



# CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

## MEETING MINUTES

Board of License Commissioners' Meeting  
Wednesday, January 16, 2019 at 2:00 p.m.  
Michael J. Lombardi Building, 831 Massachusetts Avenue  
Carmelia M. Vicente Conference Room (Basement Level)  
Cambridge, Massachusetts

Meeting Started at 2:06 p.m.

**Board of License Commissioners Board Members:** Nicole Murati Ferrer (present), Branville G. Bard (present), and Gerard E. Mahoney (present).

**Staff Member Present:** Elizabeth Y. Lint, Executive Director.

**Note:** All votes, unless otherwise indicated, were 3-0.

## Administrative Matters

*All the below listed matters were considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters were decided upon the Board's individual review of the papers/applications and any supporting/related document submitted/received therewith. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda.*

1) The Board of License Commissioners, in accordance with their votes of November 7, 2018 and December 12, 2018 and the Fire Prevention Regulation Appeals Board decision of November 28, 2018, will discuss and vote on what discipline, if any, should issue on Count 1 of the matters heard on November 7, 2018 for Coffeeshop, LLC d/b/a, UpperWest, holder of General on Premise All Alcohol License # 11587 and Common Victualler with Entertainment License #13296 at 1 Cedar Street B.

**Documents Considered:** Board's Statement of Reasons regarding 11/7/18 findings (and all documents related to those findings); various emails from licensee regarding noticed matter; and decision from the Fire Prevention Regulation Appeals Board.

### **Summary and Decision:**

(a) Summary → Fire Prevention Regulation Appeals Board's dismissal of licensee's appeal.

Decision → Acknowledged the dismissal and that no further appeal was filed by the licensee with that body.

(b) Summary → The emails received from the licensee related to the matter noticed on the agenda were acknowledged but the accuracy of their content and summary as to what transpired since

11/7/18 was denied. At least in one email it appeared the licensee requested a new hearing or another opportunity to cross examine the City's staff as to the matter heard on 11/7/18 specifically as to count 1. The matter was fully heard and litigated on 11/7/18, including count 1. The licensee participated in that hearing, cross-examined the City staff and presented evidence including testimony. A full hearing was conducted. On 11/7/18, the Board found a violation on count 1 and did not issue discipline on it pending resolution of appeal filed with Fire Prevention Appeals Board.

Decision → Denied request for a new hearing or a re-hearing of Count 1.

(c) Summary → Discipline on Count 1 to issue in the form of a suspension. Board considered the evidence heard on 11/7/18, the Board's findings and the licensee's disregard for the law.

Decision → 2 days suspension issued as to Count 1. The Board further voted the two (2) days suspension issued as to Count 1 and the three (3) days suspension issued as to Counts 2-4 would be served consecutively for a total five (5) days suspension.

(d) Summary → Licensee's request to stay suspension. Board considered the pending ABCC appeal for the violations found on 11/7/18. The Board acknowledged that the service of the 3 days suspension issued as to Counts 2-4 has already been stayed.

Decision → The service of the suspension will be stayed pending the resolution of the ABCC appeal.

2) Reconsideration of fines issued to E.C. Hathaway during hearing of December 12, 2018, for violations of operating without a permit and simultaneously operating leaf blowers on 10/26/18 and 11/12/18, and consideration of Statement of Reasons.

**Documents Considered:** Hearing notice of 12/12/18 and documents attached thereto.

**Summary:** One of the violations found on December 12, 2018 was for operating two leaf blowers simultaneously on 11/12/18. The evidence that was submitted to substantiate that violation was a photograph. Although the photograph shows more than one leaf blower, only one can be seen as being operated at the time. A related and amended proposed Statement of Reasons was considered.

**Decision:** Board amended their decision to find no violation for simultaneous use of leaf blowers on 11/12/18 and revoked the fine of \$300.00 that was issued. The other violations stand. Total fines now due are \$900.00. Statement of Reasons approved.

3) The License Commission received notice that Long Quan Xuan, Inc. d/b/a Dumpling Xuan, holder of Common Victualler license #28777 at 465 Cambridge Street, is still under construction. They plan to open in February 2019.

**Decision:** Board acknowledged.

4) The License Commission received notice that Panera Bread, holder of Common Victualler license # 12245 located at 174 Alewife Brook Parkway, has closed.

**Decision:** Board acknowledged; file closed, and license cancelled.

- 5) Café Mami, Inc. d/b/a Café Mami, holder of Common Victualler License #12201 at 1815 Massachusetts Ave., has applied to change the manager from Juan Vidal to Michael Fang.

**Decision:** Granted.

- 6) Ale & J.C. Brothers, Inc., d/b/a Yume Wo Katara Udon holder of Common Victualler License #12240 at 1815 Massachusetts Ave., has applied to change the manager from Juan Vidal to Michael Fang. They have also applied for a change of d/b/a to Yume Ga Aurkara [sic].

**Decision:** Granted with the understanding that the name may be spelled differently, and the license is to issue the way it is spelled on the amended Clerk's Business Certificate.

- 7) Caffè Nero Americas, Inc. d/b/a Caffè Nero, holder of Common Victualler and Entertainment License #12293 at 589 Massachusetts Avenue, has applied to change the manager from Eirean Bradley to Liz Davis.

**Decision:** Granted.

- 8) Attorney Peter Kline has notified the License Commission that Jesus is Good Cab, Inc. has purchased medallion #109 from Progressive Credit Union.

**Decision:** Board acknowledged.

- 9) Sheger Café and Ethiopian Restaurant, holder of Common Victualler Alcohol and Entertainment license #12333 at 2376 Massachusetts Avenue, is requesting a change in hours from Monday through Friday 9:00 a.m. to 10:00 p.m. to Monday through Thursday 5:00 p.m. to 11:00 p.m. and Sunday 11:00 a.m. to 9:00 p.m. to Friday through Sunday 12:00 p.m. to 11:00 p.m.

**Summary:** The licensee is requesting to amend the hours of operation; this came about during the renewal of the license. The licensee was inspected on 11/30/18 (Inspection # 765) and was observed to be operating at 10:05 p.m. (the closing hour is 10 p.m.). Rather than having a hearing for the matter, the Board considered the violation together with the request to amend hours.

**Decision:** Granted change of closing hours. As to Inspection # 765, a warning will be issued in the form of a letter.

- 10) Freshstart Venture Capital Corp. has notified the License Commission that they have sold medallion #18 to Wilner Joseph.

**Decision:** Board acknowledged.

11) Patrick Coburn, on behalf of American Construction, has applied for a special noise variance from January 24, 2019 through April 1, 2019 at 92 Winthrop Street, weekdays from 9:00 p.m. to 7:00 a.m. and Saturday, Sunday and holidays from 9:00 p.m. to 7:00 a.m. Application #29513

**Decision:** Granted with the condition that Sunday Work Permits are required from Cambridge Police Department.

12) Alexandra Offiong, on behalf of President and Fellows of Harvard College, holder of Educational Alcohol/Entertainment license # 17002 at 1350 Massachusetts Avenue, is relinquishing the entertainment license at said address, amending the name from Riverview Commons and Conference Suite to Riverview Commons, and to amend the alcohol license to reflect "premise is approximately 8,400 sq. ft. on the 10<sup>th</sup> floor of the Richard A. and Susan F. Smith Center. The space can be accessed via six (6) elevators and emergency exit via five (5) stairwells (three (3) of which are contiguous to the premise). The areas for Harvard affiliated guest access include six (6) lounges with a combination of flexible soft seating and tables/chairs; a bar area; a game room; a hallway with seating areas. The non-guest areas will include a kitchen and five (5) storage or employee-only areas."

**Summary:** The entertainment license cannot be relinquished as it has not been issued.

**Decision:** Granted to the extent that the entertainment categories which had been approved will be removed and the premise description amended. The license will not issue until final sign offs are received.

13) Joe Toomey, on behalf of Walsh Brothers, Inc., has applied for a special noise variance on January 21, 2019 from 7:00 a.m. to 9:00 a.m. and 6:00 p.m. to 11:59 p.m. for a dump truck, concrete trucks and hand-held tools. Application #30047

**Summary:** This is for 189 Vassar Street.

**Decision:** Granted with the condition that a holiday work permit must be obtained from Cambridge Police Department.

14) Consideration of Hackney License renewal for Mengiste Endale Melaku.

**Present:** Officer Benny Szeto.

**Summary:** The applicant has 4 or more moving violations within the last four years. In addition, there is an open criminal matter.

**Decision:** Renewal denied pending the resolution of the open criminal matter. Thereafter, the Board may choose to reconsider the renewal application.

15) Reconsideration of approval of noise variance issued to Dan Blumberg, on behalf of W.T. Rich Company on November 27, 2018 for work at 850 Cambridge Street for use of heaters during off hours, from November 22, 2018 through May 15, 2019. Application #27397

**Present:** Brenden Roy, City of Cambridge Manager's Office; Kate Riley, City of Cambridge Department of Public Works; Dan Blumberg, W.T. Rich Company; Chief Licensing Investigator Andrea Boyer; and Licensing Investigator Tyler Bubenik.

**Documents Considered:** Noise Variance application and documents submitted therewith; and emails from Rachael Benedict, resident.

**Summary:** Board received a complaint from Rachael Benedict, an abutter as to the noise being generated by the use of the heater. Aside from asking for the non-use of the heater complainant requested possibility of them not being used 24 hours (and only to be used during the daytime). In addition, complainant raised the issue that she was not informed of the noise variance.

City staff explained that it failed to provide notice of the current application to the abutters. They explained that it was an oversight and that an email to abutters goes out weekly to inform of the progress and use of the heater. Sometimes notice to the abutters goes via leaflet. Ms. Benedict may not be in the email list. Mr. Blumberg explained that the heaters have to be used and will only be used when temperatures are below freezing. Notice of use will be given, if possible, the week prior.

**Decision:** Board reaffirmed the grant with the conditions that the abutters must be given prior notice of when the heaters will be used. If the abutters are not on the email list, they must be notified by leaflet. In addition, the notices must also be sent to the Licensing Investigators. Finally, there must be coordination with the Licensing Investigators so that a noise reading can be taken and for discussion of whether there are ways to ameliorate the noise.

16) Attorney Peter Kline has notified the License Commission that Progressive Credit Union has transferred ownership of medallion #124 to Walnut Cab, Inc.

**Decision:** Board acknowledged.

17) Minutes from the December 12, 2018 hearing.

**Decision:** Approved.

18) Consideration of Statement of Reasons for:

(A) Matters heard on November 7, 2018:

- (1) 1071 Cambridge Street d/b/a Bisq, Common Victualler All Alcohol and Entertainment License # 11495, violation for overcapacity on 10/12/18.
- (2) Third Street Associates, Inc. d/b/a Russell House Tavern, Common Victualler All Alcohol and Entertainment License # 11420, violation for overcapacity on 10/19/18.
- (3) Hoppy, LLC d/b/a The Boathouse, Common Victualler All Alcohol and Entertainment License # 11371, violation for overcapacity on 10/20/18.
- (4) Chazumba, LLC d/b/a Felipe's Taqueria, Common Victualler All Alcohol and Entertainment License # 11516, violation for overcapacity on 10/19/18.
- (5) NStar Electric Gas & Co. d/b/a Eversource, Flammable Licenses # 14295 & 14296, violation for failure to renew licenses/operating without licenses.

**Decision:** Approved as to all.

- (B) Matters heard on December 12, 2018:
- (1) Nicolazzo & Sons Landscape, LLC, Leaf Blower Permit # 10685, violation for operating non-compliant leaf blower and simultaneously operating leaf blowers on 11/8/18.
  - (2) Dante Muzzioli d/b/a D. Muzzioli Associates, Leaf Blower Permit # 10707, violation for operating non-compliant leaf blower and simultaneously operating leaf blowers on 10/26/18.
  - (3) Landscape Collaborative of New England, Inc. d/b/a Landscape Collaborative of New England, Leaf Blower Permit # 10704, violation for operating non-compliant leaf blower and simultaneously operating leaf blowers on 11/8/18.

**Decision:** Approved as to all.

#### **One Day License Applications**

*Unless otherwise indicated, these applications were considered administratively and there was no public testimony taken or requested. Unless otherwise indicated, all the matters were decided upon the Board's individual review of the papers/applications and any supporting/related document submitted/received therewith. The summary of what was considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda. Police detail is required on some based on the recommendation of the signing-off police department.*

- 19) Patricia Weinmann, on behalf of the Boston Opera Collaborative, has applied for a wine with entertainment license to be exercised at Longy School of Music, 27 Garden Street, on 1/17/19 - 1/19/19 from 7:00 p.m. – 11:00 p.m. and 1/20/19 from 1:00 p.m. – 6:00 p.m. for a reception with theatrical exhibition/play/moving picture show. Expected attendance – 35 people. Applicant # 28692 & 29031

**Decision:** As to Application # 28692 (one-day alcohol with entertainment) - Granted with the condition that there must be a limited number of alcoholic drinks (2) associated with the admission price; otherwise/thereafter, the alcohol must be sold. As to Application # 29031 (one-day entertainment only) - Granted.

- 20) Luke Civantos has applied for an entertainment license to be exercised at Massachusetts Avenue to Holyoke Street, on 1/31/19 from 2:45 p.m. – 3:10 p.m. for a parade with performers/entertainers dancing and live music. Expected attendance – 250 people. Applicant # 28912

**Decision:** Granted.

- 21) Eliza Rafferty, on behalf of The Catered Affair, has applied for a malt and wine license to be exercised at Harvard Art Museums, 32 Quincy Street, on 2/7/19 from 7:00 p.m. – 9:00 p.m. for a reception. Expected attendance – 400 people. Applicant # 29954

**Decision:** Granted.

22) Brittany Smith has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 1/27/19 from 1:30 p.m. – 8:30 p.m. for a private roleplaying banquet event with patrons dancing, recorded music and amplification system. Expected attendance – 55 people. Applicant # 30013

**Decision:** Granted.

23) Simileoluwa Falako has applied for an entertainment license to be exercised at (SOCH) event hall, 59 Shepard Street, on 2/2/19 from 10:00 p.m. – 2:00 p.m. for a party with patrons dancing, recorded music, dj and amplification system. Expected attendance – 400 people. Applicant # 30310

**Decision:** Granted, with the condition that a police detail is required.

24) Alexander Maciel has applied for an all alcohol with entertainment license to be exercised at St. Anthony's Church, 400 Cardinal Medeiros Avenue, on 2/16/19 from 6:30 p.m. – 12:00 a.m. for a dinner/dance with patrons dancing, recorded music, live music and amplification system. Expected attendance – 250 people. Applicant # 30222

**Decision:** Granted, with the condition that a police detail is required.

25) Bill Manley, on behalf of the Harvard Square Business Association, has applied for an entertainment license to be exercised at Brattle Plaza on 1/26/19 from 10:00 a.m. – 4:00 p.m. for a chocolate tasting event with patrons, performers/entertainers dancing and live music. Expected attendance – 900 people. Applicant # 30249.

**Decision:** Granted.

26) Bill Sullivan, on behalf of St. Paul Parish, has applied for a malt and wine with entertainment license to be exercised at St. Paul Parish, 29 Mt. Auburn Street, on 2/1/19 from 7:00 p.m. – 9:30 p.m. for a jazz night with live music. Expected attendance – 125 people. Applicant # 30380

**Decision:** Granted.

27) Jason Bond, on behalf of Bondir Restaurant, has applied for an entertainment license to be exercised at Bondir Restaurant, 279A Broadway, on 1/27/19 from 5:00 p.m. – 11:00 p.m. for a dinner with poetry and live music. Expected attendance – 28 people. Applicant # 30360.

**Decision:** Granted.

**Items Added to Agenda After Posting on January 11, 2019**

28) Gerry Finnerty, on behalf of Shaughnessy 7 Ahern, has applied for a special noise variance on January 19, 2019 at 150 Second Street from 7:00 a.m. to 9:00 a.m. for a crane and tractor trailer. Applicant # 30466

**Summary:** Upon submission and up until the hearing, the Board had not yet received police sign-off on the application.

**Decision:** Granted, with the condition that if a police detail is required by Cambridge Police Department, one must be requested/obtained.

29) Shelley Neill, on behalf of the Multicultural Arts Center, has applied for a malt and wine license to be exercised at 41 Second Street on 1/17/19 and 2/3/19 from 6 p.m. to 10 p.m. and 1 p.m. to 5 p.m. for a theater performance with 30 people expected. Applicant #30437

**Decision:** Granted.

30) Edward Breed, on behalf of Skanska USA, has applied for a special noise variance on January 21 through 24, 2019 at 401 Massachusetts Avenue from 7:00 p.m. to 7:00 a.m. for a mobile crane to disassemble a drill rig, and trailer truck. This is a City project. Applicant #30564

**Decision:** Granted, with the condition that a Police/DPW permit is necessary for January 21, 2019.

31) Jacob Luria has applied for a malt and entertainment license on 1/19/19 from 8:00 p.m. to 12:00 a.m. at the Masonic Hall, 1950 Massachusetts Avenue, for a family reunion. Applicant # 30668

**Decision:** Granted.

**[A short recess until 3:00 p.m. was taken.]**

#### **Applications & Disciplinary Matters**

*Matters may have been called in a different order than that listed on the agenda. In addition, some matters may have required a second call.*

32) Renewal Classic Restaurant Concepts, LLC d/b/a En Boca, 8 Holyoke Street, Common Victualler All Alcohol License #11545, to consider the rejection of the renewal application, and/or cancellation of the license for non-use in accordance with G. L. c. 138, §§ 16A, 23, and 77.

**Present:** Bill Goodwin, on behalf of Classic Restaurant Concepts.

**Documents Considered:** Renewal application; court documents; and file.

**Summary:** The litigation commenced by the licensee against its landlord is still pending. The licensee has provided recent court filings and decisions regarding the ongoing litigation. The latest development was the consolidation of the licensee's case with another similar one and the transfer to the Small Business Litigation Session of the Court. The licensee has been informed by counsel that within the next few weeks there will be a better sense as to when the matter will be considered/resolved by the Court.



**Decision:** Renewal approved. The matter will be taken "off" pending an update as to when the consolidated cases will be heard or resolved by the Court. Licensee's counsel is to provide the Board with input as to whether the Board's action on this could adversely impact the pending Court case.

33) Application Louna Sassine, for a new Cambridge Hackney Driver's License.

**Present:** Louna Sassine.

**Documents Considered:** Application submitted, and documents attached thereto.

**Summary:** Ms. Sassine stated that she has never driven a cab before but wants to assist her husband who is leasing a cab.

**Decision:** Granted.

34) Application Rose Divil has applied for a new Cambridge Hackney Driver's License.

**Decision:** No action- the applicant did not appear. This is the second time the matter is scheduled, and the applicant does not appear. Therefore, the matter will not be placed back on the agenda unless there is a written request from the applicant with a specific date that she will appear.

35) Application Tex Mex Eats, LLC, d/b/a Tex Mex Eats, 1193 Cambridge Street, Application #28614 for a New Common Victualler License with seating capacity of 26, total occupancy of 32, and proposed hours of operation of 5:00 p.m. to 9:00 p.m. Thursday, 11:00 a.m. to 9:00 p.m. Friday and Saturday, and 11:00 a.m. to 2:30 p.m. Sunday. Amanda Escamilla as proposed manager of record of a premise described as: on the first-floor street level approximately 1000 sq. feet. Restaurant is divided into three areas: 1) the front dining area is open to public access as well as bar seating 2) the kitchen is located separately, slightly to the back with opening to expedite food to dining room (no access to public). 3) toward the back of restaurant are Bathrooms open to the public. Storage areas include the dry pantry, a refrigerated Walk-in located towards back of restaurant. Additional refrigerated & freezer storage is located within the kitchen area. Additional dry storage is located in basement. Entrances to premises is located at street level front door and the exit is located towards back of premise next to Walk-In.

**Present:** Amanda Escamilla, applicant.

**Documents Considered:** Application and documents attached thereto; letter of support from Councilor Timothy Toomey; and letter of support from the East Cambridge Business Association.

**Summary:** When the application was submitted, Ms. Escamilla wrote a total seating capacity of 26 rather than 46. The amendment was made on the application prior to the hearing and Inspectional Services Department approved the space as zoned for 46 (which was the approved capacity for the previous business). The application was considered for a total seating capacity of 46 and a total occupancy capacity of 46. At the hearing, the applicant asked the Board to consider a request to amend the closing hours of Thursday through Saturday to 11:00 p.m. and Sunday to 3:30 p.m.

The concept evolves from Ms. Escamilla's catering business of selling tamales (Tex-Mex style). She has been doing pop-up dinners, but this space came up which provides her the opportunity to expand and have her own place. It will also allow her to expand the menu to other items beyond tamales. The unorthodox schedule will provide her the flexibility of running a business and having a family life.

**Decision:** Granted with amendments: seating capacity is 46; total occupancy is 46; closing hour for Thursday-Saturday is 11PM; and closing hour for Sunday is 3:30PM.

36) Application Blue Bottle Coffee, Inc., d/b/a Blue Bottle Coffee, 88 Ames Street, Application #27065 for a New Common Victualler License with seating capacity of 20, total occupancy of 40, and proposed hours of operation of 6:00 a.m. to 10:00 p.m. all days. Stan Moorer as proposed manager of record of a premise described as: 1,490 SF and basically the seating is in front and the kitchen/food prep is in the rear. It is an open space and almost everything is visible.

**Present:** Stanley Moorer, proposed manager and Peter Meyer, on behalf of the applicant.

**Documents Considered:** Application and documents attached thereto.

**Summary:** Mr. Moorer stated that they have another establishment in Harvard Square. This is the same concept. Streamlining the premise description was discussed.

**Decision:** Granted with amended premise description: 1,490 sq. ft. on the first-floor with seating in front and the kitchen and food prep area in the rear.

37) Application Tria Cambridge Concessions, LLC d/b/a Freepoint Hotel, 220 Alewife Brook Parkway, Common Victualler All Alcohol License #11569, Application #27354 for Pledge of License to PGIM Real Estate US Debt Fund REIT, LLC.

**Present:** Attorney Andrew Upton on behalf of the applicant.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The pledge is for a \$35 million loan to upgrade and refresh the hotel. There are no changes to the operation or the concessionaire agreement.

**Decision:** Granted.

38) Application Merritt Hospitality, LLC d/b/a Le Meridien, 20 Sidney Street, All Alcohol Innholder License #10897, Application #29165 for a Change of Manager to Muhammad Shahram Khan.

**Decision:** No Action. This matter was continued to January 30, 2019 at the request of the applicant prior to the hearing but after the posting of the agenda.

39) Application P.F. Chang's China Bistro, Inc., 100 Cambridgeside Place, Common Victualler All Alcohol License #11395, Application #29172 for a Change of Manager to Haider Muwafaq Fakhri.

**Present:** Haider Muwafaq Fakhri, applicant; and Attorney Andrew Upton.

**Documents Considered:** Application and documents attached thereto.

**Summary:** Mr. Fakhri has never been the manager of record before but has been with the company for ten years. He is currently the General Manager. He is TIPS certified and will submit his certificate.

**Decision:** Granted.

40) Application DiDi Ames Street Kendall, LLC d/b/a Dumpling Daughter, 73 Ames Street, Common Victualler Wine & Malt License #14027, Application #29030 to add 26 seats to the existing mezzanine.

**Present:** Nadia Spellman, applicant.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The mezzanine is already part of the licensed premises but currently has no approved seating layout. The Licensee explained the mezzanine was originally intended for private functions. However, they did not properly estimate how many people wanted to eat at the premises and linger. Currently, patrons often go to the mezzanine looking for seats.

**Decision:** Granted with the understanding that the floor plan approved, and the seating area is for the use of Dumpling Daughter's patrons only. The conditions on the current license apply.

41) Application 3G, LLC d/b/a Mex Taqueria & Bar, 500 Technology Square, has applied for a new Common Victualler All Alcohol License. The proposed hours are 11:00 a.m. to 1:00 a.m. all days with seating for 113 inside, 132 occupancy, 42 patio seats on private property, and 48 seats with an occupancy of 52 on the rooftop. Eric Quadrino as Proposed Manager of Record of a premise described as: three floors with first floor consisting of bar and dining area. Second floor dining. Third floor bar, dining area, and outside deck. Patio seats on private property. Applicant is also applying for an Entertainment License to include: recorded music above conversation level and three (3) TV's.

**Present:** Eric Quadrino and Delio Susi, applicants; and Attorney Kevin Crane.

**Documents Considered:** Application and documents attached thereto; letter of support from Kendall Square Business Association; and letter of support from Councilor Timothy Toomey.

**Summary:** Mr. Quadrino owns Mexacali Burrito at this location (first floor only) and wants to change it and expand it (to the second and third floors) from fast food to a full-service sit-down restaurant. This would be the only full-service sit-down Mexican Restaurant in the area; it will be a family type restaurant. There will be 42 outside seats on the first floor, on private property to activate the area. There will be a roof deck with a fireplace. Mr. Quadrino and Mr. Susi have considerable experience in the industry with no issues. The proposed capacities are as listed on the agenda and on

the submitted floor plans (the ABCC application questions differ and appear to have a different capacity listed but that is not the case). The financial statements submitted are from joint accounts and affidavits from the joint accountants are needed as to their lack of beneficial interest in the license. Mr. Quadrino is a currently approved manager of record with no issues and has TIPS certification.

**Decision:** Granted pending submission of the affidavits regarding joint funds. Mr. Quadrino must submit TIPS certification.

42) Application Sumiao Xiang Restaurant, LLC d/b/a Sumiao's, 270 Third Street, holder of Common Victualler All Alcohol License #11578, application #28214 for a Change of Ownership Interests and Issuance/Transfer of Stock/New Stockholder.

**Present:** Jin Li Wang and Sumiao Chen, applicants; and Attorney Wei Jia.

**Documents Considered:** Application and documents attached thereto.

**Summary:** Attorney Jia explained that several shareholders sold their shares back and others bought in. One shareholder was dismissed. This is a percentage-based membership interest with Ms. Chen as the largest interest holder (which has been the case since the business opened). No profits of the alcohol sales have been distributed to non-approved beneficial interest holders.

The ABCC's application contains a current ownership interest which is different from what the Board's and ABCC records have. The application is meant to "clean up" these discrepancies and the attachments to the application seem to do that but the ABCC application has to be changed to reflect the currently approved ownership/interest structure.

**Decision:** Granted pending submission of a corrected ABCC application showing the current approved corporate structure. No profits can be distributed to any of the non-approved interest holders until approval by the Board and ABCC.

43) Disciplinary Chowdhery, Inc. d/b/a University Market, 1105 Massachusetts Avenue, Wine & Malt Package Store License #11718, Alleged Violations of M. G. L. c. 138, transfer of interest of the license without approval, M. G. L. c. 138, §§ 15A, 23 and 64; Board's Rules 2.3 - 2.5, 5.5, 5.6, 5.7, and 14.

**Present:** Rezbul Chowdhury and Mahmuda Chowdhury.

**Documents Considered:** Hearing notice and license file.

**Summary:** The licensee had applied for a change of corporate officers in 2010. The application was never approved by the ABCC due to tax issues. The licensee, prior to the hearing, provided a Certificate of Good Standing from the DOR. Mr. Rezbul Chowdhury was and is still a majority shareholder, but changes have been made. Mahmuda is currently the acting manager but she is not approved. Therefore, Rezbul Chowdhury remains the manager of record and responsible for any issues.

**Decision:** Violation – the licensee has until January 30, 2019 at 10:00 a.m. to submit an application for changes to beneficial interest holders and change of manager of record. If the application is not in by 10:00 a.m. on January 30, 2019, the Board will consider at the hearing later that day the indefinite suspension of the license. No profits can be distributed to any of the non-approved interest holders until approval by the Board and ABCC.

44) Disciplinary Shan Dong Dumpling House, Inc. d/b/a Dumpling House, 950 Massachusetts Avenue, Common Victualler Wine & Malt License #11511, due to Alleged Violations of M. G. L. c. 138, Permitting disorder, disturbance, or illegality on a licensed premise, to wit, Overcapacity on November 16, 2018, in violation of M. G. L. c. 138, §§ 23 and 64 and Rules and Regulations of the City of Cambridge Board of License Commissioners Rule 2.3, 2.5, 5.1, and 9.

**Present:** Licensing Investigator Tyler Bubenik; Wenwen Cai, manager of record; Adam Bing, owner; and Attorney James Rafferty.

**Documents Considered:** Hearing notice; Task Force inspection report; and file.

**Summary:** Mr. Bubenik testified that a Task Force inspection was conducted on November 16, 2018. At this time, he observed that there was no capacity sign posted and that the restaurant was over the licensed capacity of 96. Mr. Bubenik counted 138 people of which 118 were sitting. In addition, there were an additional 25 chairs folded in the back room.

The licensee stated that two large parties came in with more people than had been anticipated. They used folding chairs that are typically used for the staff, to accommodate them. There were also people in the vestibule area waiting for tables. All the extra chairs were removed. This was confirmed by Mr. Bubenik at a subsequent inspection. The restaurant will apply for additional standing capacity.

**Decision:** Board found a violation (3-0) and issued (2-1) a warning. The Chair dissented and voted for a 1-day license suspension to be held in abeyance for 6 months.

45) Renewal Lanes and Games, Inc., 195 Concord Turnpike, Common Victualler All Alcohol License #11675, to consider the rejection of the renewal application, and/or cancellation of the license for non-use in accordance with G. L. c. 138, §§ 16A, 23, and 77.

**Present:** Anthony Martignetti, licensee.

**Documents Considered:** Hearing notice; and license file.

**Summary:** Mr. Martignetti testified that he has no prospects to purchase this license. He tried to convince family members to put it in to use but they have other plans. Mr. Martignetti does not plan to put the license to use himself. Brokers are not interested in marketing the license. He stated further that the license has not been in use since August 2017. He has been in business in Cambridge for 34 years and requested that the Board grant him additional time to find a buyer.

**Decision:** Renewal rejected, in the alternative, the license is cancelled for non-use.

**[Commissioner Bard left the meeting at 4:18. The meeting proceeded with a quorum of the Board present.]**

46) Renewal A.W. Chen, Inc. d/b/a Patty Chen's Dumpling Room, 907 Main Street, Common Victualler All Alcohol License #11595, to consider the rejection of the renewal application, and/or cancellation of the license for non-use in accordance with G. L. c. 138, §§ 16A, 23, and 77.

**Present:** Licensing Inspector Tyler Bubenik; Marc Shulman, licensee; and Attorney Patrick Barrett.

**Documents Considered:** Hearing notice and license file.

**Summary:** Mr. Barrett, who is also the new owner of the building at 907 Main Street, explained that the building that the restaurant is in is still under construction. The construction was delayed due to unforeseen issues which were uncovered during the gutting process. The building is very old and needed to be stabilized. Mr. Bubenik confirmed that he observed scaffolding and plywood at the location. The representations made were that the construction of the building and restaurant would be completed by the end of the 2019 summer and the license would be in use at that time. There is also a possibility that the license will be transferred to Mr. Barrett.

**Decision:** Renewal approved (2-0).

47) Renewal Dark Ride Media, LLC d/b/a Thalia Theatre, 288A Green Street, Common Victualler All Alcohol License #11601, to consider the rejection of the renewal application, cancellation of the license for non-use, and/or revocation of the grant of the license for failure to complete the process and put the license to use in accordance with G. L. c. 138, §§ 15A, 16A, 16B, 23, and 77.

**Summary & Decision:** While on break, the Board received communication from Alex Newman, principal of Dark Ride Media, LLC, stating he had just gotten out of a medical appointment and was advised by his doctor not to attend the hearing for medical reasons. The Board granted a continuance of the matter to January 30, 2019.

48) Renewal BBC of Main Street, LLC d/b/a Boston Burger Company, 610 Main Street, Common Victualler All Alcohol License #11610, to consider the rejection of the renewal application, cancellation of the license for non-use, and/or revocation of the grant of the license for failure to complete the licensing process and put the license to use in accordance with G. L. c. 138, §§ 15A, 16A, 16B, 23, and 77.

**Present:** Sebastian Fricia, licensee; and Licensing Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and license file.

**Summary:** Mr. Fricia stated that he applied for his building permit in September 2017 but did not receive it until 12/13/18. He has been paying rent on the location since 2017 but has been unable to build it out. Now that the permits are in, the construction will commence on February 11, 2019 and

there is an expected 14-week buildout. The license would be put to use as soon as construction of the space is completed. Mr. Bubenik confirmed the building permits had been recently issued.

**Decision:** Renewal approved (2-0).

49) Renewal Uno Restaurants, LLC d/b/a Uno Chicago Grill, 22 JFK Street, Common Victualler All Alcohol License #11698, to consider the rejection of the renewal application, and/or cancellation of the license for non-use in accordance with G. L. c. 138, §§ 16A, 23, and 77.

**Present:** George Herz, Senior Vice President and General Counsel of Uno.

**Documents Considered:** Hearing notice and license file.

**Summary:** Mr. Herz asked for additional time to resolve the issue between Uno and the landlord. There have been no negotiations with the landlord since the first quarter of 2017. The court action between Uno and the landlord has been decided and the landlord has not taken any additional steps to enforce it. Mr. Herz is unaware of the landlord's intent. Mr. Herz did not present any evidence of the license being put to use in the foreseeable future.

**Decision:** Renewal rejected (2-0), in the alternative, the license is cancelled for non-use.

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**Board's Approval of Minutes**

NMF

GEM

BGB



Date Minutes Approved: MAR 13 2019

Date Approved Minutes Were Posted: MAR 14 2019