

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

ACTING CHAIR ARTHUR GOLDBERG

POLICE COMMISSIONER ROBERT HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, October 6, 2015

TIME: 6:07 p.m.

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P R O C E E D I N G S

October 6, 2015

ACTING CHAIR ARTHUR GOLDBERG: So the meeting is being recorded by audio and video.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Before we get started, if anyone has a cell phone on, we would appreciate it if you would turn it off.

And the backdoor is to remain open at all times.

License Commission general hearing  
Tuesday, October 6, 2015 at 6:07 p.m. We are in the Michael J. Lombardi Building at 831 Massachusetts Avenue, basement conference room.

Before you are the Commissioners: Acting Chair Arthur Goldberg, Police Commissioner Robert Hass and Fire Chief Gerald Reardon.

**APPLICATION:  
PRESIDENT AND FELLOWS OF HARVARD COLLEGE**

EXECUTIVE DIRECTOR ELIZABETH LINT: And first matter is the application: President and Fellows of Harvard College, holder of an open air parking lot license at 41 Holyoke Street for 19 parking spaces, has applied for an increase of 18 parking spaces for a total of 37.

ACTING CHAIR ARTHUR GOLDBERG: Good evening. Could you please identify yourself for the stenographer?

ERIKA JOHNSON: My name is Erika Johnson, E-R-I-K-A, J-O-H-N-S-O-N.

JOHN NOLAN: John Nolan, N-O-L-A-N.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Could you please tell us why you're here?

ERIKA JOHNSON: Sure. We're in the process of consolidating some of the parking lots we have on campus and some of the spaces we have

that are in the process of being demolished because of construction on campus.

We intend to build out an additional number of spaces at the -- what we call the MAC 5 parking lot. And so, we're before you today looking to amend our existing license to add an additional 18 spaces.

EXECUTIVE DIRECTOR ELIZABETH LINT: I thought it was 19.

ACTING CHAIR ARTHUR GOLDBERG: It says --

ERIKA JOHNSON: We have 19 spaces currently. We're looking to add 18 spaces for a total of 37.

ACTING CHAIR ARTHUR GOLDBERG: These are all outdoor spaces? This is not a parking garage?

JOHN NOLAN: Right.

ACTING CHAIR ARTHUR GOLDBERG: And I'm told you have an allowance of parking spaces by

Traffic and Parking rules. And this number, since you're -- some are increasing in some areas. So you're still within that total limit even with this increase?

ERIKA JOHNSON: Yes. There will be no net gain of parking spaces on campus.

ACTING CHAIR ARTHUR GOLDBERG: Will there be any construction involved at all with this?

JOHN NOLAN: Yes, there will be. So we'll be pushing out into the quad in terms of accomplishing in this. I can show you some drawings, if you would like.

ACTING CHAIR ARTHUR GOLDBERG: Sure.

JOHN NOLAN: Basically, we will be taking -- pushing out into the quad about 21, 23 feet, we'll basically be lowering the grade a little bit.

And we'll also be installing a water retention system relative to the City of

Cambridge's requirements for water retention.

Our plan long-term, too, is to improve the condition of that quad. It gets a lot of water, and it poorly drains right now. And so, it ends up being, in many cases, a mud bowl.

It will be a little bit of time before we do that because the university is planning to renew Winthrop House next year, beginning next summer. So it wouldn't make any sense for us to start that improvement until that construction is done.

However, we also plan on improving the sidewalk conditions there. And in the back of the MAC is the additional space for a sidewalk and on the other side will be a better handicap accessible pathway.

In addition, we have to take down some trees because they're not in great shape anyway. We'll be adding 8- to 9-inch caliber trees, a

substantial cost to that.

The area now that we're going to be going into the MAC is kind've a real slope and really isn't very usable from the student's perspective.

We'll also be adding some additional bike parking. Adding and improving the lighting in that area with LED lighting, similar to the way it is on the other side of the MAC.

So we really think it's a really nice improvement.

ACTING CHAIR ARTHUR GOLDBERG: Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHIEF GERALD REARDON: No questions.

ACTING CHAIR ARTHUR GOLDBERG: Does any member of the public want to be heard on this issue?

Seeing none.

Does the Executive Director have



anything?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do not.

ACTING CHAIR ARTHUR GOLDBERG: The application is in order, I assume?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it is.

CHIEF GERALD REARDON: I make a motion to approve the application.

ACTING CHAIR ARTHUR GOLDBERG: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

CHIEF GERALD REARDON: Aye.

Three to nothing. You're approved.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Anyone here for Hi-Fi?

No.

**APPLICATION:  
THE MEDES, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The Medes, Inc, Yusuf Ak, manager, has applied for a common victualer license at 645 Cambridge Street. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises, with a seating capacity of 18 and proposed operating hours from 11:00 a.m. to 1:30 a.m. seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: Is anyone here for the Medes?

So no one is here for No. 3, 645 Cambridge Street, and I think we can either deny this or just continue it, but we didn't get a request for a continuance, I don't think.

EXECUTIVE DIRECTOR ELIZABETH LINT: We

did not.

And this particular location had an application in the last hearing by Pronto Cafe, which was approved by the Board, and there was a letter of intent from the landlord.

ACTING CHAIR ARTHUR GOLDBERG: So we don't understand this application --

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Exactly.

ACTING CHAIR ARTHUR GOLDBERG: -- because it's for the exact same location that someone else was approved for last week.

So I would vote that we deny -- move that we deny this application.

CHIEF GERALD REARDON: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

**APPLICATION:  
HAVIGIL CORPORATION**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Havigil Corporation d/b/a Sante's Mobile Cafe has applied for an annual vendor/peddler license to operate a mobile food truck at Cambridge Discovery Park every other Thursday from 11:00 a.m. to 3:00 p.m.

ACTING CHAIR ARTHUR GOLDBERG: Could you identify yourself and spell your name, please?

STEVEN GILMAN: Yes. My name is Steven with a V, S-T-E-V-E-N, Gilman, G-I-L-M-A-N.

ACTING CHAIR ARTHUR GOLDBERG: Could you tell us about your application.

STEVEN GILMAN: Yeah. So we have permission from the Bullfinch Companies to operate every other Thursday at their facility in Cambridge Discovery Park. We have been there

twice already for the temporary one-day permit and we're seeking an annual license.

We're also hoping that the annual license might allow us to operate other places in Cambridge, although it's my understanding that we need permission from property owners anyplace we're going to be, that the city does not allow food trucks to operate on public streets. Is that true?

ACTING CHAIR ARTHUR GOLDBERG: I believe that is true.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

STEVEN GILMAN: But there was special events we do. We have the Head of the Charles coming up. So I don't know if I have to apply for that, or we still have to get the temporary license.

CHIEF GERALD REARDON: Most Head of the Charles is on DCR property.

STEVEN GILLMAN: I see.

CHIEF GERALD REARDON: You would have to go through DCR.

STEVEN GILMAN: So, I suppose, for the purposes of this annual license, it would be to operate at the Cambridge Discovery Park.

ACTING CHAIR ARTHUR GOLDBERG: I think your application only was for Cambridge Discovery Park, isn't that right?

STEVEN GILMAN: It was, yeah.

CHIEF GERALD REARDON: Where in the Discovery Park? Is it in the back section? Where you do setup?

STEVEN GILMAN: Yep. So I'm not too familiar with the park.

I know the address is 100 Acorn Park Drive, right next to one of the parking garages up kinda like on the lawn. Yeah.

ACTING CHAIR ARTHUR GOLDBERG: Where will

the food preparation be done?

STEVEN GILMAN: Done at our licensed commissary in Needham.

ACTING CHAIR ARTHUR GOLDBERG: So there won't be food preparation on the truck itself?

STEVEN GILMAN: No.

ACTING CHAIR ARTHUR GOLDBERG: Okay. What sort of equipment do you have on the truck? Do you have refrigeration?

STEVEN GILMAN: Yep.

ACTING CHAIR ARTHUR GOLDBERG: Heating elements?

STEVEN GILMAN: Yep. So we have a double-door cooler. We have two sandwich units. We have a fryolator, a grill, triple-bay sink and a handwashing station.

ACTING CHAIR ARTHUR GOLDBERG: Hand...?

STEVEN GILMAN: Handwashing station.

CHIEF GERALD REARDON: So has your truck

already been inspected by Cambridge?

STEVEN GILMAN: It has.

CHIEF GERALD REARDON: And the Fire Department did the propane inspection?

STEVEN GILMAN: Yes, that too.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have the signoffs.

CHIEF GERALD REARDON: I would assume you would on a one-day license.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have it for this.

ACTING CHAIR ARTHUR GOLDBERG: What type of food would you be serving?

STEVEN GILMAN: So it varies a little bit, depending on season. We have been doing salads, wraps and smoothies. And as we're getting to colder months, we'll move away from smoothies to soups, but the salads are always going to be a core part of it.



ACTING CHAIR ARTHUR GOLDBERG: And do you have experience operating a food truck? Have you done this for awhile?

STEVEN GILMAN: Yeah. So my background is actually in IT. I had an IT company for the past ten years. And I'm partners with my cousin and he has 20 years' experience in the restaurant business, went to Johnson & Wales, managed several other places, had his own catering company for a little awhile. So he has been running the truck for the past three months or so that we have been in operation.

ACTING CHAIR ARTHUR GOLDBERG: What is his name?

STEVEN GILMAN: Scott Haviland.

ACTING CHAIR ARTHUR GOLDBERG: Scott...?

STEVEN GILMAN: Scott Haviland,  
H-A-V-I-L-A-N-D.

ACTING CHAIR ARTHUR GOLDBERG: Anything

further?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. Actually, we only have information on Scott. So if you're going to be on the truck, we'll need a copy of your state peddlers permit as well background check.

STEVEN GILMAN: No. I'm just taking care of the business, the development side of things.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's fine.

CHIEF GERALD REARDON: How many other trucks are working up there now, do you know?

STEVEN GILMAN: I believe we're the only one.

CHIEF GERALD REARDON: I haven't seen a -- I hadn't seen a flurry of them up there.

STEVEN GILMAN: No. It's funny. We started off in Needham, and one of the management teams from Bullfinch came down -- they have an

office in Needham -- and they said, "You guys would be a great fit for Cambridge." I also have a cousin who works there, so she kinda helped us get in there. They have a cafeteria, but the people who work there really want some other options outside the cafeteria. So we'd be there more often if it wasn't for the fact that they need to kinda keep food trucks away to keep the cafeteria in business.

ACTING CHAIR ARTHUR GOLDBERG: You mentioned that you have a commissary in Needham?

STEVEN GILMAN: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Are they licensed by Needham?

STEVEN GILMAN: Yes.

ACTING CHAIR ARTHUR GOLDBERG: What kind of license do they have, a CV?

STEVEN GILMAN: I'm sorry?

ACTING CHAIR ARTHUR GOLDBERG: Do you

know what kind of license they have?

STEVEN GILMAN: I can show it to you.  
It's a commercial kitchen in a church. And  
there's a couple other food trucks that use it as  
well. All kinds of licenses.

Here you go (forwarding).

ACTING CHAIR ARTHUR GOLDBERG: Is this a  
copy that we can keep?

STEVEN GILLMAN: Absolutely, yeah.

ACTING CHAIR ARTHUR GOLDBERG: Does any  
member the public wish to be heard on this  
matter?

Seeing none.

Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No  
questions.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No  
questions.

ACTING CHAIR ARTHUR GOLDBERG: Motion?

CHIEF GERALD REARDON: I make a motion to approve Havigil Corporation d/b/a Sante Mobile Cafe at Cambridge Discovery Park every other Thursday at 11:00 a.m. through 3:00 p.m.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Three to nothing.

STEVEN GILMAN: Now, is that that effective immediately?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's effective when you pay and pick up your license.

STEVEN GILMAN: Oh, okay. Can we do that this Thursday?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Probably.

STEVEN GILMAN: We did plan to operate this Thursday, so I was hoping.

CHIEF GERALD REARDON: You come in tomorrow, you're good for Thursday.

STEVEN GILMAN: That's what we'll do.  
Thank you very much.

**APPLICATION:  
WAHOO, INC D/B/A GENKI YA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from August 27 and September 8, 2015, Wahoo, Inc, d/b/a Genki Ya, Que Tai Duong, manager, holder of a wine and malt restaurant license at 231 Alewife Brook Parkway has applied for a change of manager to David ThanhNang Hoang, new stockholder, transfer of stock and new officer/director.

ACTING CHAIR ARTHUR GOLDBERG: Good

evening.

ATTY MEIHEUI HU: Good evening.

ACTING CHAIR ARTHUR GOLDBERG: Could you state your name and spell your names for the stenographer, please?

ATTY MEIHEUI HU: My name is Meiheui, M-E-I-H-U-E-I. H-U, last name.

Next to me is David Hoang, D-A-V-I-D, H-O-A-N-G.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

ATTY MEIHEUI HU: I represent Wahoo, Inc for its application for transfer of stocks, election of new officers and directors and a proposed new manager for the premises located at 231 Alewife Brook Parkway.

Wahoo, Inc d/b/a Genki Ya, there's no change in the operation, there's no change in the menu. Basically, this is an application to elect new officers and the two new stockholders.

ACTING CHAIR ARTHUR GOLDBERG: So there are different things you're applying for, one is a change of manager?

ATTY MEIHEUI HU: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Right? So, Mr. Hoang would be the new manager?

ATTY MEIHEUI HU: Yes. Mr. Hoang will be the new manager. He has been working at the same location since inception in the year 2000 -- oh, I'm sorry, in 2005 when they first started.

His responsibility will include, in addition to managing the kitchen, he will also manage the staff.

He is currently TIPS certified, but I think I understand in Cambridge there's additional certification required for any manager at a premises where alcohol beverages are served and Mr. Hoang can definitely take that additional certification.



ACTING CHAIR ARTHUR GOLDBERG: Has he managed a restaurant in the past?

ATTY MEIHEUI HU: He has not, but he has been working in the same premises since 2005. He's familiar with the operation and he is also familiar with the staff there.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So the other thing you're applying for relate to a new stockholder, transfer of stock and new officers.

Could you describe that for us, please?

ATTY MEIHEUI HU: Previously before this transfer, there are two -- three shareholders, Jason Eyu, Hua Zhao, Z-H-A-O, and a gentleman named Duong, last name D-U-O-N-G.

Mr. Duong is selling entire -- his entire share of 20 percent of the corporate stock. His 20 percent will be picked up by Mr. Hoang, David Hoang here.

And the other is a shareholder, Jason Eyu and Hua Zhao. They will each swap 5 percent of their interest and sell that to additional stockholder Xue Feng Liang. And Xue Feng Liang, after the transfer, they will own ten percent of the stock.

So after the transfer, Jason will own 35 percent, Hua Zhao 35 percent, and David Hoang 20 percent and Xue Feng Liang ten percent.

ACTING CHAIR ARTHUR GOLDBERG: I'm going to ask the stenographer, do you need the spellings?

THE REPORTER: Yes, if she could spell them.

ATTY MEIHEUI HU: Jason, J-A-S-O-N, E-Y-U. Hua Zhao, H-U-A, Z-H-A-O. And David Hoang, D-A-V-I-D, H-O-A-N-G. And Xue Feng Lian, X-U-E, F-E-N-G, L-I-A-N-G.

ACTING CHAIR ARTHUR GOLDBERG: So just

for my understanding, so the two owners now who own 40 percent each, they each own 40, they would be going down to 35 percent each?

ATTY MEIHEUI HU: Yes.

ACTING CHAIR ARTHUR GOLDBERG: So they would still own 70 percent of the stock as opposed to currently 80 percent, and the current owner, who owns 20 percent, would be transferring all of that stock, and the remaining -- the two 40 percent owners will go down to 35 percent each, and the ten percent that they collectively are giving up would also be transferred.

So, now, this license is a no-value nontransferable license, if I'm correct.

So the issue here would be: Do we consider this a transfer of the license for our purposes because it's a nontransferable license.

And I'll open this up for discussion, but my own view on this is that where the current

owners are still retaining 70 percent of the ownership, that I could see my way clear to vote that this is not a transfer of the license. It's a minority -- there is some share of the ownership that is being transferred, 30 percent. But 70 percent is not. And, you know, it's the same restaurant. And so it's a question how we want to interpret the fact that this is a nontransferable license.

POLICE COMMISSIONER ROBERT HAAS: I know we have one other case in a similar situation where we denied the transfer for this reason, plus you're introducing a new stockholder. It's not just a rearranging of stock among these new stockholders, but actually it's a new stockholder in the mix.

In some respects, it is a transfer. You're transferring to another party that was never a stockholder in the past.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's the same corporation.

POLICE COMMISSIONER ROBERT HAAS: The same corporation.

ACTING CHAIR ARTHUR GOLDBERG: It's the same corporation.

POLICE COMMISSIONER ROBERT HAAS: How is the other one different that we had?

Were they transferring completely to a different ownership?

EXECUTIVE DIRECTOR ELIZABETH LINT: I can't remember right at this moment.

But I did discuss this with the ABCC and they said if we sent it in as a new license, they would send it back and tell us to do it as an added stockholder because it's the same corporation.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHIEF GERALD REARDON: This is the same

corporation, and at the end of the day, we still have two original owners that control 70 percent of the corporation.

ACTING CHAIR ARTHUR GOLDBERG: Uh-huh.

CHIEF GERALD REARDON: I guess I look at it somewhat more of a stock redistribution and adding a small minority partner to this as opposed to a complete transfer.

ACTING CHAIR ARTHUR GOLDBERG: This Board could have a discussion in the future about how to interpret this rule and whether or not you change it in some way. But for now, we're just talking about this particular case.

So do we want to have more discussion or...?

POLICE COMMISSIONER ROBERT HAAS: It seems to me if the ABCC is viewing this as the same corporation and they sent it back when we sent in the application, I think it's a moot

point.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

CHIEF GERALD REARDON: Well, two mitigating things: It's still the same corporation and still the majority of the holders of the stock are there. I think that that's --

ACTING CHAIR ARTHUR GOLDBERG: So I would make a motion that the change of manager be a new stockholder, and transfer of stock and new officers and directors be approved.

POLICE COMMISSIONER ROBERT HAAS: Did we do a background?

EXECUTIVE DIRECTOR ELIZABETH LINT: Background checks are fine.

ACTING CHAIR ARTHUR GOLDBERG: Is there any member of the public who would like to comment on this issue?

None.

So the motion is out there. Is there a

second?

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All those  
in favor?

CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Three to nothing. You're approved.

CHIEF GERALD REARDON: For the record,  
can we make a friendly amendment that 21 Proof  
training is also required?

ACTING CHAIR ARTHUR GOLDBERG: Sure.

ATTY MEIHEUI HU: Thank you very much.

**APPLICATION:  
PANDA EXPRESS, INC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Panda Express, Incorporated has  
applied for a common victualer license at 100  
Cambridgeside Place, the food court. Said,



license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with proposed operating hours from 11:00 a.m. to 9:30 p.m. seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: Hi. Could you state and spell your names, please?

TUAN LUONG: My name's Tuan, T-U-A-N, last name Luong, L-U-O-N-G.

CHARMAINE GAORIAN: My name is Charmaine, C-H-A-R-M-A-I-N-E, last name is Gaorian, G-A-O-R-I-A-N.

ACTING CHAIR ARTHUR GOLDBERG: Welcome. Could you tell us about your application?

TUAN LUONG: So the application, we're opening a fast-food restaurant inside of Cambridge Galleria Mall, and we would like to sell -- provide all the Chinese food and a tiny wok kitchen range.

CHIEF GERALD REARDON: What space are you going into? Do you know who was there prior?

What space are you occupying in the mall that left?

CHARMAINE GAORIAN: Villa & Harlow. It was like a salad and sandwich.

CHIEF GERALD REARDON: So you obviously have all the agreements with the Galleria Mall in place?

CHARMAINE GAORIAN: Yes.

CHIEF GERALD REARDON: In terms of the space and any renovations that need to be done?

CHARMAINE GAORIAN: Yes. We're actually looking into opening on October 8. So all the documentations regarding inspections have already been submitted.

ACTING CHAIR ARTHUR GOLDBERG: We had a question on the application. Maybe this has already been resolved. But is there an

owner/manager specifically to this location because that person was not named on the application?

CHARMAINE GAORIAN: The opening manager would be Tuan Luong. And I will be the new unit manager for the Boston area.

ACTING CHAIR ARTHUR GOLDBERG: We need that put on the application.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do.

ACTING CHAIR ARTHUR GOLDBERG: And there was also a question on the application that wasn't answered. So, we would need that completed, too, which was about the owner/manager. I think it was about whether the owner/manager had been ever convicted of any crimes.

CHARMAINE GAORIAN: Yes.

ACTING CHAIR ARTHUR GOLDBERG: We need

the application complete.

CHARMAINE GAORIAN: Is that something that we can do today or do we have to --

EXECUTIVE DIRECTOR ELIZABETH LINT: When you come in to pick up the license, we can take care of it.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So I assume you will name Mr. Luong as manager?

TUAN LUONG: Yes, I am.

ACTING CHAIR ARTHUR GOLDBERG: Okay. And if I could ask the Executive Director, if we could just hear now the answer to the question, but I don't have the language of the question.

EXECUTIVE DIRECTOR ELIZABETH LINT: "Has any license held by you ever been revoked, suspended or otherwise subject to disciplinary action?"

TUAN LUONG: Special license.

EXECUTIVE DIRECTOR ELIZABETH LINT: Did

you ever hold a license that was revoked?

CHARMAINE GAORIAN: Do you have any licenses before that was revoked?

TUAN LUONG: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: Or suspended or had a problem with this?

TUAN LUONG: I never.

EXECUTIVE DIRECTOR ELIZABETH LINT: And do you hold any other business licenses or occupational licenses?

TUAN LUONG: I don't.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHIEF GERALD REARDON: Maybe you could give us quickly your experience managing or in the food industry?

TUAN LUONG: So in Panda Express, we do have open kitchen and have a Chinese wok range and it's Chinese food. We deep fry and stir fry entry. So, in the front service we do -- we have

some server just serving food direct when customer ordering, just buffet style.

CHIEF GERALD REARDON: What is your experience prior to this? Have you worked at other restaurants?

TUAN LUONG: Not yet.

CHIEF GERALD REARDON: Okay.

TUAN LUONG: Only Panda Express for now.

POLICE COMMISSIONER ROBERT HAAS: How long have you worked for Panda Express?

TUAN LUONG: Five years.

POLICE COMMISSIONER ROBERT HAAS: Five years in this location or at a different location?

TUAN LUONG: Different location.

POLICE COMMISSIONER ROBERT HAAS: Where was the location?

TUAN LUONG: I used to work for location in Walpole, Dedham, Medford.

POLICE COMMISSIONER ROBERT HAAS: You have been with Panda Express for five years, though?

TUAN LUONG: Yes.

CHIEF GERALD REARDON: Do you need to do construction at that site?

CHARMAINE GAORIAN: Yes. Construction is already done.

CHIEF GERALD REARDON: Okay. And you already have your inspections done?

CHARMAINE GAORIAN: Yes.

TUAN LUONG: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Does any member of the public wish to be heard on this matter?

None.

MARC LEVY: I'm sorry. I have a question. The construction is already done by them or by the Cambridgeside?

It seems odd to have the construction done before they are asking for permission for construction that's already been done.

ACTING CHAIR ARTHUR GOLDBERG: They're not asking for permission for the construction, as far as I know.

EXECUTIVE DIRECTOR ELIZABETH LINT: We wouldn't give them permission for construction, the Building Department would.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So you're saying the mall did the alterations?

CHARMAINE GAORIAN: Well, the construction is on our end. It's not from the Galleria. So the mall gave us the permission to do the construction, to start building.

ACTING CHAIR ARTHUR GOLDBERG: Okay. And was that -- do you know whether that was -- did you get a permit from the Building Department for construction?



TUAN LUONG: Yes, we do.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Any further questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHIEF GERALD REARDON: No other questions.

ACTING CHAIR ARTHUR GOLDBERG: So I make a motion to approve the CV license for a Panda Express, Inc at 100 Cambridgeside Place in the food court according to the application, as it will be completed.

Is there a second?

CHIEF GERALD REARDON: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Three to nothing. You're approved.

CHARMAINE GAORIAN: Thank you so much.

**APPLICATION:  
CLOVER FOOD LABS, INC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Clover Food Labs, Inc, Ayr Muri, manager, holder of a common victualer license at 496 Massachusetts Avenue with 42 seats inside and hours of operation 24 hours per day has applied for an increase in capacity/seasonal outdoor patio seating for 24 seats on the city sidewalk.

ACTING CHAIR ARTHUR GOLDBERG: Hi. Good evening. Could you state your names and spell them, please?

ROBERT CHRISTENSEN: Robert Christensen, R-O-B-E-R-T, C-H-R-I-S-T-E-N-S-E-N.

JULIA BREMNER: My name is Julia Bremner, J-U-L-I-A, B-R-E-M-N-E-R.

ACTING CHAIR ARTHUR GOLDBERG: Could you

tell us what your application is for?

JULIA BREMNER: Sure. We're here today to update our existing CV license to include a seasonal outdoor seating, and we're seeking to add 24 seats to the exterior, and the plan has been approved by the Building Department.

Do you know whether the Department of Public Works has approved?

JULIA BREMNER: I believe they have.

ACTING CHAIR ARTHUR GOLDBERG: Okay. I am -- do we have -- does that normally happen after us or before us?

EXECUTIVE DIRECTOR ELIZABETH LINT: Kinda hand in hand. They wouldn't issue their permit and have them pay for it until such time as the Board approved the outdoor seats, but we wouldn't necessarily approve the outdoor seats without knowing that Public Works was in agreement with it.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So we can approve pending approval of Public Works?

EXECUTIVE DIRECTOR ELIZABETH LINT: We would need a copy of their sidewalk obstruction permit, and then they also need City Council approval.

JULIA BREMNER: This will happen after tonight's hearing?

ACTING CHAIR ARTHUR GOLDBERG: Yes.

So could you describe how the seats will be arranged, how you propose to arrange them?

JULIA BREMNER: Sure. I actually brought some drawings.

ACTING CHAIR ARTHUR GOLDBERG: These are all the same?

JULIA BREMNER: Yeah. You can see that they're set up as two tops located next to each other. There are six and there's 24 seats in

total and it's running along Massachusetts Avenue.

CHIEF GERALD REARDON: What are your plans for the barrier around that?

ROBERT CHRISTENSEN: We have a barrier built with stanchions in eight-foot sections of Plexiglas all the way around with two entrance/egress points.

ACTING CHAIR ARTHUR GOLDBERG: So I assume you would be seating out there as weather permits?

JULIA BREMNER: Correct.

ACTING CHAIR ARTHUR GOLDBERG: Would you anticipate -- so when there is no seating out there in the winter presumably, is the barrier removable or...?

ROBERT CHRISTENSEN: Completely a hundred percent portable and will not be there for snow removal purposes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Also  
the 24 hours is -- our patio seating ends at  
1:00.

ROBERT CHRISTENSEN: The barricades or  
the tables down?

EXECUTIVE DIRECTOR ELIZABETH LINT: The  
tables.

ROBERT CHRISTENSEN: We will take those  
down.

JULIA BREMNER: That's to 1:00 a.m.?

EXECUTIVE DIRECTOR ELIZABETH LINT: 1:00  
a.m.

ACTING CHAIR ARTHUR GOLDBERG: You do not  
have an alcohol license, wine or beer or all  
alcohol, right?

ROBERT CHRISTENSEN: Not yet.

ACTING CHAIR ARTHUR GOLDBERG: So there's  
no alcohol on the sidewalk?

ROBERT CHRISTENSEN: Right.

ACTING CHAIR ARTHUR GOLDBERG: Anything from the --

EXECUTIVE DIRECTOR ELIZABETH LINT: Just the permits and Council approval is all I need.

ACTING CHAIR ARTHUR GOLDBERG: Any members of the public who would like to comment on this?

No?

XAVIER DIETRICH: I would like to comment.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Could you state your name?

XAVIER DIETRICH: My name is Xavier Dietrich. I ate outside at this patio last week.

ACTING CHAIR ARTHUR GOLDBERG: You're saying they're -- are you already operating outside?

ROBERT CHRISTENSEN: There were tables. We didn't know at first. This wasn't part of our

current plan. We received a verbal approval, I believe it was, at one point, which we thought we were all set. The minute we found out we weren't, the tables came down in a matter of minutes.

ACTING CHAIR ARTHUR GOLDBERG: How long were the tables out?

ROBERT CHRISTENSEN: I've only been with the company for two and a half months, so they were there for a little while when I first started.

ACTING CHAIR ARTHUR GOLDBERG: Okay. And when were they taken down?

ROBERT CHRISTENSEN: I have an email that might figure it out if my phone was on but it's not but you might have the date, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have the specific date, but I believe what happened was Vin Best had been down and approved



the concept and worked with them to figure out exactly what the configuration would be. And then I learned that the seats were out there and contacted, I think you, Julia, and they took them down.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Another comment?

KIM COURTNEY: Sure. Kim Courtney. I also ate there outside, and on that day, the restaurant closed around 8:00 or 9:00 p.m. I believe their license is 24 hours, so they are required to stay open 24 hours.

ACTING CHAIR ARTHUR GOLDBERG: Do you --

ROBERT CHRISTENSEN: I would need the date on when that happened.

ACTING CHAIR ARTHUR GOLDBERG: Do you happen to have a date when that happened?

KIM COURTNEY: Yes, I can get the date for you.

ACTING CHAIR ARTHUR GOLDBERG: Do you normally stay open the 24 hours?

ROBERT CHRISTENSEN: We had one day that I can think of where we had a company function which was an all staff appreciation party where we did close the restaurant so that the staff at that location would be able to attend.

ACTING CHAIR ARTHUR GOLDBERG: But normally you're open 24 hours?

ROBERT CHRISTENSEN: 24/7.

EXECUTIVE DIRECTOR ELIZABETH LINT: If they're going to be closed, they're supposed to notify us and the Police Department.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So were you aware of that -- or do you have the date?

KIM COURTNEY: I have the date, if you would like, September 24th.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

ROBERT CHRISTENSEN: I would have to do research. I don't have the information. The date that I know of that we were closed, it was the staff appreciation.

XAVIER DIETRICH: I was there. It did close that evening.

JULIA BREMNER: I'm sure we were unaware there had to be a notification process. And we're happy to comply by any notification requirements. We're a 24-hour operation. I think it sounds like this was one instance. We like being open at 24 hours, so I don't foresee this as being any sort of regular occurrence.

ACTING CHAIR ARTHUR GOLDBERG: Okay. I would just stress it is important, obviously, to us and to the city that you comply with the existing regulations, so the fact that you put the seating out there and were told you shouldn't have done that without the permits, and you're

now coming to us, it's a good thing that you're coming to us, but please review the regulations that we have and be sure that you're in compliance with them.

Any questions from any of the Commissioners?

CHIEF GERALD REARDON: Do you have any idea how long it was that the seats were out there before they came in? I mean, are you talking days? Weeks? A month?

ROBERT CHRISTENSEN: I can find out. I don't think that the tables and chairs were purchased when the restaurant was first constructed, so I think they came much later. The restaurant opened in April, so I don't have the exact answer. I don't want to speculate.

CHIEF GERALD REARDON: When did you come to the company?

ROBERT CHRISTENSEN: I started with the

company in the beginning of August.

CHIEF GERALD REARDON: Were there tables there then?

ROBERT CHRISTENSEN: I started out in Burlington, and when I came down here midway through August, there were tables out there.

CHIEF GERALD REARDON: So we're talking almost two months?

ROBERT CHRISTENSEN: I have been down for two plus weeks, so...

ACTING CHAIR ARTHUR GOLDBERG: Well...

POLICE COMMISSIONER ROBERT HAAS: How long have you been with the company?

JULIA BREMNER: I started on September 1st.

POLICE COMMISSIONER ROBERT HAAS: Of this year?

JULIA BREMNER: Of this year.

POLICE COMMISSIONER ROBERT HAAS: Who is

the manager of record?

ROBERT CHRISTENSEN: Ayr Muir is the founder of the company. He started it. He's the founder of the company. And he built the first food truck by MIT.

CHIEF GERALD REARDON: What is the stop date for outdoor seating?

EXECUTIVE DIRECTOR ELIZABETH LINT: November 30th. The closure period is very small. It's from, say, beginning of -- patios need to be closed from the last day in November, I believe, until the first day of March, I'm pretty sure.

ACTING CHAIR ARTHUR GOLDBERG: Do you want to make a motion?

CHIEF GERALD REARDON: I will make a motion it's going to be that I would approve this, but impose the fact that they not use the patio for the remainder of the season due to the violation.

POLICE COMMISSIONER ROBERT HAAS: Second  
that.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Yes.

ROBERT CHRISTENSEN: So March. Okay.

JULIA BREMNER: And just to confirm, I go  
into -- I have to have City Council approval from  
this point and --

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.  
If you want to call me tomorrow, I can tell you  
what you need to do.

JULIA BREMNER: Thank you.

ROBERT CHRISTENSEN: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: Not  
tomorrow. You can call Chris O'Neil tomorrow and  
he can tell you what to do.

JULIA BREMNER: Thank you.

**APPLICATION:  
FAMILY BUSINESS ASSOCIATION, INC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Family Business Association, Inc at  
101 Huntington Avenue, Suite 500, Boston,  
Massachusetts 02119 has applied for a charity  
wine license at 40 Edwin Boulevard, Royal Sonesta  
Hotel for an event on October 22, 2015.

ACTING CHAIR ARTHUR GOLDBERG: Hi.

CATHERINE WATSON: Good evening.

ACTING CHAIR ARTHUR GOLDBERG: Please  
state your name and spell it.

CATHERINE WATSON: My name is Catherine  
Watson, C-A-T-H-E-R-I-N-E, W-A-T-S-O-N.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.  
Tell us about your application.

CATHERINE WATSON: Certainly. So I am a  
vice president of the Family Business



Association. We're a nonprofit and we educate and honor family businesses throughout Massachusetts.

And our signature event every year for the past eight years has been held at the Royal Sonesta Hotel, and we're fortunate enough to have Gordon Liquors donate wine, red and white wine for pouring at the event during dinner.

So, we're here tonight to apply for a charity wine license, and I also have brought with me because I think we were missing --

EXECUTIVE DIRECTOR ELIZABETH LINT: I have them. Somebody faxed them over.

CATHERINE WATSON: Oh, great. Do you need my original letter of good standing?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. We have the certificate of good standing, and we have the certificate of solicitation as well.

ACTING CHAIR ARTHUR GOLDBERG: We have

all the required paperwork.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Everything that was missing, yes.

CHIEF GERALD REARDON: Just for the record, the staff, the licensed staff at the Sonesta do all the pouring in terms of the wine.

CATHERINE WATSON: Yes.

CHIEF GERALD REARDON: You say Gordon's is the donator for --

CATHERINE WATSON: Yes.

ACTING CHAIR ARTHUR GOLDBERG: What are the hours of the event?

CATHERINE WATSON: So our VIP reception starts at 5:00 or 5:15, and we usually end between 9:00 p.m. and 10:00 p.m. in the evening.

ACTING CHAIR ARTHUR GOLDBERG: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHIEF GERALD REARDON: No further questions.

ACTING CHAIR ARTHUR GOLDBERG: Any members of the public that wishes to be heard on this matter?

None.

And I make a motion to approve the application for the charity wine license as applied for October 22nd.

CHIEF GERALD REARDON: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

CATHERINE WATSON: Thank you very much.

CHIEF GERALD REARDON: Good luck.

CATHERINE WATSON: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

still don't see anyone for Hi-Fi. I did have a conversation with Attorney Kevin Crane two weeks ago.

ACTING CHAIR ARTHUR GOLDBERG: What did he say?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe he understood that this was going to be on for tonight.

ACTING CHAIR ARTHUR GOLDBERG: This is a matter that has been remanded back to the Commission from the ABCC. Their wine and malt license had been inactive for an extended period and the Board voted to terminate it. And the ABCC has said that we have to give them at least six months additional time before we can terminate the license for being inactive. So I think we could vote without them here to do that, to notify them that we will give them an additional six months time on their -- to hold

their inactive license.

CHIEF GERALD REARDON: What is the earliest date we can do that?

ACTING CHAIR ARTHUR GOLDBERG: I think it would be six months from vote. So if we vote tonight, they will have an additional six months or they will face cancellation of the inactive license. I think whenever six months is from today, it would be the deadline.

And the other option, which I don't personally support, we appeal the ABCC decision to Superior Court and challenge it. But I personally don't recommend that we do that. And I don't think we need them here to do this.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Perhaps that's why they're not here.

POLICE COMMISSIONER ROBERT HAAS: Because they don't think they need to be here, I can only guess.

CHIEF GERALD REARDON: I would make a motion that we start the date for their six months as of today, October 6th.

ACTING CHAIR ARTHUR GOLDBERG: Okay.  
Second. Discussion?

POLICE COMMISSIONER ROBERT HAAS: No.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

Three to nothing.

EXECUTIVE DIRECTOR ELIZABETH LINT: The only other matter does not involve the Chief. If the two of you had the opportunity to review the minutes from October 8th.

POLICE COMMISSIONER ROBERT HAAS: I did.

ACTING CHAIR ARTHUR GOLDBERG: Move to approve.

POLICE COMMISSIONER ROBERT HAAS: I make  
a motion to approve the minutes from  
September 8th.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Is there any other business?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm  
looking.

CHIEF GERALD REARDON: Motion to adjourn.

ACTING CHAIR ARTHUR GOLDBERG: Second.  
All in favor in adjournment?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

We're adjourned.

(Whereupon the hearing was adjourned.)

## ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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## CERTIFICATION

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 12th day of October, 2015.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME IN ANY RESPECT UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER

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