

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
Cambridge, Massachusetts 02139
Tuesday, January 6, 2009
6:00 p.m.

REPORTERS, INC.
CAPTURING THE OFFICIAL RECORD
23 Merrymount Road, Quincy, MA 02169
617.786.7783/FACSIMILE 617.786.7723
reportersinc.com

INDEX OF AGENDA PROCEEDINGS

| <u>Agenda Matters</u> | <u>Page</u> |
|--|--------------------|
| Application - University Wine Shop, d/b/a - University Wine Shop | 3 |
| Application - La Molisana Ristorante | 8 |
| Application - Zing Bistro d/b/a Anise | 15 |
| Application - Foreign Auto Wholesalers | 23 |
| Disciplinary - Failure to attend License Commission Renewal Meeting: Algiers Coffee House; Café Sushi; Cambridge Center Marriot; Caso Do Benefica; Corner Restaurant; Eastside; Eugene F. Lynch Post; Greek American Political; Green Street; Guido's; Hana Sushi; Harvest Co-op Supermarket; Hi-Rise Bread Company; John Harvard's Brew House; Portugalia, Inc.; Phoenix Landing; Sheraton Commander; Similans; Three Aces Pizza; Violette Wine Cellars | 28 |
| Disciplinary - Three Aces Pizza | 44 |
| Ratification of Medallion Nos: 54, 124, 111 | 68 |

P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday, January 6, 2009, 6:00. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner, and Commissioner Robert Haas.

We're going to go a little bit out of order tonight. The Application of University Wine Shop, Incorporated d/b/a as University Wine Shop, Paul DeRuzzo, Manager, holder of an All Alcoholic Beverages as a Package Store license has applied for a transference of stock and a change of corporate officers.

MR. WARD: Good evening.

MR. SCALI: Just tell us who you are for the record, please.

MR. WARD: I'm Michael Ward here on behalf of University Wine, and the Manager, Mr. DeRuzzo.

MR. SCALI: So this is an application for a transfer of stock and a change of corporate officers?

MR. WARD: That's correct.

MR. SCALI: Who's leaving and who's coming in?

MR. WARD: The transaction begins with the former shareholder who died in 2003. His majority interest descended to his heir who is the seller in the transaction. He's selling what was then the majority interest of 92 shares to both Mr. DeRuzzo and his new shareholder, Don Mitchell.

So as to make it a 51 percent, 49 percent interest, Mr. DeRuzzo, the current manager will have the controlling shares of stock. He'll remain as the manager of the premise and Mr. Mitchell will be the minority shareholder, and he'll become a director and a clerk of the corporation. Everything else will remain the same.

MR. SCALI: So there's no change of hours, no change of name, operations, same corporate name?

MR. WARD: Exactly the same.

MR. SCALI: Is Mr. Mitchell here?

MR. WARD: Yes, he is.

MR. SCALI: Mr. Mitchell, do you want to come forward?

MR. MITCHELL: Is it all right if I stand?

MR. SCALI: If you don't mind standing, I'd appreciate it. Just tell us a little bit about your experience in the business and how long you've been involved in this business?

MR. MITCHELL: I've been in the business probably around 25 to 27 years. My first five years experience were in retail and I have worked for the last 22 years with a Massachusetts importer/wholesaler. The name of that company is Ideal Wine and Spirits. I've been a sales representative for them all that time, 22 years.

MR. SCALI: Are you going to be on premise along with Mr. DeRuzzo?

MR. MITCHELL: Only in a minimal way; essentially, no.

MR. WARD: The operation is going to remain the same.

MR. SCALI: So he won't be running the operations part of it?

MR. WARD: No.

MR. SCALI: Background?

MS. LINT: All set.

MR. SCALI: Questions, Commissioners?

MR. HAAS: Can you just explain your connection and how you got involved in that?

MR. MITCHELL: I've been a friend of Paul's for many years, and the situation came together and I was eager and willing.

MR. SCALI: Are you still in the import and export business?

MR. MITCHELL: Two licenses are held by Ideal Wine and Spirits: they are both an importer of wines and spirits and a local wholesaler. I am employed by them.

MR. SCALI: So you're still working with them as well?

MR. MITCHELL: Correct.

MR. TURNER: No questions.

MR. SCALI: Anyone from the public want to be heard in this matter? I see no hands. Motion?

MR. HAAS: Motion.

MR. SCALI: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

Thank you very much. Congratulations.

MS. LINT: Do you want to do the Disciplinary or do you want to do the others? They're pretty short.

MR. SCALI: Let's go to Three Aces.

MS. LINT: That's also Disciplinary.

MR. SCALI: Let's do the La Molisana then.

MS. LINT: Application: La Molisana Ristorante, LLC, Rich Scimemi, Manager, has applied for a Common Victualer license at 500 Technology Square. Said license if granted would allow food and nonalcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 78 (60 seats inside and 18 on a private patio). The hours of operation would be 6:00 a.m. until 12:00 a.m., seven days per week. The applicant has also applied for an Entertainment license to include an audio tape machine/CD player playing background music below ordinary conversation level and two TVs.

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

MR. SCIMEMI: I'm Rick Scimemi, S-C-I-M-E-M-I, and I'm the manager of La Molisana Ristorante.

MR. SCALI: And you are?

MR. DIMEO: Anthony DiMeo, D-I-M-E-O. I'm the owner.

MR. SCALI: So this is a new operation?

MR. SCIMEMI: Correct.

MR. SCALI: Is the space empty there now?

MR. SCIMEMI: It was empty, correct.

MR. SCALI: Is that the space with the glass kind of garden thing on the outside of it?

MR. SCIMEMI: Yes.

MR. SCALI: No alcohol?

MR. SCIMEMI: No alcohol.

MR. SCALI: It's 6:00 a.m. to 12:00 midnight, serving breakfast, lunch, and dinner?

MR. SCIMEMI: Correct, yes.

MR. SCALI: There's 60 seats inside and 18 seats in the outside patio?

MR. SCIMEMI: Correct, on the property of -- MIT property.

MR. SCALI: Background music, CD player, two TVs. Tell us a little bit about your experience in the restaurant business.

MR. SCIMEMI: I've been about 30 years in the restaurant business. Along with that, I also was the operations manager for BJ's Wholesale Club up until recently where I handled all of the bakery, the meat departments, the demos, the food court.

I'm also partners with a company called Concessions Limited where we do vending as far as we just did First Night on the Boston Common for the Boys' and Girls' Clubs.

So it's 30 years of experience in the food business.

MR. SCALI: What is your menu going to be like at this establishment?

MR. SCIMEMI: It's going to be full Italian restaurant, so we'll be serving pastas; meat; pizza will be a big item; calzone; and soft

drinks, and coffee, gelato, espresso, cappuccino.

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

MR. SCIMEMI: It will be a typical breakfast. We'll be doing the bacon, eggs, because in that area there's a lot of the people that go into the work area. So it will be bacon and eggs, sausage. We'll be doing pastry, Italian pastries. A limited menu on the breakfast with the cappuccino and espresso as well. We'll be serving that from 7:00 in the morning until 11:00, and then we'll be switching to lunch.

MR. SCALI: Do you have any other locations?

MR. SCIMEMI: This operation is the first.

MR. SCALI: Questions?

MR. TURNER: Mr. Chair, through you to Mr. Scimemi. Welcome to Cambridge. I'm sure you're quite familiar with the requirements for your hood suppression system, the cleanliness, keeping them clean, having them inspected every six

months, annual inspection on the system and things of that nature. Are you familiar with our task force program?

MR. SCIMEMI: In Cambridge, no.

MR. TURNER: We have a task force of the building official, fire official, and licensing investigator, and we do surprise inspections on establishments. And we check for occupancy, overcrowding, make sure your inspection tags are up to date, and things of that nature. So just to be aware of that and again, welcome.

MR. SCIMEMI: Thank you.

MR. HAAS: Your decision for not going for an alcohol license is?

MR. DIMEO: Right now, sir, it's too long of a time. We lease the space and usually I understand it takes anywhere from three to six months to get a liquor license.

MR. HAAS: So at some point, you think you'll be looking for a liquor license?

MR. DIMEO: At this point, I cannot answer that question. I don't know. If in the

future, I don't know.

MR. SCALI: So it's not essential for you right now. It's not essential to your operation.

MR. DIMEO: No, not really, sir.

MR. SCIMEMI: At this point, we're not sure how the night business in that area is. We know it's full day business so alcohol wouldn't be a necessity with a day business.

MR. SCALI: There was a license there previously when --

MR. DIMEO: I think Pizzeria Regina was there.

MR. TURNER: Pulcari's.

MR. SCALI: Pulcari's was there.

MR. SCIMEMI: They were in the other building. We're in the building to the right.

MR. SCALI: So there would be an opportunity if you changed your mind in the future that we would consider that as a possibility.

Any comments from the public? I see no hands. Questions?

MR. HAAS: No questions. I'll make a motion.

MR. SCALI: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: And that would be for a CV: 6:00 a.m. to 12:00 midnight, 78 seats (60 inside, 18 outside), CD player background music, and to TVs. Congratulations.

MR. SCIMEMI: Thank you very much.

MR. SCALI: When do you plan on opening?

MR. DIMEO: Within a week. We're almost done with construction and everything, but today they deliver all the equipment, so we waiting for final inspection.

MR. SCALI: Once you get that ready, then you come down and pick up your license with your sign-offs. Thank you.

MS. LINT: Application: Zing Bistro, Inc. d/b/a Anise, Lim Thai, Manager, holder of an All Alcoholic Beverages as a Restaurant license at One Kendall Square has applied to hold said license as inactive. The applicant has also applied for a change of corporate officers and directors.

MR. SCALI: Hello. Have a seat please. Tell us your name.

MR. THAI: Lim Thai, L-I-M T-H-A-I.

MR. SCALI: So you are closed; right?

MR. THAI: Yes.

MR. SCALI: You want to hold the license as inactive?

MR. THAI: Yes, but the landlord told me he give me a chance until I sell the restaurant.

MR. SCALI: The landlord said what?

MR. THAI: Let me sell the restaurant. Until I sell the restaurant, a chance for me to get a buyer.

MR. SCALI: So you're trying to sell the restaurant?

MR. THAI: Yes.

MS. LINT: That's not the information that I have.

MR. SCALI: Did you have a conversation with the landlord?

MS. LINT: I did have a conversation with the landlord, and they have a potential tenant that is not interested in buying the business. This is a no value license but it can be transferred, and the information I received was that Mr. Thai was just looking to try to sell some of the property that he has: stoves, and refrigerators, and things like that, but not the business.

MR. SCALI: The license is not salable. It must be a license we gave to you for free.

MR. THAI: I know it not salable, but the location. The location, they allow me to sell. The landlord ask me pay \$20,000 with them so let me -- allow me until I sell the restaurant. I've got a potential buyer right now. I try talk with him right now.

MR. SCALI: You have a buyer for the property, the equipment?

MR. THAI: Yeah, everything there, the location there.

MR. SCALI: I'm not sure the landlord understands that.

MR. THAI: I know. I still negotiating, but he told me should be -- they ask me pay him \$20,000 to them first then they allow me to do it. Right now, I still talking with them. I had to pay \$20,000 to them.

MR. SCALI: You had to pay \$20,000 for back rents or something?

MR. THAI: For back rent. Zing owed the rent and I'm the first one to own the restaurant I sold to Zing. Zing give back to me right now and I try to sell the restaurant again.

MR. SCALI: So you were the manager. Were you also one of the owners?

MR. THAI: Previous owner. I'm the manager right now. New person Zing.

MR. SCALI: Are they still around, the

owners?

MR. THAI: They still around.

MR. SCALI: I'm not quite sure the landlord wants to do what you're saying you want to do.

MR. THAI: I know, I understand. I try negotiate with him right now. I try to get a lawyer to talk with him right now.

MS. LINT: What the landlord tells me is that as of December 31, they're completely gone, there's no lease, there's no agreements, and the space is taken.

MR. THAI: They go month by month.

MR. SCALI: You want to attempt to try and transfer it; is that what you're saying?

MR. THAI: Yes.

MR. SCALI: You want to try to sell your equipment and you want to try to do that?

MR. THAI: Yes.

MR. SCALI: Questions?

MR. HAAS: My understanding is the license itself has no value, so you can transfer

the license but you can't expect any kind of exchange of a fee for the license.

MR. THAI: But the location, maybe the location give a license deal.

MR. HAAS: It sounds like your landlord, as far as he's concerned, the lease is over.

MS. LINT: Correct.

MR. HAAS: I'm just trying to sort out what you're trying to sell.

MR. THAI: Right now we still negotiating with him.

MR. HAAS: Are you talking to the same people that he's talking to? Or, are these two different people?

MR. THAI: The same people. You talk about Peter? The lawyer Peter. My lawyer is talking to them right now.

MR. SCALI: There's no harm in him trying to at least transfer the license at some point. He obviously can't get any money for it.

MR. HAAS: I just want to be sure that

there is no exchange of money for the license.

MR. THAI: They try to move me to front space. If he can do, I'll just transfer the license and go to the front space.

MR. SCALI: But you don't want to do that?

MR. THAI: I don't know yet. Right now, he's still talking.

MR. SCALI: It sounds like you've got one thing in mind and he has another thing in mind.

MR. THAI: He say me might move in. I really want a space.

MR. SCALI: Let's give you some time to straighten it out then. We would normally give it six months.

MR. THAI: Okay, thank you.

MS. LINT: May I suggest you take it under advisement until the Decisionmaking Hearing, and I can get in touch with Mr. Speliosis and see what is really happening.

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

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We will get in contact with your landlord and find out what the story is there. Mrs. Lint will do that, and we'll vote. When do we vote? January 22?

MS. LINT: Yes.

MR. SCALI: January 22 we vote. So we'll vote at that point.

MR. THAI: January 22?

MR. SCALI: We vote January 22 at 10:00 a.m. right here in this room. You don't have to be here but there will be an update from the landlord before that time. So we'll find out what's happening. In the meantime, you speak to Peter and find out what you can do.

MS. LINT: Mr. Chair, in the meantime, Mr. Thai had gone ahead and changed the corporate

officers at the Secretary of State's Office, but none of that was ever approved. He's now all -- he's president and so forth, and that's not who we have on record.

MR. SCALI: We can't really take an application for a change of corporate officers and directors because you're not open. So we'll just leave it as is until you straighten out what's going to happen with the location.

MR. THAI: All right. Thank you.

MS. LINT: Application: Foreign Auto Wholesalers, LLC., Saad Moustafa, Manager, has applied for a Used Car Dealer license at 445 Concord Avenue. This is for office use only; no automobiles will be on the premises.

MR. SCALI: Good evening.

MR. MOUSTAFA: How are you doing?

MR. SCALI: Tell us your name, please.

MR. MOUSTAFA: Saad Moustafa.

MR. SCALI: Tell us what's at this location.

MR. MOUSTAFA: It's basically an office. We're a wholesale operation. We sell directly to dealers and buy from dealers' trade-ins, and take them to the auction and sell them. So I really don't require cars on the premises, or a display, or none of that stuff.

MR. SCALI: I'm trying to figure out how you're different than any other used-car dealer, because right now, we have a cap on used-car dealers in the city. We have a number of used-car dealers, particularly those that want to go to

the auctions and just have offices and don't have the vehicles on premise.

What's happened is -- and I'm not saying this is you, but what's happened is there have been a lot of supposed offices where people supposedly have an office there and are never there themselves. They just use the license to go to the auctions and buy vehicles and sell them.

MR. MOUSTAFA: I started Foreign Auto in 2002, and it's located in Somerville. I do have three dealer plates so I'm kind of in the business. I don't pretend that I have an office. But I would like to move to Cambridge because my gas station that services my cars is in Cambridge, the body shop I do business with is in Cambridge. I buy all the parts from Cambridge Chevy, Honda, and all the dealers here. So it is more convenience for me.

MR. SCALI: Where are you in Somerville now?

MR. MOUSTAFA: I'm in Somerville right now, Pearl Street.

MR. SCALI: In a garage or something?

MR. MOUSTAFA: No. It's basically an office. There is no parking or nothing actually. Just the same thing, it's closer Newton. I live in Newton so it's closer to me to move my operation to Cambridge.

MR. SCALI: Somerville is not that far away.

MR. MOUSTAFA: If you guys don't want me here, that's fine.

MR. SCALI: I'm not saying we don't want you. I'm just saying we have a lot of used-car dealers already. I'm just trying to figure out how your different than anybody else and why we would --

MR. MOUSTAFA: Again, I'm not going to use any parking lot. Just basically it's a wholesale operation.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. HAAS: No questions.

MR. SCALI: Abutter notifications?

MR. MOUSTAFA: There is no neighbors

there.

MR. SCALI: You're right across from the Armory; right?

MR. MOUSTAFA: That's correct.

MR. SCALI: Does anyone from the public want to be heard on this?

MR. HAAS: Do you have your own separate entrance to the office? You're not going through any other establishment or anything?

MR. MOUSTAFA: It's right up front. You go up the stairs.

MR. SCALI: And you're associated with a repair facility in Cambridge.

MR. MOUSTAFA: Yeah, Chico's Sunoco, right around the corner from me at Fresh Pond.

MR. SCALI: Do you have a bond, the \$25,000 bond?

MR. MOUSTAFA: I do have a bond from Somerville. Once you're going to approve it, I can get a bond.

MR. SCALI: Discussion, comments?
Motion to take the matter under advisement.

MR. HAAS: Under advisement.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We'll take the matter under advisement. We'll vote on January 22.

MS. LINT: Disciplinary matter, All Alcohol establishments that failed to attend one of the License Commission's mandatory renewal meetings which were held on October 30, November 5 and 6 of 2008. That would be: Algiers Coffee House, Cafe Sushi, Cambridge Center Marriot, Caso Do Benefica, Corner Restaurant, Eastside, Eugene Lynch Post, Greek American Politcal Club, Green Street Grill, Guido's, Hana Sushi, Harvest Co-op, John Harvard's Brew House, Phoenix Landing, Sheraton Commander, Similans, Three Aces, and Violette Wine Cellars.

MR. SCALI: Raise your hand if you're here. Algiers -- well. You're assuming I know who you all are, which some of you I do, but not all. Algiers, here; Cafe Sushi; Marriot.

UNIDENTIFIED SPEAKER: Here.

MR. SCALI: Benefica.

UNIDENTIFIED SPEAKER: Here.

MR. SCALI: Corner Restaurant; Eastside, Lynch Post, Greek American, Green Street, Guido's, Hana Sushi, Harvest.

MR. CUTLER: Here.

MR. SCALI: Hi-Rise.

MS. LINT: Harvard is continued until
the 20th.

MR. SCALI: John Harvard.

MR. SAWYER: Here.

MR. SCALI: Phoenix, Sheraton
Commander, Similans, Three Aces, and Violette Wine.
Wouldn't it have been easier if you all just showed
up to the meeting back in October and November.
Did you all get the notice, I guess is the main
question?

MR. BENDGENNI: Algiers, we didn't get
the notice.

MR. SCALI: You didn't get the notice.
Where are you from?

MR. BENDGENNI: Algiers.

MR. SCALI: From Algiers, you didn't
get the letter.

MR. BENDGENNI: No. We just got this
one.

MR. SCALI: Anybody else not get the
notice?

MS. LINT: I find that very hard to believe.

MR. SCALI: You guys all know that every year we have a mandatory meeting in October or November. We send out the notice with all the information; we have three separate meetings and a hotel always generously donates the space at their own expense to do that. We take three days to meet with you and explain everything and try to give you updates to all the things that are happening in the City, so you're up to date on what's happening.

This year the list is longer and longer of people who don't show up to these meetings. It's very disconcerting that you guys don't open your mail, or you don't get the letter for some reason. I don't know what the reason is. You get the renewal affidavits and you get the bills, because you come in with the money. They're going to the same place that the bills go to.

MS. LINT: And none of them came back in the mail.

MR. SCALI: No returns.

MS. LINT: No returns.

MR. SCALI: Does anybody want to speak? Any of you want to speak? I'll give you all a chance to speak if you want to; if you think you have a real legitimate excuse.

MR. KAPPEL: I don't have an excuse.

MR. SCALI: You have to come up and just tell us your name.

MR. KAPPEL: I'm Jim Kappel with the Marriott. I don't necessarily want to speak for the entire group but I think we all support the program. I don't think there's any issue around that, and I don't think any of this was intentional by any of us. I simply did not receive the document; I did not receive a phone call.

That doesn't let me off the hook, because I do remember in 2007 that this was an important matter, and I did attend. So when the notice came about that we've missed it, it kind of shocked me. I said, absolutely. Where was that? So I searched throughout my hotel to try to find out who might have gotten my document, who might

have gotten that phone call. I couldn't find anyone. So I'm sorry that I didn't attend. I would have attended, clearly, truly.

MR. SCALI: I know the Marriot's hosted the meeting before.

MR. KAPPEL: Absolutely.

MR. SCALI: I know the Sheraton has hosted the meeting before, so that's why it's surprising that you wouldn't show up.

I know it's boring. I know it's a long meeting. I know that you have other things you have to do. I know you're there to make money. You're not coming to a meeting for your health. Believe me, I know that.

But it's helpful if we see you once a year in a positive setting to say here's what's new and happening in the restaurant, and hotel, and club, and package store business. It's just a good thing to keep you up-to-date and abreast.

MR. KAPPEL: I agree, no question.

MR. SCALI: It's just very disturbing that we have to keep calling people and reminding

people.

MR. KAPPEL: Is there an e-mail track that we might be able to use on this.

MS. LINT: We're trying.

MR. SCALI: We are actually trying to get everyone to give us an e-mail, so if we e-mail you instead of mailing you something by regular mail, you'll open it and hopefully it will be an easier way to contact you all.

If you have an e-mail you want to give to Mrs. Lint, please do that.

MS. LINT: Please do.

MR. KAPPEL: I'll do it now.

MS. LINT: Please. Part of the problem though is there are a lot of change of managers, and then we don't get an update. So it goes to an old manager's name and then it gets lost in the pipeline.

MR. KAPPEL: I understand the issue.

MS. LINT: So it's only as good as everybody's communication with us.

MR. KAPPEL: I think it's a great

program, and it works and it makes sense.

MR. SCALI: Thank you, Mr. Kappel.

Does anybody else want to be heard? I guess Mr. Kappel is speaking for all of you.

UNIDENTIFIED SPEAKER: We're with him.

MS. LINT: Just make sure that Three Aces doesn't leave because they have another issue.

MR. SCALI: Eastside.

MR. KACZINSKI: You want me to come up?

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

MR. KACZINSKI: Christopher Kaczinski, manager and owner of the Eastside Bar and Grill.

MR. SCALI: I've known you for years, and I've got to tell you --

MR. KACZINSKI: I know. I'm embarrassed to be here.

MR. SCALI: I personally called you three times, and I know my staff called you; no response. You didn't sign the Renewal Affidavit, didn't pay the bill, had to close you down New

Year's Day. I'm not going to do it next year. And I'm going to tell you, I'm going to tell my staff next year to close you down and not reopen until you come in with the money.

MR. KACZINSKI: I don't blame you one bit.

MR. SCALI: We don't have the time for this.

MR. KACZINSKI: I completely understand, I do. I'm embarrassed by it.

MR. SCALI: I know you know the business, I know you know the city. I had people calling all around looking for you, couldn't find you.

MR. KACZINSKI: I can give you a bunch of excuses but they're excuses.

MR. SCALI: My staff doesn't have the time to do that; to track you down.

MR. KACZINSKI: I completely understand that.

MR. SCALI: I appreciate you showing up tonight to at least tell us what happened.

MR. KACZINSKI: If I was in town, I would have shown up to the other meetings and I would have handled paying the bill myself, too. It's the first time I gave someone else something responsible to do at the restaurant other than myself, and here's where I am. I'm not going to delegate that ever again.

MR. SCALI: The point is that it's your responsibility as the manager of record.

MR. KACZINSKI: Exactly. Everything I'm saying is just an excuse. You're right.

MR. SCALI: I didn't mean to embarrass you. That's not the point.

MR. KACZINSKI: No, I deserve it. You're taking it easy on me.

MR. SCALI: Thanks very much.

MR. KACZINSKI: The reason I didn't answer the phone -- even though this sounds -- for some reason, Google had my cell phone on as the restaurant number. So I was getting like a hundred calls a day. So I wasn't getting messages, I was getting messages. It was overflowed, it wasn't.

That's no excuse either, but I changed that. That's all changed and it shouldn't be an issue from now on.

MR. SCALI: Okay, thanks.

MR. KACZINSKI: Thank you, and I apologize.

MR. SCALI: Comments from the Commissioners?

MR. HAAS: I agree with you, Mr. Chairman. You go through a lot of effort to put these meetings on. It's disheartening when you've got a group this size that can't make those mandatory meetings.

My advice to all of you is to figure out what went wrong and make sure it doesn't happen again. As Ms. Lint pointed out, you get the other mailings, and I just can't figure out why you missed this particular mailing.

MR. SCALI: I have an inclination to make you all organize the meeting next year and have you guys host it. That's what I'm thinking may be the best way to do it. That way I know

you're going to be there next year.

MR. KACZINSKI: I'd love for you to come in and see me once.

MR. SCALI: We get invitations all the time to come and see all of you.

MR. TURNER: If I may just echo the Police Commissioners comments: The License Commission does work very hard to put this event on. They do allow three days, three sessions, and it's only an hour-and-a-half, max.

Every year there's something new, there's a code change, there's a policy change, there's a procedural change. Something changes during the course of the year and it's a great opportunity to come there. They have handouts, they have updates, they have speakers. It's a good chance for everyone to be updated on any changes that may occur. It's a great opportunity for a Q and A.

Again, from the Fire Department's perspective, the only time we get to see you is generally on a Task Force inspection when it's the

most inconvenient time you want us around. We're either citing you or asking you to correct some violation, which is the last thing you want to hear on a busy Thursday evening or a Wednesday evening.

It's a great opportunity for us to meet you, and if you have any Q and A, have questions answered that you may have. It's a good opportunity to see any changes that have come along and straightened out any issues that anyone has.

MR. SCALI: All right. Anything else? What did I forget, Mrs. Lint? Pick up all the materials you didn't get at the meeting. We don't have them here but I guess --

MS. LINT: We don't really have any.

MR. TURNER: Next time we'll have prizes.

MR. SCALI: Prizes, lottery tickets for everybody or something.

I'll make the motion then to take the matter under advisement, Commissioners, unless you have a solution for our -- I was going to say, make them all do something to make up for not attending

the meeting.

MR. HAAS: I'm assuming that this is the first time. This hasn't been two consecutive years in a row that most of these people haven't come to the meeting. Is this the first time for all of you?

MS. LINT: I would have to go through all the files.

MR. SCALI: There may be a few in there that it's the second time. I'm not sure.

MR. HAAS: I'm just trying to figure out if there is a way to track this. So again, if we find ourselves in this situation again next year, and some of the same people are back before the Board that there is some kind of progressive discipline with respect to this issue.

MS. LINT: I can track that.

MR. TURNER: Just to reiterate, if you're not going to attend, a phone call is all that's necessary. Even if it's an excuse that is a questionable excuse, at least you're touching base with us to let us know that you won't be able to

attend, and we don't have to worry about where everybody is and that everybody is not getting updated information.

MR. SCALI: That would be very helpful. All you have to do is pick up the phone. If you can't make it for some reason -- one of those three days are not good -- you can say, send me the information. I'll come down and get it. I'll come a different day. That's all you have to do. That would have got you off the hook, just like that.

We've said our piece I think for the Commission.

Motion to take the matter under advisement.

MR. TURNER: Moved.

MR. SCALI: Seconded?

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

We'll send you all a letter. Make sure you open the letter this time. This will be my test to see if you open the letters. And if you have an e-mail, please give your e-mail to Mrs. Lint. Three Aces, don't leave yet.

MR. KACZINSKI: Was there any major policy change that we should be aware of so that we're not here again, completely unaware? How do we figure that out?

MR. SCALI: Come to the meeting.

MR. KACZINSKI: I don't mean for you to try and remember the whole policy, but is there some way I could find that out?

MR. SCALI: There are a few changes, but nothing really major. We can go over it with you if you want.

MR. TURNER: This year there was a big focus on getting the renewals done more timely than we have in the past. A lot of people, it was brought to their attention that as soon as you get the payment in, you'll get the inspection done, and it works a lot quicker.

MR. SCALI: The trans fat thing was a big issue.

MR. KACZINSKI: I never used that from the beginning so that doesn't affect me, so that's good.

MR. SCALI: Then we had a whole thing about the ABCC and there's some changes there with their people.

MR. KACZINSKI: Anything to the regulations book at all?

MR. SCALI: We have a brand new regulation book that was all done over, so you might want to get a copy of that.

MR. KACZINSKI: I'll stop by when I can and try to pick up whatever information you have. Thank you so much.

(Licensees registered e-mail addresses with Ms. Lint.)

MS. LINT: Disciplinary matter: Three Aces Pizza, Stamatis Eliadis, Manager, holder of a Wine and Malt Beverages as a Restaurant license for having a lengthy absence from the establishment without notifying the License Commission.

MR. SCALI: Hello. Tell us your name.

MR. ELIADIS: Stamatis, the first name, Eliadis is the last name.

MR. SCALI: You already heard the speech about not attending the meeting. You know about not coming to the mandatory meeting. Were you away out of town?

MR. ELIADIS: I was out of the country. I didn't know about it.

MR. SCALI: I guess I'm a little concerned that you left the country, and someone else took over and we didn't know who that was. So who took over?

MR. ELIADIS: I'm moving back in. We're in the process of that. What happened is that I'm 32 years in Cambridge in the same business only. It was just about time to semi-retire. I

asked Harvard if I can give my business or lease it to somebody, transfer, and they say yes, if it's a family, not any big names. So we found a family but they never signed the lease, Harvard, so it's still in my name and I still pay the bills. They're on the way out, these people.

MR. SCALI: Did you leave the country and left them in charge?

MR. ELIADIS: Yes. They were in charge.

MR. SCALI: You can't do that. You can't leave the country.

MR. ELIADIS: I have such a small account. There's days goes by we don't sell not even one can of beer or one bottle. I didn't know that I have to --

MR. SCALI: Even with the food, you cannot leave the country and have someone else take over your business that we don't know who they are.

MR. ELIADIS: The business or the Liquor license?

MR. SCALI: Everything: the Common

Victualer, the Beer and Wine, the whole restaurant. You can't just turn your license over.

MR. HAAS: You have to make application to make the change.

MR. SCALI: They were in charge while you were gone.

MR. ELIADIS: Legally we went to the attorney we did write all these agreements. Harvard says let's wait a little longer. The longer I guess took too long. So that was a misunderstanding.

MR. SCALI: You realize that we could take your license away for your doing that. If the State discovered that, they would be --

MR. ELIADIS: Mrs. Lint explained to me the other day, which I wasn't aware of.

MR. SCALI: How long were you gone?

MR. ELIADIS: I was gone for two months, a little more than two months.

MR. HAAS: Who's running the business now? Who's in charge of the business now?

MR. ELIADIS: It's the same people

that were in October, George and somebody else.

MR. SCALI: But they're not approved; right? We haven't heard the application.

MR. ELIADIS: We have court this Thursday. They're supposed to evict them, so I'll move back in.

MR. HAAS: Is the business open or closed right now?

MR. ELIADIS: They're open.

MR. HAAS: But you're moving to get them out of the business?

MR. ELIADIS: Yeah, and go back.

MS. LINT: Do you want help?

MR. SCALI: Yes.

MS. LINT: While he was away, George Tsitos started running the business. We did receive a transfer application from Bill Goss that was not signed by --

MR. ELIADIS: By me.

MR. SCALI: You didn't sign it?

MR. ELIADIS: No.

MS. LINT: But somebody signed his

name on it.

MR. HAAS: Who is Bill Goss representing; you or George?

MR. ELIADIS: I guess George.

MS. LINT: So George has been operating the business ever since, but he's not approved to be operating the business.

MR. HAAS: So how can you submit an application with somebody else signing his name?

MR. SCALI: It's called fraud.

MS. LINT: That's why you've never heard it. And apparently Mr. Goss is no longer working for Mr. Rafferty.

MR. ELIADIS: We'll soon solve the problem.

MR. SCALI: I can solve the problem very easily. I'll have Ms. Boyer down there tomorrow and close you up, not you, but them. They can't be there.

MS. LINT: And we explained that --

MR. ELIADIS: They'll move out for Thursday or Friday.

MR. SCALI: It doesn't make a difference to me. They cannot be running that place with that liquor license. If you're not there running it, no one is there running it. That's just the law. They can't be there running that. There's no need for an eviction; they can't be open. If the landlord wants to evict them, then that's up to them.

MR. HAAS: I think that's grievous enough, but I think what I'm more concerned about is somebody filing an application on your behalf and then signing your name to the application. That's what I'm particularly concerned about at this point. I think that's more egregious than anything else.

MR. ELIADIS: I wasn't aware.

MR. HAAS: I know, but it's fraudulent. It's a fraudulent application.

MR. SCALI: Are you getting any of the profits right now? Are they paying you for anything?

MR. ELIADIS: No.

MR. SCALI: So they're getting all the revenue and profits, and you're getting nothing?

MR. ELIADIS: They don't pay the rent, they don't pay the government. They haven't paid the water for the city.

MR. HAAS: So you're not going to get harmed if we shut them down; right?

MR. SCALI: Nothing is going to happen to you; right?

MR. HAAS: Until you get this thing sorted out.

MR. ELIADIS: I asked my attorney if I can just take care myself and change the locks, and he said, let's do it by the law, whatever the law says. So it's money they have for the court.

MS. LINT: May I inquire who your attorney is?

MR. ELIADIS: Right now is -- I forgot his name -- not right now, all the time. He's from a big firm but I don't have the name with me.

MR. SCALI: Cambridge or Boston firm.

MR. ELIADIS: From Boston, Prudential

Center.

MR. SCALI: You can get it for us.

I think the Commissioner's concern is that this is going to harm you. If we go down there tomorrow, or tonight, or whatever, and say, "you have no license, you've got to close," is that going to harm you in some way?

MR. ELIADIS: Of course.

MR. SCALI: How is it going to harm you?

MR. ELIADIS: With this business, if you close them down, then people they come and they see you closed, they don't come again. They go somewhere else.

MR. SCALI: But you're not getting anything from it?

MR. ELIADIS: I do not, not. I don't get anything. They haven't even paid the meals taxes. I'm in trouble.

MR. SCALI: Did they pay you something before?

MR. ELIADIS: They gave me a deposit

in the summertime.

MR. SCALI: But they never gave you the rest of the money?

MR. ELIADIS: No. And they never gave me the payments or anything else.

MR. SCALI: I don't think we have a choice, really. We don't have a choice.

MR. ELIADIS: What?

MR. SCALI: We have to close them. They're not authorized to be there. They have no lease; they never had a hearing here with us; they're operating beer and wine without being recognized. They could be arrested.

MR. ELIADIS: Maybe I should come early and have them move out early because all these revenues that I lost and all the bills I pay without receiving anything, but I will in the end. Just two days.

MR. SCALI: I don't think we have a choice. Maybe you naively did what you did, and maybe you didn't intentionally do it, but we don't have an option. That's our job is to make sure

that the right person is there are operating the license under their name, and they're not.

MR. ELIADIS: What are you suggesting to me? What do you think we should do?

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Are you currently prohibited from going in and running the establishment?

MR. ELIADIS: Kind of am. I don't go there. I do to talk to them sometimes. I try to offer them some money to move and I just don't want to create any problems. I've been there more than 32 years. I never have any problem or complaint from any customer, or neighbor, or the university.

MR. TURNER: Just so I understand this, you had all intentions of selling to these folks?

MR. ELIADIS: I was going to and I guess Harvard --

MR. TURNER: Let me finish and you can tell me if I have it right. You wanted to retire,

and you left the country. You wanted to sell to these folks, they gave you a deposit, and then it kind of went nowhere.

MR. ELIADIS: Right.

MR. TURNER: And now they've kind of moved in on the business, and they've been operating the business. And now you're back, and now you've gone to your landlord to get rid of them so that you can take it back over.

MR. ELIADIS: Right.

MR. TURNER: It sounds to me like you're prohibited from --

MR. SCALI: So if you went there tomorrow to go in and operate it, they'd throw you out, the new people?

MR. ELIADIS: They might want a confrontation. I don't know.

MR. TURNER: So there's bad blood.

MS. LINT: If the ABCC went in, they would close them down.

MR. SCALI: I think we can take care of it very easily for you. We'll be down there

tomorrow, serve them. They have to cease, they have to close.

MR. ELIADIS: Okay.

MR. SCALI: If you want to go back in there under your license, you have the right to do that. Although what you did isn't right either, I have to tell you, by not applying for a transfer.

MR. HAAS: It sounds like the people that are in there applied for a transfer on his behalf without him being here, and my question is, do you want that investigated?

MS. LINT: I think it needs one. We have all the paperwork.

MR. ELIADIS: Mr. Scali, tomorrow you're going to go there and lock the place?

MR. SCALI: I guess it's going to take a coordinated effort with the police department.

MR. ELIADIS: Do you think I should have the attorney call. He wanted to be here tonight, actually.

MR. SCALI: Whose attorney; your attorney?

MR. ELIADIS: Yeah.

MR. SCALI: I certainly don't mind talking with your attorney, and Mrs. Lint will be happy to talk with him about what we're going to do.

MS. LINT: I think Ms. Boyer in conjunction with the police department should be taking the license and closing the place.

MR. HAAS: This is different from -- it's different; right?

MR. SCALI: Yes.

MR. HAAS: I just want to make sure.

MR. SCALI: It never happened before, actually.

MR. ELIADIS: Mr. Scali, do you want me to call my attorney?

MR. SCALI: You're certainly welcome to do that.

MR. ELIADIS: If you want to ask him questions.

MR. SCALI: I don't really have any questions for him. It's more for the people that

are in there now; to figure out what they think they're doing. What do they think that they're doing in there if they don't have permission to be there?

MR. HAAS: What's your planned action? You were talking about Thursday. What's going to happen Thursday?

MR. ELIADIS: Thursday is supposed to be in Cambridge Court for the eviction because it was postponed.

MR. HAAS: So you're going to Superior Court?

MR. ELIADIS: Yes. Because the holidays, it fell on Thursday twice and was postponed. But according to this guy's attorney, they'll leave. They don't want to go to the court.

MR. HAAS: Who's the attorney that's representing them?

MR. ELIADIS: Them?

MR. HAAS: Yes.

MR. ELIADIS: I don't know the lady. I forgot her name.

MR. SCALI: What are their names?

MR. ELIADIS: I'm sorry?

MR. SCALI: What's the name? You said George. What's his name?

MR. ELIADIS: George Tsitos.

MR. SCALI: Why is he being evicted if he has no lease?

MS. LINT: Because he's moved in.

MR. SCALI: They moved in and Harvard can't get them out.

MR. ELIADIS: Harvard didn't try to get them out. As long as they get the money from me -- I pay them for the rent. I pay the rent. It's a big rent.

MR. SCALI: You're paying the rent.

MR. ELIADIS: I pay the rent there for the last three months. Before, they pay for a month, whatever. Yeah, I know Harvard should evict them because they are in default with Harvard.

MR. SCALI: So you're working with Harvard to get them evicted?

MR. ELIADIS: I talk to them a couple

of times, I don't know who's -- Harvard is too huge, too big. It's one thing the person of the real estate told and another thing they did it. They say it's okay, we're okay if you want to move out. I was not in a similar situation ever.

MR. HAAS: Mr. Chairman, if I can make a suggestion? What I think might be appropriate is for Ms. Boyer to go down there and verify who is actually running the restaurant, so we conduct our own investigation into this matter. If Mr. Tsitos tells us that he's running the operation, we go back and check our records. If he's not the registered manager, at that point in time, I think we should then take the appropriate action.

MR. ELIADIS: I would be happy tomorrow to kick him out.

MR. HAAS: That means shutting down your restaurant.

MR. SCALI: It means closing.

MR. ELIADIS: For the day?

MR. HAAS: You still have a civil matter going on too, so I don't know if we can just

turn around and say to you, okay, now you can go back in and open the restaurant again.

MR. SCALI: There's a lot of problems here.

MR. HAAS: Your attorney is going to have to call the License Commission again and get that sorted out. I know if you should just go in now and take over operations at this point in time. I think your license is going to be suspended is my guess.

MR. SCALI: That's going to be my motion right now.

MR. HAAS: I think we should do the investigation, and then pending that investigation, the Board's recommendation would be to suspend the license at this point. You would not be able to go back in with a suspended license.

MR. ELIADIS: A liquor license, you mean?

MR. SCALI: Everything, the whole thing.

MR. HAAS: The CV license, your liquor

license would all be suspended at this point.

MR. ELIADIS: It's a disaster for me if you do it.

MR. HAAS: It sounds like it's a big mess already.

MR. SCALI: How is it benefiting you right now? You're not getting any money?

MR. ELIADIS: They're moving out in two days.

MR. SCALI: You just said you're going to court in two days though.

MR. ELIADIS: Right, but I think they will move out before, I'm hoping, according to the attorney.

MR. HAAS: When is our next hearing?

MR. SCALI: The 20th.

MR. ELIADIS: You make a one-week extension or something? It's just selling pizza.

MR. SCALI: You're taking this very lightly. This is a very serious matter. You're not understanding. If the ABCC, or even us discover someone else operating a liquor license, a

food license without a permit, you could be closed. It's illegal. You can't do it. I don't know how to make that clear to you. You take it very lightly likely "it's just pizza," but that's not the case. It's food service of someone we don't recognize. It's the safety of the public we have to be concerned about. We don't know who's in there running the food and serving the alcohol. We have no idea.

MR. HAAS: Who signed your name to the transfer application, do you know?

MR. ELIADIS: No.

MR. HAAS: Did you give anybody permission to sign your name to the transfer application?

MR. ELIADIS: No, of course not. I guess George, he did it. It's his printing, George Tsitos.

MR. SCALI: He signed your name?

MR. HAAS: He's guessing.

MR. ELIADIS: I was a witness, but I'm guessing.

MS. LINT: We think.

MR. ELIADIS: I think so.

MS. LINT: The courts may have some information as well.

MR. SCALI: We'll take the matter under advisement. Let's make a motion then to take the matter under advisement for further investigation.

MR. HAAS: The only time we'll be able to take any action then is the next time we convene; right?

MR. SCALI: It wouldn't be until the 20th. I still think we should make a motion that if we discover that the licensee is not there that the license should be suspended pending investigation by Ms. Boyer tomorrow.

MR. HAAS: You've got one set of facts here.

MR. SCALI: They may have a different story.

MR. HAAS: I think we have an obligation to talk to Mr. Tsitos and find out what

his understanding of his arrangement is at the establishment. If he's telling us he's the manager of record, and we have no record to support that, then I think at that point pending further investigation or outcome, the license should be suspended. If we wait for the 20th now, what will happen is -- my guess is he'll be gone in two days, and you'll be back in the business running the business; right?

MR. ELIADIS: Yes.

MR. SCALI: I think maybe we should call them for a hearing on the whole matter before we jump to any conclusions.

MR. HAAS: That's what I'm saying. I think we need to kind of investigate the thing out.

MR. SCALI: We should do an investigation and call for a hearing on the 20th. That would be the best scenario.

Do you have time, Mrs. Lint, to do that?

MS. LINT: To do what?

MR. SCALI: To set up a hearing on the

20th.

MS. LINT: We have hearings on the
20th.

MR. SCALI: We're just thinking time-
wise. I think you have to give like 10 days to two
weeks notice.

MS. LINT: Today is the 6th. That's
14 days.

MR. SCALI: Why don't we have Ms.
Boyer investigate and report, and we'll set it up
for a hearing on January 20 for suspension of the
license, if that's what -- that way it will be
clear in terms of the details.

Motion to have Ms. Boyer investigate,
and present the information to Mrs. Lint, and to
set up a disciplinary hearing for January 20 on
those facts.

MR. HAAS: Mr. Chair, what I'd like to
do is just to make arrangements to have one of my
detectives accompany Ms. Boyer, and also get a copy
of the application so it can help with the
continuity of the investigation.

MR. SCALI: Motion amended to include a police detective.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

We'll go from there. We'll figure out what's happening. The police and Ms. Boyer will investigate. We'll have a hearing on January 20 as to what happened.

In the meantime, if they do leave, I guess you should notify Mrs. Lint.

MS. LINT: And have your attorney call me.

MR. ELIADIS: I will.

MR. SCALI: It doesn't mean that you're out of the woods either though. It doesn't mean you can go in there and -- I mean, I guess we haven't stopped you from doing that yet, but if something comes to light that you've done something wrong, it still could reflect on your license as

well. I just want to make sure you understand that because it's your responsibility to make sure that a transfer is applied for. Unless someone did something fraudulently to you, and I guess the investigation will reveal what happened, exactly happened. Okay?

MR. ELIADIS: Okay.

MR. SCALI: Thank you

MS. LINT: We just have three
Ratifications: Medallion 54, 124, and 111.

MR. SCALI: These are all refinances?

MS. LINT: Two refinances and a loan.

MR. SCALI: Paperwork in order?

MS. LINT: Yes.

MR. SCALI: Motion to accept?

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Anything else?

MS. LINT: Nothing else.

MR. SCALI: Motion to adjourn. Moved.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding was
concluded.)

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 12th day of January, 2009.

**THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT
DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME
BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL
AND/OR DIRECTION OF THE CERTIFYING REPORTER.**