by putting this all back the way that it was before with the 25, 25, and 15. SO I think we'll just submit it new.

Motion then to approve the change of officers/directors/stockholder, change of manager, change of stock as listed, conditional upon the change on the Libby's application to correct the name; conditional on the Doma application being corrected on the taxes.

Are there any background issues?

MS. LINT: No.

MR. SCALI: I think that's it, Commissioner. Those are the two issues.

That's moved. Seconded?

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MR. TURNER: Aye.

MR. GOLDBERG: Thank you very much.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Should we still take a vote on the first Disciplinary?

MR. SCALI: Yes.

MR. TURNER: I guess that becomes moot.

MR. SCALI: Motion then to place the Disciplinary matter on file, conditional on the previous vote being completed. Moved.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

That would come back on the agenda again if the previous action isn't completed. Thank you very much. Good luck.

MS. LINT: Application: Six Kids, LLC d/b/a Tommy Doyle's Pub, James Tipping, Manager, holder of an All Alcoholic Beverages as a Restaurant license at One Kendall Square has applied for a change of manager from James Tipping to Renny Waldron.

MR. SCALI: Good evening. Tell us who you are.

MR. WODMAN: Peter Wodman.

MR. WALDRON: Renny Waldron.

MR. SCALI: So Mr. Tipping is --

MR. WODMAN: Passing on the torch.

MR. SCALI: He hasn't really been around anyway that much, has he?

MR. WODMAN: His business in Boston is getting busier so he's spending more and more time over there. He's been there for the past 10 years.

MR. SCALI: So Mr. Waldron, you're going to be the manager of record. Tell us your previous experience.

MR. WALDRON: I've been the manager of record at Ole Mexican Grill for the last four

years, and then I moved on to here, to Tommy Doyle's in late August. So I've been managing the place since then.

MR. SCALI: Have you gone through our training program, 21-Proof?

MR. WALDRON: I have not.

MR. WODMAN: We've got that arranged, actually.

MR. SCALI: We make you do the 21-Proof training even though you've been a manager before in the City. You should have gone through the 21-Proof training. Questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: What's the issue about your patio? I know you're required to -- I'm not sure.

MR. WODMAN: I was talking to Christopher about it. The patio, the private property, the part on Beale, that's been completed and was accepted. I was talking to Christopher about the sidewalk.

MS. LINT: It was accepted.

MR. SCALI: So the front part --

MR. WODMAN: There's a  
miscommunication on whoever's part. I actually  
popped in yesterday and we're going to get the DPW  
involved and see what we can do about the sidewalk.  
My only issue is that there's a bus stop there, so  
that might be an issue there with the DPW. It's  
just we're trying to keep the business up and keep  
the business going.

MR. SCALI: Is it the 80 seats total?

MR. WODMAN: No, that was already  
done.

MR. SCALI: That's the inside part?

MR. WODMAN: That's the Beale part  
because that's in front of the actual building.

MR. SCALI: How many seats are on the  
public sidewalk?

MR. WODMAN: There's none at the  
moment, but we're applying.

MR. SCALI: That were proposed?

MR. WODMAN: I think it's 40. So that

would be additional seating, but again, we're going to have the DPW down and it's going to be a few weeks.

MR. SCALI: Did we already hear that application?

MR. WODMAN: No.

MR. SCALI: So you're just going to apply?

MR. WODMAN: Yeah.

MR. SCALI: I see, okay. That was the confusion.

MR. WODMAN: Chris was saying we've got the green light, so I was like fantastic, here we go, great. Then when we checked it was actual 80 seats.

MR. SCALI: You're all set with the Beale property?

MR. WODMAN: Beale, they're all happy.

MS. LINT: Would this have anything to do with the cap at One Kendall?

MR. SCALI: That's exactly part of the issue is whether Beale is going to let you add on.

MR. WODMAN: This is on public property. I talked to them yesterday. We're in the middle of lease negotiations as well, which is adding to the fun of it. The sidewalk patio is a City of Cambridge issue; it's not a Beale issue. That was our confusion as well. I was talking to Dara yesterday who is the assistant manager, and as far as she was concerned, she talked to Bob and Peter about Beale and they couldn't see any bit of issue on their part because the Beale property literally divides there. It's the corner of the building on public property.

MR. SCALI: So the 80 seats on the Beale property is all set with Beale?

MR. WODMAN: Yeah.

MS. LINT: That's been there.

MR. WODMAN: That's been there since last summer.

MR. SCALI: So we started from scratch on the sidewalk issue.

MR. WODMAN: Yeah. We had two plans going then last year because of all the jigs, and

then we had to push the sidewalk to this year. And we're going to get that rolling over the next few weeks.

MR. SCALI: Does anybody want to be heard on Tommy Doyle's? Motion to approve subject to 21-Proof training. Seconded?

MR. TURNER: Second it.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MR. TURNER: Aye.

MR. SCALI: Good luck.

MS. LINT: Application: Petsi Pies, Incorporated d/b/a Tupelo, Renee McLeod, Manager, holding of a Wine and Malt Beverages as a Restaurant license (not yet issued) at 1193 Cambridge Street has applied to pledge said license.

MR. SCALI: Good evening.

MR. GOSZ: Attorney William Gosz for the Applicant, Renee McLeod. We just applied for an application to pledge the license.

Initially, when Ms. McLeod filed for the transfer of the license it was under the impression that it was a no value license; however, it is a for value license. The way the financing arrangement with the former owner worked was he requested a pledge of this particular license.

MR. SCALI: Magnolias?

MR. GOSZ: Yes, the former Magnolias.

MR. SCALI: And the confusion was that it was not a value license, but it is a value license?

MS. LINT: Yes.

MR. SCALI: It was originally issued in 1985 or something?

MR. GOSZ: I believe so.

MR. SCALI: Who are you pledging it to?

MR. GOSZ: We are pledging it to the Cajun Yankee, Incorporated, which was the ownership entity that owns the building and operated the business. The financing arrangement with the former owner was that he would be taking paper back in the form of a mortgage for the property acquisition.

MR. SCALI: How much is the mortgage?

MR. GOSZ: The mortgage is 640,000.

MR. SCALI: So this is a small portion of that mortgage?

MR. GOSZ: Yes.

MR. SCALI: Any questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Anybody from the public want to be heard on this matter?

Motion to approve?

MR. HAAS: Motion.

MR. SCALI: Moved. Seconded?

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Mr. Gosz, are you still with the same firm?

MR. GOSZ: I am of counsel to Adams and Rafferty. I have my own practice, William J. Gosz, P.C. but I remain of counsel with Jim Rafferty.

MR. SCALI: Are you in the same building?

MR. GOSZ: Same building, haven't moved.

MS. LINT: Application: Pizza Ring Corporation, Katherine Ferrari, Manager, holder of a Common Victualer license at 212 Western Avenue has applied to change the hours of operation from 11:00 a.m. to 2:00 a.m. seven days a week to 10:00 a.m. to 4:00 a.m. seven days a week.

MR. SCALI: Good evening. Have a seat.

MS. FERRARI: Good evening.

MR. SCALI: Tell us who you are for the record.

MS. FERRARI: Katherine Ferrari, Manager of Pizza Ring.

MR. SCALI: So you're the manager?

MS. FERRARI: Manager/owner.

MR. SCALI: How long have you been there?

MS. FERRARI: Going on four years I believe.

MR. SCALI: And so you're looking to change your hours?

MS. FERRARI: Yes.

MR. SCALI: You really want 4:00 a.m.?

MS. FERRARI: That's what my employees want.

MR. SCALI: Is there a high demand at that time?

MS. FERRARI: Believe it or not, there is, especially with the student population. And also, non-student population as well. I get a lot of residential people who order at that time.

MR. SCALI: Will you be delivering between 2:00 and 4:00?

MS. FERRARI: We would be, yes.

MR. SCALI: Is the majority of your business deliveries?

MS. FERRARI: It's all delivery pretty much, delivery and pick up, but the majority of it is delivery.

MR. SCALI: Do you have seats there?

MS. FERRARI: No. We have stand-up.

MR. SCALI: When you're open between 2:00 and 4:00, people can come in and out then; right?

MS. FERRARI: That's correct.

MR. SCALI: I'm just thinking back to all the trouble we had on Western Avenue a year or two ago. I think it was before your time maybe, Commissioner.

MR. HAAS: That's got to be more than two years ago.

MS. FERRARI: It's actually cleaned up very well especially since we purchased the business. I know there was a lot of riffraff before that. The owner before then had some problems but ever since we've taken it over, it's been actually very quiet. The neighborhood has become -- they're just regulars at this point and very respectable.

MR. SCALI: Well, Ebony Club is gone; right? Were you near Ebony Club on Western Avenue?

MS. FERRARI: I'm not even --

MS. LINT: It's the other side of the street.

MS. FERRARI: I'm not sure what that is.

MR. TURNER: Mr. Chair, would this require a butter notification?

MR. SCALI: That's what I was going to ask.

MS. FERRARI: I did send out certified letters.

MS. LINT: I don't have the green cards back.

MS. FERRARI: I did give them a copy but I did bring copies of them. I made two copies. There are two.

MR. SCALI: Only two abutters?

MS. FERRARI: Yes. It's 22 Howard Street and 208 Western Avenue.

MS. LINT: Do you have the affidavit as well?

MR. SCALI: Did you notify people that were next to you and behind you?

MS. FERRARI: Yes. I have the original that you have there. I spoke to the Licensing. He told me if there was anything else -- I believe I handed everything in.

MS. LINT: I don't have the affidavit.

MR. SCALI: You need to submit the affidavit in to us. I see you have your little white cards on there so you did -- the little slips you have there from the green cards you submitted.

MS. FERARI: Yes.

MR. SCALI: Is that the affidavit right there attached to it?

MS. LINT: No.

MR. SCALI: Concerns, Commissioners?

MR. HAAS: I don't recall any problems at that location since I've been here. The traffic is not going to cause a problem to the neighborhood as far as people coming and going at 4:00 a.m.?

MS. FERRARI: No. And like I said, we have had no problems whatsoever since I've taken it over. The regulars have come in, they're very respectable clients. Our employees haven't had any problems at all. Our neighbors, actually they frequent there, so we haven't had any problems with them.

MR. SCALI: Where does your delivery

car park?

MS. FERRARI: We have three car parking in the back on Howard Street, and they also park right in the front of the building.

MR. SCALI: They have private spaces in the back of the building that they can park in?

MS. FERRARI: Yes.

MR. SCALI: And they park on the street at a meter space?

MS. FERRARI: Yes. But normally at that time I only have about three or four drivers, so they fit right into the parking.

MR. HAAS: Mr. Chair, would you have any objection to doing a six-month trial and reevaluation?

MR. SCALI: Like I said, I was thinking back to previously before your time when Ebony Club was there and there was a drive-by shooting, and there were different things that were going on many years ago, which hasn't happened lately, granted. It's not your problem or your issue, but I'm just wondering whether that was

still a concern. I guess it's not. But sure, I'd be happy to make a motion.

MR. HAAS: To do a six-month review?

MR. SCALI: Sure.

Does anybody from the public want to be heard on this? No hands.

All right. So you're just changing to an hour earlier in the morning?

MS. FERRARI: Yes.

MR. SCALI: So from 10:00 a.m. and from 2:00 to 4:00 a.m. in the morning.

Motion then to approve change of hours on a six-month temporary basis with review in six months. Moved.

MR. HAAS: Moved.

MR. SCALI: Seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye.

MS. FERRARI: Thank you so much.

MR. SCALI: Good luck.

MS. LINT: She's going to need to see

Chris and take care of the affidavit.

MS. FERRARI: Did you want me to come in tomorrow?

MS. LINT: That would be great.

MS. FERRARI: Okay. I'll come in first thing. Thank you so much.

MS. LINT: Application: Ole! Mexican Grill of Mass II, LLC d/b/a as Ole! Mexican Grill, Renny Waldron, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 11 Springfield Street has applied for a change of manager from Renny Waldron to Antoine J. Delgado.

MR. SCALI: Good evening.

MR. BRANSFIELD: Good evening, Kevin Bransfield on behalf of Erwin Ramos.

MR. DELGADO: Antoine Delgado.

MR. SCALI: You're looking for a new manager and here he is. Tell us your experience.

MR. DELGADO: I've been with Back Bay Restaurant Group, the Armani Cafe Corporation in Boston. And the last restaurant I was with was Rosa Mexicani, Miami. I moved there for a year and then came back to join the Ole Grill Company as of September of last year.

MR. HAAS: How long at Back Bay Restaurant Group?

MR. DELGADO: For about two years.

MR. SCALI: Have you ever had your

name on an alcohol license before?

MR. DELGADO: Yes.

MR. SCALI: It was the Back Bay license?

MR. DELGADO: It was Back Bay, Papparazzi, and also with Louis Chan Rosco. That's one of the companies I was a partner with on Newbury Street.

MR. SCALI: Background check?

MS. LINT: Yes.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. HAAS: No questions.

MR. SCALI: 21-Proof, we require all of our new managers to go through that.

MR. DELGADO: I'll be there.

MR. SCALI: You probably know a lot of it already, but we require you to go to through that training.

MR. DELGADO: Of course.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. SCALI: Subject to our 21-Proof training. Moved. Seconded?

MR. TURNER: Second it.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. DELGADO: When is it?

MR. SCALI: We'll give you a phone number to call Mr. Connolly, and he will come to you or you can go to him. Make an arrangement at your convenience.

MR. BRANSFIELD: Thank you.

MS. LINT: Application: Vim Fitness Corporation, Pierre Marks, Manager, has applied for a Common Victualer license at 350 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to operate from 5:30 a.m. to 9:30 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

MR. SCALI: Good evening.

MR. MARKS: Good evening.

MR. SCALI: Tell us who you are.

MR. MARKS: My name is Pierre Marks.

MR. SCALI: So this is the Fitness Corporation there?

MR. MARKS: Yes, sir.

MR. SCALI: How long has it been there?

MR. MARKS: It's been there for eight months now. Before that, it was there for about three years as a different company.

MR. SCALI: I thought it was a different name. What is your position there?

MR. MARKS: I'm the manager and I'm also the president.

MR. SCALI: This is for what, a small cafeteria there?

MR. MARKS: Exactly, a small cafe.

MR. SCALI: How many seats?

MR. MARKS: Seven.

MR. SCALI: I'm assuming this is for your customers; right, your fitness membership?

MR. MARKS: Yes.

MR. SCALI: What are you going to be serving?

MR. MARKS: Pre-prepared salads, sandwiches, wraps, cold beverages, pre-packaged snacks.

MR. SCALI: From 5:30 a.m. to 9:30 p.m., Monday through Friday, and 9:00 to 5:00 on Saturday and Sunday. Concerns?

MR. HAAS: Mr. Chair, didn't we already have a CV license on that location? Wasn't there a juice bar or something years ago. In the back of my mind I can think --

MR. MARKS: They attempted to do the juice bar, but they didn't have the three-bay sink and so I think that the Board of Health shut that down.

MR. TURNER: Okay.

MR. HAAS: They didn't have a what?

MR. MARKS: A three-bay sink.

MR. HAAS: What's that?

MR. MARKS: It's just a sink that has three separate --

MR. HAAS: Oh, a three-bay sink, okay, I got it.

MR. SCALI: Hand washing facilities.

MR. MARKS: Exactly.

MR. SCALI: And you have that now?

MR. MARKS: We do.

MR. SCALI: Anybody from the public want to be heard on this matter? Concerns?

Motion to approve?

MR. HAAS: Motion.

MR. SCALI: Seconded?

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck.

MR. MARKS: Thank you.

MR. SCALI: Did you have abutters on that, Mrs. Lint?

MS. LINT: Yes. Do you have the green cards?

MR. MARKS: The green cards I actually gave upstairs to the License and Permit Department.

MR. SCALI: I see the white slips are there.

MS. LINT: I don't have them.

MR. MARKS: We got those and a white receipt.

MS. LINT: The green ones would have come back to you.

MR. SCALI: You didn't get any back at all?

MR. MARKS: We didn't.

MR. SCALI: All right. And the

affidavit is in?

MR. MARKS: Yes.

MR. SCALI: All right.

MS. LINT: Application: Continued from January 20, 2009, Oakdale/Richdale Avenue, LLC has applied for a Garage and Gasoline license for 23 cars and 230 gallons of gasoline in tanks of cars only at 113 Richdale Avenue.

MR. SCALI: Good evening.

MR. LIU: Hi, my name is Ling Ye Liu with Oaktree Development.

MR. SCALI: So you are?

MR. LIU: I'm a partner at Oaktree Development, and I'm the partner in charge of the Richdale Place Development.

MR. SCALI: Were you here at our last hearing?

MR. LIU: Yes, I was.

MR. SCALI: Who's the other gentleman that was here?

MR. LIU: Kevin Randall.

MS. LINT: This was continued from the last hearing in order for them to provide us with the affidavit and the green cards.

MR. SCALI: So we now have all

abutters notified in a timely fashion.

MS. LINT: Two years later.

MR. SCALI: So you've been there since 2007; correct?

MR. LIU: Correct, July, I believe of 2007.

MR. SCALI: We have two issues. One is, if we do approve you, we have back fees from 2007, 2008, and then 2009 is not due until April. Plus Commissioners, we also have the power to fine \$100 per year for failing to apply for the application. Is that a consideration the Commissioners wish to undertake?

MR. HAAS: I'd be curious to hear why an application wasn't filed before.

MR. LIU: This was a confusion between myself and Kevin Randall. I had thought that he was under all the permits; that this fell within his building permit and all the different permits he was responsible for. And he actually then attempted to get this and found out that it was supposed to be us, the developer, the owner who had

to apply.

So in that timeframe, I believe it was early 2008 that this issue surfaced and he was taking care of it for a while until more recently he discovered -- I guess he hit a wall, and then I was notified. Again, due to my ignorance I sent somebody else in. I thought it was just a formality and I didn't know the significance of this particular permit.

So here I am now. It's more of an issue of I guess ignorance between myself and the contractor and who was supposed to be applying for this permit.

MR. SCALI: The only thing I would say to that is I'm not familiar with you and your business with the City, but I am familiar with Mr. Randall being in the City, and his business has been significantly problematic over the years. So I know that he knows the process because he should have done this. He's done it in the past. You may not have known the procedure, but I'm pretty sure he did whether he followed through or not.

MS. LINT: My concern was I know at least a year ago, I made a call to Oakdale/Richdale. I don't know who I spoke to but I was very correct that they needed to come in. And the call was not to Kevin Randall because he was not the person who should have been applying.

MR. SCALI: It was a woman you spoke to?

MS. LINT: I believe so. Then I ultimately called Kevin because I knew he would be able to direct me to the right person.

MR. LIU: Well again then, I would have been the right person to notify. Somehow in our company somebody answered and didn't pass that message to me. But again, as a partner of Oaktree we take responsibility corporately for our mistakes, so we accept whatever you hand down.

MR. SCALI: Concerns?

MR. HAAS: It's \$100 per year?

MR. SCALI: It's kind of a minor -- that's the maximum in the statute. It hasn't been increased I don't think over the years.

Anybody from the public want to be heard on this matter? No hands. Pleasure of the Commissioners?

MR. HAAS: And the back fees would amount to what?

MR. SCALI: It's 23 cars, probably -- it's 23 times 12.10 a year, so what's that?

MR. HAAS: Is that \$12.10 a year?

MR. SCALI: Per car. So that's \$460 some-odd dollars with back fees, give or take a few cents here and there.

MR. HAAS: And you said the message never got to you, or the message got to you and you just didn't respond?

MR. LIU: The message, again, according to Ms. Lint, she talked to somebody in the company and it never got to me. Because if I knew that it was our responsibility, obviously that would be something that we would come in immediately to do.

MR. HAAS: Do we have your contact information now?

MS. LINT: Yes.

MR. LIU: Yes. Actually, what is happening is that this is a condo, so the condo control has actually been transferred because we're finishing selling out. So what happens is that actually even last year, and this year it should really be the property manager as the agent of Richdale Place, which will be doing this license, and I will make sure that the property manager, Bruce Coleman will take care of that, especially for this April.

Once marketing passes the two-thirds mark we automatically just transfer the control and all the duties to the condo association. And that I think happened last July.

MR. SCALI: So it's already been transferred over?

MR. LIU: Actually, I think it happened in October of last year.

MR. SCALI: Feeling generous tonight, Commissioners? Feeling the love tonight, or not?

MS. LINT: I don't think he is.

MR. TURNER: I make a motion to impose the maximum fees that we can gather based on the lack of cooperation.

MR. SCALI: A previous lack of cooperation.

MR. TURNER: Attempted to notify them, heard no response. They had ample opportunity to resolve this.

MR. SCALI: So is your motion to approve the application subject to --

MR. TURNER: Back fees and imposed penalty.

MR. SCALI: The motion is to approve the application subject to back fees for 2007, 2008, and with a penalty for each year of \$100 per year for a total of \$200 in administrative costs. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: All right. Thank you very

much.

MR. LIU: Will we be getting information from you?

MR. SCALI: You'll be getting a letter from Mrs. Lint. It will lay out all the conditions of the decision plus your appeal rights should you choose to appeal our decision.

MR. LIU: Thank you very much.

MR. SCALI: Just want to make sure to let you know you could if you wanted to.

MR. LIU: I appreciate it.

MS. LINT: Application: Science Partners, Incorporated d/b/a Tigers and Bears, Matthew Curtis, Manager, holder of an approved Wine and Malt Beverages as a Restaurant license (not yet issued) has applied to further extend the inactive status of the approval.

MR. SCALI: Come forward. Good evening. How are you?

MR. PENICO: Good, thanks.

MR. SCALI: Just tell us your name for the record please.

MR. PENICO: Vincent Penico, I'm the attorney for the petitioner.

MR. LUTES: Chris Lutes.

MR. SCALI: So where are we?

MR. PENICO: Here's where we are. We don't come with excuses, but I'm just going to tell what the facts are. We do have some positive development. We are opening with your blessing -- if we get your blessing -- the week of March 9, subject to Fire Department and the other inspections.

MR. SCALI: That's not that far away.

MR. LUTES: We're ready to roll.

MR. SCALI: Are all those boards down  
in the front?

MR. LUTES: Oh yeah.

MR. SCALI: They are?

MR. LUTES: The storefront is in.  
It's all glass. There's paper behind the glass. So  
unless you're looking carefully, you may still  
think --

MR. SCALI: I haven't been there in a  
week now.

MR. LUTES: The storefront has been up  
for close to a month where it's been glass on the  
outside and paper behind it.

MR. PENICO: We have 35 people who are  
going to be put on the payroll part-time and full-  
time the week we open. So that's the positive  
aspects of it.

Chris, if you could just relate what  
happened.

MR. SCALI: How long did we approve

this Mrs. Lint? Two years ago.

MR. LUTES: No. I know approximately when it was. I was '07, but it was in December, maybe November. So this is our second extension. We had it for six months and in the springtime I failed to read the notice, and we came in and got it extended. I made a note on my calendar should we need to extend it again to send the letter to do that, which I did. Then when the bill came for the \$175 with a notice of the hearing date, my administrative assistant paid the bill and I failed to make note of the date, and --

MR. SCALI: You didn't show up.

MR. LUTES: -- for a number of personal reasons -- right, exactly. It was an oversight on my part, not a slight in any way. It was strictly on me. Matthew was out of the loop on this one.

Anyway, so we missed it a couple of weeks ago. I got a call the day after from Christopher. I got all worked up. I said what do I do? I talked to him and he said we'll put you

on. I'll talk to the Commissioners or Elizabeth, Ms. Lint, and probably put you on for the next available. I got the letter to do that. Please send us a letter explaining why. I dropped that off. So here we are opening in less than two weeks.

MS. LINT: It's been a year. February 11 is when we received approval from the ABCC.

MR. PENICO: Just a little tiny bit of background there. The financing of this thing has come under tremendous stress. The economy has just killed them. You're supposed to pay attention to what's going on, on your job, but they got distracted. And he had some surgery in the meantime, but no excuse. That's not an excuse.

MR. SCALI: I'll tell you what the concerns are. There were two concerns. One is we kept getting phone calls from people saying why is this all boarded up, it looks terrible. These gentlemen have other establishments in the city, how come they can't put this together?

We got a call from the landlord that

Mrs. Lint received saying you know, we're going to cancel the lease; and a call from Denise Jillson saying what's going on; and a call from Robin Bell from tourism, what's happening down there? It looks terrible.

Then to top it off, this was a free license, and your third I might add, free license from the City. So I think we as Commissioners -- at least I know that I did -- felt that this was kind of a gift to you. All the disturbance of people calling and that kind of thing I guess was kind of an issue for us here in the City. And then you not showing up to the last hearing. It kind of added fuel to the fire.

MR. LUTES: I understand. Believe me, for the past six months we've been doing everything we can every day to move this project forward as fast as possible. Given the state of the economy it has been a little tougher to get the funds released on time, to keep the construction moving, but it's all behind us now. It's honestly a few coats of paint, some inspections, a little staff

training, and we are open.

I promise you the neighbors and the neighborhood and the City of Cambridge will not be disappointed. This is going to be a beautiful place. It's going to enhance the Square and I think everyone will ultimately be happy, and it will have been worth the wait. As much as it might be hurting the people that have to look at the storefront, it's hurting me more to pay rent on space where I'm not making any money, and I've been doing it for a year.

MS. LINT: Not to fuel the fire, but for the first extension we had to chase them as well. The six months had expired. We were jumping through hoops to get them in here. It's just extra work for my staff.

MR. SCALI: I think that's what fueled the fire most is that you've been in the City for a long period of time, and for my staff to have to chase you it's just not very professional at all.

MR. LUTES: I completely understand. When that letter came through, we were in a big

transition. Our bookkeeper for 12 years had left and there was a transition in our office, and that's how that paperwork -- again, no excuse is valid for putting your office and Ms. Lint through any unnecessary work.

When Attorney Penico got a hold of us and pointed it out, we did everything we could to jump through the hoops and make sure that you understood that it was a big mistake on our part and we understand that, and we very much appreciated your willingness to track us down and help us solve that problem.

MR. SCALI: We really didn't have to track you down. We could just cancel the license. That was what the Commissioner was leaning towards last time when you didn't show up. But we thought otherwise at that point.

Comments?

MR. TURNER: No.

MR. HAAS: Quite honestly, I was prepared to move that we not approve the inactive status barring the information relative to the

March 9 opening. It was disheartening to find out that this was the third free license, and again, because of delays and follow through the License commission had to do in order to keep this thing going I was prepared at this point to recommend to the Commission that I wasn't going to be in favor of granting the extension.

How hard or fast is this date of March 9?

MR. LUTES: It is absolutely solid. Theoretically, it's the week of March 9 first of all, and when I was talking to Mr. Penico earlier today --

MR. SCALI: The date keeps getting further down.

MR. LUTES: The situation as you know is we could be ready tomorrow internally, and there are a series of inspections we have to go through that depending on the various departments upstairs can take up to a week to 10 days. So that's the reason I comfortably said the week of March 9.

MR. SCALI: So you don't have a CO at

all? You have no sign-offs or any kind of CO?

MR. LUTES: We have all of our -- you know, the final inspection hasn't been done, but obviously all the preliminary stuff has. All the walls are closed up, all the equipment is in. The floors are done, the ceiling is done. The walls, the wood is up. There's some seating that's still being installed, and then painting, and that's it. Then we'll get our --

MR. SCALI: But you need a complete final inspection?

MR. PENICO: Until the Fire Department and all the inspectors sign-off.

MR. SCALI: Has the Fire Department been in there at all?

MR. TURNER: I don't believe we've scheduled our inspection there yet.

MR. SCALI: Better schedule it soon because you're scheduling way out, aren't you? The dates are coming up soon.

MR. SCALI: The Commissioner is not looking too happy over here.

MR. LUTES: I understand. At this point, we are very deep into this. We are massively committed financially. There are a lot of Cambridge residents, Boston residents that are invested financially in this as well as the local bank, which is a huge supporter of ours and behind this project. We are all working together to get this open as soon as possible.

MR. HAAS: Have we had a recent conversation with Ms. Jillson at all just to see if --

MR. SCALI: I did happen to see her yesterday at a meeting. We did not talk about this subject matter but there was previous conversations about it.

MR. HAAS: I'm just wondering if the concerns have changed.

MR. SCALI: If he says the boards are down, they were all complaining the look of the ugly boards on the front of the building.

MR. LUTES: I should have brought a photograph.

MR. SCALI: The pleasure of the Commissioners?

MR. HAAS: At this stage, I'd hate to pull the rug out from underneath you. You're so close to opening and you do have a commitment for that number of employees. I'm just wondering what's our failsafe if in fact something goes wrong and you're not opening as you planned and we're now six months back looking for another extension. I'm not prepared to give a six-month extension.

MR. TURNER: Does it have to be six months?

MR. SCALI: No. It could be any number of days you wish.

MR. HAAS: Three months.

MR. SCALI: That's certainly reasonable.

MR. LUTES: That would be fine. We would be ecstatic with that. I guarantee we'll be open in less than a month.

MR. SCALI: Don't keep saying --

MR. LUTES: We had better be open on

the 9th.

MR. SCALI: You keep pushing it.

Commissioners' pleasure?

MR. HAAS: Three months.

MR. SCALI: Motion for a three-month extension. Moved.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck. I hope it works.

MR. LUTES: Thank you very much. We hope to see you there in the near future.

MR. PENICO: Thank you.

MS. LINT: Application: Unlimited Motors, Incorporated, Raymond Graham, Manager has applied for a Used Car Dealer license, Class 2, office only, no cars on premises at 124 Mount Auburn.

MR. SCALI: Good evening. Just tell us your name.

MR. GRAHAM: Raymond Graham.

MR. SCALI: The last time we were here there was a problem with the address; right?

MR. GRAHAM: Right.

MR. SCALI: So what's the correct address?

MR. GRAHAM: One Mifflin Place.

MR. SCALI: That's what I thought. But you notified abutters; correct?

MR. GRAHAM: I notified the correct abutters the first time, and I spoke to Chris. He said that -- first he said you were going to still be able to make a decision, but then he said no, you want him to re-advertise.

MR. SCALI: And I'm hoping he

re-advertised it correctly.

MS. LINT: I'm not seeing it.

MR. SCALI: He didn't re-advertise it? That's what the Deputy Chief was just pointing out that it's the same address that we had the last time.

MR. GRAHAM: I'm getting a lot of experience back there.

MR. HAAS: Mr. Chair, also I think it was mentioned on January 20 about the freeze on new applications. Was that discussed?

MR. SCALI: I guess the issue is that you were at 114 Mount Auburn?

MR. GRAHAM: Correct.

MR. SCALI: And then you were supposed to go to 124, and that didn't work out, and you decided to go to One Mifflin.

MR. GRAHAM: It's the same company that's at 124. They moved to One Mifflin and they didn't tell me that when I originally looked into the space. So that's why, and the amount of abutters that were at 124 was going to cost me a

lot of money, so I didn't even bother to go ahead and get approved for 124 and be there for a couple of months and then do it again. I just said let's just do it for One Mifflin.

MR. SCALI: My concern is that I think that we may have screwed up again.

MS. LINT: I can't imagine he would have but I don't have a copy of the ad.

MR. HAAS: While Ms. Lint is looking for that, you had your operation in two different places, 114 and 124; right?

MR. GRAHAM: I never went to 124.

MR. HAAS: Didn't you have your administrative work being done someplace else, another site? Or, am I thinking about somebody else?

MR. TURNER: This was the virtual office.

MR. HAAS: That's what I thought.

MR. TURNER: At 124, they received mail there only. There was no physical office, it was just a --

MS. LINT: I've got nothing.

MR. SCALI: So he didn't re-advertise it.

MS. LINT: I'm pretty sure he did.

MR. HAAS: So where do you display vehicles for your business?

MR. GRAHAM: No vehicles at all. I don't display any vehicles. Everything is pretty much on a request basis, so it's pretty much from the auctions to either the repair facilities, because sometimes they paint cars or replace body work or what have you, and then it's to the customer.

MR. HAAS: How long have you been in business now?

MR. GRAHAM: I keep going back and forth. I don't know if it's '04 or '05, but it's one of the two.

MS. LINT: '05.

MR. GRAHAM: Late '05. I haven't had any issues.

MS. LINT: We've had no complaints.

MR. SCALI: So you do have your bond, your \$25,000 bond?

MR. GRAHAM: Yes.

MR. SCALI: Who is your repair facility that you use?

MR. GRAHAM: It's VIP.

MR. SCALI: Where are they out of?

MR. GRAHAM: They're actually in Mattapan. It's just a little closer to where I live.

MR. SCALI: What was the purpose of having the office here in Cambridge?

MR. GRAHAM: It was a requirement for the license.

MR. SCALI: If you live in Mattapan, why don't you have one in Boston? You don't have an office there?

MR. GRAHAM: I think the requirement in Boston was that you have to have a lot. In Cambridge, you didn't necessarily have to have a lot.

MR. SCALI: We're easier Commissioners.

We're easier than Boston.

MR. GRAHAM: Especially with the economic times, it's just more -- you know, the overhead is just -- you know, it's just ridiculous to have a lot these days.

MR. SCALI: Boston doesn't allow office-only used car dealers.

So you use this to go to the auctions; right? Is that what you use it for?

MR. GRAHAM: I use it for the auctions; I use it for wholesale. I use it -- you know, sometimes I actually get rid of cars for people. You know, people want to downgrade from their eight-cylinders to four-cylinders, and all that kind of stuff. I try to be fairly flexible.

MR. HAAS: How do people find you as far as doing business with you?

MR. GRAHAM: Most of it is word-of-mouth. Sometimes I advertise on like Craig's List, or something like, but the majority of my business is word-of-mouth. I'll sell a car to someone and they will pass it on, pass it on, pass it on.

MR. SCALI: Is there a partner in the business, or just you?

MR. GRAHAM: I'm the President, and there is another officer, Josh.

MS. LINT: We went through that.

MR. SCALI: And Josh had an issue.

MS. LINT: There was an issue.

MR. SCALI: Did we straighten that out?

MS. LINT: It was.

MR. GRAHAM: That was straightened out some years ago.

MR. SCALI: That was a previous issue.

I guess you've been in operation at 114. We normally don't grant new Used Car Dealer licenses. We have a moratorium on it. So the only way that we would grant it, for me, is that we would say it's an existing one moving to a new location.

MR. GRAHAM: That's what you said last time. I think it was Deputy Chief who said to make a note to say it was actually just an address change and not an application for a new license.

MR. HAAS: I would take it under advisement until we just verify that the advertisements were done properly.

MR. SCALI: Motion then to take the matter under advisement.

MR. HAAS: We're voting on this Thursday, aren't we?

MR. SCALI: March 5.

MS. LINT: I would ask that if everything is in order, if I have the correct ad that we can --

MR. HAAS: Make it conditional upon that?

MS. LINT: Yes. Because he's kind of been through a lot with this.

MR. HAAS: Okay.

MR. SCALI: Motion to approve subject to checking on the correct advertisement. Moved.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. GRAHAM: When would I know?

MS. LINT: You can actually call Chris tomorrow. I'll make sure that he checks on that.

MR. GRAHAM: Thank you.

MR. HAAS: And if for some reason it wasn't, what happens?

MS. LINT: He's fired.

MR. SCALI: We'd need to actually advertise it correctly.

MR. HAAS: What's the time period for that?

MR. SCALI: For our next hearing on March 24.

MR. GRAHAM: So if it wasn't, then it would have to be advertised in next Thursday or something?

MR. SCALI: It's got to be in the paper -- it wouldn't be on the agenda until March 24, which is kind of a ways out for you. We'll do our best to see what we can do.

MS. LINT: We do have the appropriate abutter notifications and nobody objected.

MR. SCALI: We'll check it out for you. Just call the office.

MR. GRAHAM: Thank you.

MR. SCALI: Anything else on the agenda, Mrs. Lint?

MS. LINT: Nothing else.

MR. SCALI: Commissioners, anything else?

MR. TURNER: How is Mass. Avenue, Massachusetts and Everett, Three Aces? Any word on that?

MS. LINT: They're not getting a lease.

MR. SCALI: Their lease has been canceled.

MS. LINT: Their lease is gone.

MR. SCALI: Their lease has not been continued and their license is up for sale.

MR. HAAS: They've vacated?

MR. SCALI: They vacated, yes. They're closed and their attorney is attempting to sell the license. It's on the front page of the

Chronicle. So they're attempting to sell that license. They're not going to reopen.

MR. SCALI: Motion to adjourn.

MS. LINT: Need to accept the minutes.

MR. HAAS: Isn't that backwards?

MR. SCALI: Motion to accept the minutes from our last meeting of February 10. Moved. Seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Madame Stenographer, if we could make a note in the beginning of it that it's at the end.

MR. HAAS: Why don't you just put it as part of the beginning and not secure exits?

MR. SCALI: Motion to adjourn. Moved, seconded, all in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

(Whereupon, the proceeding was concluded at 7:34 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 28th day of February, 2009.

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