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COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION

DECISION MAKING HEARING

LICENSE COMMISSION BOARD MEMBERS:

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

STAFF:

Elizabeth Y. Lint, Executive Officer and

--held at--

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

Thursday, September 2, 2010

10:00 a.m.

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P R O C E E D I N G S

1
2 ELIZABETH LINT: It's the License
3 Commission Decision-Making hearing, Thursday,
4 September 2, 2010. We're in the Michael J.
5 Lombardi Municipal Building, 831 Mass. Ave,
6 basement conference room. Before you are the
7 Commissioners, Chairman Richard Scali, Deputy
8 Superintendent Chris Burke, and Deputy Chief
9 Dan Turner.

10 RICHARD SCALI: All right. Good
11 morning, everyone. Let's make a motion to
12 accept the minutes of August 16th. That's
13 moved.

14 DANIEL TURNER: Second.

15 RICHARD SCALI: Moved and seconded.
16 All in favor?

17 CHRISTOPHER BURKE: Aye.

18 DANIEL TURNER: Aye.

19 RICHARD SCALI: Aye.

20 All right, just remind me again on the
21 7th to vote on the ones July.

1 ELIZABETH LINT: Right.

2 RICHARD SCALI: All right. So, this
3 is our decision-making meeting from August
4 16th. We only had one hearing in August.

5 ELIZABETH LINT: There's quite a few
6 things.

7 RICHARD SCALI: Three or four items
8 that are on here. Let's see, people that are
9 here are for.

10 ELIZABETH LINT: Bull Barbecue.

11 RICHARD SCALI: Okay. Let's go to
12 the Bull Barbecue. Transfer application from
13 Bombay Club. There are some documents here.

14 ELIZABETH LINT: Yes, that's the
15 terms sheet. And I have reviewed it. There
16 are some issues I have with it as well as the
17 pledge.

18 RICHARD SCALI: So, I'm sorry, we
19 heard the transfer which I think we don't
20 have an issue with in terms of the
21 qualifications and we get going to Bull

1 Barbecue. But the biggest issue has to do
2 with the financing, that was our question.
3 The pledge was not on the agenda on the 16th.
4 The issue of the pledge?

5 ELIZABETH LINT: It was not.

6 RICHARD SCALI: It was not. So my
7 question to Attorney Kim --

8 ATTORNEY YEON KIM: Yes.

9 RICHARD SCALI: There were two
10 issues. Are you still seeking other
11 financing or are you still working with
12 Mr. Dhanda on the financing issue?

13 ATTORNEY YEON KIM: We did have an
14 opportunity to submit another application to
15 another institutional lender.

16 RICHARD SCALI: Yes.

17 ATTORNEY YEON KIM: However, they
18 will take -- we submitted all the paperwork.
19 There's no guarantee whether or not the
20 financing can be obtained from their lender.
21 And for them to make a decision on the

1 application itself is going to take another
2 several more weeks at this point. And they
3 were quite skeptical as to whether or not
4 they would like to provide \$22,000 for a
5 liquor license in this market.

6 RICHARD SCALI: How much?

7 ATTORNEY YEON KIM: \$22,500. And
8 Mr. Kim, Hyuk Kim here decided that even
9 though if approvable by the Licensing
10 Commission, he would like to pursue with
11 Mr. Dhanda. And the only issue that I did
12 review the pledge agreement, it has a right
13 of first refusal, which is -- I try to work
14 with Mr. Dhanda, his attorney, but that's
15 something that they wouldn't really -- they
16 would really like to move forward and bring
17 the case to the table. And hopefully if I
18 can have solid opinion as to whether that's
19 going to be able to -- that's feasible or
20 not, we should be able to renegotiate on the
21 term itself.

1 RICHARD SCALI: All right.

2 So, Mrs. Lint, the issues you have?

3 Thank you, Mr. Kim.

4 ELIZABETH LINT: That's exactly what
5 it is, it's the right of first refusal. If
6 the lender was going to -- if --

7 ATTORNEY YEON KIM: If Mr. Kim was
8 to sell the liquor license --

9 ELIZABETH LINT: Or if there was a
10 financial issue, then if someone made an
11 offer on the license, then Mr. Dhanda would
12 have the right to --

13 RICHARD SCALI: Counteroffer.

14 ELIZABETH LINT: -- purchase it,
15 counteroffer it. Which puts us in a
16 situation where the landlord owns the license
17 and that's not allowed.

18 RICHARD SCALI: See, here's the
19 issue. Here's the issue. The issue is that
20 most landlords are very fair and, you know,
21 give one reasonable terms and deal with the

1 tenants in a very fair manner. And
2 Mr. Dhanda has kind of a past that we haven't
3 really been very pleased with. And so I'm
4 not sure how the other Commissioners feel,
5 but I'm not really inclined to give him a
6 pledge on these licenses because he just has
7 not been fair in the past. And not because I
8 want to stop your client from being able to
9 finance it, but that's why I was really
10 encouraging you to look for other financing.
11 Because what happens with Mr. Dhanda is he
12 ends up using that as a threat to his tenants
13 later on for other issues that may not be
14 related to this. And, you know, at minimum I
15 would want Mr. Dhanda here to talk to us
16 about the pledge and to give us his
17 assurances as to what these terms mean.

18 ELIZABETH LINT: It hasn't been
19 advertised in any event.

20 RICHARD SCALI: We haven't it had on
21 the agenda.

1 ELIZABETH LINT: It hasn't been
2 noticed.

3 RICHARD SCALI: I don't know how the
4 other Commissioners feel about that. But I'm
5 not -- I mean, I think it's very hard to
6 approve a transfer if you don't really know
7 the terms of the financing. We really
8 haven't had an opportunity to have the public
9 comment on it as well.

10 ELIZABETH LINT: No. Did the
11 Commissioner weigh in?

12 CHRISTOPHER BURKE: Excuse me?

13 ELIZABETH LINT: Did the
14 Commissioner weigh in?

15 CHRISTOPHER BURKE: I think he
16 concurs with your assessment.

17 RICHARD SCALI: Okay.

18 NINOD KAPOOR: Can I say something?

19 RICHARD SCALI: Sure.

20 NINOD KAPOOR: What is the kind of
21 language that you will feel comfortable that

1 he can put in so that everybody comes out as
2 a winner? I mean, if you say that you cannot
3 do this, what can it be done so that
4 everybody's comfortable?

5 RICHARD SCALI: Well, if you want my
6 honest opinion?

7 NINOD KAPOOR: Yeah.

8 RICHARD SCALI: I prefer he not have
9 a pledge altogether. But that may not be
10 reality at all.

11 NINOD KAPOOR: That's not him.

12 RICHARD SCALI: I know. You know,
13 that's why I'm encouraging other financing.

14 NINOD KAPOOR: Anything that makes
15 everybody comfortable. You read all these
16 things all the time, and I know you're not an
17 attorney and it's not your job.

18 RICHARD SCALI: Well, actually I am
19 an attorney.

20 ELIZABETH LINT: He is an attorney.

21 NINOD KAPOOR: You are?

1 Congratul ati ons.

2 RICHARD SCALI: But that doesn't --
3 I'm not legal advisor for the --

4 NINOD KAPOOR: Yeah. So you aren't
5 legally saying that. But any suggesti on that
6 makes everybody comfortable in thi s room and
7 outsi de.

8 ELIZABETH LINT: Want me to jump in?

9 RICHARD SCALI: Pl ease.

10 ELIZABETH LINT: I thi nk i t's fai r
11 to say in thi s parti cul ar si tuati on, and no
12 one knows better than you how Mr. Dhanda
13 deal s wi th hi s tenants. So the fi rst thi ng
14 is that -- the fi rst right of refusal needs
15 to be gone. And as the Chai rman was sayi ng,
16 that havi ng hi m provi de the fi nanci ng creates
17 other i ssues. We see what's happeni ng wi th
18 Olm (phoneti c) right now, and just as you
19 sai d, he uses i t as a sword. And i t's -- I
20 thi nk the Commi ssi oners just don't feel
21 comfortable at all i n that si tuati on and

1 don't want to set Bull Barbecue up for a
2 problem down the line knowing that this is
3 how he tends to deal with his tenants.

4 NINOD KAPOOR: If I remember
5 correctly, last time Mr. Dhanda was here he
6 was very modest and he knows how to play it.
7 But he did say that, that that was not the
8 intent. So you're right, if we bring him
9 back here and one last time we say that that
10 is not the intent, that he'll blackmail in
11 the end and we put that on record.

12 RICHARD SCALI: Well, that at
13 minimal is what I would want to hear from him
14 on the record.

15 NINOD KAPOOR: Yeah.

16 RICHARD SCALI: Is that we're not
17 going to be back here again in a year or two
18 years. If God forbid Bull Barbecue doesn't
19 succeed and he starts threatening Mr. Kim's
20 client here, that, you know, I've got -- the
21 license is mine and I'm going to take it from

1 you and you owe me this. That's not going to
2 happen again.

3 NINOD KAPOOR: Right.

4 RICHARD SCALI: That's not going to
5 happen again here, because I know what you
6 went through because of that. And so did Olm
7 and all the other tenants.

8 NINOD KAPOOR: Mine was not pledged.

9 ELIZABETH LINT: Yes.

10 RICHARD SCALI: Right.

11 NINOD KAPOOR: But still he had a
12 license. We never got violation or anything.

13 RICHARD SCALI: You are absolutely
14 right.

15 NINOD KAPOOR: But selling as much
16 of a pain like running the restaurant.

17 RICHARD SCALI: Right. And I'm not
18 trying to cause you more pain. That's not my
19 goal. My goal is to make this as reasonable
20 for you as possible because you spent many,
21 many, years wonderful years there. And you

1 deserve to get something from that.

2 NINOD KAPOOR: I have that money I
3 can open a small place. And everybody wants
4 me back in Cambridge so I want to do that.

5 RICHARD SCALI: I hope you do come
6 back.

7 NINOD KAPOOR: Yes, thank you.

8 ELIZABETH LINT: Different land lord.

9 ATTORNEY YEON KIM: With the
10 information that we have, I will try to
11 renegotiate the terms of the pledge. I just
12 wanted to have a solid approach as to whether
13 or not -- it's not going to be our
14 preference, it's going to be the more of a
15 requirement by the Licensing Commission for
16 us to move forward by doing a little more
17 bargaining at this point, and try to
18 hopefully wrap everything up within the next
19 couple days or even a week or so.

20 RICHARD SCALI: Right.

21 ATTORNEY YEON KIM: If they say it's

1 not going to work, we really have to drop
2 everythi ng and move forward wi th another --
3 if they cannot take out the language, we're
4 not going to be able to move forward with the
5 heari ngs. In such case we really have to
6 look at some other opti ons.

7 HYUK KIM: It's been a year since we
8 signed our lease. We signed it September 1st
9 of last year. So we've been paying our rent
10 since then. We've had a two month break.
11 But, again, it's still we're paying ten
12 months of rent, and we're still paying close
13 to a \$10,000 a month. And the way I feel is
14 for us at this point, Mr. Dhanda is our last
15 shot for us to get our liquor license. And
16 he's interested -- the way I feel, he's
17 interested to keep the license in the
18 bui lding so that his possibl e future tenants
19 won't have any probl em, iss ue wi th getti ng
20 another license. And on my end, if we want
21 to move out of that bui lding, our best

1 interest will be selling our business along
2 with our license so we get the best value out
3 of it. So on our end we don't really mind.
4 Unless Mr. Dhanda has something else in his
5 mind. We don't really mind selling our
6 business with our license together to whoever
7 is best tenant or best --

8 RICHARD SCALI: Right.

9 KYUK KIM: And again, another point
10 I want to make. We've been working on this
11 project for last one year, and financial-wise
12 we are like right here (indicating). And
13 construction-wise we're ready. We're almost
14 done.

15 RICHARD SCALI: Yes.

16 HYUK KIM: We got our CV license.
17 Construction almost over. And the last thing
18 that we're waiting is our liquor license.

19 RICHARD SCALI: When are you ready
20 to open? When will you be ready?

21 KYUK KIM: A couple weeks. Two

1 weeks or so.

2 RICHARD SCALI: So you're really
3 ready to go?

4 HYUK KIM: We're ready to go. All
5 the kitchen is done. Floor's done.

6 RICHARD SCALI: All right. I mean,
7 I know this is a delay for you, but our
8 hearing for September 7th is the next
9 hearing, but that's too soon to advertise.
10 Our next hearing is September 21st. I just
11 want to get Mr. Dhanda in here to talk about
12 the pledge and the financing. If you can
13 give us that time, I don't want you to lose
14 this momentum you got. I don't want you to
15 lose the deal with Mr. Kapoor either. I want
16 to make sure that this deal works because
17 it's very reasonable. It sounds good. It's
18 just this last piece of the pie. So if we
19 can just do that, I think the Commissioners
20 agree that we just get Mr. Dhanda to come in
21 here and on the record tell us exactly what

1 his intentions are with the financing. I
2 think we can do that on the 21st of
3 September, Mrs. Lint, maybe if that's
4 possible?

5 ELIZABETH LINT: Yes. That's fine.

6 RICHARD SCALI: I know we have a
7 long agenda, but I think we can wrap it up
8 then.

9 ELIZABETH LINT: Yes.

10 HYUK KIM: I personally don't think
11 Mr. Dhandu will show up then.

12 RICHARD SCALI: Well, then I guess
13 he's not going to get his pledge.

14 ELIZABETH LINT: He shows up.

15 HYUK KIM: He does?

16 RICHARD SCALI: He usually has, yes.

17 ELIZABETH LINT: He shows up, yes.

18 HYUK KIM: Okay. Because last few
19 times he was to show up and he never did.

20 NINOD KAPOOR: If personally he is
21 called, he shows up.

1 RICHARD SCALI: We will make sure --
2 Mrs. Lint will make sure that he's notified
3 to be here. We'll wrap it up.

4 ATTORNEY YEON KIM: I also will.

5 RICHARD SCALI: I know that I'm okay
6 with the transfer. I'm okay with Bull
7 Barbecue. I'm okay with all the other terms.
8 And we want you to open up as soon as
9 possible. If you're ready to go before the
10 21st with the CV and you have your signoffs,
11 by all means get going and we'll do the best
12 we can to assist you with that. And then,
13 we'll just straighten out the financing terms
14 and with Mr. Dhanda. If you can talk to him
15 in the meantime, Mr. Kim, about this right of
16 first refusal, that would be helpful.

17 ATTORNEY YEON KIM: Okay.

18 RICHARD SCALI: And do that before
19 the 21st. And I'm not saying that perhaps
20 the terms -- we won't agree to the terms. I
21 want to make sure we have on the record

1 Mr. Dhandal's version of how this is going to
2 go should there be a problem. Because, it
3 ends up being twisted and turned, and threats
4 are made to the tenants that are just unfair.
5 Really unfair to the tenants. And I -- it's
6 not going to happen again. So, and I know
7 you'll appreciate this if it happens, if it
8 should, like I said, God forbid happens to
9 you in the future, you will be very
10 appreciative of this moment that we are
11 having this little bit of a delay for you.

12 ATTORNEY YEON KIM: Thank you,
13 Mr. Scali.

14 RICHARD SCALI: So let's do a motion
15 then to continue to September 21st with the
16 pledge and financing added on advertised to
17 that hearing, Mrs. Lint.

18 ELIZABETH LINT: Yes.

19 RICHARD SCALI: That's moved.

20 DANIEL TURNER: Seconded.

21 RICHARD SCALI: All in favor?

1 (Aye.)

2 RICHARD SCALI: Back to the
3 beginning I guess, Mrs. Lint.

4 ELIZABETH LINT: Page one. Hossein
5 Ghamary.

6 RICHARD SCALI: Mr. Ghamary Hackney
7 appeal with regards to the --

8 ELIZABETH LINT: Out-of-town
9 pick-up.

10 RICHARD SCALI: -- June 17th.

11 Mrs. Lint had a hearing on June 28th.
12 I guess Mr. Ghamary's defense was that he
13 stopped because an ambulance was going by.
14 And then when he stopped by the curb, I
15 guess, someone jumped into his cab and he
16 decided to take the person. I guess they had
17 been drinking or something.

18 ELIZABETH LINT: Yes. And Officer
19 Cacciola said that there was an ambulance but
20 that the guy didn't just jump in. He
21 actually stopped at the driver's window and

1 then walked around and got in. And he said
2 that the passenger was intoxicated and that's
3 why he just wanted to get him home safely.
4 And I had said to him, well, if the passenger
5 was intoxicated and you were concerned, there
6 was a police officer right there. Why not
7 ask the police officer for assistance? And
8 he also said that the officer should have
9 flashed his lights at him to let him know
10 that he was doing something wrong.

11 RICHARD SCALI: Give him a warning.

12 ELIZABETH LINT: Give him a warning.

13 CHRISTOPHER BURKE: And he knew full
14 well that he shouldn't be picking up?

15 ELIZABETH LINT: Oh, yes, he said
16 that.

17 RICHARD SCALI: I guess it's not,
18 it's not usual that someone takes it this far
19 when the facts are so clear. I mean, I guess
20 the usual thing that Officer Arcos and
21 Officer Szeto, they offer to reduce the fine

1 if there's some, you know, circumstances that
2 show that there's maybe an unusual way I
3 guess -- and that's the usual way we handle
4 it. But I guess he didn't want a reduced
5 fine?

6 ELIZABETH LINT: He didn't feel
7 there was any reason to reduce it. You know,
8 Boston fines our drivers \$500 and often takes
9 the meters out of the cars. And this guy's
10 story changed every time he talked to one of
11 us. So the only thing that was consistent
12 was he knew he shouldn't have picked him up.

13 RICHARD SCALI: Discussion?

14 CHRISTOPHER BURKE: Well, I think
15 that just given the fact that he knew that he
16 shouldn't have picked him up. He did have
17 options, although he alleged that the person
18 jumped into the cab. He did have options.
19 One of the options was to ask the gentleman
20 to get out. Another option was to approach
21 the officer and let him know what went on.

1 Instead he put the meter on and began to
2 convey the man to his location. I didn't see
3 any facts that would indicate that there was
4 some urgency in catering to driving the man
5 to his location. He had other options
6 available and he didn't choose to exercise
7 them.

8 RICHARD SCALI: So you would uphold
9 the decision.

10 CHRISTOPHER BURKE: I would uphold.

11 DANIEL TURNER: Mr. Chair, I concur
12 also to uphold the decision. I feel that
13 there was just no testimony from the driver
14 that would lend any weight to change the
15 situation otherwise.

16 RICHARD SCALI: All right. I guess
17 I am in agreement with the two of you.

18 So, motion then is to uphold the \$300
19 fine. That's moved.

20 DANIEL TURNER: Second.

21 RICHARD SCALI: Seconded, moved.

1 All in favor?

2 CHRISTOPHER BURKE: Aye.

3 DANIEL TURNER: Aye.

4 RICHARD SCALI: I'm sure you can
5 explain the information that the
6 Superintendent laid out. Did not have
7 options. Could have asked to get out. Could
8 have asked the officer for help. Put the
9 meter on, and there was not a sense of
10 urgency either for the gentleman to be taken
11 and no testimony was received that would
12 weigh the situation in a different light.

13 * * * * *

14 RICHARD SCALI: All right.

15 Reverse de Pizza. Disciplinary action against
16 the incident of June 18th where there was an
17 unconscious person receiving first aid.

18 This is a situation where the employee,
19 waitress/bartender was a friend of a woman
20 who was celebrating her 30th birthday who was
21 drinking, I guess, on the premises, fell

1 three times. And I guess she fell somehow
2 and injured herself. There was a phone call
3 placed at 1:54 a.m. I think it was.

4 ELIZABETH LINT: It was almost two
5 o'clock in the morning.

6 RICHARD SCALI: Two o'clock in the
7 morning for an ambulance.

8 I mean, I guess the problem I'm having
9 with this is that the charges are there was
10 an intoxicated patron. And I guess you have
11 to link that to whether service was observed,
12 whether she was actually served or not.
13 Whether she was drinking before or after.
14 Although I do believe she was probably
15 drinking from seven o'clock to almost two
16 a.m. in the morning because her friend was
17 the bartender.

18 ELIZABETH LINT: Well, the testimony
19 was she was at the bar the entire time, and
20 it's, you know, the bartender had said she
21 had only given her like three drinks or

1 something like that. So, reasonable minds
2 can infer that perhaps that was not entirely
3 truthful. And that it was certainly after
4 hours.

5 RICHARD SCALI: Well, we didn't
6 charge them with after hours?

7 ELIZABETH LINT: I don't think that
8 really came to light until the hearing when
9 there was testimony as to what time the call
10 came in.

11 RICHARD SCALI: Right. I guess I
12 mentioned we could rehear it on the charges
13 of service after hours and -- what was the
14 other thing? There was another issue.

15 ELIZABETH LINT: Over serving.

16 RICHARD SCALI: Over serving.

17 ELIZABETH LINT: Well, but then
18 there's the question of who actually saw it.

19 RICHARD SCALI: Right. I don't
20 think we have any direct observation of
21 someone serving her, that's the issue.

1 DANIEL TURNER: Mr. Chair, the
2 comment was brought up about medications
3 which of course we have no records or
4 testimony --

5 RICHARD SCALI: That's right.

6 DANIEL TURNER: -- one way or the
7 other to say whether there were medications
8 involved which certainly could have been
9 alcohol induced or enhanced which could have
10 caused this condition. So without obviously
11 subpoenaing the medical records or emergency
12 room records.

13 RICHARD SCALI: I mean, I don't have
14 any doubt in my mind that they were serving
15 her drinks. I just don't know what the
16 combination was. I'm sure she was getting a
17 few free ones here and there because it was
18 her birthday. I don't know, how do you --

19 CHRISTOPHER BURKE: There was
20 information provided from one of the patrons
21 that she had fallen a couple of times prior

1 to the police responding to the location. I
2 know there is absent information regarding
3 the type of prescription and any kind of
4 prognosis of what happened at the hospital.
5 The waitress was the friend. I'm surprised
6 that she wasn't able to expand on that a
7 little bit more. I think absent any
8 information, even though she's not a doctor,
9 I think it would have been helpful.
10 Certainly I would think that she would have
11 had some information as to what caused it.
12 And if it was favorable to the establishment,
13 I think that would have been brought to
14 light. But the fact that there wasn't, I
15 think it gives the appearance at least that
16 over serving was the reason why she ended up
17 in the hospital.

18 RICHARD SCALI: So you feel that
19 there's enough to have a connection that she
20 was over served?

21 CHRISTOPHER BURKE: I think so, yes.

1 RI CHARD SCALI : Okay. Do you feel
2 the same way?

3 DANI EL TURNER: Yes.

4 ELI ZABETH LINT: Well , thei r own
5 testi mony was she had been there the enti re
6 ti me.

7 RI CHARD SCALI : Ri ght.

8 ELI ZABETH LINT: So, she di dn' t go
9 anywhere and was cl earl y i ntoxi cated.

10 RI CHARD SCALI : Well , I guess the
11 offi cer --

12 ELI ZABETH LINT: I thi nk you can
13 draw an i nference.

14 RI CHARD SCALI : The offi cer
15 testi fi ed that she had bl ood shot eyes, the
16 sl urred speech and smel led the booze. Al l
17 ri ght.

18 ELI ZABETH LINT: I t' s a reasonabl e
19 i nference.

20 RI CHARD SCALI : Okay.

21 So that' s the onl y charge we have,

1 right, intoxicated person?

2 ELIZABETH LINT: Yes.

3 RICHARD SCALI: I know there was
4 other discussion with regards to people
5 outside and people smoking on the steps and
6 noise. And I don't know whether that -- it's
7 not really related to this particular charge,
8 but it's a --

9 ELIZABETH LINT: Well, as I said at
10 the hearing, what tends to happen with this
11 location is we don't get any complaints. And
12 then once we mark it up for something, I seem
13 to get an influx and it has to do with noise.
14 So Superintendent Williams had provided us
15 with the logs. And what was determined from
16 that, even though there were noise
17 complaints, they weren't necessarily related
18 to Riverside. It's the park down the street.
19 There's, you know, one incident, it was a
20 limousine dropping off people or picking up
21 people. And people assume it's Riverside

1 because of the location, but it's not
2 necessari ly.

3 Smoki ng i s certai nly the i ssue, but
4 agai n, I don' t get any compl ai nts about i t
5 unti l we mark i t up for somethi ng.

6 RI CHARD SCALI : For somethi ng el se.

7 ELI ZABETH LI NT: And I do have
8 Andrea Henderson son moni tori ng i t on a
9 fai rly regul ar basi s. And I know the poli ce
10 department does as wel l .

11 CHRI STOPHER BURKE: Ri ght.

12 ELI ZABETH LI NT: There real ly
13 haven' t been si gni fi cant probl ems.

14 RI CHARD SCALI : Okay.

15 CHRI STOPHER BURKE: I mean, i t i s a
16 maj or i ntersecti on. There i s goi ng to be
17 some l evel of noi se anyway based on the
18 traffi c, but not onl y the foot traffi c but
19 the vehi cle traffi c. And I thi nk wi thout --
20 we do have -- whenever we' re cal led to
21 respond, we do respond and we document

1 whether it's related to a particular
2 establishment, but there's limits to what
3 kind of control the establishment can have
4 with what happens on the public way outside.

5 RICHARD SCALI: All right.

6 CHRISTOPHER BURKE: But we will
7 continue to monitor that and bring anything
8 to the Board's attention.

9 ELIZABETH LINT: I think it might be
10 helpful to have them redo their signs
11 outside. I know, I drive by there every day
12 and I just noticed the other day one of them
13 seemed to be down. But I know they do have
14 signs reminding their patrons not to smoke
15 right out front and to be mindful of the
16 neighbors.

17 RICHARD SCALI: All right. Well,
18 let's deal with the charges first.

19 So, the motion is to find evidence that
20 showed that the person, the unconscious
21 person was actually served, over served on

1 the premises. That the testimony of the
2 officer was that there was slurred speech,
3 bloodshot eyes, odor of alcohol. That she
4 was there on the premises from at least seven
5 p.m. -- 7:30 p.m. until the phone call came
6 in at 1:54 a.m. That she was served at least
7 three drinks according to the bartender,
8 probably more. That she was a friend of the
9 bartender who was serving her for her
10 birthday. And that there was testimony that
11 she fell down a number of times in the
12 premises observed by other patrons.

13 Any other facts the Commissioners want
14 to add to that?

15 CHRISTOPHER BURKE: That she ended
16 up pretty ill.

17 RICHARD SCALI: Therefore, we're
18 finding a violation of intoxicated person,
19 over service.

20 ELIZABETH LINT: I'll put the
21 specific ruling.

1 RICHARD SCALI: Yes, I'm not sure
2 how you want to put the charges.

3 ELIZABETH LINT: Yes.

4 RICHARD SCALI: All right. So
5 that's a motion on that.

6 CHRISTOPHER BURKE: Second.

7 RICHARD SCALI: Moved and seconded.
8 All in favor?

9 CHRISTOPHER BURKE: Aye.

10 DANIEL TURNER: Aye.

11 RICHARD SCALI: As far as penalty?
12 Do you have a history on them, Mrs. Lint?

13 ELIZABETH LINT: Let's pull that
14 out.

15 RICHARD SCALI: I think they have a
16 previous --

17 ELIZABETH LINT: I don't think they
18 have something similar. It really was just
19 noise violations I believe in the past.

20 RICHARD SCALI: So it's a first time
21 offense for alcohol, an alcohol issue?

1 ELIZABETH LINT: I believe so.

2 RICHARD SCALI: So typically on a
3 first offense it would be either a warning or
4 a one-day suspension depending on the
5 severity of the offense. That's our usual
6 progressive discipline. A warning with a
7 six-month review without any problems.

8 Does that sound reasonable,
9 Commissioners?

10 CHRISTOPHER BURKE: I think that is
11 reasonable.

12 RICHARD SCALI: So then motion for a
13 warning with a six-month review if no further
14 problems or issues. That's moved. Seconded.

15 CHRISTOPHER BURKE: I'll second
16 that.

17 RICHARD SCALI: Seconded.

18 All in favor?

19 CHRISTOPHER BURKE: Aye.

20 DANIEL TURNER: Aye.

21 RICHARD SCALI: All right. As far

1 as the other issues go, I think that's the
2 noise and the smoking and the signs,
3 continued.

4 Motion for continued monitoring by
5 License Commission investigators and police.
6 For the signs out front to be replaced.
7 Anything else? Anything else you wanted them
8 to do?

9 CHRISTOPHER BURKE: That's it.

10 RICHARD SCALI: That's it.

11 ELIZABETH LINT: I would suggest
12 maybe to continue to be vigilant about
13 monitoring their patrons.

14 RICHARD SCALI: Continued vigilance
15 on monitoring patrons on the sidewalk out
16 front for noise and I guess littering, I
17 guess. I'll put cigarettes and stuff.
18 That's a motion.

19 CHRISTOPHER BURKE: Second that.

20 RICHARD SCALI: Moved and seconded.

21 All in favor?

1 DANIEL TURNER: Aye.

2 CHRISTOPHER BURKE: Aye.

3 RICHARD SCALI: All right.

4 * * * * *

5 ELIZABETH LINT: Basha.

6 RICHARD SCALI: Basha Cafe for a two
7 a.m. license.

8 ELIZABETH LINT: That actually you
9 continued indefinitely until they finished
10 all the repairs in accordance with the ADA
11 requirements. And I have not heard from
12 them. Mr. Markarian was told to contact me
13 when all that was done and he has not.

14 RICHARD SCALI: Did you say you went
15 by there?

16 DANIEL TURNER: Yes, Mr. Chairman.
17 I went by the establishment on Monday and the
18 ramp in question is still under construction.

19 RICHARD SCALI: Still working on it?

20 DANIEL TURNER: Yes.

21 RICHARD SCALI: All right. So, we

1 do want to see that completed before we hear
2 this again or consider it?

3 CHRISTOPHER BURKE: I think that's
4 appropriate.

5 RICHARD SCALI: All right.

6 So then motion again then to as we've
7 voted before to continue until the ramp and
8 architectural issue is resolved to be placed
9 back on the agenda for vote upon notification
10 from Mrs. Lint. That's moved.

11 CHRISTOPHER BURKE: Second.

12 RICHARD SCALI: Moved and seconded.

13 All in favor?

14 CHRISTOPHER BURKE: Aye.

15 DANIEL TURNER: Aye.

16 RICHARD SCALI: All right.

17 * * * * *

18 ELIZABETH LINT: Cambridge House.

19 RICHARD SCALI: Let's see, Cambridge
20 House. Oh, Hong Liu?

21 ELIZABETH LINT: That's the one.

1 RICHARD SCALI: Disciplinary for not
2 having a lodging house at 2210 Mass. Avenue.

3 ELIZABETH LINT: They're going
4 before the BZA on September 30th for a
5 Variance.

6 RICHARD SCALI: September 30th
7 Variance. So we want to know the outcome of
8 that, right?

9 ELIZABETH LINT: Well, it might be
10 helpful.

11 RICHARD SCALI: I think they'll
12 probably work out a lot of the issues at that
13 particular time, too, with the neighbors.
14 That usually happens at the Zoning hearings
15 whether that's going to be allowed or not.

16 ELIZABETH LINT: It's not so much an
17 issue with the neighbors as it is with
18 Inspectional which is how it came to us and
19 also through assessors.

20 RICHARD SCALI: So they still have
21 to work out issues with them.

1 ELIZABETH LINT: Yes.

2 RICHARD SCALI: All right. So we
3 probably want to continue this until that's
4 settled. Does that sound reasonable?

5 CHRISTOPHER BURKE: Yes.

6 RICHARD SCALI: And put it back on
7 the agenda.

8 ELIZABETH LINT: First hearing in
9 October?

10 RICHARD SCALI: Yes, that would make
11 sense. Continue it to the first hearing in
12 October following results on the BZA and
13 issues to be resolved. That's moved.

14 CHRISTOPHER BURKE: Second that.

15 RICHARD SCALI: Seconded. All in
16 favor?

17 DANIEL TURNER: Aye.

18 CHRISTOPHER BURKE: Aye.

19 ELIZABETH LINT: And I think that's
20 it. That's all I have.

21 RICHARD SCALI: Nothing else?

1 Oh, New Asia. Deputy Chief asked about
2 New Asia. The no show of New Asia.

3 ELIZABETH LINT: We put her on for
4 next week.

5 RICHARD SCALI: Okay.

6 ELIZABETH LINT: Oh, and actually I
7 spoke to Attorney Crane now that I think of
8 it, and he represents the landlord and they
9 have an execution. So that's on file with
10 us.

11 RICHARD SCALI: To attach the
12 license?

13 ELIZABETH LINT: I believe so. She
14 owes them. So we'll see what happens.

15 RICHARD SCALI: That's another
16 scenario then.

17 ELIZABETH LINT: Yes.

18 RICHARD SCALI: All right. Motion
19 then to adjourn. Moved.

20 CHRISTOPHER BURKE: Second that.

21 DANIEL TURNER: Second.

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RICHARD SCALI: All in favor?

(Aye.)

(Whereupon, at 10:45 a.m., the
meeting adjourned.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand 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
this matter.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 13th day of September 2010.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

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