CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

MICHAEL GARDNER, CHAIRMAN
GERALD REARDON, FIRE CHIEF

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

_____

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

DATE: Tuesday, July 23, 2013

TIME: 6:30 p.m. to 9:00 p.m.

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**P R O C E E D I N G S**

EXECUTIVE DIRECTOR ELIZABETH LINT: I want to apologize.

The Chairman is going to be a few minutes late coming from another hearing.

We can do the basics. If you have a cell phone on, please shut it off, and fire exits, that door is to remain open at all times, please. This is also a fire exit.

FIRE CHIEF GERALD REARDON: There's no one there now, but people need to refrain from standing in the doorway during the meeting. I appreciate your cooperation.

Hopefully he'll be here shortly.

EXECUTIVE DIRECTOR ELIZABETH LINT: If anyone is here for the first matter on the agenda, the Informational Pentecostal Tabernacle Church hearing, that matter has been continued to September 10th.

(Chairman Gardner arrives at 6:30 p.m.)

EXECUTIVE DIRECTOR ELIZABETH LINT: I already did the cell phone thing and the first matter has been continued.

We didn't know what else to do.

The meeting of the License Commission, Tuesday, July 23, 2013, it's 6:27 p.m. we're in the Michael L. Lombardi building at 831 Mass Ave, Basement Conference Room.

Before you're the Commissioners: Chairman Michael Gardner and Chief Gerald Reardon. There's no representative of the Police Department tonight.

**DISCIPLINARY: Moska, LLC D/B/A Moska TAPAS LOUNGE/NAGA**

The first matter is Disciplinary: Moska, LLC d/b/a Moska Tapas Lounge/Naga, Taslim Chowdhury, Manager, holder of an all alcoholic beverages as a restaurant license at 450

Massachusetts Avenue due to a police report received by the License Commission regarding an incident that happened on Friday, June 21, 2013 at approximately 2:00am.

I know they're here.

JAMES WILLIAMSON: For those who may not know and would be interested as to what is happening with the Magazine Street Tabernacle --

EXECUTIVE DIRECTOR ELIZABETH LINT: I already announced that. It has been continued to September 10th.

JAMES WILLIAMSON: I wasn't here.

COMMISSIONER MICHAEL GARDNER: Good evening. My name is Michael Gardner. I'm currently the chair of the Commission and also serve as a representative to the City Manager on the committee for certain forms of collective bargaining.

We had a meeting of the School Committee

tonight that began at 4:30. I had hoped to be done and able to get here by 6:00. That wasn't possible. It's a function of my wearing one too many hats, at least this evening, and my apologies to both the parties who are currently up at the table and to all of the rest of you in the room who have had to wait and be inconvenienced because of my schedule.

If there was any way I could have avoided it, I would have done so.

I understand that all the names have been spelled in the record, but why don't we just go and for the record and the benefit of the audience, identify yourselves, please.

Mr. Hope?

ATTY. SEAN HOPE: Good evening, Mr Chairman and members of the Commission.

For the record, Sean Hope, Hope Legal Law Offices in Cambridge on behalf of the applicant

Moska, LLC and Naga.

OFFICER HECTOR VICENTE: My name is Officer Hector Vicente, I'm with the Cambridge Police.

RENATO RODRIGUEZ: Renato Rodriguez, operations manager for Naga.

CHAIRMAN MICHAEL GARDNER: Officer Vicente, tell us about the incident that brings us here this evening.

OFFICER HECTOR VICENTE: If I may, sir, I have provided the reporter a report. I would like to read from the report so I give an accurately detail of what happened that night.

On the above date and -- on June 21, 2013, I, Officer Vicente, assigned to Central Square, working with my partner, Officer Joe Kelley.

During my shift, I conducted several 86s around the Central Square area for ATMs, checking

for homeless on Massachusetts Avenue and Brookline Street for visibility, then I proceeded to 450 Massachusetts Avenue to monitor a small crowd blocking the sidewalk in front of Naga.

At approximately 11:56 a.m., while monitoring the crowd outside Naga, which is located at 450 Massachusetts Avenue, Cambridge, I noticed the sidewalks in front of the establishment were being obstructed. This is a problem as hundreds of people utilized the sidewalk to go to other establishments around the area. I also noticed citizens were bumping into other people as they attempted to cut through the crowd.

I asked both managers, Alex Perez and Renato Rodriguez, to assign a security to clear and monitor the crowd blocking the sidewalks and to reestablish a better waiting line.

Security was called and the sidewalks

were quickly clear.

Moments later, the sidewalks in front of the Naga were obstructed again.

I informed security to continue moving the crowd in front of Naga. Management and security were told multiple times to continue moving the crowd, but were unable as the crowd began uncooperative.

The integrity of the waiting line was compromised and the connection with patrons out in the sidewalk began to deteriorate.

I proceeded to notify the owner of the Naga, Mr. Solomon Chowdhury, and explained to him that it was imperative that he calls someone to deal with the sidewalks and the problems with patrons in the waiting line.

Apparently, there were many people in line wearing sneakers and were told by security that strict dress code was being enforced.

I was present when security announced it and people would not move out of the line. As this went on, the sidewalks were being obstructed again.

At 12:48 a.m., I called ECC and requested the wagon and units to respond to Naga to assist me in moving an uncooperative crowd who were refusing to clear the sidewalks.

While I was waiting for units to arrive, I began giving verbal commands to the crowd to clear the sidewalk. Some patrons moved, some refused and ignored me.

Once the units arrived, we began clearing the sidewalks. Patrons wearing sneakers were dispersed and the line was restored.

Moments later, another group of males arrived wearing sneakers and management granted access to the club.

I approached management and expressed to

them how disappointed and unfair their system was in dealing with patrons at the door. I told them that units were called to assist them with uncooperative and belligerent patrons whom were not in compliance with a strict dress code in front of his club, yet moments later, access was given to a different group not in compliance with the rules.

At about 1:05 a.m., Sergeant Cabral cleared all units from 450 Massachusetts Avenue. As we were leaving, I told Sergeant Cabral that most likely we will be returning to Naga.

I proceeded to conduct a direct patrol in the area of Massachusetts Avenue and Pleasant Street. The area at this location was quiet and peaceful.

At approximately 1:58 a.m., Car 3, Officer Bill LaMonica broadcasted over the radio a fight in progress in front of Naga, 450

Massachusetts Avenue, Cambridge, Mass. Units were dispatched.

Upon my arrival, I could see a large crowd fighting in front of the Naga Club. Meanwhile Massachusetts Avenue was obstructed and traffic came to a complete stop.

The crowd began spilling into the middle of Massachusetts Avenue. The scene was chaos. Suddenly, several patrons began throwing punches at each other and the crowd began closing a circle around the males fighting.

Along with multiple officers, I ran into the crowd pushing people trying to break the fight of multiple males.

As I ran into the crowd, I was pushed from behind, fell to the ground and landed on my knees and someone fell on top of me.

I pushed that individual off and quickly got up and assisted Officer Ryan Callinan with

one of the suspects who was throwing punches.

The subject was prone and cuffed.

As a result of the brawl, three individuals were taken into custody. After placing the prisoners in the wagon, Sergeant Cabral called for more units as the fights spilled in the middle of Massachusetts Avenue.

By this time, every Cambridge unit working the last half shift, along with MIT Police, were in Central Square.

While trying to restore Massachusetts Avenue, Sergeant Cabral and I noticed approximately 50 to 100 people were gathered inside and outside the Hi-Fi Pizza. Concerned that Hi-Fi Pizza was going to be the area of more violence, the establishment was forced to close.

We assisted the employees of the Hi-Fi Pizza in clearing the establishment.

It took a great deal of work and patience

to restore the peace in Central Square. Shortly after, units began clearing the area.

Afterwards I went to the Naga Club with Sergeant Cabral to collect information. While Sergeant Cabral interviewed Mr. Alex Perez and Mr. Solomon Chowdhury, I had a chance to interview one of the security of Naga who was working the inside of the club. His name is Sherwick J. Richardson, 4/20/73. Mr. Richardson stated that there was a commotion in the club. He could not make out what the problem was. He proceeded to cut through the crowd. By the time he got to the affected area, the fight was moving to the front door (Mass Ave entrance), onto the sidewalk. Due to the amount involved, he was not able to determine who was involved.

Mr. Chowdhury and Mr. Rodriguez and Mr. Perez were advised that a report was being generated to the Licence Commission.

Management then was notified and advised a report was being generated.

I should say right now in addition to this, and a positive notice, after speaking with Renato that night, he assured me that they were no longer going to promote the hip-hop shows on Thursday night.

As a result of that, we haven't gotten one incident since June 21st. I've worked two details with them from June 21st to the present time and both times the club was packed, not at full capacity, but no incident occurred within that time.

I've seen an improvement on the security. I've seen the integrity of the line has been taken serious at this time. Renato and his security staff have been more tough on the dress code, and I notice also that security in front of the building usually starts clearing the crowd if

they gather in front.

So there's been an improvement since June 21, 2013.

CHAIRMAN MICHAEL GARDNER: My understanding is that in addition to whatever assault or physical contact you had and being pushed to the crowd, one or more of the other officers were also assaulted had some injuries that evening.

OFFICER HECTOR VICENTE: As a result of this incident three people were arrested. One officer, besides myself, was assaulted, however, he did not sustain any physical injuries. He was able to get up and go to work the next day.

Also, the Hi-Fi Pizza was affected by this incident.

CHAIRMAN MICHAEL GARDNER: And do I also understand that in the end the sergeant or --

OFFICER HECTOR VICENTE: Cabral.

CHAIRMAN MICHAEL GARDNER: -- who was in charge decided to pull all mobile units in the city to this incident?

OFFICER HECTOR VICENTE: Yeah. Shortly after we had approximately 12 officers at the beginning around 2:00, we had approximately 12 officers. We did not want go into the crowd when we're outnumbered.

So what we did is regrouped in the middle of Massachusetts Avenue and when the violence and punches started, that's when we proceeded to make arrests.

CHAIRMAN MICHAEL GARDNER: About how long was the disturbance going on, including the obstruction of traffic from 1:58 a.m., which is approximately when the call came in about the fight until you were finally able to essentially say the matter was ended?

OFFICER HECTOR VICENTE: 1:58, to the

best of my recollection, it was close to 3:00.

CHAIRMAN MICHAEL GARDNER: So more than an hour, or about an hour?

OFFICER HECTOR VICENTE: About an hour. More than an hour. People who -- officers were working detail actually responded and assisted in traffic control as well.

CHAIRMAN MICHAEL GARDNER: Do you have a perspective or a thought on what steps could've been taken by the club earlier to help prevent the situation that did occur, both from your original contact, when you were there, in terms of the problems with the line and also at 1:58, if anything?

OFFICER HECTOR VICENTE: I couldn't really tell. I can't really tell on that because even there was some type of integrity in the line, dress code. Even if they did that, possibly maybe a fight wouldn't happen in the

rear. That's really hard to predict.

CHAIRMAN MICHAEL GARDNER: In your point of view, could they have done a better job of controlling the line outside of the club?

OFFICER HECTOR VICENTE: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

Chief?

FIRE CHIEF GERALD REARDON: So on that particular night, let me ask from the establishment, who were the crowd control managers, do we have that record?

RENATO RODRIGUEZ: Yes.

FIRE CHIEF GERALD REARDON: Do you know what your capacity was when you were outside and how you were managing?

RENATO RODRIGUEZ: At the time I believe our capacity was around 250 and 300. The line was held outside, we had a celebrity guest that night and we were walking him through the back,

and we stopped the line outside, and that's when I believe Officer Vicente brought to my attention that the lines --

FIRE CHIEF GERALD REARDON: So how do you work the line, the crowd management at that point.

RENATO RODRIGUEZ: We go outside with a couple of security, line up whoever can't come in for whatever reason, whether it be a dress code, we ask them to step out of the line and leave. Sometimes they do. Sometimes they get out of the line and hang around in front on the sidewalk.

FIRE CHIEF GERALD REARDON: So if you're at capacity or almost at capacity, what do you tell the crowd outside in terms of chances are it's not going -- the crowd isn't going to flip that quick.

RENATO RODRIGUEZ: We never do. Once we're at capacity, we shut the doors down and

tell everybody nobody is coming in. Even if patrons are exiting. At any night we're at capacity, once we reach our capacity, no one else gets in.

FIRE CHIEF GERALD REARDON: I guess I'm having a little trouble understanding how would it be that people hang around with basically no hope of getting in if it's explained to them.

RENATO RODRIGUEZ: That's an issue we deal with on a regular basis. Once we hit capacity, no one gets in. People want to hang out and argue. We explain to them "Nobody is getting in. Please go to another establishment or go home. Come back next week."

But, unfortunately, we have those individuals that like to hang out.

FIRE CHIEF GERALD REARDON: Was that explained clearly to any of the crowd?

RENATO RODRIGUEZ: Please don't hang out.

We tell them please go on. Most people are complaint. Sometimes people don't want to listen to us. We have a detail on duty and we ask the detail to get them to move along. But once they were on the sidewalk, you know, other than explaining to them that they need to continue on.

FIRE CHIEF GERALD REARDON: Do you think there's a correlation to the type of venue you have on and some of these issues?

RENATO RODRIGUEZ: What do you mean?

FIRE CHIEF GERALD REARDON: A particular act or a particular show that night draw more or have more -- certain venues have are more problematic than others in terms of --

RENATO RODRIGUEZ: I mean, it's hard to say. Usually we have guests -- that night we had a celebrity in the building. And whether it be an athlete or actor or whatnot, we usually get a big influx of people. Many, many times we reach

capacity early in the night and then we stop.

FIRE CHIEF GERALD REARDON: Do you normally higher more on those nights, security-wise?

RENATO RODRIGUEZ: That's correct.

FIRE CHIEF GERALD REARDON: What about police detail?

RENATO RODRIGUEZ: We ask for two or three details.

CHAIRMAN MICHAEL GARDNER: Is it my understanding that you weren't at capacity that night, in fact, you were letting people in? You just stopped the line while you brought the celebrity in?

RENATO RODRIGUEZ: That's correct.

CHAIRMAN MICHAEL GARDNER: Mr. Hope, do you have more you want to add?

ATTY. SEAN HOPE: I want to make a point on June 24th, they weren't at capacity. And I

believe when Officer Vicente came in it was closer to 11:45 p.m. or early in the night, so there wasn't an issue of people being outside and they didn't get let in.

I think you were starting to explain why you felt there was a line in front at that particular time as opposed to later at 2:00 a.m. when there was an altercation that occurred. I think it's important to distinguish that. I don't know if you fully explained why there was a crowd and you felt that Mr. Vicente had to come.

RENATO RODRIGUEZ: Around that time, there was a number of individuals who couldn't get in because of dress code. There's a couple individuals who we identified cause problems in our venue before and we don't let them in at all. A lot of times the guys -- there's a group of them. We tell them they can't come in and they hang out on the sidewalk. Sometimes they'll move

a little further down or go across the street, but they usually stay within the vicinity.

ATTY. SEAN HOPE: Say what happened that night in the background.

RENATO RODRIGUEZ: At the end the night?

ATTY. SEAN HOPE: Yeah, it ties into it.

RENATO RODRIGUEZ: At the end of the night prior to the fight starting, there was a group individuals sitting on a car. When the owners of the car -- there was a group of them that came in and starting arguing with the guys that were sitting on the car. Our security was trying to disburse the situation.

The Police Department was on the scene and right there, and the fight broke out.

ATTY. SEAN HOPE: Not to cut you off. It's relevant about the dress code. I don't think you tied in them trying to get in. The dress code and what was in Officer Vicente's

report. Explain to them this is the group -- why the group was waiting there later in the night.

RENATO RODRIGUEZ: Well, they couldn't get in. We told them they couldn't come in because of the dress code. They hung out outside. We asked them to move. We moved right in front of the hardware store, which is right next to our building, and they were hanging out on that bench pretty much the whole night.

CHAIRMAN MICHAEL GARDNER: Anything more you want to add, Mr. Hope?

ATTY. SEAN HOPE: Not at this time.

CHAIRMAN MICHAEL GARDNER: From either of you or Mr. Chowdhury, any belief there's anything you could've done different or should have done different that evening to make the situation better?

ATTY. SEAN HOPE: One thing I would like to add and I think Mr. Rodriguez started off with

that. So the promoter for that night, there's been a couple incidents with him and we have been before the Commission. That promoter is no longer at the establishment. That's a major change that would have prevented issues that night and previous nights. There was some discussion from the Commission previously that the promoter might've been the issue. And I think it was pretty clear this last Thursday night that the promoter was a large part of the problem and maybe it's not the type of music, maybe it's the volume of the crowd, but there was enough incidents which led to the operation no longer having that.

Mr. Vicente commented since that day there hasn't been any more incidents, specifically on this Thursday night. Another piece that Mr. Rodriguez touched on was the dress code. One thing we talked about prior was the

dress code. There's a certain group Mr. Rodriguez mentioned that comes and starts the problem. They're using the dress code to be able to try to keep that element from coming in.

Part of the challenge in Central Square because it's college and because of Central Square, you have people coming for dinnertime and they may be in sandals and shorts. Not everybody is dressed to go to the club, and part of the challenge is separating the people who are coming in, college kids versus this other element that's being attracted to this club regardless of the promoter, but we felt the promoter was the big issue.

Those two things really being stricter, with the dress code, which they have done, and also not having a promoter are two major changes would have helped alleviate some of the situation happening.

CHAIRMAN MICHAEL GARDNER: At least from my perspective, the idea is maybe it's the promoter issue came more from the club than the Commission itself. But that's really neither here nor there.

We heard from Officer Vicente about the lack of issues since that day which, I guess, is probably about three Thursdays so far, maybe four.

Any other questions?

FIRE CHIEF GERALD REARDON: Do we know officially because you're required to, who the crowd control man was on that night?

RENATO RODRIGUEZ: Me.

FIRE CHIEF GERALD REARDON: How do you actually keep head counts or do you have someone doing head counts?

RENATO RODRIGUEZ: We have a head count. The front door guy has a head count. In the

middle of the dining room in the entrance to the nightclub, we have capacity control in the back, and we also have a digital counter that counts people coming into the restaurant and also people into the nightclub.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Seeing none -- Ms. Lint, we have a date?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have some information as well, though.

I have letter from Councilor vanBeuzekom as well as Councilor Cheung, basically both stating the same thing that this establishment becomes part of the Central -- the fabric that's making up Central Square, and they're trying very hard to follow all the rules and regulations that the Commission has set forth.

I would add to that, that at the last hearing that the Board asked that Central Square Business Association facilitate a meeting which happened last week. And they were very amenable to all suggestions that Deputy Albert made. And I believe they will be meeting again to put everything in place. But many of these establishments were there and most of them were onboard with the recommendations. So I think it's a very positive move.

CHAIRMAN MICHAEL GARDNER: And do we have the prior disciplinary matter for this establishment still on the decision schedule?

EXECUTIVE DIRECTOR ELIZABETH LINT: We do. We don't have a date as of right now. Superintendent Burke is needed for that hearing. And we will be on vacation on the date that we had picked because we're inconveniencing Attorney Hope and the establishment, I suggested that they

contact me with a date that is convenient for them after August 16 and we'll put it on at that time. We can put both matters on at that time.

CHAIRMAN MICHAEL GARDNER: I'll make the motion that this matter be deferred generally until a specific decision hearing which will be scheduled at a time which is mutually convenient to all parties.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Good. Any new issues with that, Mr. Hope?

ATTY. SEAN HOPE: No. I didn't know if procedurally whether or not -- I know there may have been some people that came to speak. Pleasure of the Commission.

CHAIRMAN MICHAEL GARDNER: I gave the opportunity -- I did give the opportunity. If I -- if I moved too fast and anybody that wants to be heard, I'll listen to them. I see

somebody.

Mr. Smith, if you can identify yourself for the record, I'd ask you to spell your last name.

TERRENCE SMITH: Terrence Smith, T-E-R-R-E-N-C-E, Smith, Director the Government Affairs with the Cambridge Chamber of Commerce. I'm here -- I spoke with Robin Peters from the Central Square Business Association about the work that they're doing with the restaurants in the Central Square cultural district to deal with the number of issues related to all the establishments, and the chamber thinks that's a positive way forward to address the issues as Central Square becomes, as the councilor said, an important part of the fabric of our community and this establishment is part of that fabric.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very

much.

Well, with regard to that, I think we would all agree that Central Square has always been an important part of cultural fabric of the community. And clearly, it's an area which is evolving. I think the Commission has the concern that the matter of the liveliness and vibrancy of the district and of the establishments and business that's generated there is all well and good, but we cannot be consistently restricting the rest of the city to deal with police protection to deal with outside incidents around this establishment or any others in the area.

So, it's imperative that on many different fronts, promoter, cooperativeness, involvement of the chamber, and other ways, more advice from the public safety agencies, we find a holistic solution to this issue or the fabric will change, because this can't stand.

ATTY. SEAN HOPE: One more procedural question. We feel with the changes that are going to happen internally as well as with the greater Central Square restaurant community, these kinds of incidents won't happen to the best of our ability. But from a procedural question, in the event that there's an altercation outside, is it the practice of the Commission to always bring -- not always -- but to bring the licensee for a disciplinary hearing versus an informational, or is it really the contents of the police report that makes that decision?

CHAIRMAN MICHAEL GARDNER: I think that the Police Department brings to the License Commission's attention incidents which it believes the License Commission should be aware of to be able to address it in an appropriate way. That happened, I think, with all three of the incidents, different dates that we have under

consideration here. I think that other incidents happen in the city that don't necessarily come to our attention. Not every shoving match is one that we hear about.

ATTY. SEAN HOPE: It's the discretion the officer at which point --

CHAIRMAN MICHAEL GARDNER: Well, it's the Police Department.

OFFICER HECTOR VICENTE: If I can echo to that. That's something I wanted to say earlier is that it appears I'm always here and I'm always at this office here. I wanted to clear the channels on that. If something happens and -- in the establishment, a liquor license, I don't take it up by myself. The sergeant mandates myself or any officer who works in the square to do a record which later goes to the License Commission. They review it and if they see it as maybe a violation, they call us in

here. That's my understanding of how it works.

CHAIRMAN MICHAEL GARDNER: We'll take it -- Ms. Lint is nodding her head in agreement with that summary.

Does that answer your question, Mr. Hope?

ATTY. SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

Thank you all for coming. We wish you continued good luck, good management and good common sense in running your establishment over the rest the summer and until we meet again.

**APPLICATION: WILL-GEORGE, INC**

**D/B/A FRANK'S STEAK HOUSE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Will-George, Inc d/b/a Frank's Steak

House, William Ravanis, Manager, holder of an all alcoholic beverages as a restaurant license at 2310 Massachusetts Avenue has applied for an alteration of premise to include a seasonal outdoor patio on the public sidewalk for 5 tables and 14 seats. The patio seats will be taken from the inside capacity.

CHAIRMAN MICHAEL GARDNER: Please come forward. I ask you to state and spell your last name for the record and identify yourself.

WILLIAM RAVANIS: William Ravanis. I'm director of operations for Frank's Steak House in North Cambridge, Will-George Inc., doing business as Frank's Steak House.

CHAIRMAN MICHAEL GARDNER: Tell us briefly about your plan.

WILLIAM RAVANIS: We're looking to put five tables outside on the sidewalk, three tables of two and two tables of four with flower

planters acting as barriers. I met with Lynn Best and William Dwyer from the sidewalk and DPW. They approved our plan because we actually set it physically up for them. Showed it to them. We have the appropriate handicap access. We supersede the amount of sidewalk space for wheelchairs.

CHAIRMAN MICHAEL GARDNER: And alcohol will be served there?

WILLIAM RAVANIS: Not until we get approved. My understanding is we have to be approved here and then reply to the ABCC and go from there. We'll be serving food there.

CHAIRMAN MICHAEL GARDNER: You have the barriers to restrict that?

WILLIAM RAVANIS: We'll have the barriers. It will be the matter of putting ropes and clips.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

wasn't aware this was an alcohol application. It was not advertised as an alcohol application.

WILLIAM RAVANIS: Okay.

FIRE CHIEF GERALD REARDON: This is coming.

CHAIRMAN MICHAEL GARDNER: I guess my question is why haven't you done this before?

WILLIAM RAVANIS: I tried last year. And I misunderstood how you go about doing it and I re-read the regulations this year, and it was far simpler than I thought and I went ahead and did it.

EXECUTIVE DIRECTOR ELIZABETH LINT: We're going to need the City Manager's agreement. I don't know if you have a copy of that. You need to see Chris in the office tomorrow because that has to -- I know you have the insurance policy, but we need that to go through the city solicitor.

FIRE CHIEF GERALD REARDON: What does he have to give them?

EXECUTIVE DIRECTOR ELIZABETH LINT: City Manager's agreement. The contract with the city.

WILLIAM RAVANIS: From?

EXECUTIVE DIRECTOR ELIZABETH LINT: From our office.

WILLIAM RAVANIS: Your office, okay.

CHAIRMAN MICHAEL GARDNER: Any questions, Chief?

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Come forward and state your name for the record.

DENISE JILLSON: Denise Jillson, J-I-L-L-S-O-N. I'm a neighbor. 2203 Massachusetts Avenue in North Cambridge. So

excited he is finally having an outside patio. It's about time. That's all I have to say and I hope you will reserve me a table out there.

WILLIAM RAVANIS: We'll name one after you.

CHAIRMAN MICHAEL GARDNER: Any other members of the public that would like to be heard?

Please come forward and we'll take you as Mr. Terrence Smith.

TERRENCE SMITH: Just as a -- George is a former member of our board. He's no longer a member of the chamber. He'll be coming back, though. There's a number of establishments on north Massachusetts Avenue that have opted to have outside door seating. It seems to be very successful in the neighborhood and we hope it would be successful at Frank's Steak House.

CHAIRMAN MICHAEL GARDNER: Thank you.

Any other members?

Seeing none.

EXECUTIVE DIRECTOR ELIZABETH LINT: Have you been to City Council yet for approval?

WILLIAM RAVANIS: Yes.

CHAIRMAN MICHAEL GARDNER: So I will make the motion to approve the outdoor seating as described in the application and on the agenda, but subject to completion of all the other paperwork which is required.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Good luck with the rest of the process. I hope you navigate it without any more trouble.

**APPLICATION: STAR MARKETS COMPANY, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll help you.

Application: Star Markets Company, Inc., James Hegarty, Manager, holder of an all alcoholic beverages as a package store at 675-699 Mount Auburn Street has applied for a change of manager to Debra L. Heffernan, change of officers/directors, and a change of beneficial interests.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you would be so kind as to state and spell your last names for the record and identify your role with the application.

ATTY. TRISH FARNSWORTH: Good evening, Mr. Chairman and Chief. Trish F-A-R-N-S-W-O-R-T-H, I'm an attorney representing the applicant.

CHAIRMAN MICHAEL GARDNER: And your role,

sir?

WILMAR RUIZ: My name is Wilmar Ruiz. W-I-L-M-A-R R-U-I-Z, assistant director of the store.

CHAIRMAN MICHAEL GARDNER: Go ahead, Ms. Farnsworth.

ATTY. TRISH FARNSWORTH: We're here on an application. This is Star Market on Mount Auburn Street. They have had an all alcoholic beverages license for years. And this particular application is to notify and apply for change of beneficial ownership. Years ago Albertsons owned the Star Markets and Shaw's. They sold them to Super Value, which was a public company. And Super Value has now sold -- they sold them back to -- to a company called Zippers, it's a private equity. So it's all privately held. It went public to privately held. And there's other stores involved, you know, Albertson, Drew Osco.

It's a huge transaction across the nation, at 1.2 billion dollars. It's at the very top level. It's a change of beneficial interest. But at the store level, there's no change except for changes of officers and directors.

So we put all of those names with their required disclosures in the application. And then also it's noted that Ms. Heffernan did apply for the change of manager previously and was approved, went to the ABCC, but for some reason someone dropped the ball basically and that was never officially approved so that application was withdrawn. And we're putting this one in. And she, unfortunately, couldn't be here this evening and that's why I asked the assistant manager to come in case you had any operational questions.

CHAIRMAN MICHAEL GARDNER: How long has she been functioning in that role?

ATTY. TRISH FARNSWORTH: In the past two

years.

CHAIRMAN MICHAEL GARDNER: Any issues? Disciplinary matters?

EXECUTIVE DIRECTOR ELIZABETH LINT: She was approved two years ago. It just got stuck in the ABCC.

CHAIRMAN MICHAEL GARDNER: So we believe it's a paperwork issue with the ABCC?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, absolutely.

CHAIRMAN MICHAEL GARDNER: Questions?

FIRE CHIEF GERALD REARDON: No. The question was what happened because I do remember the case.

ATTY. TRISH FARNSWORTH: They never had a disciplinary issue.

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

ATTY. TRISH FARNSWORTH: It's well-run.

CHAIRMAN MICHAEL GARDNER: Any other

general grocery stores in Cambridge that have an all alcoholic beverages license?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. There's Whole Foods that has a wine and malt.

CHAIRMAN MICHAEL GARDNER: Okay. Is this unusual for a grocery store to sell all alcohol?

ATTY. TRISH FARNSWORTH: It's not unusual. Typically it's beer and wine, but there are some with all alcohol.

CHAIRMAN MICHAEL GARDNER: And we have not had issues?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not at all.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard?

Seeing none, I make the motion to approve the application to change the manager to Debra Heffernan, to change the officers and directors and to approve the change of beneficial

interests.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

You were faced with such a rough grilling this evening.

ATTY. TRISH FARNSWORTH: We actually will be back. Part of the plan with the new ownership is they will be renovating stores and they're developing plans and there may be an application filed for a change of premises with a different layout with alcohol involved, so we need to do that.

**APPLICATION: CANCUN MEXICAN GRILL, LLC D/B/A CANCUN TAQUERIA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cancun Mexican Grill, LLC d/b/a Cancun Taqueria, Areli Sahagun, Manager, has applied for a common victualer license to be exercised at 1105 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 60 inside and 4 outdoor seasonal patio seats on private property. The hours of operation will be 11:00am to 1:00am, seven days per week.

CHAIRMAN MICHAEL GARDNER: Good evening. If you would please state and spell your last names for the record and also identify your role with the application?

ARELI SAHAGUN: Areli Sahagun, A-R-E-L-I, S-A-H-A-G-U-N, owner manager.

FELIX SANTANA: Felix, F-E-L-I-X, Santana, S-A-N-T-A-N-A, manager of the

restaurant.

CHAIRMAN MICHAEL GARDNER: Tell us about the plan, please, and your experience in this kind of work.

ARELI SAHAGUN: The plan is to open up a Mexican restaurant, an authentic Mexican restaurant. We have been opening restaurants all our lives. Our parents come from the restaurant business as well as we do.

We're a hundred percent authentic. We have everything fresh. Our menu is simple, affordable for students as well as the community.

FELIX SANTANA: What she said is we have been in the restaurant business pretty much all our life because of our family.

Our recipe comes originally from California all the way up to the pacific northwest and we want to bring it over to the east coast and we have been scoping out the area

for two years now, and it's finally happening and we want to get started.

ARELI SAHAGUN: Right.

CHAIRMAN MICHAEL GARDNER: In terms of the experience you have in the restaurants that you owned and/or managed in the past, any of them been in Massachusetts?

ARELI SAHAGUN: No.

CHAIRMAN MICHAEL GARDNER: Are you still involved in the active management of any other restaurants outside of the state or will you be focused on this?

ARELI SAHAGUN: Focused here.

CHAIRMAN MICHAEL GARDNER: And what was in the space prior to this plan?

ARELI SAHAGUN: Lamole Pizzeria, a Brazilian --

FELIX SANTANA: Italian pizza place.

FIRE CHIEF GERALD REARDON: This is the

lower level?

ARELI SAHAGUN: Under Dolphin.

FELIX SANTANA: As far as the outside receiving, we want to hold ff on that now, talk to Chris and he stated that we would just bring it up to you guys here when we came here, but we're not doing the seats outside for now. We're not prepared for it. We want -- it will be the same floor plan as it used to be.

CHAIRMAN MICHAEL GARDNER: You're amending the application to eliminate the four outside seats?

FELIX SANTANA: Correct.

EXECUTIVE DIRECTOR ELIZABETH LINT: If they want do the receiving, they would have to notify abutters and there's a lot of condos there.

The other issue I have is that the application needs to be amended because inside

for the seating they put 15 and 60 tables and I think it should be reversed.

FELIX SANTANA: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We need you to amend that. We can't amend that for you.

FELIX SANTANA: Okay.

CHAIRMAN MICHAEL GARDNER: Is there much renovation that has to be done?

ARELI SAHAGUN: No.

FELIX SANTANA: All that needs to be done is just cleaned and paint the walls.

CHAIRMAN MICHAEL GARDNER: When will you be ready to open assuming we approve you?

FELIX SANTANA: We're pretty much ready. We're waiting on these dates here.

CHAIRMAN MICHAEL GARDNER: Other approvals pending, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's it.

CHAIRMAN MICHAEL GARDNER: Any are there any members of the public who would like to be heard on this matter?

Please come forward. In the interest of time I'll make the note this is Ms. Jillson coming again.

DENISE JILLSON: Harvard Square Business Association. Just so you know, this is a tough spot. 1105 Massachusetts Avenue, there's been -- to the extent that we can help them, I think the outside seating is really important to give them a presence on the sidewalk, because they are down below. And I have to say it's probably one of the homeliest buildings in Harvard Square. And the people in the building have been somewhat reluctant -- I would say down right difficult -- in getting them to give permission to restaurants to have outside seating. So it's been really a

lot of challenges for the restaurants underneath and we've been seeing this. It's been almost like a revolving door. I really hope there's something that we can do to help you, as well as the Commission. Anything we can do to encourage the people in that building to really understand that in order for these businesses to succeed, they really have to have a sidewalk presence, and to the extent we can help them, we certainly will.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

FIRE CHIEF GERALD REARDON: I just want to say there's windows down below, not on the sidewalk.

DENISE JILLSON: It's down below.

FIRE CHIEF GERALD REARDON: Clarification for everybody.

DENISE JILLSON: It's blow the sidewalk

by ten or 12 feet easily. It's a challenge and anything that we can do to sort've help. We have encouraged them to put banners and lights and flowers and in the building, people have said, "We don't want anything like that."

I have been trying to meet with the board, the condominium board, and offered to help pay -- it's just been a challenge, so anyway, we'll work with you. But anything you can do to help, I encourage that.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard on this matter?

Seeing none --

FIRE CHIEF GERALD REARDON: One more question. Is this like an established menu you have done and actually perfected it, so to speak, on the west coast?

FELIX SANTANA: Yes. It has been working for 30 years now.

FIRE CHIEF GERALD REARDON: You have a good traffic record.

FELIX SANTANA: Yes. It's not all there we have the other side because of the fact that for some reason just the smaller menus here on the east coast are more successful. Over there, it's the other way around. I mean, in the Seattle area, there's a lot of competition and there's a lot of, you know -- we just want to keep it as simple as possible and affordable as possible because of the students here.

CHAIRMAN MICHAEL GARDNER: So I will make the motion to approve the application as amended in terms of dropping the outside patio seating and subject to making the technical adjustment to the numbers on the tables and occupancy. And also amend or supplement my motion by

recommending that the License Commission go on record as supporting efforts for conversations between the Harvard Square Business Association and other interested persons or institutions with the condominium board or the owners of the building to try to find innovative ways to help newly established or fledgling businesses in that space to have a better chance of success.

FIRE CHIEF GERALD REARDON: One final thought, have you had all your local inspections?

ARELI SAHAGUN: Yes. We're just waiting on you.

FIRE CHIEF GERALD REARDON: Very good. Don't want to get you tied up.

FELIX SANTANA: Appreciate it.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: The Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed. Good luck. I think it's hard to understate it's a challenging space and we wish you well.

**APPLICATION: SHAN DONG DUMPLING HOUSE, INC D/B/A DUMPLING HOUSE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Shan Dong Dumpling House, Inc d/b/a Dumpling House, Yong P. Xie, Manager, has applied for a new wine & malt beverages as a restaurant license at 950 Massachusetts Avenue. The proposed hours of operation are 10:00am to 1:00am, seven days per week with a seating capacity of 96.

CHAIRMAN MICHAEL GARDNER: Good evening. I would ask all of you who are going to speak to please state and spell your last names for the record and identify your role with the application.

UNIDENTIFIED SPEAKER: (Inaudible.)

THE REPORTER: I cannot understand him.

CHAIRMAN MICHAEL GARDNER: We'll get it in writing for you.

Go ahead.

QIMING BING: I'm the front desk manager in the restaurant. First name Q-I-M-I-N-G. Last name B-I-N-G.

YONG XIE: My name is Yong, Y-O-N-G and last name X-I-E.

FIRE CHIEF GERALD REARDON: Your position is going to be?

YONG XIE: The manager.

CHAIRMAN MICHAEL GARDNER: The manager? Not the assistant manager, the manager?

YONG XIE: (No response.)

CHAIRMAN MICHAEL GARDNER: The person in charge?

YONG XIE: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

Tell us about the plan. Tell us about the experience you've had so far and why you think you need a wine and malt license.

UNIDENTIFIED SPEAKER: The restaurant (inaudible).

FIRE CHIEF GERALD REARDON: I'm sorry. I'm not getting all of this.

UNIDENTIFIED SPEAKER: (Inaudible.) 950 Massachusetts Avenue.

CHAIRMAN MICHAEL GARDNER: At 950 Massachusetts Avenue?

UNIDENTIFIED SPEAKER: Yes.

CHAIRMAN MICHAEL GARDNER: So is that the Dumpling House now?

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIRMAN MICHAEL GARDNER: So what has been in that space in the past?

UNIDENTIFIED SPEAKER: Restaurant.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's been a tea house.

CHAIRMAN MICHAEL GARDNER: Is this the Meditation Center Tea House?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: This is the Budas Meditation Tea House, that's the space?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Is that closed?

EXECUTIVE DIRECTOR ELIZABETH LINT: I wasn't aware it closed.

CHAIRMAN MICHAEL GARDNER: It's closed? I'm not sure that the agenda accurately states this.

Let me clarify, Ms. Lint. They're applying for a common victualer license as well as malt and wine?

EXECUTIVE DIRECTOR ELIZABETH LINT: Wine

and malt. It's one application. For the wine and malt which incorporates the seating.

CHAIRMAN MICHAEL GARDNER: So I'll address this question to the proposed manager, and just ask you to tell us the kind of experience that you have had in the past in operating a facility similar to this and any experience you've had in serving wine and malt in that kind of restaurant.

YONG XIE: I was since the first four years since I -- the first four year, I work in Jin Restaurant, J-I-N, restaurant in Saugus.

CHAIRMAN MICHAEL GARDNER: So you have 12 years' experience in the restaurant in Saugus?

YONG XIE: Only four years.

CHAIRMAN MICHAEL GARDNER: Four years?

YONG XIE: Four years. And the second one with the Maluken, M-A-L-U-K-E-N, Restaurant in Boston.

CHAIRMAN MICHAEL GARDNER: What was your role there? What was your job there?

YONG XIE: Head cook, server, bartender, only (inaudible).

CHAIRMAN MICHAEL GARDNER: So you were a bartender there?

YONG XIE: Yes.

CHAIRMAN MICHAEL GARDNER: Have you had a liquor license before in your name?

YONG XIE: No.

CHAIRMAN MICHAEL GARDNER: What do you see as the challenges having -- being responsible for serving wine and malt beverages?

YONG XIE: (No response.)

CHAIRMAN MICHAEL GARDNER: So what are the problems that come from having -- serving wine and malt liquors?

YONG XIE: Sometimes if a young student, sometimes they -- they under 18.

CHAIRMAN MICHAEL GARDNER: So there's under-age checking that you have to do?

YONG XIE: Yes.

FIRE CHIEF GERALD REARDON: Have you had any training with alcohol, TIPS training or ServSafe or any kind of training to be a bartender when you were in Boston?

YONG XIE: (Nodding head.)

FIRE CHIEF GERALD REARDON: Did you have any formal training on alcohol?

YONG XIE: (Nodding head.)

FIRE CHIEF GERALD REARDON: Any classes how to serve alcohol?

YONG XIE: Not much.

CHAIRMAN MICHAEL GARDNER: I think the answer was "not much"; is that what you said, or no? Or none? I don't know.

YONG XIE: No. None.

CHAIRMAN MICHAEL GARDNER: Thank you.

How important -- I'll ask this question to any of the three of you who wish to answer.

Please I ask you to speak as slowly and as clearly as you can.

How important to the success of the restaurant is having a wine and malt license?

UNIDENTIFIED SPEAKER: It will be very helpful. They have meal and they enjoy a beverage.

CHAIRMAN MICHAEL GARDNER: You think it would be very helpful because when you come for a meal to be able to enjoy a beverage?

QIMING BING: Especially for a Chinese restaurant. We serve Chinese food, so it goes better with beer and wine.

CHAIRMAN MICHAEL GARDNER: Would you remind us what your role is, sir?

QIMING BING: The front desk manager.

FIRE CHIEF GERALD REARDON: Have you had

any training in serving alcohol?

QIMING BING: No.

CHAIRMAN MICHAEL GARDNER: Just in charge of the front desk.

Ms. Lint, do we have any -- is this a not-for-value application?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Would you remind us of what the criteria for not-for-value are and tell us what evidence or record we have on that?

EXECUTIVE DIRECTOR ELIZABETH LINT: They have to show there's a need for another license in that particular location, that there would be no harm to the location, overwhelming neighborhood support. And I don't have any.

FIRE CHIEF GERALD REARDON: What about --

EXECUTIVE DIRECTOR ELIZABETH LINT: I also don't have any abutter notifications and I

don't have background checks. That's because my office was on vacation.

CHAIRMAN MICHAEL GARDNER: How ready are you to open?

QIMING BING: We're ready.

CHAIRMAN MICHAEL GARDNER: Have you already engaged in any renovation or need to do any renovation of the space?

QIMING BING: We need to do a little. Not too much. Before that it was a tea house, a restaurant. It was very good maintained restaurant so we don't need to much renovation on that. And also two of our partners are currently in the restaurant in Chinatown called Gourmet Dumpling House, very successful. I believe we can do this business well.

FIRE CHIEF GERALD REARDON: I have to be honest, I have a lot of issues about issuing a liquor license. None of you have any experience

in this at all. I guess I may want to suggest to you, you may look towards the CV to get the restaurant up and running and get some staff and get some training because I think right now, you're lacking a lot of what we would need to see in order to issue you a wine and malt license. It doesn't mean you couldn't come back. If you get yourself established and you -- you don't seem to have a lot of depth at all on this. I'm speaking for myself.

CHAIRMAN MICHAEL GARDNER: Any other questions?

EXECUTIVE DIRECTOR ELIZABETH LINT: Mr. Chair, if I could add, it was up until very recently it was always the Commission's policy when you were opening a new establishment before you could apply for any type of alcohol license, you had to be in operation for six months. It has kind've gone by the wayside, but perhaps on a

case-by-case basis, you my want to consider that.

CHAIRMAN MICHAEL GARDNER: Thank you. Are there any members of the public who would like to be heard on this matter?

Seeing none, I make the motion to -- is there anything else any of you would like to add?

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIRMAN MICHAEL GARDNER: Did I understand that to mean that you didn't have anything else?

UNIDENTIFIED SPEAKER: No. Nothing.

CHAIRMAN MICHAEL GARDNER: Chief, want to make a motion?

FIRE CHIEF GERALD REARDON: Before I make the motion, I think maybe you want to -- would you like to amend this?

UNIDENTIFIED SPEAKER: (Inaudible.)

FIRE CHIEF GERALD REARDON: So you would be amenable to removing the liquor portion of

this and just apply for the CV for now?

UNIDENTIFIED SPEAKER: For now. And then when we get done, we'll be back.

FIRE CHIEF GERALD REARDON: Okay. So I make a motion that we approve the operation for the Shan Dong Dumpling House, 950 Massachusetts Avenue with the proposed hours as posted pending any paperwork and inspections that need to be done.

CHAIRMAN MICHAEL GARDNER: Thank you. Before we proceed any further, Ms. Lint, do we need the abutter notices back?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do.

CHAIRMAN MICHAEL GARDNER: Even for the CV?

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

CHAIRMAN MICHAEL GARDNER: And do you have the indication that the abutter notices were

sent out?

EXECUTIVE DIRECTOR ELIZABETH LINT: Did you notify your abutters?

UNIDENTIFIED SPEAKER: (Inaudible.)

EXECUTIVE DIRECTOR ELIZABETH LINT: I have nothing. I don't have the receipts. Nothing.

CHAIRMAN MICHAEL GARDNER: One of the things you have to do in order to get a common victualer license in Cambridge to be able to open a business like you want to, is you have to notify all of the abutters of the fact that you've made this application and there's -- there was going to be a hearing this evening which gives the abutters the opportunity to file written notice with the Commission of their support or opposition or indifference or for them to come forward and speak to us in the evening.

So without the proof that the abutter

notices were sent in a timely way, we can't take action on the application.

And I would ask you, sir, if you could consult with the other members of the team and let us know your best understanding of whether or not, in fact, any abutter notices were sent at all. Can you just check?

UNIDENTIFIED SPEAKER: Sent them.

CHAIRMAN MICHAEL GARDNER: So the abutter notices were sent?

QIMING BING: They were sent.

CHAIRMAN MICHAEL GARDNER: I will second the chief's motion to the extent it needs to be supplemented simply by saying with no approval until we're satisfied that all of the procedural requirements for notification were met.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIRMAN MICHAEL GARDNER: Do you understand what we have done here this evening?

We haven't done it yet.

So all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I kept looking to see if a familiar face would pop up and none did.

Thank you very much. Good luck with this. You got half of what you wanted. Demonstrate to us that you're running a good sound business and we can consider the rest in the future.

**APPEAL: VICTOR MIREKU** (Recalled)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Appeal: Victor Mireku, holder of a Cambridge Hackney License #28955, due to the denial of his hackney license renewal. I can give you the background.

CHAIRMAN MICHAEL GARDNER: I think one of the things that's happening is we'll be asking some very specific questions this evening about the reasons for nonrenewal.

We still have a crowded room, we may have a reasonable lengthy final item on the agenda. I would leave it to you if you prefer to wait until the rest of the hearing is over or if you were prepared to go forward now, that's fine. Whatever you like.

VICTOR MIREKU: Victor Mireku, M-I-R-E-K-U.

CHAIRMAN MICHAEL GARDNER: We have two more items. One of them may be a little lengthy, but if you're willing to wait, I think it might be better.

Thank you very much. Appreciate your cooperation.

**RECONSIDERATION: VIJETA CORPORATION D/B/A**

**PROSPECT LIQUORS**

EXECUTIVE DIRECTOR ELIZABETH LINT: Reconsideration: Vijeta Corporation d/b/a Prospect Liquors, Dhiru Patel, Manager, holder of an all alcohol license as a package store license, currently revoked and pending ABCC appeal, at 1226 Cambridge Street is seeking reconsideration of his license revocation to be allowed to sell the license.

CHAIRMAN MICHAEL GARDNER: Please come forward and state and spell your last names for the record and identify your role with the application, if you would, please.

ATTY. KENNETH FINN: Good evening. My name is Attorney Kenny Finn and I'll be representing Mr. Patel doing business as Prospect Liquors. That's Kenneth Finn, F-I-N-N.

DHIRU PATEL: Dhiru, D-H-I-R-U, Patel, P-A-T-E-L, manager.

CHAIRMAN MICHAEL GARDNER: So Mr. Finn, or counsel?

ATTY. KENNETH FINN: Chairman Gardner, Chief Reardon, Executive Director Lint, thank you for having us.

Mr. Patel is no stranger to this Board. He has been here a number of times. This is the first time I am representing him. He came to my attention back in March when this Board revoked his alcoholic beverage license.

I had -- I have taken appeals of that revocation, consolidated or filed a motion to consolidate a prior appeal that was pending. Both of those appeals are now pending with the ABCC and scheduled for hearing August 28th, if I'm not mistaken.

I have had a chance to go over the record in this matter with Mr. Patel as we were preparing for our appeals hearings, and it

appeared to me, after due consideration of the record, consultation with my client that the decision of this Board to revoke his license was a well-reasoned decision. It was thought out. It was patient. It was not something that was reactionary. You gave Mr. Patel every conceivable consideration over the course of the -- his tenure here in Cambridge.

So I'm not going to waste your time going over and addressing the facts of his prior disciplinary action.

I'm here to talk about his livelihood. I'm here to fight for his life and advocate for what remains of his financial life. Since the closure of his business, he's lost everything. He's literally five minutes away from personal bankruptcy, as well as bankruptcy for his business. His house is in foreclosure. His wife is ill. And it has been a complete financial

meltdown. Now, you didn't cause this. The Board didn't cause this. Mr. Patel's actions brought these actions upon himself.

I'm not here to point fingers to say it was your fault. It's Mr. Patel's fault. He operated his business in his way. He could have operated his business with your guidance and more circumspectfully and followed the advice of his prior lawyers.

I have had a chance to spend time with Mr. Patel, and I'm convinced that I think he's a really decent individual who means no harm to anyone, least of all to himself. But at times he doesn't get it. And I don't think the other lawyers, the two or three other lawyers that came prior to me spent enough name to make him get it. If they had done that and paid a little more attention, we wouldn't be here today on a motion for reconsideration.

But I've had a chance to talk with him about what the Board's role is in Cambridge and its public interest mandate. And clearly, the mandate of the Board is to make sure and ensure that the public safety and welfare of the citizens of Cambridge is taken seriously.

He dropped the ball on that. And for that, this Board decided that he shouldn't be in this business.

CHAIRMAN MICHAEL GARDNER: I'm sorry to interrupt your flow, sir, but it's important to make sure that we have a good record.

ATTY. KENNETH FINN: You know, we talked about the other lawyers that were -- prior to me, and the communication that he had or lack thereof, he doesn't necessarily get it.

I have had a chance to talk with him. I explained to him what the role of the Board is, what its mandate is. And I think he understands

now, late, but he understands it.

The role of the Board is to protect the public from people who sell alcohol to people whom -- to whom they shouldn't sell it to. And the role of the Board is to ensure compliance with its rules and regulations. And that's fairly pretty much a no brainer.

However, Mr. Patel has had difficulty with that. I've had the benefit of talking with him about coming out of this line of business. I think it's in his best interest. He believes it's now in his best interest. And judging from the decisions that this Board made, the Board, I would presume, also might think it's a good idea.

However, that leads Mr. Patel and his family with nothing. This is the sole source of income. As I mentioned, he has a wife that's ill. He has a father that he cares for, an elderly gentleman, who unfortunately passed away

on Saturday battling a long illness. He supports a daughter in college who's had to come out of school as a result of this business being closed. He has nothing.

His interest in leaving Cambridge is one, he would like to leave with what is left of his shirt. Simple. If that's possible. I don't think that the City's interest in public safety and welfare conflicts with Mr. Patel's interest in wanting to leave the City of Cambridge. What he's looking for is to have a conditional reinstatement of his license for purposes of selling the business, not for purposes of operating, it's not for the purposes of selling anything to anyone, not even candy. Just he needs 90 days to see if we can put a deal together. We've got some inquires. We got some asset purchase agreements. There's some interest. He wouldn't profit on this thing in

any way given the debts that have mounted up here. But there's an opportunity here hopefully for him to put some closure to this and move on with his live. And it doesn't hurt a single citizen of this -- by the City of Cambridge.

So I'm here to ask with all hope and sincerity that the Board act favorably on Mr. Patel's petition, because this is his livelihood and his life and family. I think it's appropriate he say something about what happened and what his intents are going forward.

CHAIRMAN MICHAEL GARDNER: Mr. Patel, go ahead.

DHIRU PATEL: And I apologize what happened in the past. I'm sorry. At the same time I do already -- have a time with family. I don't mean to harm anybody. But the way I have been advised, it come up to this point and the last time, just let me sell this business and get

out from the city. I will appreciate it if you help me out because I -- as my attorney said, he explain everything. I have been through a very rough time. It's my last interest and I apologize what was happening in the past. Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you.

Mr. Finn, could you give us a little bit more detail? Do the binders you have involve both the sale of the license and taking over the business at this location or what is the status of the building? Lease? Are we talking about putting a license back there or what are we doing?

ATTY. KENNETH FINN: The prospective buyers are varied. First of all, I got asset purchase agreements probably three or four of them which I will be more than glad to share with the executive director. They generally are

looking to come into business. These are owners of establishments now who we're told have no prior substantial or prior disciplinary record, they have the wherewithal to buy this business, the license, the inventory, and they would seek an opportunity to work with the landlord to go back into the space.

We have even engaged -- the landlord -- he's been patient. We worked out an arrangement with him, explained what was happening with him, we talked to all of the vendors, they have been patient. But the buyers themselves are in large part entities that own liquor licenses presently, have substantial experience in this business, unlike Mr. Patel had when he came into this business. These are individuals that know what they're doing. And they all would like to come back and operate in that space and they're looking for the opportunity to do that and engage

the landlord in discussions around that.

CHAIRMAN MICHAEL GARDNER: As you can see, there are only two of us here this evening. Typically, the police commissioner, who is a statutory member the Board and sometimes his representative is here. Unfortunately, and not involving any role on your part, none of the police officials could be here this evening.

I believe Commissioner Haas or one of his superintendents have been full participants in all the other disciplinary matters which ended up resulting in the revocation.

My own sense of it is that I would feel much more comfortable if we had a full board evaluating this.

So I would ask you if you would be willing to waive any due process concerns with respect to our putting this matter over to a decision hearing of the Board that involved the

participation of the police official who will have represented that he or she has read the full record of tonight's meeting.

Would you be willing do at that?

ATTY. KENNETH FINN: I would have absolutely no problem with that. The only question I have is this -- am I to construe by your remarks this would be a decision by the Board that would not require our attendance or are you asking us to come back?

CHAIRMAN MICHAEL GARDNER: It does not require your attendance. It is, on the other hand, a public meeting. We typically don't take testimony. Although on occasion we have had the need to ask an applicant for additional information. But it's entirely -- your presence is not required.

ATTY. KENNETH FINN: Okay.

CHAIRMAN MICHAEL GARDNER: Chief, do you

have any thoughts about that deferral and any other questions or statements you want to make?

FIRE CHIEF GERALD REARDON: No. First and foremost, I appreciate your frankness, counsel, and being straightforward and Mr. Patel as well. You know, it's unfortunate we're at this junction, and it's not due to the Board as you say. It's self-inflicted, but at the same time, you know, my personal thought is not to do any -- not impugn financial hardship to Mr. Patel. So I'm willing to look at this with an open mind. The only question I have is Mr. Patel will in no way be involved with the future operation of the business.

ATTY. KENNETH FINN: Absolutely a hundred percent none. I think it's important that I make this point. I've received inquires from individuals named Patel. And I know this has come up in the past. I have done everything that

I could to vet those individuals to make sure there's no familial relationship with my client. The Board would have to do that. We're are not considering strongly those offers anyway. We have some other offers from other people not named Patel.

I know this came up and I want to make sure I'm aware of it and trying diligently to make sure that we don't repeat what has happened in the past.

FIRE CHIEF GERALD REARDON: Thank you for that frankness.

CHAIRMAN MICHAEL GARDNER: Some of our concerns, I think, are that this is in addition to whatever management failings or difficulties there were, this can be a challenging location with respect to clientele and with respect to public safety issues.

So for myself, I think I actually

would've been preferred you to say it's -- it doesn't involve this particular location, but I'm not going to -- I'm not going to make a decision on that one way or the other.

ATTY. KENNETH FINN: Mr. Chairman, we have several offers, at least two of which -- we have six offers, two of which don't involve this location. So we don't know where we'll wind up on the spectrum of offers.

CHAIRMAN MICHAEL GARDNER: I think you made the offer to share with the executive director documents you got. Let me request you do that.

Before you do anything else, I will ask if there are any members of the public who would like to be heard on this matter?

Seeing none, I make the motion that we defer.

EXECUTIVE DIRECTOR ELIZABETH LINT: Or

take it under advisement.

CHAIRMAN MICHAEL GARDNER: Or take it under advisement this request for reconsideration until the next scheduled --

EXECUTIVE DIRECTOR ELIZABETH LINT: July 31st at 1:00.

CHAIRMAN MICHAEL GARDNER: And we have everybody we need? We don't have Burke, but we have Haas?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm not sure.

CHAIRMAN MICHAEL GARDNER: Currently scheduled for July 31 at 1:00.

FIRE CHIEF GERALD REARDON: That's an odd day. I can do 1:00.

EXECUTIVE DIRECTOR ELIZABETH LINT: Let me just check back to when --

CHAIRMAN MICHAEL GARDNER: Haas and Burke have both dealt with this before.

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, I believe Commissioner Haas said he was available.

CHAIRMAN MICHAEL GARDNER: I'll make the motion that we defer to take this matter under advisement until our currently scheduled meeting on July 31st at 1:00 p.m. If for any reason that meeting changes, you will get notice.

ATTY. KENNETH FINN: Thank you so much for time and consideration. I would like to make one other point.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would like to suggest at least one of them appears because once I look over the offers for the business, there may be questions that you have that would be important.

CHAIRMAN MICHAEL GARDNER: And generally I would advise you to take Ms. Lint's advice.

ATTY. KENNETH FINN: I always do. My

only concern is that I'm on vacation but I will do what has to be done.

CHAIRMAN MICHAEL GARDNER: We can defer it another time.

KENNETH FINN: Mr. Patel is on a cash burn here everyday. He was paying rent on empty space and that's money out. They don't have utilities at home, so whatever the Board can do to expedite this.

CHAIRMAN MICHAEL GARDNER: I've made a motion. It's waiting a second.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Thank you for coming in and appreciate

your candor and we'll -- Ms. Lint will be looking forward to getting the materials you promised and we'll let you know about the time.

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have a small balance on a property tax bill.

ATTY. KENNETH FINN: Okay.

**APPLICATION: CITY OF CAMBRIDGE LICENSE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The City of Cambridge License Commission will hold a policy hearing to revise the fee structure of the no-value, non-transferrable alcohol licenses issued by the City. The proposed fee structure will double the annual fee of the city-issued licenses. There will also be a $5,000 user fee, every three years, payable to the City of Cambridge. As proposed, the new fee structure will not apply to licenses with less than 50 seats or licenses issued before February 28, 2008.

CHAIRMAN MICHAEL GARDNER: So, Ms. Lint, would you just give us a brief overview of the process that's been undertaken by the Commission and the Commission's staff so far to get us to this point?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. This was something that came up several years ago. And as a result myself, Mrs. Watson, Commissioner Haas, the Budget Office, the Deputy City Manager, the Law Department all looked at ways that we could try to, as we increase the number of establishments and are putting more and more strain on all the city services, how we can do something to make this work.

It's possible that the Commission will have to hire another part-time investigator because we just physically can't fit everything in the hours in a day between noise enforcement, liquor enforcement, and all the other things that

we enforce.

And, in addition, I know the Fire Department is strained with their inspections. The Police Department, when we have situations as we heard earlier this evening where they have to all respond to an area, that the number of police officers that have to be disbursed to all these areas that didn't have establishments before that now do, and a secondary consideration was over the years whenever we have been issuing these no-value licenses, we have tremendous pushback from those individuals that have paid huge sums of money for their licenses.

So we're trying to find a proper balance that will work throughout the city that will also serve the public policy issue of being able to do enforcement and level the playing field a little bit.

CHAIRMAN MICHAEL GARDNER: In terms of

the magnitude of the numbers involved here, when you say would double the annual fee, I take it that is structured by the size of establishment, but can you give us some sense about like from above 50 up to approximate levels here of how much the annual fee, in fact, would increase?

EXECUTIVE DIRECTOR ELIZABETH LINT: Hang on. I have to find the paperwork.

JAMES WILLIAMSON: May I ask?

CHAIRMAN MICHAEL GARDNER: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: So, for example, if an establishment -- my breakdown is not good here -- but if an establishment with, say, 100 seats was paying 6,320, it would go to 12,640.

CHAIRMAN MICHAEL GARDNER: As an annual fee?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: And the 5,000

every three years, I think comes out to -- I can't do the math. It's not 1,500 a year, it's like 1,667 or something like that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm not a math person.

FIRE CHIEF GERALD REARDON: 1,666.

EXECUTIVE DIRECTOR ELIZABETH LINT: Something like that.

CHAIRMAN MICHAEL GARDNER: So I note the number of people in the audience. We have had some letters of concern or opposition and some indications of support in the correspondence we have received so far.

Given the number of people in the room, what I would like to propose is that we will take, in alternating order, maybe who is interested in speaking in favor or opposition to this policy proposal.

I'd ask people to limit their remarks, if

at all possible, to a minute or minute and a half. Once we have had some testimony if there are people who simply want to be recorded, but want to cite the same reasons as has been cited in the past, if they could just very briefly note that.

Also, I will let you know because there are only two of us here and given the import of the decision, we do not expect to take any votes on this matter this evening, and it might well convene another opportunity to be heard when we have a full commission who is present and able to deliberate on it.

So that's an indication somebody would prefer to wait until such a time, they're, of course, free to do that.

In terms of proceeding, I note one City Councilor in the audience. I will give that person if she were so inclined the opportunity to

speak first. If there are any other elected officials here, I would do the same for them. But we'll open the floor to public testimony now.

For each person, I request that you state and spell your last name for the record.

MIMKA VANBEUZEKOM: Mimka, M-I-M-K-A, last name is vanBeuzekom, V-A-N-B-E-U-Z-E-K-O-M.

I'm here predominately to learn -- I know there's only three of you, and as you pointed out, you have an important decision you're about to make.

So, as you can see, people are very interested and so am I. That's the extent of what my comments will be.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Does anybody here who would like to speak in opposition to the proposal? I see one person in the second row here. You can come forward

first, and state and spell your last name for the record and identifying your affiliation you've got and I'd ask you to keep your remarks brief.

STEVE KURLAND: My name is Steve Kurland, K-U-R-L-A-N-D. I'm with Za Eboo Restaurant in Kendall Square. We got this letter and there's a couple of things I thought I would take exception to.

There's a point about having a higher fee for the restaurants that have received free licenses. However, our license isn't an asset. We can't sell our license for anything. It seems unfair not to offer it as an asset at the same time to pay more. When I say "pay more," for us for three years, it would be over $28,000. So that's pretty onerous for us.

I feel like we also came in early to an underserved area, we got the benefit of the license, which we certainly appreciate, but we're

in a position we're saying now we're in and the area is developing.

We feel like, as a restaurant group, we bring in a lot of these clients and residents to live here, there should be some benefit for that.

And the final thing I would say is that all the restaurants are already paying three-quarters of a percent on our tax. So we start at 6 and a quarter from the state and we're adding in another three-quarters of a percent. I feel like we're paying more than our fair share for what we're doing.

The one consideration I would give is that you might want to consider a way that selling a license could be an available thing down the road or in retrospect. That might help the restaurants that -- to raise money, it might help us. You would have to go on a case-by-case basis.

CHAIRMAN MICHAEL GARDNER: One of the things I neglected to say, at least personally, in terms of understanding this issue, I would be interested in whether you're willing to share annual gross sales. That may be a public -- that may be a piece of private information you're not prepared to share, but in terms of our trying to understand what any additional $13,000 -- $7,600 a year means, for us, at least for me, I would be interested to know that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would tell you that it's in our rules and regulations that the License Commission has the right to inquire of anyone's gross sales at any time.

CHAIRMAN MICHAEL GARDNER: So one of the things that we may, in fact, decide to do in terms of evaluating this, is to make such an inquiry, and, sir, so you can give us an estimate

now if you want, or you can wait for the letter.

STEVEN KURLAND: I would prefer to give it to you discreetly. I will tell you that $10,000 a year is a big chunk out of the profitability. The average restaurant in America is making 5, 6 percent, bottom line. Some are probably doing better than that.

As an example, a million dollar restaurant is making $50,000 a year in profit. And now 8 or 10 of that would go to this, which is a substantial amount of money.

CHAIRMAN MICHAEL GARDNER: 7,666.

STEVEN KURLAND: I would be glad if you want to give our sales to somebody discretely, I would be happy to do that.

CHAIRMAN MICHAEL GARDNER: Is there anybody here who would like to speak in favor of the change in rules?

Don't all come forward at once.

I believe that I saw the person in the front row had his hand up second, so why don't you come forward and state and spell your last name for the record and if you're affiliated with an establishment, spell its name.

GARY STRACK: Gary Strack.

CHAIRMAN MICHAEL GARDNER: Spell your last name.

GARY STRACK: S-T-R-A-C-K. I'm from Central Kitchen and Firebrand Saints. Firebrand Saints, F-I-R-E-B-R-A-N-D S-A-I-N-T-S.

And so I'm in the unusual position of actually having a license which I purchased in 2004, and also being granted a no-value license, so I think I have a unique perspective on this particular matter, and I'll limit my comments to the idea that of leveling a playing field.

Once licenses became available no-value licenses in my first -- in the first community I

was in which is Central Square, that asset was devalued at that point because people could come in and compete.

When we were first issued that license, it was in, I think, 2004. I can't really remember. But it was awhile ago.

EXECUTIVE DIRECTOR ELIZABETH LINT: Before I was here.

GARY STRACK: I think Benjamin Barnes was here.

FIRE CHIEF GERALD REARDON: I was here.

GARY STRACK: You were here. But the prevailing wisdom at the time was they were actually trying to take -- reduce the number of licensees, which didn't make a ton of sense. Not only did we pay $120,000 for that original license, pocket license, because there was no other licenses available in Central Square. We had to give back the beer and wine licenses we

originally started with. That was a heavy tax to start selling alcohol in Central Square.

When the first license came, no-value license, which I believe was in my neighborhood which I believe was Rendezvous, came around -- actually came -- I actually supported that decision because, to be honest, it was better for the community. The other thing is it didn't make a ton of sense. But I think now with proliferation of licenses around, that asset is already reduced for me.

So that's one idea. The second idea is that the community in Kendall Square, we're trying to develop, is a bunch of entrepreneurs going in and taking a lot of risk. It's not necessarily about gross sales. It's about how much capital we've invested and what we're trying to do to create that community. And it seems at this stage, early stage, for a lot of us in

Kendall Square punitive for the city to come after us for more money for this license when we're trying to develop this area and at a stage of risk, and we're still trying to develop what we sort've successfully have done in Central Square that we're trying to do in Kendall Square.

CHAIRMAN MICHAEL GARDNER: Is this a point in time that you can foresee it will not be so onerous?

GARY STRACK: Yeah, I think there's a certain development level in the community where all of a sudden you can say the fees are worth X. We understand you have increased costs, but at this point, it doesn't seem reasonable.

CHAIRMAN MICHAEL GARDNER: As I understand it, in terms of at least the Kendall Square argument, it has to do with the level of capital investment that still hasn't been amortized.

GARY STRACK: Absolutely, you know what I mean, and where we are in terms of developing that area. So if we're talking about overall development of that area, you know, some businesses are struggling, some people have -- businesses have taken different positions in the community.

I think there's this perception that things are going exceptionally well because of all the business interest.

On the ground, this is still a developing community and it needs time to grow.

CHAIRMAN MICHAEL GARDNER: Thank you very much. I'm going leave it. If you got questions?

FIRE CHIEF GERALD REARDON: Quick question. Has anyone thought about all licenses being equal, so to speak, in terms of number of seats?

GARY STRACK: I'm sorry. I don't

understand the question.

FIRE CHIEF GERALD REARDON: I mean a no-value, but in terms of the number of seats of no-value, there's a lot of variation in the number of seats assigned to a license. My thought at times was if there was an increase, it would be coupled to a number of seats instead of across the Board.

GARY STRACK: I think it's very difficult because a very large place could have taken on more risk. So, therefore, it could be onerous to them. A smaller place could not develop the kind --

FIRE CHIEF GERALD REARDON: I can tell you, I get questions every now and then, you feel as though that the license for 50 seats that person be charged the same as someone who has 250 seats, for example?

GARY STRACK: To me that doesn't make a

ton of sense. I think basing it on seats makes the most sense because the idea is that somehow is tied to revenue. We wouldn't want -- you know, I have 180 seats in Kendall Square, you wouldn't want someone with 50 seats have the same burden.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIRMAN MICHAEL GARDNER: Has the mix in the room changed? Does anybody want to speak in support of the proposal?

All right. Mr. Smith, why don't you come forward. I'm looking to see who raises their hand next in terms of trying to figure this out.

TERRENCE SMITH: Terrence Smith, Director of Government Affairs, Cambridge Chamber of Commerce. And we're actually in the same situation as Mr. Strack is. We have members who are -- we probably have a lot more members who have value licenses than we have with no-value

licenses mainly because there are more value licenses in the city.

But our concern is at this point in the infancy of the current process of granting no-value licenses, this is probably too early. We understand that the city has additional expenses with the additional licenses, although, I think the number of licenses -- the increase is under 15 since this policy went into effect.

One thing I did want to thank the License Commission for doing or not doing, is raising the license fee on the for-value for at least the last ten years.

The easiest record I have is from 2004. So thank you for that.

In terms of the services, one of the things that no-value license has done is create additional activities in a couple areas, primarily Kendall Square, where that was a goal

of the city. That has resulted in increased property values, which resulted in increased property taxes, which can pay for increased services.

I'd also point out that the License Commission has served as a profit center for the city for as far as back as I can find records, which is to the 2004-2005 budget.

So there's an opportunity, I would think, to increase the staffing within the current resources of the License Commission realizing that's funds that won't go to free cash which would then result possibly in an increase in my property tax as an owner, but I'm willing to live with that. I think it's too early to do this.

If one of the issues that has been raised is leveling the playing field and appreciate that the for-value licenses haven't seen an increase in their fees, maybe a possibility as to look at

the approximately 10 million dollars in license fees in the last ten years the city has paid into the -- into free cash and maybe reducing the fees on the for-value for some period of time and making up for the revenue shortfall in the funds that they have already paid for the city.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you. Since you represent both, I'll ask you this question, and anybody else who has information about it could also comment when they speak, and that is, we heard that the for-value license is actually an asset. Something presumably that can be sold. I take it that it's also a liability or at least it was a liability initially in terms of the startup of the business end, capitalization needs that were required, and given that, I'm wondering whether or not you or any of the other persons with experience here, essentially think

there's no difference between a for-value and a not-for-value in terms of the economic impact on the owner. If you purchase it, you got it to sell, and if you got it to sell, you still have to pay for it.

TERRENCE SMITH: It's a different impact on the owner. I've talked to some of our members who have for-value licenses and the couple of years, usually the first few years after purchasing the license, it -- it's an additional expense that can burden their cash flow.

However, once they get sort've over a hump, it becomes an asset they can use to leverage against additional investment, either their existing facility or in opening additional facilities.

CHAIRMAN MICHAEL GARDNER: Okay.

TERRENCE SMITH: So it works both ways. Particularly in the case of Kendall Square and

some of the encouragement the city is looking to in Central Square and Inman Square and other parts of the city, the -- the nontransferable licenses reduce a level of risk in going into those areas, an additional cost that I think is positive for the city in terms of these other things.

And I should also mention, as it was mentioned, as the increase in the meals tax that the city adopted, I believe three years ago, that's currently 3.5 million dollars in revenue which I believe is somewhere between 750,000 -- $575,000 more than the original estimates were, and part of that is the growth in the restaurant industry, particularly the licensed restaurant industry in Cambridge over the same period.

CHAIRMAN MICHAEL GARDNER: Am I right that this is born entirely by the patrons?

TERRENCE SMITH: Well, that assumes

that --

CHAIRMAN MICHAEL GARDNER: To the extent that it increases --

TERRENCE SMITH: Under the bill like any other tax it determines -- any other sales tax, not something I'm an expert in, but I know a little bit about, if a person walks into an establishment expecting to spend $25 and the tax moves that up to $27, then they'll either purchase a cheaper entry or they won't come back to that place. It does have an impact on people's choice.

CHAIRMAN MICHAEL GARDNER: Thank you. Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: Mr. Chair, I want to correct Mr. Smith. It's not 15, it's 21.

CHAIRMAN MICHAEL GARDNER: I ask you to state and spell your last name for the record and

if you're affiliated with a restaurant, identify --

MICHAEL KRUPP: My name is Michael, last name Krupp, K-R-U-double P. I'm the owner of Area Four Restaurant in Cambridge, Kendall Square. I would like to echo the comments made. Specifically though about the risk we took coming into Kendall Square. There was nothing there. And while we didn't necessarily bring the Microsofts and Googles of the world to Kendall Square, we certainly added value to their experience there. And quite frankly, with any business deal you look at risk and you look at reward. We took a lot of risk coming in here and we would hope that the city could appreciate what we've done and grown this area and offered services.

I look at the faces in the room and I would say most of these people are from the

Kendall Square area. It would be a dramatic impact on our bottom line and that's what you have to consider when dealing with the restaurant business as Gary had mentioned.

'We do not make a lot of money compared to the rest of the world. Our margins are very little.

CHAIRMAN MICHAEL GARDNER: Would you tell us if the fee structure that's being proposed had been in place when you were considering business opportunities in Cambridge or Kendall Square you would not have invested?

MICHAEL KRUPP: I can't answer that question because, quite frankly, it didn't happen, but I can look at Boston. And I can tell you that we're not alternatively looking in Boston because of the prohibitive cost of liquor licenses there. And what has happened in Boston to the restaurant industry, you have large scale

chains are the only ones who are able to do business in Boston. If you look at the faces in the room, we're all independent operators here. This is very important to us. If we're making five or six percent another $20,000 a year is significant.

I would like to ask a question because this is -- we received the letter, but there hasn't been much information. How do we go about finding information about how this helps the city? I understand there's a stress on services. The example given was what transpired at Naga previous to this. I have to be honest with you, I think that's a bad example.

We look -- again, we're restaurant owners. We sell food. We offer services. Alcohol, while is a certain percentage of our sales and important percentage of our sale is not the end all be all. We have other expenses we

have to consider. Paying our chefs, payrolls, servers, everybody involved that a bar that focuses primarily on alcohol sales does not have to deal with.

I can't stress enough how much this would hurt us and how much it could potentially hurt the business of Cambridge. This is a cost that we have to pass onto our guests. It would have to dramatically increase the price of what we sell.

CHAIRMAN MICHAEL GARDNER: What would an individual bill, menu, tab, check increase be for you to cover $7,667 a year?

MICHAEL KRUPP: I couldn't do the math.

CHAIRMAN MICHAEL GARDNER: It has to be a less than a dollar, does it.

MICHAEL KRUPP: On a $20 tab?

CHAIRMAN MICHAEL GARDNER: In terms of the number of tickets you write a year, what do

you need to cover $7,600?

MICHAEL KRUPP: If we're saying it's a dollar a person, a dollar a person, if I could get an additional dollar or two per check average, that is a significant amount of business for me. That's a lot of business. So if I have to spend that instead of making that, that's tough. I think --

CHAIRMAN MICHAEL GARDNER: How many tabs do you run a year? How many individual checks?

MICHAEL KRUPP: I couldn't tell you how many. But I'll tell you, I sold about 50,000 pizzas last year. That's a lot of pizza pies. It's not steak and lobster dinners.

We maintain a relative low check area because it's important for us.

I think the disconnect that happens here, and unfortunately, I think it's a cultural disconnect is that what the perception of the

restaurant is to those not involved in the restaurant industry.

The restaurant industry is very hot now, it's on the television. Chefs are being celebrities.

CHAIRMAN MICHAEL GARDNER: We understand you need to keep down labor and food cost to run a successful industry. So okay, all right.

MICHAEL KRUPP: And you're right, but the question is I don't think you recognize how much of a struggle that is when we deal with constantly rising cost of goods. We already have the highest minimum wage in the country and, gosh, I've got nobody who I'm paying minimum wages to. Everybody is above that. It's a challenging business and that's really what I want to reiterate. It's a challenging business in a challenging time and challenging area.

CHAIRMAN MICHAEL GARDNER: All right.

Thank very much.

Ma'am?

SARAH SHABANA: My name is Sarah Shabana, S-H-A-B-A-N-A. S-A-R-A-H.

I'm from Basha Cafe, 26 New Street. I have been in the restaurant business for 90 days. It's been a very challenging 90 days. And there's a whole a lot of expenses that goes into it. It's building the area. The area is industrial. Trying to change the culture of it and trying to make a restaurant and a good -- you know, bring in the clients. It's kind've of a difficult thing. It's been hard as is, you know, between the operation cost of the business and the licenses and trying to build a business and candidly to see it double in the license fee is kind've like devastating at this point in time. We all know it takes about a year or two to actually build a business up.

Seeing it in the first 90 days makes it difficult and it makes you recalculate is that really how can I make this work.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you very much.

Sir?

JAMES WILLIAMSON: My name is James Williamson. I live at 1000 Jackson Place.

CHAIRMAN MICHAEL GARDNER: Spell your last name?

JAMES WILLIAMSON: W-I-L-L-I-A-M-S-O-N. And that's in Cambridge.

If I may, just on a personal note. This has been my first opportunity to come in, Chief Reardon, on having had the good sense to deploy interoperable radios before September 2001. And that was a major achievement, which you deserve commendation. I think -- I'm interested in this as a public policy issue for the City of

Cambridge and as a business policy issue.

On the face of it, I have a concern about how much of an increase this looks to be without having some of the numbers that I think could be useful and it's pretty steep increase in quite a short period of time.

My sense of it's -- I would like -- partly I have questions about this and I think any good public policy should be built on the best understanding possible, including numbers. MIT is right down the road. MIT is good at numbers, and I would hope that we could be good at numbers too when we come up with these kinds of policies.

It's not clear to me that the nontransferable license is a no-value license.

It would be interesting to try to get a handle on exactly is there a value to this nontransferable license and that would help

balance to the extent balancing is important to the transferable licenses, what -- is there a way to quantify, in fact, the value that may exist in a nontransferable license?

I think it would be, from my point of view, useful to understand why, for example, there's a cutoff at 50 seats that's proposed. Is there something magical about what happens when you get 45 seats and when you have 60?

I just don't happen to understand where the number, the grandfathering to 2008 comes from. Where does the number $5,000 for three years come from?

These numbers could just be pulled out of the air or they could be grounded in rendering of what real values are that are being generated.

And that's where I think the -- one of the key questions may arise and deserve careful investigation, and that is, as the value of being

able to sell liquor in an area like Kendall Square may grow, what is -- what is it fair to ask in return? At what point does it begin to be fair to ask for additional value back to the city to help pay for additional expenses?

But I really think there's a need for really careful examination of numbers and what makes sense rather than just what's -- and to see that the rationale laid out in a document that everybody can look at and discuss and argue about rather than just have some numbers and then sort've say, "Well, does this seem reasonable?"

So I would ask that you look carefully at the numbers.

CHAIRMAN MICHAEL GARDNER: Anyone else to be heard? Sir?

MING TAI HUH: My last name is H-U-H.

THE REPORTER: Your first name, please?

MING TAI HUH: First name is M-I-N-G

T-A-I. I'm co-owner of Puritan Company on Cambridge Street. Different from some of my colleagues who are entrepreneur owners. I'm in Inman Square. I am only open seven months and the increase in the fees and a clarification on the $5,000 would be helpful. As it stands as I read the document, I'll pay $9,000 in the next five months, the amortization of the $5,000 makes sense over three years, but you were expecting a $5,000 check pretty soon. Restaurant businesses are very difficult. I come traditionally from the telephone communications, technology background where profit is 8 to ten times higher than the restaurant business. A lot of us here aren't here to get rich. We're here to do something we love. Something we're really passionate about.

So rather than explain a lot of the other comments that I agreed with from my other

colleagues, I would like to flip around the opportunity to say, "Well, what happens to say if you were actually to give me this money, what would I do it with it?" So, in other words, say that the fee increase was already in place and you were lowering it. I would directly invest that money into my existing business, I would do something to improve my property. Space, for the purpose of attracting guests and do what I do successfully and effectively. I don't think it's something a young business can afford unless -- once you get big bills, you really get close to a zero balance, it can destroy your business for good.

I'm very much against the fee increase. I would like to see what it is that the city really needs to survive and we can all come to an agreement what we can do together.

CHAIRMAN MICHAEL GARDNER: So let me ask

you in terms of your making the decision a year ago or 15 months ago to explore this and try to do this in Cambridge, how important was the existing fee structure that existed to your decision, and had it been either twice as high or a third again as high, or any other number, would that have made any difference with respect to your decision to invest?

MING TAI HUH: I would have done the same exact thing I would have done, I would have built a financial model. That's my background. That's what I do. I would say this is the amount of money I need to make to keep the doors open. And this difference would have been a part of this. I would have raised more money to help me get through the tough times or I would have -- I would have had a different piece of real estate to pay lower money. I would have definitely looked at location for sure as the number one

thing to defer some of the costs.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Anybody else who would like to be heard?

Sir?

STEVE POSTAL: My name is Steve Postal, P-O-S-T-A-L. I'm a chef/owner of the soon-to-be Commonwealth in Kendall Square.

I agree with a lot of what everyone else was saying. To me, it feels a little bit like a bait and switch almost for me because I'm just starting and I'm scraping by with every last penny counts. To add this on to me, it's -- I don't have the money. I don't have any people going in yet, so it's a lot for me to handle. And saying level the playing field, I guess if you subscribe to the belief that the no-values lower the value of the existing one by raising our fees, that doesn't help them, that just helps

Cambridge. They don't get the money, right?

CHAIRMAN MICHAEL GARDNER: I don't think we're proposing to give it to them.

STEVE POSTAL: You can't say you're leveling the playing field.

FIRE CHIEF GERALD REARDON: You may get some support.

STEVE POSTAL: But not unless you give it to them.

CHAIRMAN MICHAEL GARDNER: I'll just ask you and you can decide to answer or not.

STEVE POSTAL: Okay.

CHAIRMAN MICHAEL GARDNER: I'll ask the room then, so in terms of the start-up problems, would it -- from a public policy point of view make more sense to leaving existing fees the way they are for the first X, three or five years and then either put them into effect as proposed or stagger them and gradually put them into effect

so at least the people who are targeted are the ones who, in fact, have been able to be successful under the existing structure?

STEVE POSTAL: I can't really answer that.

CHAIRMAN MICHAEL GARDNER: Thanks very much.

Okay. Come forward and identify yourself and state and spell your name for the record, and then you can speak.

FERNANDO LEON: F-E-R-N-A-N-D-O. L-E-O-N. Kiki Tapas on 3rd Street.

So I agree with everything that's been said. If you guys can figure out a way to make it so that we own these licenses, I would be happy to pay more.

To answer your question about would it have affected my decision to open the restaurant if the fees were higher? Yes. I would have gone

out and bought a license. I would've paid the higher fees.

CHAIRMAN MICHAEL GARDNER: Well, you shouldn't have ever gotten a license if you had the capacity to go out and buy a license because we're not supposed to give it to you if there's no license for sale.

FERNANDO LEON: There's always licenses available for sale at the right price.

CHAIRMAN MICHAEL GARDNER: In terms of the response, I suppose one of the things is that we, in fact, change the structure and don't make them no-value licenses, but we sell them. Sell them for market price.

FERNANDO LEON: Sell them if you're gonna increase the price, that, you know, in five or 10 years, then you have the option to buy it.

CHAIRMAN MICHAEL GARDNER: Thanks very much. Appreciate it.

Sir?

DAVID DOWNING: David Downing, D-O-W-N-I-N-G. And I work for City Retail.

We're a commercial brokerage in Kendall Square. We do a lot of work with the landlords in the area, MIT, Alexandria, Biomed are the major landlords in Kendall Square. And I would say that my perspective, obviously, it's a negative considering Kendall Square. Really the intent of these licenses was always as an economic development tool, right, to help people overcome kind've a risk of coming new areas specifically like Kendall Square. I can tell you we did almost ten restaurant deals in the last few years. That won't have happen if they had to go out and purchase a license on the open market.

Obviously, they did do a search and there wasn't a license available, otherwise, they would have had to buy the license.

So I could say that from an economic development perspective, the change you've seen in Kendall Square is a big reason for that, these licenses you're issuing. So I do think if you're doubling the fees and taking on fees on top of that, especially for early stage restaurants in a neighborhood that's developing, it's a lot.

It's not Harvard Square. It's not even Central Square. There's still nights and weekends that are really slow for these guys. So to take on these stray fees, you might start even to see more restaurants dropout and leave. And they aren't making -- they're making huge investments. Hundreds of thousands, millions of dollars into the restaurants. The landlords are making large developments as well. Everybody is in the same ballpark. They want to make the area better particularly for Kendall Square.

I had a question actually. These

licenses you actual -- there's areas that are capped, right? Like Harvard? There's some other areas in Cambridge that are capped, so you actually can't go out and get a no-value license, correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

DAVID DOWNING: And the reason I ask this question is because I think there's a different perspective of a value of a license in Harvard Square versus a value of a license in Kendall Square.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you want me to explain the cap?

CHAIRMAN MICHAEL GARDNER: I don't want you to explain the cap right now in the interest of time other than to say it's complicated and you can have an off-line conversation with her.

DAVID DOWNING: I think it's important to the content of the discussion. In Harvard Square

you can't go --

EXECUTIVE DIRECTOR ELIZABETH LINT: You can.

DAVID DOWNING: Full liquor?

EXECUTIVE DIRECTOR ELIZABETH LINT: You can do it anywhere in the sale.

CHAIRMAN MICHAEL GARDNER: We evaluate it case by case. Is that fair, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: There's more to it. Call me any time.

DAVID DOWNING: My whole time point is that I think the increase early on for some of these restaurants is quite an increase.

CHAIRMAN MICHAEL GARDNER: I won't ask you to comment of this because we want to go on, but when people say they're investing millions of dollars in the development, it makes me think that these fees would be a very, very small part of that calculation, so I'll take --

DAVID DOWNING: They have to pay the debt and equity back, that's the thing.

CHAIRMAN MICHAEL GARDNER: Sir, come forward.

CHARLES MARQUARTT: I'll be brief. Charles Marquartt, M-A-R-Q-U-A-R-T-T, representing Cambridge Local First.

First of all, we wrote a letter which you have where we expressed concerns about the speed and immediacy and growth of that, we're hearted by the response that you're listening and the fact is it's not a quick snap decision. We appreciate the comments by some our members and some people who should be members because they're all local business folks, and what you're seeing in Boston is what we don't want to see happen in Cambridge. We actually applaud them all for being locally owned, locally grown and staying local. And to lose that and have chains come in

and replace them would be as a local business community and organization a shame that we strive and fight against. So we look forward to additional information to make this in a way we can keep out the chains and keep these folks employed locally.

And lastly, Commissioner Haas isn't here, but we don't want to underestimate the value that these folks have put in making our neighborhoods safer. I know that sounds a little bit contradictory being a restaurant with beer and wine alcohol safer.

CHAIRMAN MICHAEL GARDNER: Doesn't sound contradictory to me at all. We get it.

CHARLES MARQUARTT: So I'm good. I'll leave that unless you have any questions.

CHAIRMAN MICHAEL GARDNER: Thank you.

Anybody else who would like to be heard?

Sir?

MICHAEL STAUB: My name is Michael Staub, S-T-A-U-B. My address is 103 Blanchard Road. I'm a restaurant consultant in Cambridge. I have been in the restaurant industry for over 30 years. I've worked with over 25 Cambridge restaurants.

Many of my clients are here tonight and I have been involved with a number of no-value licenses.

First of all, I would like to thank the Commission for the implementation of these no-value licenses and the concept because it's been instrumental in the success of many restaurants, particularly in the Kendall area where I have done a lot of work.

And it created a new dining center in Cambridge to revive the South End. It created hundreds of jobs, and by my quick math, close to $200,000 of the local option additional meals

tax.

This is a highly competitive capital intensive and low margin business. The cost of the alcohol beverage license on the open market is a distinct barrier to entry for most of these young chefs and entrepreneurs. I believe this policy will stifle development. It's unfair and it's retroactive application and unbalanced in its application. Small owner-operator restaurants will be crowded out by the larger better capitalized organizations which can more easily afford its fees.

The restaurant industry is often called a game of nickels and this new policy, I feel, will make it a game of pennies. I urge you to reconsider this proposal.

CHAIRMAN MICHAEL GARDNER: Thank you.

Any other members of the public who would like to be heard?

Ma'am?

SARAH MURNANE: I'm Sarah Murnane, M-U-R-N-A-N-E. I'm from Abigail's in Kendall Square. First of all, I'd like to say I'm proud to be here with these people. Most of these people are from Kendall Square. We have all recently opened up in the neighborhood, and to be honest, I think we have done a pretty good job of revitalizing, bringing life to Kendall Square because after 5:30 when businesses closed, there was no one around. Now it's become a destination. We all contributed to that.

My big fear with this license increase is by the time our lease is complete, we will have paid above market value for something that we don't actually own. We have nothing to transfer or sell, we're in a position we're trying to sell a business, and whoever comes in and buys it, has to go before you and hopefully acquire a no-value

license themselves. I'm not just trying to protect my family and support my family, I'm thinking of my employees. I have 40 people that work for me. That's 40 jobs from my restaurant alone. Most of the people here would have a comparable amount of people working for them.

When we came into the neighborhood, there weren't any restaurants to buy, so we all had to build from scratch. It's hugely prohibitive. So to have that no-value license available made it possible, and I will say that I would have strongly reconsidered a different neighborhood if I had to purchase a liquor license, but I'm concerned if this increase goes ahead, I am in a very vulnerable position as everybody else here because we don't have anything to sell. And those people I know I can understand their frustration because they purchased or spent a lot of money purchasing a liquor license, but that

will maintain some value, probably a lot of value over the course of a 10-, 20-year lease.

I urge you not to go ahead. We understand you have added costs, but I think there's a fairer way to do this, maybe some sort of rent-to-own-type policy where you know at the end of our leases, we have the opportunity to buy at a reduced rate.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any members of the public who would like to be heard?

Please come forward.

BARBARA BROUSSARD: Good evening. Barbara Broussard, B-R-O-U-S-S-A-R-D. I'm coming as president of the East Cambridge Planning Team. I'm not a restauranteur. I do frequent them. I have lived in East Cambridge for 20 years on 3rd Street, and it has been very difficult for the

members of the community to have a safe feeling walking down from Cambridge Street to Kendall Square for many years. We have spent a lot of time supporting all of these small establishments because that's what the East Cambridge neighborhood would like. We don't want big box or big names. We want something small. Where the people know each other and we are able to communicate. It took us awhile to convince a lot of the developers to not go for the big names.

So this is a part of our community. We now feel safe walking down to Kendall. We have a whole variety of small restaurants that we can patronize and small shops. And we worked very, very hard, and the feeling of being able to walk there safely balances out. We know the city probably needs more people to do the administrative tasks, but I can tell you in the three years that some of these restaurants have

come, I don't believe they were able to amortize exactly their investment in building up the sites. We're doing everything in our community to support them. Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Any other members of the public that would like to be heard?

Seeing none, I will make the motion to take this under advisement to have further public discussion.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I want to express my appreciation to all of you who had to sit and wait this evening while I sorted out my own schedule, and I apologize for the inconvenience to you. I also appreciate all of you speaking forthright and frank ways about the challenges you're faced with and your reactions to this proposed public policy and for keeping your remarks generally brief and to the point. We promise you further discussion.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you want a specific date?

CHAIRMAN MICHAEL GARDNER: I don't at this point. I want to make sure Commissioner Haas is available, has the opportunity to review the record and all of that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIRMAN MICHAEL GARDNER: Okay. So why don't you announce this, Ms. Lint.

**APPEAL: VICTOR MIREKU**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Appeal: Victor Mireku, holder of a Cambridge Hackney License #28955, due to the denial of his hackney license renewal.

CHAIRMAN MICHAEL GARDNER: So why don't you just please, you can have a seat, state and spell your last name for the record and we'll here from Ms. Lint about that reason for the denial. Let him spell his name.

VICTOR MIREKU: Victor Mireku, M-I-R-E-K-U.

CHAIRMAN MICHAEL GARDNER: Thank you. We'll hear from Ms. Lint first and then we'll here from you, okay?

EXECUTIVE DIRECTOR ELIZABETH LINT: Officer Zeto denied the renewal of Mr. Mireku's Hackney license due to his driving record. He appealed that decision to me.

Our Hackney rules and regulations state

if you have violations, more than four violations in a seven-year period, you're no longer eligible to operate.

So we had a hearing on June 19. At this time Officer Zeto explained he didn't renew his license and he had 11 motor vehicle violations within a seven-year period.

He also stated, Officer Zeto, that he had given the gentleman three chances to improve his driving record by renewing his Hackney license every year for one year only for the past three years, and stated that if he continued to have violations, that that was it.

And, unfortunately, he had five more violations. In addition, he took the safe driving class on two occasions and continued to rack up violations.

As a matter of public safety, I determined to uphold Officer Zeto's decision that

his driving history indicated that it just isn't safe for him to be operating in the city.

CHAIRMAN MICHAEL GARDNER: Sir? So you heard what Ms. Lint said. You had your prior hearing. You understand the reasons.

FIRE CHIEF GERALD REARDON: You were in here before for this, correct?

VICTOR MIREKU: No.

FIRE CHIEF GERALD REARDON: You were not?

VICTOR MIREKU: No.

CHAIRMAN MICHAEL GARDNER: Just tell us why you've appealed and why we should overturn what Ms. Lint did.

VICTOR MIREKU: The man and woman, I've been driving in the City of Cambridge for the past ten years, and I have been driving for ten years, come tomorrow I'll be 47 years old. I've never had an accident. All accidents, which I was involved was from the second party. And all

the citations that were made on me, were mere unfortunate situations that happened to fall on me. The citations I received were all in terms of speeding. And the speeding that the officers wrote on the citations were not more than five -- about five of the speeding limit level. I never exceeded the speed limit more than five or six or even above ten. It was within a reasonable driving speed that they cited me.

Unfortunately for me, I was not able to be given the chance to -- for them to notify the speeding violation in a 30-zone area, I happened to be driving above the 30 zone area which is above five and the officer cited me.

When I went to the magistrate for a hearing, I explained to him that I was just driving a normal drive, it wasn't anything above my speeding limit. It was normal driving our time and then, unfortunately, it happened that

the officer picked me up on his radar that I was doing 35 or 45 in a 30 mile zone or something like that. It wasn't driving above my speed limit. I know if you exceed even by one, you have violated the law. But it wasn't something like racing, chasing anybody. It was normal driving. It was unfortunate the law was not on my side. I know very well this is what I do as a living to take care of eight people in my family. I'm taking care of my mother, my two aunties, two kids, and a wife. On top of these I'm paying mortgage with this job that I'm doing. I came into Cambridge work 12 hours everyday for six days in a week.

I drive in the streets of Cambridge, there's no way in Cambridge I don't know. I don't even use the GPS because all the streets are in my palm. I know everywhere in the City of Cambridge.

I know very well that if I speed over speed, I will be cited. For that reason, I won't go about driving haphazardly.

Like I said, it was a normal driving that the officer cited me that I'm speeding. I explained to him, "Officer, I know very well this is a 30 zone area, unfortunately I didn't realize I was above my speed. I'm sorry. Simple as that." He said, "Well, you can explain it to the judge." Such a simple situation. I explained it to the judge. They won't look at the situation in front of them. I go back to my history of driving which I'm trying to build, which is very bad, which I'm trying to billed on it and conclude that my previous record says that I've been driving -- I have citations for such and such a time so definitely you're liable for such a situation. And why this -- all this problem happened. I know well the officer has been

giving me chance to perform better. I know. I'm a normal human being. And I'm not -- excuse me to use the word -- a row boat to fix my foot on on a 30 -- what do you call it -- 30 miles per an hour on the gas pedal. Nobody would be doing 30 at a particular time. You definitely exceed the limit or far below. Even the percentage we pick on the street from 80 years back to now, I have never had a complaint from a passenger reporting me to the Hackney officer or even to a police officer that I'm rude or anything like that. I know the ethics of the business. I don't put my business at risk. Unfortunately, they're saying I'm a risky driver, which I really defer to -- I don't drink alcohol. I don't smoke. I'm a clean driver. I don't do any of those other things that would put some people at risk.

So if I'm doing -- I'm driving at the 30 miles per hour zone and unfortunately it happened

I exceeded my speed limit, that don't mean I'm going to kill somebody. For the past 30 years driving, I have been driving in Massachusetts for 15 years and I have never had an accident with my car. It's the other party which puts me into an accident position.

CHAIRMAN MICHAEL GARDNER: All right. Thank you. Do you have the driving record?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't. They were numerous speeding offenses. There were some accidents. I believe they were red light violations. 11 within seven years.

FIRE CHIEF GERALD REARDON: Do we know how many are recent?

VICTOR MIREKU: Two.

COMMISSIONER MICHAEL GARDNER: Two within the last year?

VICTOR MIREKU: This year.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I

believe there were some pending.

VICTOR MIREKU: There's nothing pending.

FIRE CHIEF GERALD REARDON: So the two you got this year, are they both speeding again?

VICTOR MIREKU: That's when I was saying it was a 30 zone area that I was exceeding the limit and I explain myself to the officer. I know this is a 30 zone area and it's unfortunate I was exceeding my speed limit.

FIRE CHIEF GERALD REARDON: Did you go to the clerk magistrate?

VICTOR MIREKU: I did. And I appeal on that and I went to the second hearing and they were all referring to my previous record telling me my previous record I have a history of what do you call it? A bunch of citations, so automatically I'm liable for what has just happened. They're basing the argument on the citations I received.

FIRE CHIEF GERALD REARDON: I understand what you told us. But it's kind've hard to keep getting citations. There's not a radar on every street corner. Either you have some bad luck or you like to go slightly above the speed limit a lot.

VICTOR MIREKU: That's what I'm saying.

FIRE CHIEF GERALD REARDON: I'm trying to be fair with you in looking at it. If you get caught that many times, you have to be very, very unlucky to get caught by the police, or you do it a fair amount and that's why you get caught.

VICTOR MIREKU: Like I'm saying there are instances that some of these citations I expressed myself to the judge and then he understands me and not finds me guilty on those issues. But it's unfortunately all those in front of me, are referring to my previous records and not looking at the situation. The citation.

FIRE CHIEF GERALD REARDON: I understand that, but when someone catches you on the radar, they don't know your previous record when they're pulling you over because --

VICTOR MIREKU: That's why I'm saying the officer gives -- takes my driver's license and registration and I say I know the speed zone of that area. I'm sorry. But he did his citation and I go to the hearing and that's where I express myself to the officer, the clerk or the magistrate of the place, this is the situation. I know very well this is what I do to take care of eight people in my family.

FIRE CHIEF GERALD REARDON: I understand that.

VICTOR MIREKU: I won't put my life at risk. I lose my job that's nowhere I can take care of the family behind me.

CHAIRMAN MICHAEL GARDNER: You knew when

Officer Zeto gave you the year to year extension, I'm sure he talked to you about the need for you to improve your driving record three different years, and you didn't do it.

VICTOR MIREKU: He never spoke to me directly in terms of this -- until this year when I'm renewing my license that he came out and he came out with this situation. But previously he said my driving record, I need to improve my driving record. That's all he said. I was trying to build on my past record so I could have a good record for --

CHAIRMAN MICHAEL GARDNER: I don't feel comfortable in making a decision without looking at the actual record. So I'm going to make the motion to defer -- take the motion under advisement until our next decision hearing which is July 31st.

EXECUTIVE DIRECTOR ELIZABETH LINT:

July 31st at 1:00.

CHAIRMAN MICHAEL GARDNER: We're going to look at this again on July 31st at 1:00. We'll be here. You're welcome to come if you like. You don't have to come. We probably won't have any questions for you unless something comes up that we need to clarify the record. Do you understand what I'm proposing?

VICTOR MIREKU: I don't need to come here on July 31.

CHAIRMAN MICHAEL GARDNER: You don't need to. You're welcome to come if you'd like. We have a motion pending.

I didn't ask if there were any members of the public who want to be heard.

I recognize you. State and spell your last name for the record and you can say what you want.

GAKO BILEL: My name first name is Gako,

G-A-K-O, the last name B-I-L-E-L.

He's my friend, like a brother to me. I'm a cab driver. He was the one who introduce me to be a cab driver. When I get my Hackney license, he was the one who showed me. I want to let you know I'm -- I came with him, he was the one taking care of the family. And besides that, apart from the taxi, he hasn't got any jobs.

I just came to plead, if there's any changes, you can do something for him, that I would be very, very grateful.

I want to ask because he's fearful. He's a Christian. We go to one church. He help the church. All he do is through the taxi. And the wife doesn't work that much. The mother is home and they have a mortgage to pay, so that's what I wanted to say. Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

CHAIRMAN MICHAEL GARDNER: Is there a second?

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed. We're going to consider this matter again on July 31st.

I appreciate your waiting until the end. It was really up to you, but I didn't necessarily want to have all this discussion in front a whole room of people so I thought it might be better to wait.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have a few ratifications. 235, 74, sale of 187. The refinance of 187, 101 and 233. The paperwork is all in order.

CHAIRMAN MICHAEL GARDNER: Make a motion to accept the actions of the executive director?

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So they're accepted.

EXECUTIVE DIRECTOR ELIZABETH LINT: I will add along the Hackney lines, we have -- unfortunately, we lost our mayor's program student, but for the very short time he was with us, he did a great project for us, checked all the corporations of all the medallions, discovered many that had been dissolved and it enabled us to reach out to every medallion owner that had an issue and we're getting all the

records up to speed which was long overdue. I'm trying to think what else.

That might be it.

FIRE CHIEF GERALD REARDON: Motion to adjourn.

CHAIRMAN MICHAEL GARDNER: Motion to adjourn is always in order.

Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

So we're adjourned at approximately 9:00.

(Whereupon, the License Commission hearing was adjourned at 9:00 p.m.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

_____

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

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

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of July 2013.

_____

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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