

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

Michael Gardner, Temporary Chairman
Steve Williams, Police Superintendent
Gerard Mahoney, Deputy Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

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

Thursday, July 7, 2011

10:05 a.m.

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P R O C E E D I N G S

ELIZABETH LINT: It's the License Commission Decision Making hearing, Thursday July 7, 2011. We're in the Michael J. Lombardi Building, 831 Mass. Ave. Basement conference room. Before you the Commissioners, Chairman Michael Gardner, Superintendent Steve Williams, and Deputy Chief Gerard Mahoney.

We have a few matters left from June 14th. With the appeal of Ricardo Bousalah. The denial of his hackney license.

MICHAEL GARDNER: I think he's here. He just walked in.

RICARDO BOUSALAH: Good morning.

MICHAEL GARDNER: Mr. Bousalah, if you would just again please state and spell your name for the record.

RICARDO BOUSALAH: Ricardo Bousalah B-o-u-s-a-l-a-h.

MICHAEL GARDNER: You were here, I

1 believe, on June the 14th; is that right?

2 RICARDO BOUSALAH: Yes, sir.

3 MICHAEL GARDNER: And you gave us
4 certain representations with respect of what
5 had occurred.

6 RICARDO BOUSALAH: Yes.

7 MICHAEL GARDNER: We delayed a
8 decision on that matter until today pending
9 obtaining certain other information. We have
10 received the information, however, I am
11 concerned that at your hearing, Deputy Fire
12 Chief Lester Bokuniewicz, who is not here
13 today, and Police Commissioner Robert Haas,
14 who also could not be here today, were
15 present and so, although I appreciate the
16 inconvenience to you, and I will apologize
17 for that, I'm reluctant to ask either of the
18 persons who are serving today, Superintendent
19 Steve Williams from the Police Department and
20 Deputy Fire Chief Gerard Mahoney from the
21 Fire Department to vote on a matter that

1 neither of them was present for.

2 Your having come, however, I think I
3 would be happy to hear from you again if
4 there's anything more you want to add with
5 respect to the events that led to your arrest
6 on May the 21st, 2009, understanding that we
7 have a copy of the police report.

8 RICARDO BOUSALAH: Sure.

9 MICHAEL GARDNER: Okay. Is there
10 anything you wish to add to what you've said
11 before?

12 RICARDO BOUSALAH: Just this is the
13 only job I have. You know, I appreciate if I
14 can keep my job. Thank you.

15 MICHAEL GARDNER: Okay.

16 Our next meeting is July the 19th; is
17 that right, Ms. Lint?

18 ELIZABETH LINT: Yes.

19 MICHAEL GARDNER: I think my
20 inclination is to postpone consideration of
21 the matter until the 19th.

1 STEVE WILLIAMS: The Commissioner
2 has briefed me on this, and Mr. Bousalah's
3 accounts. It's my understanding that
4 Mr. Bousalah's accounts as given to the
5 Commission, were quite different from the
6 events that are in the reports at Watertown.
7 And he has also spoken to the officer who is
8 now a member of the Cambridge Police
9 Department, and it's his belief that the
10 inconsistencies might warrant consideration
11 of not overturning a denial.

12 MICHAEL GARDNER: Right. I
13 understand you and the Police Commissioner
14 have communicated about this matter.

15 STEVE WILLIAMS: We have.

16 MICHAEL GARDNER: I'm not sure
17 exactly what the precedence at the Commission
18 has been, but I think that at least for the
19 time being, absent clarification from the Law
20 Department, I am not inclined to have a
21 so-called proxy voting format particularly in

1 a matter such as this.

2 So, I think what we are unfortunately
3 forced to do, sir, is to delay the decision
4 on this until July the 19th.

5 RICARDO BOUSALAH: Sure.

6 MICHAEL GARDNER: Okay?

7 We'll tell you, since you're here, as
8 Superintendent Williams said, the account in
9 the police report appears to differ
10 substantially from what you told us on June
11 the 19th. And I am giving you the
12 opportunity again, if there's anything you
13 wish to add to your account, a key portion of
14 which was you were arrested before you
15 entered the car with your key in the door.

16 RICARDO BOUSALAH: That's what I
17 said.

18 MICHAEL GARDNER: That's what you
19 said?

20 RICARDO BOUSALAH: Right.

21 (Inaudible.) I understand I was outside the

1 car.

2 MICHAEL GARDNER: You were outside
3 the car?

4 RICARDO BOUSALAH: That's correct.

5 MICHAEL GARDNER: Okay, well again,
6 I apologize for the inconvenience. We will
7 take the matter up on the 19th.

8 RICARDO BOUSALAH: Come back the
9 19th?

10 MICHAEL GARDNER: On the 19th.

11 RICARDO BOUSALAH: What time?

12 ELIZABETH LINT: At six o'clock.

13 RICARDO BOUSALAH: At six o'clock.
14 Okay, have a nice day.

15 * * * * *

16 ELIZABETH LINT: I skipped over
17 Whitney's by mistake. Whitney's Cafe is on
18 page one of the agenda.

19 Whitney's?

20 JOHN HENAGHAN: Hello. I am here.

21 John Henaghan, Whitney's Cafe, owner

1 operator.

2 MICHAEL GARDNER: Hello. Again,
3 sir, if you were present for the last event
4 we dealt with --

5 JOHN HENAGHAN: Yes, I was.

6 MICHAEL GARDNER: Unfortunately, as
7 I understand it, when we -- although we've
8 considered this matter twice --

9 JOHN HENAGHAN: Correct. We've been
10 here twice, correct, yes.

11 MICHAEL GARDNER: And I've been here
12 all three times, but --

13 JOHN HENAGHAN: Reschedule?

14 MICHAEL GARDNER: Neither --

15 JOHN HENAGHAN: Okay. 19th?

16 MICHAEL GARDNER: -- Deputy Fire
17 Chief Mahoney or Superintendent Williams were
18 here. And now I believe the Police
19 Commissioner has recused himself in this
20 matter; is that right?

21 ELIZABETH LINT: That's correct.

1 MICHAEL GARDNER: I believe for the
2 19th we will need to have Deputy Fire Chief
3 Bokuniewicz present.

4 JOHN HENAGHAN: I understand. Six
5 o'clock on the 19th here?

6 MICHAEL GARDNER: Yes. And, again,
7 I apologize for the inconvenience.

8 JOHN HENAGHAN: Thank you.

9 * * * * *

10 ELIZABETH LINT: NEK Limo Service.
11 It was an application for the livery license.

12 MICHAEL GARDNER: Right. And this
13 was the issue of -- the question we had had
14 to do with what arrangements he could legally
15 make for parking the vehicle when it was not
16 in use; is that right?

17 ELIZABETH LINT: Yes.

18 So, Ms. Clippinger says that if the
19 vehicle is already qualified for on-street
20 parking, it would still qualify even after
21 the plate changed.

1 MICHAEL GARDNER: And when was this
2 heard?

3 ELIZABETH LINT: Also on the 14th.

4 MICHAEL GARDNER: Of June?

5 ELIZABETH LINT: Yes.

6 MICHAEL GARDNER: Well, I feel like
7 it's the most prudent thing to do is to
8 postpone the matter until July the 19th. And
9 I'm sorry for that. Is the applicant here?

10 ELIZABETH LINT: I don't know who he
11 is.

12 MICHAEL GARDNER: Just say the name.

13 ELIZABETH LINT: I wasn't here
14 either.

15 MICHAEL GARDNER: Okay, just call
16 him.

17 ELIZABETH LINT: Girma Feleke.

18 (No Response.)

19 ELIZABETH LINT: The person is not
20 required to be here for decision making.

21 MICHAEL GARDNER: All right. Well,

1 will you send him a notice, let him know --

2 ELIZABETH LINT: We will notify him.

3 MICHAEL GARDNER: -- with apologies
4 and for the inconvenience with the delay.

5 GERARD MAHONEY: You'll notify Less?

6 ELIZABETH LINT: Yes.

7 And that was all from that agenda.

8 MICHAEL GARDNER: From the June
9 14th?

10 * * * * *

11 ELIZABETH LINT: June 14th. Then we
12 have June 28th.

13 Idenix was the first matter.

14 MICHAEL GARDNER: Okay. Just come
15 up and please state your name and spell your
16 name for the record, please.

17 ATTORNEY KEVIN PRUSSIA: Kevin
18 Prussia P-r-u-s-s-i-a from Wilmer Hale,
19 counsel for Idenix. Mr. Johnston sends his
20 regrets for being -- not being able to appear
21 for this morning's hearing. I've appeared

1 before the Commission previously in
2 connection with, not this application, but
3 with prior applications on behalf of the
4 company.

5 Also here with me today on behalf of
6 Idenix is Paul Fanning; Sam Wilde, the
7 company's facility manager; and our
8 acoustical experts, Greg Tocci (phonetic) and
9 Bob Barons (phonetic) in case the Commission
10 has any other additional questions.

11 MICHAEL GARDNER: Thank you.

12 The only questions I had related to
13 whether or not there was any more
14 clarification about a so-called old and noisy
15 air conditioning unit which may have been
16 under the control or ownership of the
17 landlord as opposed to the tenants. I think
18 there were some statements made by a member
19 of the public about that, and I had asked for
20 more information. It appeared to be there
21 was a certain amount of confusion as to what

1 the -- whether such a mechanical device, as
2 described, existed, and whether you were able
3 to identify or be sure that you and the
4 member of the public who spoke about it were
5 talking about the same thing. I don't know
6 if there's anything more to add on that
7 subject.

8 PAUL FANNING: I think that would be
9 -- we believe it's the unit 4 that is
10 considered a base unit, and we need to talk
11 to MetLife about that because it would be a
12 unit under their control, but not being
13 entirely certain that that's the unit that
14 the neighbors have mentioned. I think one of
15 the things we talked about after the hearing
16 here was the need to look at each unit.
17 Because we've done so many changes now, we
18 really need to assess one by one which units
19 are contributing what noise to see which is
20 the loudest. So, my sense is that is unit 4,
21 but without actually having our consultants

1 test each piece or each of the pieces
2 individually, can't be 100 percent sure.

3 MICHAEL GARDNER: And unit 4 is
4 controlled by MetLife, the other units are
5 controlled by you, is that it?

6 PAUL FANNING: Well, control -- yes,
7 unit 4 being a unit that was part of the roof
8 when we moved in.

9 MICHAEL GARDNER: So the original
10 air conditioning for the building or
11 something?

12 PAUL FANNING: I don't think it's --
13 I don't know. Because original could be --
14 building's been there a long time.

15 MICHAEL GARDNER: Right.

16 ATTORNEY KEVIN PRUSSIA: But that
17 one's probably at least seven years old.

18 MICHAEL GARDNER: Okay. Something
19 separate and apart from your operations?

20 PAUL FANNING: We use it -- no, we
21 do use it.

1 MICHAEL GARDNER: Okay.

2 PAUL FANNING: So the distinction
3 being whether something was pre-existing.

4 MICHAEL GARDNER: Pre-existing your
5 lease?

6 PAUL FANNING: Right. Or whether we
7 put it up there.

8 MICHAEL GARDNER: All right, okay.

9 ATTORNEY KEVIN PRUSSIA: And just a
10 quick -- one note on the record on this,
11 there was -- and prior to this, an older unit
12 that was considered to have been the loudest
13 unit, which was RTU-8 that we had replaced
14 last April, and -- with a new unit and
15 relocated it towards the middle of the
16 building. It's quieter, it's more efficient.
17 So to the extent that there was some
18 confusion, I think maybe, I don't want to
19 speak for Paul, is because he was thinking
20 perhaps of our replacement of RTU-8 and
21 hadn't really considered the unit 4 as being

1 one that is now on the radar of things.

2 PAUL FANNING: That's right.

3 MICHAEL GARDNER: I appreciate the
4 clarification.

5 Any questions you have, Deputy?

6 GERARD MAHONEY: None.

7 MICHAEL GARDNER: As a relatively
8 new member of the License Commission, I did
9 not participate in this decision-making
10 process the last time, and I have been
11 generally advised that there was litigation
12 in connection with the operation of this unit
13 that was either settled or withdrawn in
14 connection with the last extension. I'm
15 sorry, in connection with the last Variance
16 -- with the original Variance granted. In
17 that regard, I feel the need to understand
18 more, among other things, the issue of
19 litigation in this case, and therefore, I
20 would entertain or appreciate a motion which
21 extended the Variance until July the 28th at

1 which time the License Commission could go
2 into Executive Session and have a discussion
3 with the Law Department about both past
4 litigation and any potential litigation risk
5 in the future.

6 GERARD MAHONEY: So moved.

7 STEVE WILLIAMS: Second.

8 MICHAEL GARDNER: I'm not going to
9 let you second that motion I don't think,
10 because I just -- I have to understand this
11 proxy voting thing better. Sorry, sir.

12 There only being two of us, I think,
13 I'm only qualified to vote on this matter. I
14 would second the Deputy's motion.

15 All those in favor signify by saying
16 "Aye".

17 GERARD MAHONEY: Aye.

18 MICHAEL GARDNER: Aye.

19 So we will extend the Variance until
20 July the 28th. July the 28th is at ten a.m.
21 is a date we have scheduled for another

1 decision hearing, and we will -- I expect go
2 into Executive Session at the beginning of
3 that session, and then when we're done, we'll
4 deal with this matter.

5 PAUL FANNING: Thank you.

6 ATTORNEY KEVIN PRUSSIA: Thank you.

7 MICHAEL GARDNER: Okay.

8 * * * * *

9 ELIZABETH LINT: Harvest of India.

10 ATTORNEY WILLIAM GOLDBERG: Good
11 morning.

12 GERARD MAHONEY: Good morning.

13 MICHAEL GARDNER: Good morning. As
14 familiar a face as you might be, sir, I think
15 it would be prudent if we could ask you to
16 state and spell your name for the record?

17 ATTORNEY WILLIAM GOLDBERG: I will
18 ascertain correctly, yes. I am William
19 Goldberg, 620 Massachusetts Avenue,
20 Cambridge, Mass., representing the Applicant.

21 AVADAR SINDH: Avadar Sindh.

1 MICHAEL GARDNER: I will note for
2 the record that all other members of the
3 public who were present here have left. That
4 has no legal significance. We're still in
5 public session, but I would say that we
6 delayed action on this matter as I recall the
7 last time because the results of the
8 background check that was done provided some
9 information which gave us pause for concern,
10 and we wanted to give you the opportunity to
11 address that matter to the extent you wish
12 to.

13 ATTORNEY WILLIAM GOLDBERG: I have a
14 letter that was signed by (inaudible) with
15 respect to the facts that I believe are
16 prudent to your request.

17 ELIZABETH LINT: Do you have one for
18 the file?

19 ATTORNEY WILLIAM GOLDBERG: Yes.

20 MICHAEL GARDNER: Mr. Goldberg has
21 handed us a one and a half page letter dated

1 July 5, 2011 addressed to me.

2 You prepared, sir, to describe for us
3 your history of alcohol use since this
4 incident?

5 AVADAR SINDH: No, no drinking. No
6 more. No drinking. (Inaudible).

7 MICHAEL GARDNER: As I understand
8 you to say, you don't drink anymore?

9 AVADAR SINDH: No.

10 MICHAEL GARDNER: Are you telling us
11 that you've maintained sobriety, that is not
12 drunk at all since this incident?

13 AVADAR SINDH: Yeah. (Inaudible).
14 I see my life going. I hit to the pole. You
15 know, my family survive, you know, do not
16 survive. You know, my car rollover.

17 MICHAEL GARDNER: So the accident
18 involved a rollover?

19 AVADAR SINDH: Yeah.

20 MICHAEL GARDNER: Did your vehicle
21 roll over?

1 AVADAR SINDH: I got to my home,
2 (inaudible), my car, I hit to the pole, you
3 know, my car rollover.

4 MICHAEL GARDNER: This was on
5 January the 4th, 2004?

6 AVADAR SINDH: Yes.

7 MICHAEL GARDNER: So the accident
8 involved a rollover?

9 AVADAR SINDH: Yeah, a rollover.

10 MICHAEL GARDNER: Were members of
11 your family in the car?

12 AVADAR SINDH: No. Near my home.

13 MICHAEL GARDNER: Near your home?

14 AVADAR SINDH: Yeah.

15 MICHAEL GARDNER: You were alone in
16 the car?

17 AVADAR SINDH: Yes, alone in the
18 car. A couple of few blocks, you know.
19 (Inaudible). Held, you know, go over the
20 big --

21 GERARD MAHONEY: You said you hit a

1 pole?

2 ATTORNEY WILLIAM GOLDBERG: Hydrant.

3 AVADAR SINDH: Yeah, pole. 35, 40
4 miles.

5 GERARD MAHONEY: Because your
6 written statement says you struck a fire
7 hydrant, or I think you call it a water
8 hydrant.

9 AVADAR SINDH: Yeah, something, you
10 know, a big water pole or something. Two,
11 three pole there. You know, one is water,
12 one is electricity.

13 MICHAEL GARDNER: Do you attend AA
14 meetings now or have you received any
15 treatment at all --

16 AVADAR SINDH: No, no.

17 MICHAEL GARDNER: -- in connection
18 with alcohol use?

19 AVADAR SINDH: This is seven years
20 ago. Report classes and everything.

21 STEVE WILLIAMS: Your license was

1 reinstated?

2 AVADAR SINDH: Yeah, six, seven
3 years ago.

4 ATTORNEY WILLIAM GOLDBERG: He
5 attended the course as a condition of his
6 pleading before the Court.

7 MICHAEL GARDNER: A license
8 re-instatement?

9 ATTORNEY WILLIAM GOLDBERG: Yes,
10 exactly.

11 You know, as a matter of fact, though,
12 it's not in there, I know the concern that
13 the Commission has, and I talked with him
14 about it. Perhaps where he hasn't had any
15 further what you call, any treatment, alcohol
16 treatment, that if he were to attend some of
17 Mr. Connelly's sessions with regard to the
18 use of alcohol, and/or if it was required by
19 the Commission to take an additional course
20 in order for further instruction, just to
21 reinforce what he's saying to you with regard

1 to his conduct.

2 MICHAEL GARDNER: Thank you.

3 And would you remind us again, sir,
4 about your experience in both food and
5 beverage management?

6 AVADAR SINDH: 25 years in business.
7 You know, I go everywhere. I been to
8 classes, I go there.

9 ATTORNEY WILLIAM GOLDBERG: He's
10 operated the present restaurant --

11 AVADAR SINDH: Shalimar.

12 ATTORNEY WILLIAM GOLDBERG: --
13 Shalimar for over 18 years.

14 AVADAR SINDH: 25 years.

15 ATTORNEY WILLIAM GOLDBERG: 25
16 years.

17 MICHAEL GARDNER: Any prior
18 incidents where alcohol either brought you
19 into contact with the criminal law or gave
20 you other trouble or difficulties in your
21 life?

1 AVADAR SINDH: No, never. No.

2 MICHAEL GARDNER: Ever any
3 employment problems connected with the use of
4 alcohol?

5 AVADAR SINDH: No.

6 MICHAEL GARDNER: No other criminal
7 procedure or history, arrests that related to
8 alcohol?

9 AVADAR SINDH: No.

10 MICHAEL GARDNER: You understand how
11 serious it is to drink and drive?

12 AVADAR SINDH: Yes, I understand,
13 yes. That's the reason --

14 MICHAEL GARDNER: This is how people
15 get killed.

16 AVADAR SINDH: That's the reason I
17 never drink again.

18 GERARD MAHONEY: I have a question.
19 You have currently -- you said you've been
20 serving as operating a restaurant for about
21 25 years?

1 AVADAR SINDH: Uh-huh.

2 GERARD MAHONEY: Does your name
3 appear on that license as a manager?

4 AVADAR SINDH: In the Shalimar?

5 GERARD MAHONEY: The current
6 restaurant.

7 AVADAR SINDH: Yes.

8 ATTORNEY WILLIAM GOLDBERG: Listen
9 to his question. In Shalimar --

10 AVADAR SINDH: Yeah.

11 ATTORNEY WILLIAM GOLDBERG: -- are
12 you known as the manager or is there somebody
13 else known as the manager?

14 AVADAR SINDH: My wife, she's the
15 manager.

16 GERARD MAHONEY: So your name is not
17 on the license as the manager of record?

18 AVADAR SINDH: No, no, Vice
19 President.

20 GERARD MAHONEY: Vice President?

21 AVADAR SINDH: Yes.

1 GERARD MAHONEY: So, is your name on
2 the license for that restaurant?

3 AVADAR SINDH: No.

4 GERARD MAHONEY: It is not?

5 AVADAR SINDH: No.

6 When we bought the restaurant 25 years
7 ago, my wife have citizenship. I not. After
8 we get citizenship in '92 or three, same
9 name, you know, my wife.

10 MICHAEL GARDNER: Although I don't
11 think, Superintendent, you can vote, I'd be
12 happy to listen to -- or I don't think it's
13 prudent to have you vote at least.

14 STEVE WILLIAMS: Okay.

15 MICHAEL GARDNER: I would be happy
16 to hear any information or thoughts that you
17 might have or care to relate from the
18 Commissioner.

19 STEVE WILLIAMS: Was there an
20 incident that you've had with regards to the
21 improper use of the sandwich board signs at

1 Shalimar in the past?

2 ATTORNEY WILLIAM GOLDBERG: No. I
3 think he can answer that. I'm sorry, I
4 precipitated the question.

5 AVADAR SINDH: What is it?

6 ATTORNEY WILLIAM GOLDBERG: The
7 question that's asked, was there any use of a
8 board out at the Shalimar Restaurant?

9 AVADAR SINDH: No, no.

10 STEVE WILLIAMS: Never had any
11 incidents?

12 AVADAR SINDH: Nothing happened.

13 MICHAEL GARDNER: We had a sandwich
14 board incident with -- not the Shalimar but
15 with the --

16 ATTORNEY WILLIAM GOLDBERG: With the
17 present restaurant with which he's --

18 MICHAEL GARDNER: With the present
19 restaurant?

20 ATTORNEY WILLIAM GOLDBERG: Exactly.

21 MICHAEL GARDNER: This was the issue

1 of, you said, it was either another employee
2 or somebody was out there trying to hock
3 business or trying to get business in?

4 ELIZABETH LINT: It was BYOB. They
5 were advertising BYOB.

6 ATTORNEY WILLIAM GOLDBERG: Right.

7 That was an incident, I think the
8 employee was here to testify that some -- one
9 of the employees took it upon himself to drum
10 up business, and that's why he was issuing --
11 taking the sign.

12 MICHAEL GARDNER: Okay.

13 Other questions?

14 GERARD MAHONEY: You've had no other
15 criminal issues?

16 AVADAR SINDH: No, no, criminal.
17 Nothing.

18 GERARD MAHONEY: That's the only
19 time you were ever arrested?

20 AVADAR SINDH: Only first time in my
21 life, yeah.

1 MICHAEL GARDNER: I wonder,
2 Ms. Lint, if you could describe some of the
3 options there might be for additional
4 training or review by the Commission in this
5 matter were it inclined to offer some sort of
6 conditional approval.

7 ELIZABETH LINT: Well, as part of
8 our rules and regulations, anyone who is
9 named manager is required to go through
10 21-Proof training with Frank Connelly. It's
11 very similar to TIPS training, but it's
12 really geared towards Cambridge. So I think
13 that's more appropriate than doing any of the
14 other trainings. Other than that, I don't
15 know what I would recommend. He went through
16 the program, and it was seven years ago.

17 STEVE WILLIAMS: The Commissioner
18 has asked that the staff that might serve
19 alcohol is under conditional approval also
20 might attend --

21 ELIZABETH LINT: That -- we would

1 require that, too. Managers and servers.

2 ATTORNEY WILLIAM GOLDBERG: That
3 would be agreeable.

4 MICHAEL GARDNER: Pleasure of the
5 Commission?

6 GERARD MAHONEY: I would make a
7 motion that the license be granted with the
8 conditions that Ms. Lint has just conveyed,
9 and with the further condition of reviews at
10 three, six, nine and twelve month intervals
11 for the first year. So that every three
12 months the license is reviewed by this Board
13 for the first year.

14 MICHAEL GARDNER: Well, again,
15 consistent with my concerns about proxy
16 voting, I'll second the motion.

17 ELIZABETH LINT: May I suggest
18 also --

19 MICHAEL GARDNER: Go right ahead.

20 ELIZABETH LINT: -- that it include
21 that it has no value, is non-transferable,

1 and cannot be used as a pledge?

2 ATTORNEY WILLIAM GOLDBERG: I
3 explained that to the manager.

4 MICHAEL GARDNER: You accept that as
5 a friendly amendment to your motion?

6 GERARD MAHONEY: Certainly.

7 MICHAEL GARDNER: And I think that,
8 at least in terms of explaining my vote on
9 this, I am impressed with the long period of
10 successful operation of the other restaurant.
11 I am impressed and believe your statement
12 that this incident shocked you into
13 understanding the dangers of the behavior
14 that you engaged in and that you have ceased.
15 I do, however, feel that the Commission is in
16 some sense going out and a limb here because
17 that behavior is of course completely the
18 opposite of what we try to instill in the
19 managers with respect to their serving
20 policies, and that one of the great dangers
21 of the business and the substance we're

1 trying to regulate here. So, with as much
2 seriousness of purpose as I can, we would
3 encourage you to continue to follow the path
4 that you have apparently been successful with
5 since the winter of 2004. And, however,
6 given our concerns, we will be watching these
7 three-month reviews for you to come in,
8 describe the operation for our investigators,
9 to describe what they've found.

10 You understand that, sir?

11 AVADAR SINDH: Yes.

12 MICHAEL GARDNER: Mr. Goldberg?

13 ATTORNEY WILLIAM GOLDBERG: Yes, I
14 will reiterate what you've said with this
15 hearing so that he's constantly reminded of
16 what you've said, and to have him abide by
17 the conditions.

18 MICHAEL GARDNER: All right.

19 And you're responsible for your
20 employees. And if one of your employees
21 takes an action that's beyond what they're

1 supposed to do, doesn't matter that it wasn't
2 you who took it, you're responsible. So you
3 have to be the supervisor. You have to make
4 sure that your staff is operating in
5 conformance with the rules and regs of the
6 Commission.

7 AVADAR SINDH: Yes.

8 MICHAEL GARDNER: On the motion
9 having been made and seconded, all those in
10 favor signify by saying "Aye".

11 GERARD MAHONEY: Aye.

12 MICHAEL GARDNER: Aye.

13 I think we should record that there
14 were two votes in the affirmative and
15 Superintendent Williams kindly abstained
16 perhaps scratching his head, well, why'd I
17 come.

18 STEVE WILLIAMS: Not at all. Not at
19 all.

20 ATTORNEY WILLIAM GOLDBERG: If I may
21 just inquire with regard to Mr. Connelly, is

1 it incumbent upon Mr. Sindh to contact him?

2 ELIZABETH LINT: It is, and we will
3 send out the information.

4 ATTORNEY WILLIAM GOLDBERG: Okay.
5 Thank you very much.

6 MICHAEL GARDNER: Good luck. Wish
7 you well.

8 AVADAR SINDH: Thank you.

9 ELIZABETH LINT: That's all we have.

10 MICHAEL GARDNER: Any other business
11 before the Commission?

12 ELIZABETH LINT: There is no further
13 business.

14 GERARD MAHONEY: Motion to adjourn.

15 MICHAEL GARDNER: Motion to adjourn
16 having been made.

17 STEVE WILLIAMS: I can second that.

18 MICHAEL GARDNER: All right.

19 All those in favor signify by saying
20 "Aye".

21 STEVE WILLIAMS: Aye.

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GERARD MAHONEY: Aye.

MICHAEL GARDNER: The ayes have it.

We adjourn at 10:40.

(Whereupon, at 10:40 a.m., the
License Decision Hearing adjourned.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

I am not related to any of the parties
in this matter by blood or marriage and that
I am in no way interested in the outcome of
this matter.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 11th day of July 2011.

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

My Commission Expires:
April 23, 2015

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