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COMMONWEALTH OF MASSACHUSETTS  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael P. Gardner, Chairman  
Robert C. Haas, Police Commissioner  
Lester Bokuniewicz, Deputy Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

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

Tuesday, August 9, 2011

6:00 p.m.

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## 1 P R O C E E D I N G S

2 ELIZABETH LINT: This is a meeting  
3 of the License Commission general hearing,  
4 Tuesday, August 9, 2011. It's six p.m.  
5 We're in the Michael J. Lombardi Municipal  
6 Building, 831 Mass. Ave., basement conference  
7 room. Before you are the commissioners,  
8 Chairman Michael Gardner, Commissioner Robert  
9 Haas and Deputy Chief Lester Bokuniewicz.

10 First matter, disciplinary matter  
11 continued from July -- I'm sorry, before we  
12 get going. If anyone is here for both  
13 applications of Clover, they have been taken  
14 off the agenda this evening. Okay?

15 Disciplinary matter continued from  
16 July 19, 2011. Yardworks Limited due to  
17 complaints received on April 21, 2010, July  
18 9, 2010, June 21, 2011 and July 1, 2011  
19 regarding alleged leaf blower usage without  
20 being properly permitted as well as outside  
21 of the allowable months.



1 since the person didn't show up. And to also  
2 have a letter sent to the both condo owners,  
3 that hired Yardworks to do the work and let  
4 them know there was a violation of the leaf  
5 blower ordinance, and to also see if I could  
6 catch them in action. I was not able to see  
7 them last Friday when they normally come  
8 every Friday. I guess they came on Monday  
9 instead. And the complainant did call and  
10 say that they were there, and also gave me  
11 the plate number of the vehicle. And  
12 previously to that the gentleman also did a  
13 video of them using the leaf blowers on the  
14 19th of July.

15 MICHAEL GARDNER: When you say  
16 Monday, you mean, Monday, the 8th?

17 ANDREA BOYER: Yesterday, correct.

18 MICHAEL GARDNER: Yesterday.

19 And you have a video of a July 29th  
20 event?

21 ANDREA BOYER: Yes.

1                   MICHAEL GARDNER: And would you,  
2                   you've observed that video?

3                   ANDREA BOYER: Yes, I did, sir. And  
4                   it did show that Yardworks was on premise  
5                   with a worker utilizing a leaf blower.

6                   MICHAEL GARDNER: Sometime around  
7                   10:59 or so in the morning as I recall?

8                   ANDREA BOYER: Yes, sir.

9                   MICHAEL GARDNER: And would you  
10                  describe your efforts to contact the  
11                  Yardworks staff?

12                  ANDREA BOYER: Yes. I did try to  
13                  hand deliver the letter at the location. At  
14                  that time there were three -- I have Tom as  
15                  the first name of the gentleman who owns the  
16                  business, but I never had a last name. So I  
17                  went to the residence which is located in  
18                  Somerville, 15 Forester Street. There were  
19                  actually three names on the buildings, so it  
20                  was three tenants. So I wasn't sure which  
21                  one. So I couldn't hand deliver the letter.

1 But in the driveway was an automobile with a  
2 trailer attached with many devices for  
3 landscaping. So I wrote down the plate  
4 number, and it came back to a last name,  
5 excuse me, belonging to a female, and the  
6 last name was Curry. And I did at the time,  
7 send the next day, when I realized I couldn't  
8 hand deliver the letter, I sent -- I scanned  
9 the letter for the hearing date, which was  
10 for this evening, and sent an e-mail to  
11 Yardworkslimited@comcast.net and also left a  
12 telephone number for the owner of the company  
13 to come to tonight's hearing. And I left the  
14 date and the time to attend, and the address.

15 I did receive an e-mail this morning  
16 from Tom Curry to confirm stating that there  
17 is an error on the attachment and that he  
18 couldn't open this. Send all letters to 268  
19 Main Street, box 142, North Reading, Mass,  
20 01864. And it says Tom.

21 At that time I also replied to him

1 stating that there is a hearing being held  
2 this evening on August 9, 2011, at six p.m.  
3 for the Cambridge License Commission at 831  
4 Mass. Ave. to implement a fine of \$300 per  
5 violation of usage of a leaf blower by your  
6 company four times of reported usage plus a  
7 submitted video. This fine is based on usage  
8 of a leaf blower during prohibited times and  
9 without a proper permit, which I spoke with  
10 you about previously. Please attend this  
11 hearing. And that was sent to his palm pilot  
12 seeing from the e-mail that I received. And  
13 I didn't get any response.

14 MICHAEL GARDNER: So this was an  
15 e-mail you sent in reply. Did you have any  
16 voice communications with him at all?

17 ANDREA BOYER: No, I did not, sir.

18 MICHAEL GARDNER: And the  
19 information about there being there yesterday  
20 came from a complaining member of the public?

21 ANDREA BOYER: Yes. This gentleman

1 who is in the audience as well.

2 MICHAEL GARDNER: Are there any  
3 representatives of the condominium  
4 association present this evening?

5 (No Response.)

6 MICHAEL GARDNER: They were  
7 notified?

8 ANDREA BOYER: Yes, we did tell them  
9 that there was a scheduled hearing for August  
10 9, 2011. To call Elizabeth if they had any  
11 questions.

12 MICHAEL GARDNER: Are there any  
13 other members of the public here who would  
14 like to be heard on this this evening?

15 Sir, do you have anything you'd like to  
16 add. If you could just come up and state  
17 your name for the record, please.

18 SAM NEJAME: Sam Nejame N-e-j -a-m-e.

19 So after the last hearing, I -- they  
20 showed up started doing what they do with the  
21 leaf blowers, etcetera. And so I just took a

1 video of it and gave it to Andrea and then  
2 she asked me sort of a follow up if I could  
3 confirm the license plate. She was having  
4 trouble reaching this gentleman. So I took a  
5 photograph of this yesterday when they came,  
6 and gave that to -- sent that to Andrea.

7 MICHAEL GARDNER: Since we were last  
8 here with you on July the 19th, how many  
9 incidents do you have personal knowledge of  
10 their using leaf blowers?

11 SAM NEJAME: One.

12 MICHAEL GARDNER: Which would have  
13 been -- would have been the 29th?

14 SAM NEJAME: Yeah.

15 MICHAEL GARDNER: And what about  
16 yesterday?

17 SAM NEJAME: They didn't use one  
18 yesterday. So you have an impact.

19 ANDREA BOYER: Oh, I have an impact?  
20 I don't know about that.

21 SAM NEJAME: We'll see how long it

1 lasts.

2 ANDREA BOYER: I apologize, I was  
3 under the impression that they used it  
4 yesterday also.

5 SAM NEJAME: Sorry.

6 ANDREA BOYER: No problem.

7 MICHAEL GARDNER: Questions from  
8 either of the Commissioners?

9 ROBERT HAAS: So with respect to the  
10 complaints, you haven't been able to verify  
11 the 29th, the 21st of June that he was  
12 actually using the leaf blowers on those  
13 dates other than the fact you got past  
14 complaints, right?

15 ANDREA BOYER: From this gentleman  
16 here, from Sam, correct.

17 ROBERT HAAS: Right.

18 Who's employing Yardworks Limited?

19 ANDREA BOYER: Who's employing them?

20 ROBERT HAAS: Yes, who's contracting  
21 with them?

1                   ANDREA BOYER: Oh, the two condo  
2                   associations?

3                   ROBERT HAAS: The associations are?

4                   ANDREA BOYER: Yes.

5                   ROBERT HAAS: Had you had any  
6                   contact with either one of the associations  
7                   to let them know about the violations?

8                   ANDREA BOYER: I did. I was able to  
9                   speak with someone directly. Marci a Kaplan.  
10                  And then I wasn't fortunate enough to have a  
11                  direct contact with Julia Quillard  
12                  (phonetic), but I called by using, you know,  
13                  the white pages, someone at that location.  
14                  And they said that she was the trustee of the  
15                  condo association. So I sent a letter to  
16                  her. But I had not received any reply from  
17                  her.

18                  ROBERT HAAS: And the first person,  
19                  what was their response when you notified  
20                  them?

21                  ANDREA BOYER: Marci a Kaplan?

1 ROBERT HAAS: Yes.

2 ANDREA BOYER: She was trying to  
3 figure out why they couldn't use them. And I  
4 told her about the noise ordinance and the  
5 leaf blower ordinance. She said that she  
6 understood. She works at home, she doesn't  
7 like to hear it either. So, it doesn't seem  
8 as either of them told them not to use them.

9 ROBERT HAAS: To stop?

10 ANDREA BOYER: Yes.

11 ROBERT HAAS: No further questions.

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

15 (No Response.)

16 MICHAEL GARDNER: Pleasure of the  
17 Commission.

18 ROBERT HAAS: So, Mr. Curry when he  
19 corresponded with you, did he even ever  
20 acknowledge the fact that there was a hearing  
21 tonight?

1                   ANDREA BOYER: No, not today. When  
2 I had e-mailed back -- he said he couldn't  
3 open it. So I don't know if he heard the  
4 voice mail. He didn't say anything about the  
5 voice mail that I had left about the hearing.  
6 And then when I e-mailed back today at 12:30,  
7 he didn't respond to that. I do have the new  
8 address for him now to let him know about the  
9 hearings that we've held. And that was  
10 confirmed with the license plate that I ran.  
11 It's the address in Reading.

12                   MICHAEL GARDNER: And the Somerville  
13 address, you went there, is the Tom Curry  
14 name --

15                   ANDREA BOYER: Curry was the name on  
16 the mailbox. When I ran the plate on a  
17 different vehicle, it came up as a female's  
18 name. It came up not his, Tom, Tom Curry.  
19 The name came up for Claire Curry.

20                   So, the previous letter that we had  
21 sent for the first hearing didn't come back

1 to us, just the second one that we just sent  
2 them back.

3 ROBERT HAAS: So we can't verify  
4 whether or not he's been notified of this  
5 hearing tonight?

6 ANDREA BOYER: Well, the phone  
7 messages and just the file that he said he  
8 couldn't open. I don't know if he actually  
9 could or could not.

10 ROBERT HAAS: But you notified him  
11 via e-mail there was a hearing tonight,  
12 right?

13 ANDREA BOYER: Yes. That would have  
14 been the second e-mail notification.

15 ROBERT HAAS: And that was the one  
16 he couldn't open?

17 ANDREA BOYER: Yes.

18 MICHAEL GARDNER: Not a video, but  
19 just an attachment?

20 ANDREA BOYER: Attachment of the  
21 hearing notification.

1                   ROBERT HAAS: Well, he acknowledged  
2                   that he got some attachment that he couldn't  
3                   see. And that notice was in the e-mail,  
4                   right?

5                   ANDREA BOYER: Yes. It actually  
6                   said on the subject line -- excuse me, if you  
7                   could wait one moment. Sorry. It says,  
8                   please see attached notification letter  
9                   pertaining to violation of a leaf blower  
10                  usage. Andrea Boyer. It had my e-mail to  
11                  contact me through the phone. That was sent  
12                  on the 3rd. So that I think I got the e-mail  
13                  today, the 9th, saying that he couldn't open  
14                  the letter. So, in good faith either he just  
15                  hasn't checked his e-mail or....

16                  ROBERT HAAS: But he called you or  
17                  at least corresponded back with you saying he  
18                  couldn't open up the attachment?

19                  ANDREA BOYER: Correct.

20                  ROBERT HAAS: So he knew who to  
21                  contact at that point.

1                   ANDREA BOYER: Yes. And we've been  
2 in contact a few years ago also I mean.

3                   ROBERT HAAS: It seems to me he's --  
4 I mean, I think he's demonstrated that he's  
5 been noticed on this hearing and failed to  
6 show up. You have one documented incident.  
7 I think it's indisputable unless you want to  
8 dispute the veracity of the videotape of the  
9 violation at this point.

10                  MICHAEL GARDNER: Well, I guess I  
11 would ask on the history of matters here if  
12 we have a complaint from a party that goes  
13 unrebutted from the operator or the vendor,  
14 have we regarded that as sufficient evidence  
15 in the past?

16                  ROBERT HAAS: We've taken action  
17 against people that have not shown up here.

18                  ELIZABETH LINT: Yes, we have.

19                  MICHAEL GARDNER: Well, let's see, I  
20 mean I have observed the video. It, I think  
21 begins with the notation of time from a

1 wristwatch. It identifies the location from  
2 the street sign. It identifies the operator  
3 -- well, it identifies a truck with the  
4 business name of the company that we're  
5 discussing this evening. It appears to be a  
6 continuous uncut video which then proceeds  
7 into the area on Chauncy clearly demonstrates  
8 an individual operating a leaf blower.

9 Continues to show a picture of The Globe. I  
10 did not check it to see if it was that day.  
11 I think clearly that it doesn't necessarily  
12 prove that it was that day, but it couldn't  
13 have been a day any later than that at least.

14 ANDREA BOYER: Good point.

15 MICHAEL GARDNER: And I'm certainly  
16 persuaded of the veracity of that video. I'm  
17 wondering what the Commission might think of  
18 voting to issue a fine for the July 29th  
19 incident this evening and also continuing the  
20 matter with respect to the other complaints  
21 about the other days for a new hearing at our

1 September meeting or another time that might  
2 be convenient so that we both take action  
3 with respect to the violation which I think  
4 seems exceptionally clear, and hold the other  
5 matters pending to give the owner the  
6 opportunity to come forward and attempt to  
7 clear himself of the charges and/or explain  
8 the circumstances, as well as deal with the  
9 issue of the continuing operation in the city  
10 without a license, which is this sort of  
11 second problem here in addition to operating  
12 during the prohibited months. That is to  
13 take two actions, to issue --

14 ROBERT HAAS: No, I got you.

15 MICHAEL GARDNER: -- issue a  
16 citation this evening on July 29th, and for  
17 the other dates to reschedule yet another  
18 hearing with more up to date.

19 ROBERT HAAS: Mr. Chair, I believe  
20 there's enough evidence produced tonight to  
21 go ahead and issue a citation for at least the

1 one violation on July 29th, and I concur. I  
2 think we need to notice the individual again  
3 to take up the other matters for the other  
4 dates that have been mentioned with respect  
5 to potential violation.

6 MICHAEL GARDNER: So is that in the  
7 form of a motion to approve a violation for  
8 July the 29th?

9 ROBERT HAAS: I'll make a motion to  
10 that affect.

11 LESTER BOKUNIEWICZ: I'll second.

12 MICHAEL GARDNER: And as I  
13 understand it, under the Ordinance, the  
14 amount of the violation is \$300.

15 ELIZABETH LINT: That's correct.

16 MICHAEL GARDNER: It's not a  
17 discretionary matter for us.

18 ELIZABETH LINT: No.

19 MICHAEL GARDNER: Why don't we take  
20 them separately, then.

21 There's been a motion made and seconded

1 to issue a citation for violation of the leaf  
2 blower ordinance on July the 29th, 2011, in  
3 the amount of a \$300 fine.

4 All those in favor signify by saying  
5 "Aye."

6 ROBERT HAAS: Aye.

7 LESTER BOKUNI EWICZ: Aye.

8 MICHAEL GARDNER: Aye. None  
9 opposed.

10 And then are you making the motion to  
11 continue the matter with respect to the other  
12 outstanding complaints for the other dates to  
13 our September meeting?

14 ROBERT HAAS: I make a motion to  
15 continue the matter for notice to the  
16 individual for disciplinary hearing at our  
17 September meeting for the other dates in  
18 violation.

19 MICHAEL GARDNER: And is there a  
20 second for that?

21 LESTER BOKUNI EWICZ: Second.

1                   MICHAEL GARDNER: That motion having  
2                   been made and seconded, all those in favor of  
3                   continuing the matter with respect to the  
4                   complaints from the prior dates which are  
5                   listed in the agenda, as April 21, 2010; July  
6                   9, 2010; June 21, 2011 and July 1, 2011; to  
7                   continue this matter for an additional  
8                   disciplinary hearing in our September  
9                   meeting.

10                   All those in favor signify by saying  
11                   "Aye."

12                   ROBERT HAAS: Aye.

13                   LESTER BOKUNIEWICZ: Aye.

14                   MICHAEL GARDNER: Aye. None  
15                   opposed. The ayes have it.

16                   And Ms. Boyer you have a new up to date  
17                   address?

18                   ANDREA BOYER: Yes, I do. I'll give  
19                   it to Elizabeth to be put in the letter to be  
20                   sent out by Chris.

21                   MICHAEL GARDNER: I suggest you also

1 send a copy of it perhaps not as a PDF but as  
2 a Word file. Perhaps as a Word, not the new  
3 Word but the old Word.

4 ANDREA BOYER: Old Word.

5 MICHAEL GARDNER: As well to the  
6 e-mail address.

7 ANDREA BOYER: Very good.

8 MICHAEL GARDNER: Thank you very  
9 much. Thank you for your cooperation, sir.

10 SAM NEJAME: Thank you.

11 \* \* \* \* \*

12 ELIZABETH LINT: Disciplinary matter  
13 Basha Cafe, LLC doing business as Basha, Jack  
14 Markarian, manager, holder of an all  
15 alcoholic beverages as a restaurant license  
16 at 26 New Street due to a police report  
17 received by the License Commission regarding  
18 patrons allegedly being on the premise after  
19 allowable hours.

20 MICHAEL GARDNER: Good evening. If  
21 each of you could please just identify

1           yourselves by stating your name and spelling  
2           it for the record.

3                   JACK MARKARIAN: My name is Jack  
4           Markarian M-a-r-k-a-r-i-a-n.

5                   OFFICER RONALD YUSUM: And my name  
6           is Ronald Yusum. R-o-n-a-l-d Y-u-s-u-m.  
7           Police officer City of Cambridge.

8                   MICHAEL GARDNER: And, Officer  
9           Yusum, could you begin by telling us about  
10          your involvement in this matter?

11                   OFFICER RONALD YUSUM: Yes. On the  
12          morning of June 12th at approximately 2:50  
13          p.m. -- I'm going to read from my report.  
14          Myself, and along with Officer Lewis, which  
15          is another officer, dispatched to the Basha  
16          Cafe, 26 New Street, on a report of an --  
17          from an unidentified caller, report of an  
18          unconscious female at that location.

19                   Upon arrival a few minutes later went  
20          off with ambulance, Cambridge Fire Company  
21          Engine 9, Cambridge Fire Department Squad 4,

1 and Officer Lewis. At this time upon  
2 entering the establishment in a room to the  
3 right of the front door entrance, I observed  
4 a white female later identified as a Mariam  
5 Shareme Miller (phonetic), Park Ave. of  
6 Revere, Mass, lying on the floor who appeared  
7 to be semi-conscious and highly intoxicated.

8 While observing this and medical  
9 working on her, I was met by Michael  
10 Chaloub. I think I'm saying his name right.  
11 Who stated he was the manager.

12 At this time, while inside the  
13 establishment, I observed the approximately  
14 12 to 15 people in the bar area, lounge area,  
15 who appeared to be patrons, along with  
16 workers. The workers at this time were  
17 scurrying around trying to clear off the  
18 tables and the bar of glasses and bottles. I  
19 asked Mr. Chaloub what these people are  
20 doing in the bar at 2:50 a.m.; the bar has a  
21 2:00 a.m. closing license on Saturday

1 evening. He stated they were workers and  
2 they were cleaning up. At this time I  
3 ordered them all to leave the premise. In  
4 this conversation a rear door opened to the  
5 rear of the lounge area, which is a common  
6 hallway where they have their bathrooms, also  
7 has an exit out that door where they can all  
8 scurry out of there if they had to get out of  
9 there, which they did.

10 Observing this, six, seven more patrons  
11 were in there, most I believe were females.  
12 And I then told him to go back and get  
13 everyone out of the bar. He went back there  
14 and came back with a male who stated he was  
15 the bouncer, he was a black gentleman.  
16 Apparently they all fled out the rear hallway  
17 door all out into the New Street parking lot.

18 I then inquired about the female lying  
19 on the floor which he stated was his office.  
20 He told myself and Sergeant Mafioni,  
21 (phonetic) who was the responding supervisor

1 at that time at that on scene. That the  
2 female was in the bathroom earlier highly  
3 intoxicated and some of her friends were  
4 trying to help her get home. Due to her  
5 intoxication, drunkenness, they were having a  
6 hard time getting her to leave with her  
7 friends. She finally ended up in the office  
8 somehow where she collapsed to the floor. He  
9 then stated he called for medical help. She  
10 was transported to the Mount Auburn Hospital  
11 for medical attention.

12 And pretty much that's the  
13 circumstances as I can report.

14 MICHAEL GARDNER: And you may have  
15 said it, but do you have a record of when the  
16 call came in?

17 OFFICER RONALD YUSUM: 2:50 a.m.,  
18 sir.

19 MICHAEL GARDNER: I think you said  
20 you observed glasses and bottles on the  
21 tables.

1                   OFFICER RONALD YUSUM: I did, on the  
2                   tables. However, I will say this, I honestly  
3                   did not see anybody have a drink in their  
4                   hand or drinking from a bottle or glass.  
5                   They were just cleaning everything up off in  
6                   that area where I observed the 12 to 15  
7                   people.

8                   MICHAEL GARDNER: Did you see  
9                   whether the glasses or bottles contained  
10                  liquid?

11                  OFFICER RONALD YUSUM: There were  
12                  beer bottles and some other glasses. What  
13                  was in the glasses, I have no idea. I didn't  
14                  check. But there was two people behind the  
15                  bar, and they were cleaning everything up.  
16                  At this point in time it was well after three  
17                  a.m. in the morning.

18                  MICHAEL GARDNER: And the bar  
19                  manager said that the individuals who were in  
20                  there were workers cleaning up?

21                  OFFICER RONALD YUSUM: Yes. He

1           stated, yes, that's what he explained to me.  
2           The owner came in later, I believe, and I  
3           asked him if he had that many people working  
4           there and he stated no.

5                   MICHAEL GARDNER:   And the manager  
6           that evening was Michael Chalhoub.

7                   OFFICER RONALD YUSUM:   Chalhoub.  
8           Chalhoub, I believe that's how you say it.  
9           He's here also.

10                   MICHAEL GARDNER:   Could we hear from  
11          him?

12                   JACK MARKARIAN:   Sure.

13                   MICHAEL CHALHOUB:   Good evening.

14                   MICHAEL GARDNER:   If you could state  
15          and spell your name for the record.

16                   MICHAEL CHALHOUB:   Michael  
17          M-i -c-h-a-e-l.   Last named Chalhoub  
18          C-h-a-l -h-o-u-b.

19                   MICHAEL GARDNER:   And would you tell  
20          us what happened on the early morning of June  
21          the 12th?

1                   MICHAEL CHALHOUB: As usual , around  
2                   1:40, 1:50 I kill the music down, and I put  
3                   the lights off -- I put the lights on and  
4                   everybody has to leave the premises. And I  
5                   have a bouncer over there that we were  
6                   escorting all the people outside the club,  
7                   the restaurant. I have a problem with this  
8                   lady called Mariam, last name Miller. And  
9                   she don't want to leave the premises. We're  
10                  trying to tell her to get out of there. And  
11                  bouncer was trying to -- was trying to get  
12                  her out of the place at the door. She fell  
13                  down over there. She had a seizure. And at  
14                  that time I have on that shift, I have one --  
15                  two, seven employees over there. Five  
16                  waitresses and one bartender. They were  
17                  working on that shift. And I had one  
18                  bouncer. That's eight people over there. I  
19                  had my mother and one of my cousin. Plus she  
20                  had like two or three of her friends, they  
21                  were helping her out. When she fell down, I

1 was next to her, so I was trying to help her,  
2 one of her friends, too, they were trying to  
3 help. And around maybe 2:40, 2:45 they were  
4 trying to spray my perfume on her. They said  
5 okay, she's gonna be fine. She's gonna be  
6 all right. That's happened with her all the  
7 time. She's got pissed, whatever, she lose  
8 it and she has a seizure.

9 So at that point I was really concerned  
10 about her because I see something come out of  
11 her mouth. And I told her friends I have to  
12 call 9-1-1. I have to call some help. And I  
13 was really concerned about her health. I  
14 don't want to her to something to happen over  
15 there at the place. I didn't really pay  
16 attention who was in there, but I believe was  
17 all clear, you know, as the officer was  
18 saying. My waitresses was cleaning the  
19 place, was making sure everybody was out of  
20 there. And after then, the police officer  
21 and the fire department and the ambulance

1           came by the place and they were trying to  
2           help the lady out.

3                   And actually I have a statement from  
4           her. She signed it and she gave it to me.  
5           She wrote: I Mariam Miller, fully aware of  
6           my statements said that on the night of June  
7           12, 2011, I fell down at Basha Cafe located  
8           at 26 New Street in Cambridge, Mass. caused  
9           by a medical problem that I had prior to the  
10          accident. I was not over served by the staff  
11          of Basha Cafe. Sincerely, Miriam Miller.

12                   Somebody would like to have that?

13                   ELIZABETH LINT: I have that.

14                   JACK MARKARIAN: You have that?

15                   ELIZABETH LINT: I have that.

16                   MICHAEL GARDNER: So, was she  
17          drinking?

18                   MICHAEL CHALHOUB: What was she  
19          drinking?

20                   MICHAEL GARDNER: Was she drinking?

21                   MICHAEL CHALHOUB: Was she drinking?

1                   MI CHAEL GARDNER: Yes.

2                   MI CHAEL CHALHOUB: Of course.

3                   MI CHAEL GARDNER: And at some poi nt,  
4                   approximatel y 2: 40 a. m. she had a sei zure?

5                   MI CHAEL CHALHOUB: Before 2: 40, yes.

6                   MI CHAEL GARDNER: How long before  
7                   2: 40?

8                   MI CHAEL CHALHOUB: I woul d say about  
9                   2: 30 maybe.

10                  MI CHAEL GARDNER: And i t took you 20  
11                  mi nutes to call the poli ce?

12                  MI CHAEL CHALHOUB: Well , because her  
13                  fri end they don' t want to call the poli ce,  
14                  because they say i t always happen to her.  
15                  And she' s gonna be awake agai n, you know, i t  
16                  goi ng to take 10, 15 mi nutes. They were  
17                  sprayi ng my perfume on her nose, whatever.  
18                  Somethi ng l ike that. Then after that when I  
19                  seen somethi ng come out of her mouth, I sai d  
20                  you know what, I have to call 9-1-1.

21                  JACK MARKARI AN: I f I mi ght

1 interrupt.

2 MICHAEL GARDNER: Well, why don't  
3 you let us ask him the questions if you don't  
4 mind first. And we'll certainly give you a  
5 chance to speak.

6 JACK MARKARIAN: Okay.

7 MICHAEL CHALHOUB: Which has  
8 happened to her before at that place, same  
9 thing.

10 MICHAEL GARDNER: So she's had  
11 seizures in the place before?

12 MICHAEL CHALHOUB: Before, yes.

13 MICHAEL GARDNER: And what did you  
14 do in those cases?

15 MICHAEL CHALHOUB: I was not there,  
16 but I was informed that she have a seizure  
17 there.

18 MICHAEL GARDNER: And what, if  
19 anything, do you know happened? What, if  
20 anything, did the management who was there  
21 do?

1                   MICHAEL CHALHOUB: I didn't really  
2 know about that. What was going on, the  
3 action that was taken.

4                   MICHAEL GARDNER: And what's your  
5 testimony about the number of patrons who  
6 were in the bar when Officer Yusum arrived?

7                   MICHAEL CHALHOUB: There was no  
8 patron at that point. There was only my  
9 mother. I had my cousins over there, two of  
10 my cousins, and the rest was employee. Back  
11 door there was a bathroom, and the bouncer  
12 was clearing all the way. You know, he walks  
13 after hours, he walks and he go through  
14 everything, the bathrooms, it was in the back  
15 door. And he was clearing everybody, you  
16 know, away. If somebody over there, if  
17 somebody hanging out, you know, he make sure  
18 that everybody leave the premises.

19                  MICHAEL GARDNER: When are patrons  
20 supposed to be out of the premises?

21                  MICHAEL CHALHOUB: By 2:30 everybody

1 should be out of the place. We close at two  
2 o'clock, but all the patron by 2:30 has to be  
3 out.

4 MICHAEL GARDNER: And let me ask you  
5 again, because I sort of thought your answer  
6 was perhaps a little inconsistent. I asked  
7 you how many patrons were in the place at  
8 2:50 when Officer Yusum arrived. I  
9 understood you to say none. But then you  
10 said that you had a bouncer who was clearing  
11 people out in the back. So that doesn't  
12 exactly sound like a consistent answer.

13 MICHAEL CHALHOUB: No, what I'm  
14 saying is the bouncer he walks through,  
15 around 2:30, you know, when we close? The  
16 bouncer, he make sure he goes through  
17 kitchen, bathroom, bathroom, the ladies'  
18 room, the men's room, bathroom, everywhere in  
19 the back, because we have like in the back,  
20 the bathroom, it's behind the restaurant, you  
21 have to open the door, you can't see who's

1           there. So he goes behind the door and he  
2           opens and he check everybody. So if somebody  
3           is hanging out in the back over there, he  
4           make sure that everybody leaves there. And  
5           my concern, I didn't see anybody was there.

6                   MICHAEL GARDNER: Okay. So at --

7                   MICHAEL CHALHOUB: I was with the  
8           lady. At that hour I was with the lady over  
9           there.

10                  MICHAEL GARDNER: Right. But the  
11           bouncer was supposed to have cleared  
12           everybody out by 2:30?

13                  MICHAEL CHALHOUB: Yes, yes, he  
14           does.

15                  MICHAEL GARDNER: All right. So,  
16           did you observe anything that would lead you  
17           to believe he didn't do that --

18                  MICHAEL CHALHOUB: At that point --

19                  MICHAEL GARDNER: -- that evening?

20                  MICHAEL CHALHOUB: No, sir. At that  
21           point? No.

1                   MI CHAEL GARDNER: At that point, no.  
2 I'm talking about at any point that evening.

3                   MI CHAEL CHALHOUB: No, no. That  
4 evening? No.

5                   MI CHAEL GARDNER: At 2:50 when  
6 Officer Yusum arrived, the only people who  
7 were there were employees and some of your  
8 relatives?

9                   MI CHAEL CHALHOUB: Yes.

10                  MI CHAEL GARDNER: And this lady?

11                  MI CHAEL CHALHOUB: And the lady and  
12 a couple of her friends, they were sitting  
13 next to her, they were giving her some  
14 perfume or whatever.

15                  MI CHAEL GARDNER: Okay. So, there  
16 were at least three patrons there; the lady  
17 and her two friends, right?

18                  MI CHAEL CHALHOUB: Yes, yes.

19                  MI CHAEL GARDNER: So Officer Yusum  
20 said that he saw 12 or 15 people in the  
21 front, and then he saw another six or seven

1 in the back. That gives me a possible range  
2 of 18 to 22 people at 2:50. I don't  
3 understand how, if you had a staff of eight,  
4 and three patrons, how you get up to 18 or  
5 22.

6 MICHAEL CHALHOUB: Well, eight  
7 staff, plus the lady, myself, and a couple  
8 other -- my mom and my cousin. Plus with  
9 her, her friends, that's three. It's almost  
10 there.

11 MICHAEL GARDNER: And what would be  
12 the authority for your mother and your  
13 cousins to be in the place after 2:30.

14 MICHAEL CHALHOUB: I was the ride  
15 for my mom and my cousin.

16 MICHAEL GARDNER: I'm sorry?

17 MICHAEL CHALHOUB: I was giving the  
18 ride for my mom and my cousin.

19 MICHAEL GARDNER: And from your  
20 point of view that's not a problem, if you  
21 have friends or relatives there after closing

1 who are not employees, because that's the  
2 transportation arrangements that have been  
3 made, they can stay; is that your  
4 understanding of what the rules are?

5 MICHAEL CHALHOUB: Well, no, they  
6 cannot stay. My mother she was sitting on  
7 the corner talking with my cousin and just  
8 waiting for me to close up the place, close  
9 up the shift and go home.

10 MICHAEL GARDNER: And I'm asking you  
11 whether your understanding is that's  
12 consistent with the rules of the Cambridge  
13 License Commission?

14 MICHAEL CHALHOUB: No.

15 MICHAEL GARDNER: So they really  
16 shouldn't have been there; is that right it?

17 MICHAEL CHALHOUB: Yes, sir.

18 MICHAEL GARDNER: Before we get to  
19 the owner, any other questions for the  
20 officer?

21 ROBERT HAAS: Who were the people

1 that went out the back door when the officer  
2 was there?

3 MICHAEL CHALHOUB: Excuse me?

4 ROBERT HAAS: Who were the people  
5 that went out the back door?

6 MICHAEL CHALHOUB: Back door?

7 ROBERT HAAS: Yes.

8 MICHAEL CHALHOUB: I didn't see who  
9 was in the back door. I was there with the  
10 lady.

11 ROBERT HAAS: So were there people  
12 in the back of the establishment in the  
13 common hallway?

14 MICHAEL CHALHOUB: I don't know.  
15 But I talked to the bouncer.

16 ROBERT HAAS: Who's the manager that  
17 night?

18 MICHAEL CHALHOUB: That was me.

19 ROBERT HAAS: Who is Hakim Al omi  
20 (phonetic)?

21 MICHAEL CHALHOUB: I don't

1 understand that.

2 JACK MARKARIAN: Who is Hakim?  
3 Hakim Alomi?

4 MICHAEL CHALHOUB: (I naudi bl e).

5 JACK MARKARIAN: No, he's asking who  
6 is Hakim? Is there somebody Hakim? Do you  
7 know anybody Hakim?

8 MICHAEL CHALHOUB: (I naudi bl e).

9 JACK MARKARIAN: Do you know anybody  
10 with Hakim name?

11 MICHAEL CHALHOUB: Oh, Hakim?

12 JACK MARKARIAN: Hakim.

13 ROBERT HAAS: Hakim.

14 MICHAEL CHALHOUB: A name, Hakim?

15 ROBERT HAAS: H-a-k-i-m.

16 MICHAEL CHALHOUB: K-i-m?

17 MICHAEL GARDNER: H-a-k-i-m.

18 MICHAEL CHALHOUB: Oh, Hakim you  
19 mean?

20 ROBERT HAAS: Yes, Hakim.

21 MICHAEL CHALHOUB: Oh, no, no. I

1 don' t mean anybody.

2 ROBERT HAAS: He' s the one who made  
3 the call .

4 MICHAEL CHALHOUB: No i dea.

5 ROBERT HAAS: You sai d you made the  
6 call . And accordi ng to the di spatcher he  
7 made the call .

8 MICHAEL CHALHOUB: We j ust make sure  
9 that somebody, yeah. I told everybody to --  
10 he was -- she was wi th a coupl e of fri ends,  
11 and I made sure we have to call the 9-1-1. I  
12 di dn' t make the call , no. We had to make --  
13 I sai d, we have to call the 9-1-1 because I  
14 was real ly concerned about her.

15 ROBERT HAAS: So you don' t know who  
16 thi s gentl eman i s who made the phone call ?

17 MICHAEL CHALHOUB: I have no i dea.

18 MICHAEL GARDNER: Wel l , do you know  
19 who made the call ?

20 MICHAEL CHALHOUB: No i dea, si r.

21 But I sai d --

1                   MICHAEL GARDNER: No. How did you  
2 know a call was made? I mean, isn't it your  
3 responsibility to call?

4                   MICHAEL CHALHOUB: Yes. I  
5 thought -- I saw -- she was in my office, you  
6 know what I'm saying? She was in my hands.  
7 So, I was trying to -- I said you guys have  
8 to call 9-1-1. Who made the call? I have no  
9 idea.

10                  MICHAEL GARDNER: Well, was it one  
11 of her friends who made the call?

12                  MICHAEL CHALHOUB: Probably, yeah.

13                  MICHAEL GARDNER: Did you see  
14 anybody make the call?

15                  MICHAEL CHALHOUB: No, I didn't see,  
16 no.

17                  MICHAEL GARDNER: So in fact you  
18 didn't know if really a call had been made  
19 until the police or --

20                  MICHAEL CHALHOUB: Yes.

21                  MICHAEL GARDNER: -- or the

1 ambulance arrived?

2 MICHAEL CHALHOUB: Yes.

3 MICHAEL GARDNER: Do you think  
4 that's consistent with your responsibilities?

5 MICHAEL CHALHOUB: Well, I have to  
6 make sure they have to call the 9-1-1, call  
7 the police, you know. She was in my hand and  
8 I said her friends were around. And I said  
9 please make sure we have to call 9-1-1. And  
10 that's --

11 MICHAEL GARDNER: Why didn't either  
12 you call or you have one of the staff call  
13 9-1-1?

14 MICHAEL CHALHOUB: Because she was  
15 in my -- I panicked. To be honest with you,  
16 it's the first time it happened to me in  
17 there, and I panicked. I didn't really know  
18 what was going on with there. If she's  
19 dying, something's going wrong with her. I  
20 panicked. I mean. . . .

21 MICHAEL GARDNER: Okay, well, it

1 sounds like although you said someone should  
2 call, her friends had been resisting calling,  
3 as I understand it. You had -- you wanted to  
4 do that earlier.

5 MICHAEL CHALHOUB: Yeah, and they  
6 said she's going to be okay, she's fine.

7 MICHAEL GARDNER: So the friends  
8 were resisting. And then it sounds like  
9 although you said somebody should call, you  
10 didn't really take the steps to make sure  
11 that in fact a call was made?

12 MICHAEL CHALHOUB: After she was  
13 sitting down and she was laying down and they  
14 was spraying this perfume or whatever, you  
15 know. And when I first saw her, you know,  
16 and I said, you know, somebody should call  
17 9-1-1. Her friends they said, no. She's  
18 gonna be okay. She's gonna be okay. So I  
19 waited 10, 15 minutes. I said you know what,  
20 I see something coming out of her mouth, I  
21 said you know what? Then I was next to her.

1           And I said guys, please, we have -- I was  
2           yelling. I said, please, we have to call  
3           9-1-1, I don't want her to. I don't want  
4           something to happen in my office in the  
5           premises. Then somebody I think they called  
6           9-1-1 and the ambulance everybody show up.

7                   ROBERT HAAS: Whose responsibility  
8           is it to call 9-1-1, though, when there's an  
9           incident in the establishment?

10                   MICHAEL CHALHOUB: I guess it's my  
11           responsibility. But again, I panicked, you  
12           know. It's the first time it happened to me.  
13           I think if something happen with somebody,  
14           you know, for the first time, it's....

15                   LESTER BOKUNI EWICZ: Excuse me, did  
16           you say her friends were female?

17                   MICHAEL CHALHOUB: Yes, yes.

18                   LESTER BOKUNI EWICZ: Hakim, is  
19           that --

20                   ROBERT HAAS: That's a male.

21                   LESTER BOKUNI EWICZ: -- is that a

1 female name?

2 MICHAEL CHALHOUB: Hakim? No.

3 JACK MARKARIAN: It's not a female  
4 name.

5 LESTER BOKUNIEWICZ: So evidently it  
6 wasn't one of her friends that called?

7 MICHAEL CHALHOUB: She had -- yes,  
8 she actually had, yes, three females next to  
9 her.

10 LESTER BOKUNIEWICZ: So if one of  
11 them called, they stated her name was Hakim?

12 MICHAEL CHALHOUB: I don't know to  
13 be honest with you. I don't know that.

14 MICHAEL GARDNER: Any other  
15 questions? Sir?

16 JACK MARKARIAN: It happened to her  
17 once when I was there. It was during  
18 wintertime. She left the premises. In the  
19 parking lot, she fell down. She had a  
20 seizure and whatever, one of her friends  
21 called 9-1-1. And I was inside. I went

1 outside to the parking lot, and I saw her on  
2 the ground. And I was aware that they called  
3 9-1-1. And sure enough the ambulance,  
4 everybody came down.

5 She refused to get on the ambulance.  
6 The police was there and she said, Jack, we  
7 need some kind of statement signed by her.  
8 She says, I'm a medical something. She said,  
9 I'm fine, I'm not gonna go with anybody. So  
10 I think in the record shows that she was in  
11 my premises during wintertime and she -- it  
12 happened, the same thing.

13 MICHAEL GARDNER: Uh-huh.

14 JACK MARKARIAN: And they were in  
15 the parking lot and her friend again called  
16 9-1-1, and she refused to get in the  
17 ambulance.

18 MICHAEL GARDNER: As you're the  
19 owner of the establishment, sir?

20 JACK MARKARIAN: Yes.

21 MICHAEL GARDNER: All right. And

1 have you done your own investigation of what  
2 happened in the early morning hours of June  
3 12th.

4 JACK MARKARIAN: I did.

5 MICHAEL GARDNER: And what, from  
6 your point of view happened based on your  
7 inquiry?

8 JACK MARKARIAN: Well, I came in  
9 afterwards and I met the officer. And I  
10 said, you know, what was going on? And I saw  
11 the girl was laying down in the office and  
12 surrounded with friends. And I believe she  
13 had more friends than one, I mean, more than  
14 three. There was some male friends with her.  
15 They could be the ones in the hallway, I'm  
16 not sure. But I -- as I came in, I know  
17 because I've seen her there with other  
18 friends, and they were there. But when the  
19 officers came, they disappeared.

20 And it was raining, pouring, and  
21 everybody was outside. They were excited. I

1 think they weren't leaving the parking lot  
2 because there was excitement was going on.  
3 And she was laying down and, you know, in our  
4 office on the floor.

5 MICHAEL GARDNER: From your view,  
6 what if any, failures to comply with the  
7 Cambridge License Commission rules or other  
8 problems in the operation of the premises  
9 occurred that night? Were there any  
10 problems? Any things that were done wrong?

11 JACK MARKARIAN: Not that I know of,  
12 no.

13 MICHAEL GARDNER: Are you satisfied  
14 that the manager who had -- should wait 20  
15 minutes before calling 9-1-1?

16 JACK MARKARIAN: No.

17 MICHAEL GARDNER: Okay, so any other  
18 things that you think could have been handled  
19 better that evening or were not handled  
20 properly?

21 JACK MARKARIAN: Well, I don't know

1           -- you know, Michael said that she was -- she  
2           wouldn't get out of the premises, and I have  
3           told Mike any time you have problem, if you  
4           can't get anybody out, I want you to call the  
5           police. Get them involved that we have a --  
6           you know, that we have a problem, beforehand.

7                   LESTER BOKUNIEWICZ: What time did  
8           you arrive, sir?

9                   OFFICER RONALD YUSUM: After three.

10                  JACK MARKARIAN: Yes, after three.

11                  LESTER BOKUNIEWICZ: Was the female  
12           transported at all?

13                  OFFICER RONALD YUSUM: Yes, they  
14           were just about taking her in the ambulance.  
15           We're familiar with him. I knew he was the  
16           owner.

17                  MICHAEL GARDNER: And you saw more  
18           than three friends, right? Including some  
19           males.

20                  JACK MARKARIAN: Yes.

21                  MICHAEL GARDNER: And were they

1 still in the premises?

2 JACK MARKARIAN: No.

3 MICHAEL GARDNER: They were outside?

4 JACK MARKARIAN: Outside.

5 MICHAEL GARDNER: In the rain?

6 JACK MARKARIAN: In the rain.

7 MICHAEL GARDNER: What's the

8 capacity for the premises?

9 JACK MARKARIAN: 90 inside and 50  
10 outside.

11 MICHAEL GARDNER: What's your  
12 understanding of the number of employees who  
13 were working that evening?

14 JACK MARKARIAN: About eight to ten  
15 people.

16 MICHAEL GARDNER: So it's your  
17 practice to allow your managers to have their  
18 friends and relatives stay on premises after  
19 closing?

20 JACK MARKARIAN: No, but his mothers  
21 came from overseas and she's visiting here.

1 But I, I wasn't aware that she was there that  
2 night.

3 MICHAEL GARDNER: Well, mother and  
4 cousins, right?

5 MICHAEL CHALHOUN: Two cousins.

6 JACK MARKARIAN: Yeah, two cousins.

7 MICHAEL GARDNER: How many  
8 non-employee, non-relative patrons do you  
9 think were on premises after 2:30?

10 JACK MARKARIAN: I just saw my  
11 staff.

12 MICHAEL GARDNER: No, I understand  
13 what you saw after three.

14 JACK MARKARIAN: Yeah.

15 MICHAEL GARDNER: I'm asking you  
16 about the investigation that you did as the  
17 owner of the operation and what conclusions  
18 you came to about whether there were any and  
19 how many people --

20 JACK MARKARIAN: You mean between me  
21 and Mike? I don't understand the question.

1                   MICHAEL GARDNER: The questi on was  
2                   di d you reach any concl usi ons as to how many  
3                   peopl e were on-si te after 2: 30 who were not  
4                   empl oyees or rel ati ves of the manager?

5                   JACK MARKARI AN: I woul d say about  
6                   18, 20 peopl e. There was outsi de peopl e i n  
7                   the parki ng l ot. That' s what I saw, the  
8                   fri ends. Pl us your staff, pl us those three  
9                   gi rl s.

10                  MICHAEL GARDNER: Questi ons?

11                  ROBERT HAAS: How l ong have you had  
12                  a two o' cl ock openi ng permi t?

13                  JACK MARKARI AN: About si x months.

14                  ROBERT HAAS: Si x months?

15                  How many i nci dents have you had after  
16                  -- duri ng that peri od of ti me?

17                  JACK MARKARI AN: After?

18                  ROBERT HAAS: Wel l , extended peri od  
19                  of ti me?

20                  JACK MARKARI AN: None.

21                  ROBERT HAAS: You haven' t had no

1 other incidents? What about the beer bottle  
2 incident in the parking lot?

3 JACK MARKARIAN: That's across the  
4 street. Not on my premises.

5 MICHAEL GARDNER: Did it generate  
6 from your premises?

7 JACK MARKARIAN: It didn't  
8 generate -- they were friends. They were  
9 sittin' down having drinks, and they went  
10 outside and they end up arguing over the girl  
11 and that was it.

12 MICHAEL CHALHOUB: They were across  
13 the street from the place.

14 ROBERT HAAS: But they came out the  
15 establishment, though, right after two?

16 MICHAEL CHALHOUB: Yeah.

17 JACK MARKARIAN: Yeah.

18 MICHAEL CHALHOUB: That was before,  
19 though, not afterwards.

20 ROBERT HAAS: So Officer Yusum  
21 described her as being semi-conscious and

1 highly intoxicated.

2 MICHAEL CHALHOUB: I mean, this is  
3 the letter I got from her and she can provide  
4 the result from the hospital that she was not  
5 intoxicated and drinking.

6 MICHAEL GARDNER: I guess I don't  
7 understand why her medical condition  
8 pre-seizure makes her so hard to get out of  
9 the bar when she's supposed to get out.

10 MICHAEL CHALHOUB: Well, she don't  
11 want to leave the premises early. And we  
12 were trying to about 2:10, you know, we were  
13 trying to push everybody out. You know, you  
14 guys have to leave, you guys have to leave.  
15 She was acting like, whatever, you know what  
16 I'm saying?

17 MICHAEL GARDNER: No, I don't know  
18 what you're say. Acting like what?

19 MICHAEL CHALHOUB: She was acting  
20 like she doesn't want to leave now, she was  
21 just want to stay and hanging out and staying

1 hanging out. So I told my bouncer, you know  
2 what, she have to leave. I don't care. You  
3 know? She have to go.

4 MICHAEL GARDNER: This is at about  
5 what time?

6 MICHAEL CHALHOUB: This is about  
7 2:20, 2:25. So he was trying to, you know,  
8 that just -- he was holding the counter, we  
9 have a counter. He was holding the counter,  
10 you know, he doesn't want to touch her. You  
11 know how because sometimes they go crazy and  
12 somebody touched me and somebody pushed me.  
13 And he was holding the counter and trying to  
14 push her little or little out. And she  
15 passed out right there at the door.

16 MICHAEL GARDNER: But she wasn't  
17 intoxicated --

18 MICHAEL CHALHOUB: No, she was not.

19 MICHAEL GARDNER: -- prior to  
20 passing out?

21 MICHAEL CHALHOUB: No, she was not.

1                   MI CHAEL GARDNER: She was just  
2                   uncooperati ve?

3                   MI CHAEL CHALHOUB: Yes, she di dn' t  
4                   want to leave, yes.

5                   MI CHAEL GARDNER: And then after --  
6                   she moved from bei ng uncooperati ve but not  
7                   i ntoxi cated to havi ng a sei zure?

8                   MI CHAEL CHALHOUB: Yes.

9                   ROBERT HAAS: And di d her fri ends  
10                  refuse to leave as wel l? You sai d there were  
11                  at least three, four --

12                  MI CHAEL CHALHOUB: Yeah, they were  
13                  wi th her.

14                  ROBERT HAAS: All those fri ends were  
15                  fi ghti ng you?

16                  MI CHAEL CHALHOUB: They were wai ti ng  
17                  for her, you know. They were just tryi ng to  
18                  push her. And when she fell down at the  
19                  door, they were wai ti ng for her ri ght there  
20                  at the door. And then they, you know, they  
21                  run and they tryi ng to i t' s okay, i t' s okay,

1 she's going to be fine. We know she's going  
2 to be fine. And just whatever. Spraying  
3 col on, everythi ng.

4 LESTER BOKUNI EWICZ: I think the  
5 owner stated, I'm sorry I forgot your name,  
6 he stated that he gives you instructions and  
7 that if somebody refuses to leave, to call  
8 the police?

9 MICHAEL CHALHOUB: Yes.

10 LESTER BOKUNI EWICZ: That's what he  
11 stated.

12 MICHAEL CHALHOUB: Yes, yes. I  
13 mean, there was no problem, you know. There  
14 was no fighting. There was no nothing. That  
15 at that point I was really concerned about  
16 calling the police, you know. We were trying  
17 to push her little by little out, she was  
18 going, you know, little by little out and  
19 right there at the door it just happened.

20 MICHAEL GARDNER: Prior to getting  
21 the two o'clock license, when did your

1           License, when was serving time finished? One  
2           o'clock?

3                   JACK MARKARIAN: Say that again?

4                   MICHAEL GARDNER: Prior to getting a  
5           two o'clock license did you have a one  
6           o'clock license?

7                   JACK MARKARIAN: Yes.

8                   MICHAEL GARDNER: And how long have  
9           you had a one o'clock license?

10                  JACK MARKARIAN: It's going to be  
11           three years in December.

12                  MICHAEL GARDNER: Which is the  
13           amount of time you've been operating the  
14           premise?

15                  JACK MARKARIAN: Yes.

16                  MICHAEL GARDNER: Do we make two  
17           o'clock licenses conditional on anything?

18                  ROBERT HAAS: Other than just a  
19           review or something like that.

20                  MICHAEL GARDNER: Do we have the  
21           authority to move the license back to one

1 o' clock?

2 ELIZABETH LINT: Absolutely.

3 MICHAEL GARDNER: Is there any  
4 reason we shouldn't move the license back to  
5 one o' clock based on what happened?

6 JACK MARKARIAN: Well, I mean last  
7 time I came in I said I do have customers  
8 come from Worcester, far away. And I request  
9 that for two o' clock license because they  
10 come in around 10:30, 11:00 so they can have  
11 time. So that's why I come in I apply for  
12 two o' clock. I don't believe that over one  
13 girl that we should lose our license. And  
14 this incident happened before. So I just  
15 want to add one more thing.

16 That I am in the process of selling  
17 Basha. And I brought the new buyer. He's in  
18 premises now. He's been around Cambridge for  
19 a long time. He's been in business for 40  
20 years. So, we're in the processing now to do  
21 the license. So I don't think it's fair for

1 him to lose the license.

2 ELIZABETH LINT: Well, his license  
3 is not transferable, and a two a.m. would  
4 never transfer.

5 MICHAEL GARDNER: I'm not sure I  
6 understand that it's not transferable.

7 ELIZABETH LINT: He has --

8 MICHAEL GARDNER: He has no value?

9 ELIZABETH LINT: He has a no value.  
10 He can't transfer his license.

11 JACK MARKARIAN: He's going to apply  
12 for a whole license. He's in process of  
13 doing that as of next week.

14 ROBERT HAAS: When do you expect  
15 this sale to be completed?

16 JACK MARKARIAN: Any day. Any day.

17 MICHAEL GARDNER: Any day could be  
18 December of 2012. I mean, I don't know what  
19 you mean. Is it imminent?

20 JACK MARKARIAN: Imminent? Tomorrow  
21 we pass. Papers, everything is in process.

1           And the reason I'm selling because I have two  
2           businesses. I don't have time to be -- go  
3           both places. I open the place for my son.  
4           He's not interested so I decided to sell.

5                   MICHAEL GARDNER: Okay.

6                   ROBERT HAAS: Where's your other  
7           place of business?

8                   JACK MARKARIAN: Right across the  
9           street. High Tech Auto Body. The body shop.

10                  ROBERT HAAS: Okay, so it's not  
11           another liquor establishment.

12                  JACK MARKARIAN: No, no, no.

13                  ROBERT HAAS: Okay. I knew you had  
14           the auto body. I didn't know you had another  
15           liquor establishment.

16                  JACK MARKARIAN: No, it's auto body.  
17           I can't be doing both. That's why I have  
18           Michael. So, I don't know if you guys want  
19           to meet the new owner. Sari. He owns  
20           Casablanca in Harvard Square.

21                  ROBERT HAAS: He's going to come in

1 for a future hearing, right? You'll be  
2 coming in for a future hearing.

3 UNIDENTIFIED MALE FROM THE AUDIENCE:  
4 Yes.

5 ROBERT HAAS: We'll wait.

6 MICHAEL GARDNER: So I guess I'm  
7 very concerned that this was a clear medical  
8 emergency, somebody down, having a seizure.  
9 It takes 20 minutes for a telephone call to  
10 be made to obtain medical assistance. The  
11 telephone call -- in fact, the manager didn't  
12 ensure that the call was made. Didn't really  
13 know for sure that the call had been made  
14 until the emergency response vehicles  
15 arrived. I think that -- I don't see the  
16 story hanging together that all of the people  
17 Officer Yusum saw were employees as was what  
18 the he told a Cambridge police official who's  
19 coming in investigating, he says oh,  
20 everybody here is an employee. Clearly  
21 wasn't true.

1 I'm concerned that relatives were  
2 allowed to be on premise. I guess I  
3 understand mom comes to see the business and  
4 how her son is doing, is great. But it's  
5 somebody's responsibility to make sure that  
6 mom can get home and not be where she's not  
7 supposed to be. And the cousins, you know.  
8 And I guess I'm concerned that the bouncer  
9 may not have done an appropriate job in  
10 clearing the place if at 2:50 Officer Yusem  
11 sees people scurrying out of the back door.  
12 Those weren't employees. No reason for  
13 employees to scurry out.

14 And I'm concerned that when we ask if  
15 you thought the business had done anything  
16 wrong that evening, your initial response was  
17 no.

18 JACK MARKARIAN: Because this woman,  
19 her friends, I don't think they wanted to  
20 call 9-1-1 because this happens to her  
21 frequently, and she didn't want 9-1-1 to come

1 in. I mean, this happened before. She  
2 didn't want it. She comes in regularly. She  
3 says I have medical problem, you know. So  
4 for -- I wasn't there. But for Mike not to  
5 call the police is because she didn't want  
6 them called. She's there regular. And this  
7 happens to her all the time. And she could  
8 come here and testify, but --

9 MICHAEL GARDNER: And so if it took  
10 her until 3:30 to revive, then she just, she  
11 and her friends stay in the premises until  
12 3:30 and then she gets up and leaves. Does  
13 that sound like the way you should operate  
14 the business?

15 JACK MARKARIAN: No, I said Mike  
16 should call the police maybe one time, and  
17 she would know that we are serious. Mike did  
18 the wrong, that he didn't call the police.  
19 If he had called the police, she would have  
20 been thrown out. Next time she doesn't do  
21 the same thing. She refused to get out of

1 the premises because she says, you know, I  
2 want to be the last one leave or whatever.  
3 So, I would have -- if -- Michael should have  
4 called the police, said look, I have a  
5 problem here. I have a patron won't get out,  
6 and this is, you know. And she gets nervous,  
7 she has a seizure.

8 MICHAEL GARDNER: Well, I guess are  
9 there any members of the public who would  
10 like to be heard?

11 SARI ABULJUBEIN: I guess I am the  
12 member of the public at the moment. My name  
13 is Sari Abuljubein.

14 MICHAEL GARDNER: Why don't you come  
15 up, sir. We will not -- if you're the  
16 perspective owner, we won't particularly take  
17 any evidence about your plans. But I'll hear  
18 what you have to say.

19 SARI ABULJUBEIN: My name is Sari  
20 Abuljubein.

21 I am the current owner of the

1 Casablanca. I have been the owner and  
2 manager of Casablanca for many, many years.  
3 I am in the process of buying Basha Cafe.  
4 We're really literally in the process -- it  
5 didn't happen today, but tomorrow I'm  
6 presenting my application for the new license  
7 of no value. And the financial transactions  
8 between Jack and I have been processed. And  
9 I'm actually unofficially running the place  
10 for Jack right now. It's really in my hands.  
11 So, just for whatever, for the License  
12 Commission's information, I just wanted you  
13 to know that I am on the premise, a lot. My  
14 son is there a lot. One of us is there until  
15 closing every night from here on, and we're  
16 in the process of doing the steps that we  
17 need to do to prepare, doing the paperwork.  
18 I understand I will be coming here for a  
19 hearing, and so I'm not talking about  
20 anything about my license application, but I  
21 am on premises right now. I am, I am the

1 unoffi ci al manager. I'm not the manager of  
2 record, but I am runni ng the place.

3 MI CHAEL GARDNER: Appreci ate the  
4 i nformati on you' ve gi ven us, si r.

5 Questi ons?

6 ROBERT HAAS: No questi ons.

7 MI CHAEL GARDNER: Is the bouncer  
8 present?

9 MI CHAEL CHALHOUB: No, the bouncer  
10 is not here.

11 MI CHAEL GARDNER: I guess any other  
12 members of the publ ic who woul d l i ke to be  
13 heard?

14 (No Response.)

15 MI CHAEL GARDNER: Agai n, I'm  
16 concerned that the reason you don' t call  
17 9-1-1 is because ei ther she doesn' t want you  
18 to call , from what you' ve heard before, or  
19 because she' s now unconsci ous or  
20 semi consci ous or i n a sei zure state, her  
21 fri ends don' t want you to call . And that

1 really sounds like a terrible reason to not  
2 call the police.

3 MICHAEL CHALHOUB: I really wanted  
4 to call the police right there and then, but  
5 they didn't want me to. They said she's  
6 going to be fine, she's going to be fine.  
7 That always happens to her. She's going to  
8 be fine. That's why, you know what I'm  
9 saying?

10 MICHAEL GARDNER: Meanwhile you have  
11 at least three maybe more people on premises  
12 20 minutes after everybody's supposed to be  
13 out, and one of them's unconscious.

14 MICHAEL CHALHOUB: Yes.

15 MICHAEL GARDNER: Well --

16 ROBERT HAAS: Are you still working  
17 at Basha Cafe?

18 MICHAEL CHALHOUB: No.

19 ROBERT HAAS: Who's the manager?

20 MICHAEL CHALHOUB: Sari is there  
21 now.

1                   ROBERT HAAS: Have you applied for a  
2 change of manager?

3                   ELIZABETH LINT: They're selling.

4                   MICHAEL GARDNER: You haven't  
5 applied to change managers.

6                   JACK MARKARIAN: No, not yet. No.

7                   ROBERT HAAS: Who's the manager of  
8 record, then?

9                   JACK MARKARIAN: I am.

10                  MICHAEL GARDNER: I guess I kind of  
11 feel whether there's a pending sale or not,  
12 it's important for us to be clear about our  
13 standards and expectations with respect to  
14 managers of record and the managers on-site.  
15 I'm interested in the view of the other  
16 commissioners with respect to any appropriate  
17 action to take.

18                  ROBERT HAAS: Well, there's probably  
19 one or two course of action, and maybe a  
20 combination of both to be contemplated. My  
21 inclination quite honestly after listening to

1 the testimony tonight, is to -- not knowing  
2 about the sale, was to roll the hours back to  
3 one o'clock. It seems to me that this is  
4 where some of the problems are starting to  
5 occur with the extended hours.

6 And then I guess the other option would  
7 be is some suspension of the license based on  
8 the fact that there were people on the  
9 premises passed the hours that were allotted.  
10 I find it difficult to believe that you have  
11 somebody with a medical condition for 20  
12 minutes beyond the closing hour before you  
13 call the police or somebody calls the police.  
14 I imagine if somebody went into the seizure,  
15 I would be calling the police right away or  
16 calling for help right of way regardless of  
17 what the people are telling you. So, I think  
18 the time's a little messed up in terms of  
19 when this occurred. I do believe she  
20 probably gave you a hard time trying to  
21 leave, but that's no excuse why she would be

1           there passed 2:30. And it seems to me there  
2           are a number of people in the establishment  
3           that you can't account for that were in the  
4           establishment when Officer Yusum arrived.  
5           The call came in at 2:50 and he didn't arrive  
6           -- unless you were right around the corner.

7                     What time do you think you arrived,  
8           Officer?

9                     OFFICER RONALD YUSUM:   Probably a  
10          couple minutes. Within two, three minutes.  
11          It was still before three.

12                    ROBERT HAAS:   Yes.

13                    Or there be a combination of both  
14          suspension and rolling back the hours that  
15          are necessary. My first option is to want to  
16          -- I'm seriously contemplating at this point,  
17          given the fact that this is a relatively new  
18          extension for six months, and we've had what  
19          I consider a relatively serious incident in  
20          that period of time.

21                    MICHAEL GARDNER:   Any thoughts?

1                   LESTER BOKUNIEWICZ: Well, I think  
2                   it's very serious that the manager didn't  
3                   call himself and left it to somebody and  
4                   we're still not sure who called. Just  
5                   somebody. And also the fact that the person  
6                   had a seizure and you waited, I think you  
7                   said it was -- she had the seizure around  
8                   2:20? I mean, I'm sorry.

9                   MICHAEL CHALHOUN: No, around 2:30,  
10                  2:40. Right around when she was to leave.  
11                  Around 2:30.

12                  LESTER BOKUNIEWICZ: And it just  
13                  seems I think all the times are a little  
14                  fuzzy myself is all.

15                  MICHAEL GARDNER: It's sort of like  
16                  you've got a problem here. Because if she  
17                  has the seizure at 2:30, then you've got a 20  
18                  minute delay of making the phone calling. If  
19                  she has the seizure at 2:40, you've got a ten  
20                  minute problem of why she's still on premises  
21                  her friends and your relatives. So, I mean

1 the Commissioner and the Deputy Fire Chief's  
2 observations about the timelines are accurate  
3 and make it all worse.

4 Well, I would make a motion to roll the  
5 hours back to one o'clock effective  
6 immediately and to impose a one day  
7 suspension to be held in abeyance  
8 indefinitely I guess pending whether or not  
9 there would be any further problems on  
10 premise under this ownership.

11 ROBERT HAAS: Until the duration of  
12 this particular license?

13 MICHAEL GARDNER: For the duration  
14 of this license, yes. Thank you.

15 ROBERT HAAS: I second that motion.

16 MICHAEL GARDNER: Motion having been  
17 made and seconded to roll the hours back to  
18 one a.m. and to impose a one-day suspension  
19 to be held in abeyance for the duration of  
20 the license to be served if there are  
21 additional incidents, all those in favor

1           signify by saying "Aye."

2                   LESTER BOKUNIEWICZ:   Aye.

3                   ROBERT HAAS:   Aye.

4                   MICHAEL GARDNER:   Aye.

5                   The motion carries.

6                   And I guess, you know, the thing to say  
7           is, you know, the story doesn't really hang  
8           together particularly, but the -- if it  
9           happened as occurred, you know, we're all  
10          lucky that it didn't turn out to be more  
11          serious than it was, because nobody here's in  
12          a position to accept the word of a friend,  
13          "Oh, this happens all the time, so you don't  
14          have to worry about it."

15                   JACK MARKARIAN:   Yeah, but I still  
16          can't believe that for one incident over one  
17          girl that I know for a hundred percent her  
18          friends didn't want to call the police, the  
19          ambulance, whatever, that I lose my hours.

20                   MICHAEL GARDNER:   I'm sorry that you  
21          don't understand your responsibility for the

1 care of the patrons and the numerous  
2 violations that your manager has admitted to  
3 this evening. I'm sorry, you don't  
4 understand that the importance of those.

5 JACK MARKARIAN: I know, but what  
6 violation that he didn't call the police?

7 MICHAEL GARDNER: He didn't call the  
8 police. He allowed her and her friends to  
9 stay. He had his relatives there.

10 JACK MARKARIAN: Commissioner, he  
11 made a mistake because it was pouring out.  
12 She's unconscious on the floor. And I'm  
13 pretty sure he got aware that the ambulance  
14 is on his way.

15 MICHAEL GARDNER: Not for 20  
16 minutes. The ambulance wasn't called for 20  
17 minutes according to him.

18 MICHAEL CHALHOUB: Okay, I have a  
19 question. What if it was stabbing, what  
20 would you do? Would you close the place  
21 down?

1                   MI CHAEL GARDNER: If there was a  
2                   stabbi ng?

3                   MI CHAEL CHALHOUB: Yes.

4                   MI CHAEL GARDNER: If you di dn' t call  
5                   the pol ice, I' m sure -- we take si gni fi cant  
6                   di sci pl i nary acti on.

7                   MI CHAEL CHALHOUB: Okay. There' s  
8                   pl enty of stabbi ng i n the cl ubs and whatever  
9                   i n the Ci ty of Cambri dge, and peopl e sti ll  
10                  di dn' t l ose thei r two o' cl ock l i cense.  
11                  Whatever you guys say, you know what I' m  
12                  sayi ng? I mean, okay, i t' s my faul t, I  
13                  di dn' t call the pol ice, but I sti ll don' t  
14                  bel i eve that even though for one i nci dent  
15                  shoul d l ose a two o' cl ock l i cense. I mean,  
16                  there' s other places that stabbi ng, fi ghti ng,  
17                  stayi ng over two o' cl ock, at 2: 30, doi ng  
18                  whatever, and pol ice showed up over there,  
19                  fi re department showed up over there,  
20                  ambul ance showed up over there, and sti ll i n  
21                  operati on and sti ll openi ng to two o' cl ock.

1 And nothi ng' s goi ng on over there.

2 JACK MARKARI AN: I t' s al l ri ght.

3 MI CHAEL CHALHOUB: No, i t' s a poi nt.  
4 I t' s a poi nt. I have a ri ght to say, no? Do  
5 I have a ri ght or no?

6 MI CHAEL GARDNER: Wel l, you' ve sai d  
7 i t. So we' re -- I thi nk we' re ready to move  
8 on to the next matter.

9 MI CHAEL CHALHOUB: Okay.

10 JACK MARKARI AN: Thank you.

11 MI CHAEL GARDNER: Thank you very  
12 much.

13 ELI ZABETH LI NT: Anybody here from  
14 Loeb Drama Center? They had cal led and sai d  
15 they were not goi ng to be prepared to go  
16 forward toni ght and move i t from September.

17 ROBERT HAAS: Who was that agai n?

18 ELI ZABETH LI NT: The Loeb Drama  
19 Center.

20 MI CHAEL GARDNER: The next i tem.  
21 Harvard Col l ege.

\* \* \* \* \*

1  
2 ELIZABETH LINT: Appl i cati on EGE,  
3 Incorporated doi ng busi ness as 251 Cafe.  
4 Savas Duran, manager, has appl i ed for a  
5 common victual er Li cense at 251 Cambri dge  
6 Street. Sai d Li cense, i f granted, woul d  
7 allow food non-alcohol i c beverages to be  
8 sold, served, and consumed on sai d premi ses  
9 wi th a seati ng capaci ty of 21. The hours of  
10 operati on wi ll be 10:00 a.m. to 1:00 a.m.  
11 seven days per week.

12 ATTORNEY WILLIAM GOLDBERG: Attorney  
13 Wi l l i am Gol dberg, 620 Massachusetts Avenue  
14 representi ng EGE and gi ve your name.

15 SAVAS DURAN: My name i s Savas  
16 Duran, EGE, Incorporated.

17 MI CHAEL GARDNER: Coul d you j ust  
18 spell i t for her, please.

19 SAVAS DURAN: S-a-v-a-s D-u-r-a-n.

20 MI CHAEL GARDNER: Thank you. I 'm  
21 sorry, perhaps you've done i t before and I

1 di dn' t hear you.

2 Mr. Gol dberg.

3 ATTORNEY WI LLI AM GOLDBERG: Yes,  
4 Commi ssi oner, we' re seeki ng your approval  
5 wi th regard to an appli cation for a vi ctual er  
6 li cense of 251 Cambri ge Street i n the name  
7 of EGE, Inc. Savas Duran i s the manager. We  
8 have a si tuati on, Mr. Duran has experi ence i n  
9 the parti cul ar busi ness that i s operated at  
10 thi s l ocati on. He worked i n Boston, Tremont  
11 Street, Boston, and was manager of the South  
12 End Pi zza and Lars Cafe at 1774 Washi ngton  
13 Street i n Boston as wel l. An operati on of  
14 pi zza.

15 Mr. Duran has a lease wi th the  
16 premi ses. We don' t have the formal leases  
17 yet, but we have a l etter of i ntent from the  
18 landl ord to -- that the lease wi ll be  
19 operated. The hours of the restaurant wi ll  
20 be the same as the present li censes that are  
21 there. There wi ll be no change i n the

1 structure of the business. The menu will be  
2 very similar, so that it's the case of change  
3 of ownership and the new person coming on who  
4 has the experience and the capabilities to  
5 run and manage a successful business.

6 MICHAEL GARDNER: Thank you very  
7 much.

8 And could you just describe the length  
9 of your experience with the other  
10 establishments that Mr. Goldberg identified?

11 SAVAS DURAN: Sure. I work in the  
12 South End Pizza, Boston South End location,  
13 two years and then I'm the manager. And then  
14 after the two years, I'm working the same  
15 location for Lars Cafe and make the pizza and  
16 then help the customer and then take the  
17 phone.

18 MICHAEL GARDNER: Are those premises  
19 about the same size; are these bigger,  
20 smaller?

21 SAVAS DURAN: Same size. I kept it

1 in the same manner, everything exactly the  
2 same.

3 MICHAEL GARDNER: As I understand  
4 it, Ms. Lint, is this the premises in which  
5 the prior owner had issues around parking  
6 tickets?

7 ELIZABETH LINT: That's correct.

8 MICHAEL GARDNER: So the experience  
9 we have with this location is that the prior  
10 or current owner had a hard time figuring out  
11 how to handle deliveries and vehicular  
12 traffic without illegally parking and  
13 generating a lot of tickets, which we then  
14 had trouble paying. We'd be interested in  
15 your understanding, impression, take, on how  
16 you're going to handle vehicular traffic  
17 either for deliveries for pick-ups in the  
18 future.

19 SAVAS DURAN: Yes, I heard that for  
20 parking problem and then I fix that. I'm use  
21 the cinema next to my building, and I am

1 using right now for close to a month. This  
2 manager she gave me for sticker and I'm using  
3 the Citizens Bank parking.

4 ATTORNEY WILLIAM GOLDBERG: Are you  
5 familiar?

6 MICHAEL GARDNER: I am not.

7 ATTORNEY WILLIAM GOLDBERG: It's at  
8 the corner of the Third Street and Cambridge  
9 Street. And the building sits on almost at  
10 the corner of that intersection. And there  
11 is a parking lot in the back which is used  
12 mainly during the day for office personnel,  
13 and he has made arrangements to utilize that  
14 space for, to park his motor vehicle. And  
15 when an order comes in, the person would take  
16 that order to the parking space and make the  
17 delivery. He's trying to avoid having to  
18 park at meters and to double park, and he's  
19 made arrangements to ease that situation that  
20 you reflected.

21 MICHAEL GARDNER: Thank you.

1           Commi ssi oner?

2                   ROBERT HAAS:   No questi ons.

3                   LESTER BOKUNI EWICZ:   No questi ons.

4                   MI CHAEL GARDNER:   Are there any  
5           members of the publ ic who would l ike to be  
6           heard on thi s matter?

7                   (No Response. )

8                   MI CHAEL GARDNER:   Seei ng none.

9                   Coul d you j ust descri be a l i t t l e bi t  
10          your sense about sani tati on control , garbage,  
11          rubbi sh, suppl ies, whether you' ve got -- you  
12          thi nk you' ve made adequate arrangements for  
13          that?

14                   SAVAS DURAN:   I' m -- thi s i s garbage  
15          i s, garbage guys comi ng every ni ght to pi ck  
16          up my garbage.   I' m doi ng everythi ng the same  
17          ri ght now.   I have the experi ence, you know,  
18          I can fi nd everythi ng.

19                   MI CHAEL GARDNER:   You have  
20          receptacl es wi th l i ds that cl ose to put your  
21          rubbi sh i n?

1 SAVAS DURAN: Yes, the same. Same  
2 hours, ten a. m.

3 ROBERT HAAS: So you're not changing  
4 any operational issues --

5 SAVAS DURAN: No.

6 ROBERT HAAS: -- with deliveries or  
7 sanitation pick-up? It's all the same as the  
8 prior operation?

9 SAVAS DURAN: Yes, everything is the  
10 same.

11 MICHAEL GARDNER: Are you on-site  
12 now? Are you doing the work now?

13 SAVAS DURAN: No, I am not working  
14 now. Just, I am watching the -- for business  
15 now. Just how they do this, you know.  
16 Just....

17 MICHAEL GARDNER: Pleasure of the  
18 Commission?

19 ROBERT HAAS: I make a motion to  
20 approve the application.

21 LESTER BOKUNI EWICZ: Second.

1                   MICHAEL GARDNER: Motion having been  
2                   made and seconded to approve the application  
3                   for the new common victualer license, all  
4                   those in favor signify by saying "Aye."

5                   LESTER BOKUNIEWICZ: Aye.

6                   ROBERT HAAS: Aye.

7                   MICHAEL GARDNER: Aye. None  
8                   opposed.

9                   We wish you well. We hope you can keep  
10                  the parking problems to a minimum. Sounds  
11                  like it. Good luck.

12                  ATTORNEY WILLIAM GOLDBERG: Thank  
13                  you.

14   \* \* \* \* \*

15                  ELIZABETH LINT: Application 820  
16                  SRO, LLC, an affiliate of Caritas  
17                  Communities, has applied for a lodging house  
18                  license at 820 Mass. Ave, unit 1, for 128  
19                  rooms with 128 occupants. Applicant is also  
20                  applying for an exemption from the  
21                  requirement of having a resident manager.

1 MARK WINKELLER: Good evening.

2 MICHAEL GARDNER: If you could,  
3 please, just spell and state your names for  
4 the record.

5 MARK WINKELLER: My name is Mark  
6 M-a-r-k Winkeller W-i-n-k-e-l-l-e-r.

7 NANCY O'BRIEN: Nancy O'Brien  
8 O-'-B-r-i-e-n.

9 MICHAEL GARDNER: And if you could  
10 just identify your roles here?

11 MARK WINKELLER: Oh, I'm sorry, yes.  
12 I'm executive director of Caritas  
13 Communities, which is the -- which is a part  
14 of 820 SR0, LLC. We're part owner.

15 NANCY O'BRIEN: I'm chief executive  
16 officer of the Cambridge YMCA.

17 MARK WINKELLER: And also a part  
18 owner of 820.

19 ROBERT HAAS: And also what?

20 MARK WINKELLER: And also part owner  
21 in the new entity.

1 ROBERT HAAS: Oh, okay.

2 MICHAEL GARDNER: A very small part  
3 owner as I understand it.

4 Just for purposes of disclosure,  
5 Ms. O'Brien serves on the community advisory  
6 board on the Living Wage, a public agency of  
7 the City that I have until recently staffed.  
8 But I don't think that would interfere with  
9 my capacity to deal with this issue.

10 Could you please go forward?

11 MARK WINKELLER: Yes.

12 The Cambridge YMCA building, 820 Mass.  
13 Avenue, is actually divided into  
14 condominiums. Unit No. 2 is the Cambridge Y  
15 fitness facility and the like. Unit 1 is  
16 commonly known as the Central House. It's  
17 128 rooms, single occupancy property that  
18 occupies part of the second or all of the  
19 third, fourth and fifth floors. It's been in  
20 continuance operation as a rooming house, a  
21 lodging house for many, many years. It was

1 renovated most recently in 1991 and '92, and  
2 it's tired. My organization, Caritas  
3 Communities is a non-profit organization  
4 based in Braintree. We are the largest owner  
5 of residential property in Greater Boston.  
6 We today own and manage 720 rooms of SRO  
7 housing. We have a contract --

8 ROBERT HAAS: Can you just tell me  
9 what SRO housing is?

10 MARK WINKELLER: Oh, I'm sorry.  
11 Single room occupancy.

12 ROBERT HAAS: Single room occupancy.

13 MARK WINKELLER: You rent a room --

14 ROBERT HAAS: I got it.

15 MARK WINKELLER: -- and you have  
16 shared facilities for bath and kitchen. As  
17 opposed to self-contained like a studio.

18 We have a purchase agreement to buy the  
19 property, and we have all the financing in  
20 place. In fact, we're attempting to close.  
21 And the property has not been licensed prior

1 to our involvement. The lending institutions  
2 have required it to be licensed. They looked  
3 at licensing requirements here, and we both  
4 applied for an exemption. And if we can get  
5 that, we can apply for a license.

6 What our plans are if you want me to go  
7 to that level, I'd be happy to.

8 MICHAEL GARDNER: Please.

9 MARK WINKELLER: What we plan to do  
10 is to redo the roof of the building, repoint  
11 the exterior of the building, replace the  
12 storm and screen windows with new storm and  
13 screen windows. Replace the common hallways.  
14 Rip out and redo the bathrooms in the entire  
15 building. And upgrade the individual rooms  
16 including new heating system, new plumbing,  
17 new fire as required by code. Paint the  
18 rooms. Provide furniture for the residents.  
19 Change the doors that have door locks that  
20 have a dead bolt on them. And introduce new  
21 flooring and new painting. Most of the work

1 we do will affect systems, because systems  
2 are 20 years old, but there will be  
3 improvements cosmetically to the common halls  
4 in the rooms. And as I mentioned, the  
5 bathrooms will be totally gutted and rebuilt  
6 from scratch. That's our proposal.

7 MICHAEL GARDNER: Any change in  
8 policy with respect to rents?

9 MARK WINKELLER: No. Point of fact,  
10 we have signed agreements. We have met with,  
11 like I said, we've met with every provider on  
12 the property. We have a request out to them  
13 to assign the contracts as the new ownership  
14 entity. I've met with every group but one.  
15 They're all prepared to do it. Some have  
16 done it. Cambridge Housing Authority, which  
17 really makes most of the rental payments,  
18 have signed, I received it today, signed an  
19 agreement with them. The only change in the  
20 property within the last 19 years and going  
21 forward would be A, the issuance of a

1 license. And B, the change of ownership to  
2 be a relationship between the Y and our  
3 group. The programs in place remain in  
4 place. We've signed agreements with all the  
5 lay institutions for continual -- in fact,  
6 almost 99 year affordability. So our  
7 objective is not to change the use. It's not  
8 to move any resident out. Our objective is  
9 to simply upgrade the property so it's a lot  
10 more habitable today with being 19 years old.  
11 We, all we do is this kind of housing. Every  
12 property we own has contractual affordable  
13 restrictions with the lenders. We've never  
14 sold a property, and we don't ever intend to.  
15 And the point of fact that we chose this old  
16 property, there's still 99 year affordability  
17 that goes with the property. So we can't get  
18 a license, fix it up, flip it, and the Hyatt  
19 shows up and changes the use.

20 MICHAEL GARDNER: And previously was  
21 it the Y that managed the facility,

1 Ms. O' Brien?

2 NANCY O' BRIEN: The Y is responsible  
3 for -- SC Management currently runs the  
4 day-to-day operations reporting to me. SC  
5 Management will stay in place and report to  
6 Caritas.

7 MARK WINKELLER: And until we finish  
8 construction, we have our own management  
9 company. We have a staff who does  
10 management. So when construction's  
11 completed, we will become the managing agent.  
12 The on-site person, Toni LaRosa would remain  
13 our employee. She wouldn't go with SC.

14 MICHAEL GARDNER: And do you have  
15 experience in taking over other Y-affiliated  
16 properties in the area?

17 MARK WINKELLER: No, we have not.

18 MICHAEL GARDNER: This is the first  
19 time you've done that?

20 MARK WINKELLER: Yes, sir. That's  
21 correct.

1                   MICHAEL GARDNER: And is this a  
2 trend with respect to YMCA or YWCA operations  
3 that have traditionally handled these SRO's?

4                   NANCY O'BRIEN: Well, some are  
5 turning over the SROs to groups like Caritas.  
6 We just -- we don't run the business. That's  
7 their expertise. We don't have that kind of  
8 expertise. You know, that's one of many  
9 things that the Y does. So some Ys are doing  
10 this. And it's in our best interest and the  
11 tenant's best interest because we can't  
12 upgrade the way Caritas can upgrade. We  
13 can't do any of the repairs. And as Mark  
14 said, it's 19 years old and it looks it. So  
15 this is an advantage to the folks that are  
16 living there because they're gonna have  
17 everything brand new.

18                   For example, I think currently the  
19 heating system it's every five rooms is run  
20 on the same heating. Now everyone's going to  
21 have their own heating. I mean, you know,

1 those kinds of things that we're not able to  
2 do Mark can do. And Mark's company has the  
3 wherewithall to run this in a much better  
4 way.

5 MICHAEL GARDNER: One of the issues  
6 that I understand has been around with  
7 respect to at least Y-type operations is that  
8 sort of tension between wanting to have space  
9 which is available for very short-term use  
10 and then sort of longer term tenants  
11 sometimes in for years. I just wonder if you  
12 could talk a little bit about both what the  
13 current mix is there and what your  
14 expectation going forward is.

15 MARK WINKELLER: Yes.

16 Working from memory, I apologize.  
17 There are 128 rooms in the YMCA. There are  
18 18 of them that are "market units." In other  
19 words, a certain income level or below, you  
20 can rent the rooms. You will get a one year  
21 lease. That will continue under our

1           ownershi p.

2                   The other 118 rooms are served by a  
3           variety of social programs; the Bridge  
4           Program, Carry Program, Kinney, Shelter Plus  
5           Care, Cambridge Cares about Aids. All those  
6           programs will remain in place and there will  
7           be no -- the only difference will be that the  
8           ownership entity will become 820 SRO, not --  
9           right now it's the Cambridge Family Y Limited  
10          Partnership. We met with the providers as I  
11          mentioned. They are interested in us moving  
12          forward. And I think the basic, the basic  
13          change here between, let's say, yesterday and  
14          next week, is simply the form of ownership,  
15          and the fact that the building has not had a  
16          license. And we're asking to have a license  
17          issued. Ordinarily I wouldn't even be asking  
18          for the license because of the history of the  
19          property. But the lenders have said, listen,  
20          we're going to loan you this kind of money.  
21          We want to make sure it's licensed. We don't

1 want to wake up two years from today and get  
2 involved into a fight with anybody. So that  
3 really is the reason to dot the I's and cross  
4 the T's.

5 MICHAEL GARDNER: So most of the  
6 units are long term?

7 MARK WINKELLER: Most of the units  
8 have one year leases. Some of them, I think  
9 Bridging Care are shorter term. We will  
10 offer people a one year lease. We don't rent  
11 by the week. We don't rent by the month. In  
12 fact, the funding source is one or one year  
13 lease. You can stay for 30 years if you  
14 chose to do that.

15 On the other hand, if you said I don't  
16 want to live here anymore, I'm going to  
17 leave, we're not going to sue you for  
18 breaking the lease. These are very poor  
19 individuals. Our objective is to house  
20 people successfully, not to hound people out  
21 of the building. So our -- that's what we're

1 going to do.

2 MICHAEL GARDNER: When I read the  
3 file, I thought I understood that in fact the  
4 entity that will be operating it is a for  
5 profit.

6 MARK WINKELLER: That is correct.

7 MICHAEL GARDNER: Did I understand  
8 right?

9 MARK WINKELLER: It is a for profit  
10 entity, and the reason is that the structure  
11 of the financing, which is what we've 19  
12 years ago, involves the sale of what's called  
13 tax credits. Without getting into a whole --  
14 depending what you want in the detail, tax  
15 credits are an item which can be sold to  
16 raise money to do the renovation. They have  
17 to be sold by a for profit enterprise. The  
18 managers of the enterprise, the Y and  
19 ourselves, are non-profit. But legally  
20 speaking 820 SR0, LLC is a for profit which I  
21 think is what's triggering license

1           requi rement.

2                   MI CHAEL GARDNER:   And do you operate  
3           any other premi ses i n Cambri dge?

4                   MARK WI NKELLER:   We do not.

5                   MI CHAEL GARDNER:   Boston?

6                   MARK WI NKELLER:   Yes, si r.

7                   MI CHAEL GARDNER:   Qui ncy?

8                   MARK WI NKELLER:   May I?

9                   MI CHAEL GARDNER:   You may.

10                  MARK WI NKELLER:   Boston, Qui ncy,  
11           Brookl i ne, Brai ntree, Arl i ngton, Medford,  
12           Sal em, Wakefi el d, New Bedford, Bedford.   I  
13           know I 'm mi ssi ng somethi ng.

14                  MI CHAEL GARDNER:   Okay.

15                  MARK WI NKELLER:   As I sai d, we're  
16           the l argest operator of these properti es i n  
17           Greater Boston but i n fact probabl y two.

18                  MI CHAEL GARDNER:   Thank you.

19                  Any questi ons?

20                  ROBERT HAAS:   So I j ust have two  
21           questi ons.   So the Y wi ll have l ess of a rol e

1 with these rooms once Caritas Communities  
2 takes over?

3 NANCY O'BRIEN: That's correct.

4 ROBERT HAAS: And you mentioned all  
5 but one party has basically given you a  
6 verbal agreement? What happens to that one  
7 party --

8 MARK WINKELLER: I haven't met them  
9 yet.

10 ROBERT HAAS: Oh, you haven't.

11 MARK WINKELLER: I apologize.

12 Nobody has said no. I've been trying to  
13 schedule. It's summertime. Between his  
14 schedule and mine.

15 ROBERT HAAS: Okay. You say you  
16 have all but one, though?

17 MARK WINKELLER: That's correct. We  
18 have had very positive response from each of  
19 the providers.

20 ROBERT HAAS: Okay.

21 LESTER BOKUNIEWICZ: Now, you doing

1 upgrades?

2 MARK WINKELLER: Yes, sir.

3 LESTER BOKUNIEWICZ: And the fire  
4 alarm, sprinkler system?

5 MARK WINKELLER: To the extent you  
6 tell us to do it. I'm not being cute with  
7 you.

8 LESTER BOKUNIEWICZ: No, no.

9 MARK WINKELLER: We have a building  
10 permit. There are plans. When we get going,  
11 we'll certainly go through the building, and  
12 if something needs to be upgraded, it will be  
13 upgraded, no question.

14 MICHAEL GARDNER: Any members of the  
15 public who would like to be heard on this  
16 matter?

17 And if you could just state your name  
18 and spell it for the record, please.

19 HASSAN RASHID: Okay. Where do I  
20 sit?

21 MICHAEL GARDNER: That's fine.

1 HASSAN RASHID: My name is Hassan  
2 Rashid (phonetic). I am a SRO tenant at the  
3 YMCA. I'm also an active board member of the  
4 Alliance of Cambridge Tenants, and I'm also  
5 -- well, I have a year and a half committed  
6 to PhD work at college. And I do several  
7 other things in the city here, but right now  
8 I have to go on to what's on my mind.

9 Now, the first thing, I'm not here to  
10 criticize the track record of Caritas  
11 Communities, Incorporated and the work that  
12 they do, their integrity, the work that they  
13 do with the low income tenants in other  
14 communities. I'm here because I'm concerned  
15 about what they're doing right here in  
16 Cambridge, Massachusetts, that involves the  
17 low income tenants like myself. They call it  
18 single room occupancy, SRO, short acronym for  
19 single room occupancy. So I'm concerned  
20 about the fact that the federal, state, the  
21 local municipal laws all favor tenant

1           participation. It's mandated that these  
2           groups that obtain federal, state, municipal,  
3           any type of funding from the government,  
4           these government entities, that they must  
5           include tenants, the low income tenants in  
6           every phase of work they do. And that's why  
7           I'm here tonight because they haven't done  
8           that. They haven't done that at all. And I  
9           have prepared a small statement and I'd like  
10          to read it to you. And I have --

11                   MICHAEL GARDNER: Is this the  
12          statement?

13                   HASSAN RASHID: Yes. And I also  
14          prepared laws to go -- that enforce what I'm  
15          saying. That the fact that they have not  
16          included any type of tenant, low income  
17          tenant participation when it's mandated by  
18          the government on each level; federal, state,  
19          local, that they should do that. And they  
20          haven't been doing that.

21                   And, okay, I'll just start reading my

1 statement.

2 Okay, my name is Hassan Rashid. I'm a  
3 citizen resident of Cambridge. I'm a federal  
4 subsidized low income single room occupancy  
5 SRO tenant at Cambridge YMCA, unit 1, he  
6 mentioned to you something about unit 1,  
7 which is Central House. That's what they  
8 call it, Central House. I'm also a board  
9 member of the citywide low income tenant  
10 advocacy organization named the Alliance of  
11 Cambridge Tenant. The acronym is ACT, A-C-T.  
12 The Cambridge Family YMCA Affordable Housing  
13 Partnership headed by Ms. Nancy O'Brien,  
14 director of the Cambridge YMCA, and Mr. Mark  
15 Winkler, CEO of Caritas Communities,  
16 Incorporated, the new owner of the 820 SRO,  
17 LLC, an affiliate of Caritas Community,  
18 Incorporated, from day one of their planning  
19 negotiations to bring about the improvements  
20 rehabilitation to Central House has failed to  
21 establish tenant participation agreement, a

1 tenant participation agreement, with low  
2 income tenants and residents at Central  
3 House. I have been an SRO, single room  
4 occupancy resident at Central House for  
5 nearly nine years and I can't recall an  
6 occasion where SRO or other low income  
7 tenants were invited to participate in any  
8 type of planning by the owners or management  
9 pertaining directly to their domestic faith  
10 and destinies at Central House as its low  
11 income tenant population.

12 In the owner's request for certificate  
13 of exemption, okay, now this is an example of  
14 what I'm talking about. In the general  
15 background section of No. 1 item which is  
16 italics 3, well, i3, under tenant  
17 organizations, the owners documented that in  
18 the best interest -- excuse me, in the best  
19 of their knowledge, there's no tenant  
20 organization. And I know this to be untrue.

21 Ms. O'Brien, Mr. Winkler were aware

1 of my presence and efforts at Central House,  
2 unit 1 as an SRO tenant advocate and an  
3 active board member of ACT the Alliance of  
4 Cambridge Tenants. Okay. An active board  
5 member -- low income tenant participation in  
6 all aspects of housing. Low income tenant is  
7 critical. Okay, low income tenant  
8 participation, all aspects of housing  
9 management is critical to the long-term  
10 success of municipal, state and federal  
11 housing programs. Depriving SRO tenants of  
12 their inclusionary and stakeholder's rights a  
13 seat at the table in their past, present  
14 future efforts is now seen to be clearly  
15 harmful. This agenda must be reversed and  
16 changed to include representations by  
17 underprivileged SRO low income tenants that  
18 reside at Central House. The past  
19 unreasonable practice by owners of placing  
20 negating restrictions on the SRO tenant  
21 population at Central House, Cambridge, Mass,

1 YMCA must be reversed to allow participatory  
2 closeness of human needs of denials of human  
3 rights. I have listed some laws, some  
4 federal laws that have been acted. I don't  
5 know if I should go ahead and read these to  
6 you.

7 MICHAEL GARDNER: We have it.

8 HASSAN RASHID: Okay.

9 MICHAEL GARDNER: I mean, sometimes  
10 when we take a written statement, we just  
11 simply allow it to go into the record.

12 HASSAN RASHID: There were so many,  
13 I couldn't include them all.

14 MICHAEL GARDNER: I did want you to  
15 have a chance to read and amplify your  
16 statement as you did.

17 HASSAN RASHID: What I like to do is  
18 finish and wrap this up. I'm surprised there  
19 are no other groups or minority groups like  
20 NAACP that are here who represent the rights  
21 of underprivileged low income people. And

1 what I'm saying one of my reasons to be here  
2 is to try to ensure that -- part of my  
3 efforts to ensure that the federal, state,  
4 municipal, local public rights of low income  
5 tenants are not violated or just continue to  
6 be violated here in Cambridge.

7 Well, another example is that -- okay,  
8 they had this tonight, this is a public  
9 hearing. But none of the low income tenants  
10 at the YMCA were aware of this. But they're  
11 aware of the meeting that they're going to  
12 have tomorrow. All of a sudden after all  
13 their months and months of negotiating,  
14 trying to erect this -- these improvements or  
15 rehabilitations that they have at the YMCA.  
16 All of a sudden they throw up a poster at the  
17 Y that they're going to meet tomorrow, two  
18 times tomorrow, and they're just addressing  
19 low income tenants when they should have been  
20 doing this all along. When they were  
21 procuring finance for this venture from

1 state, government -- Federal Government,  
2 local governments, even private funds to back  
3 this improvement up. SRO or low income  
4 tenants here in Cambridge that come under the  
5 umbrella of the Cambridge Housing Authority  
6 should have been at this table from day one.  
7 And that's what they haven't done. And I  
8 would like to caution you in allowing these  
9 people to take another step forward in their  
10 intentions without respecting the rights of  
11 low income tenants in Cambridge here.

12 MICHAEL GARDNER: All right, thank  
13 you very much.

14 HASSAN RASHID: You.

15 MICHAEL GARDNER: I wonder if Ms.  
16 O'Brien or Mr. Winkler, you can talk about  
17 the ways in which in the past or going  
18 forward you've taken account of tenant  
19 concerns and wishes and what participation  
20 they've had at all. Either Ms. O'Brien in  
21 the past and Mr. Winkler going forward.

1 Ms. O' Bri en.

2 NANCY O' BRI EN: Sure. As I  
3 menti oned, SC Management currentl y runs the  
4 day-to-day operati on of Central House.  
5 On-si te we have a resi dent, a full -ti me  
6 resi dent di rector, a full -ti me assi stant  
7 resi denti al di rector, and another person who  
8 deal s di rectl y wi th doi ng acti vi ti es and  
9 those sort of thi ngs for the tenants.

10 The resi dent di rector is there to  
11 answer any questi ons, probl ems that any of  
12 the resi dents have. She has an open door.  
13 She's al ways there. As a matter of fact, as  
14 Mark sai d, she wi ll be stayi ng on because she  
15 does deal very wel l wi th the resi dents of  
16 Central House. So we feel l ike they do have  
17 a say i n, you know, i f they have an i ssue, we  
18 respond to that i ssue. And as far as me  
19 bei ng i nvol ved, I don' t get i nvol ved unl ess  
20 SC Management can' t handl e the probl em. And  
21 SC Management is equi pped to do that, and I

1           Let them run their business because that's  
2           their expertise. Running an SRO is not my  
3           expertise.

4                   MICHAEL GARDNER: But there's no  
5           formal tenant's council or other sort of  
6           organized --

7                   NANCY O'BRIEN: No, sir.

8                   MICHAEL GARDNER: -- voice of the  
9           tenants? Okay.

10                   Mr. Winkler.

11                   MARK WINKELLER: That's correct,  
12           there is not. I don't want to take issue  
13           with Mr. Rashid. I understand what his  
14           issues are and I respect them. He and I have  
15           both exchanged e-mails very infrequently in  
16           the past year and a half. There is not, from  
17           my perspective, there is not an organized  
18           tenant group in that building, period. We  
19           can be certainly criticized for not having a  
20           tenant meeting earlier. Frankly further down  
21           the road I think we simply would have got

1 people more upset as to what was happening  
2 because we didn't have all the details. In  
3 the final analysis, we're certainly open to  
4 working with residents. We've worked with  
5 residents all the time. There hasn't been an  
6 actual resident council on the property ever  
7 to my knowledge in the last 20 years. If the  
8 residents want to form that, we'll be happy  
9 to work with residents. We're willing to  
10 commit to having a monthly all hands meeting  
11 if they want to attend it. I think part of  
12 the concern here is the fear of the unknown.  
13 That we're a new face on the block and  
14 somehow things will be different and  
15 therefore it's disadvantageous. All I can  
16 say is this is all we do. It's all we've  
17 done for 25 years. Our objective here is to  
18 continue to have what we view is a high  
19 quality of life and living standard for the  
20 residents, not to interfere with the  
21 residents, not to interfere with their

1 quality of enjoyment. And if they were in  
2 fact an operating organization, we would have  
3 met with them a long time ago.

4 MICHAEL GARDNER: And what's your  
5 expectation with respect to whether rents  
6 will rise or fall and the way in which, given  
7 the contracts that actually affects the  
8 pocketbooks of the tenants?

9 MARK WINKELLER: We have no  
10 expectation of rent increasing for the  
11 tenants whatsoever, period. We don't have  
12 the ability -- A, we don't have the ability  
13 unilaterally to increase the rents on 18  
14 units. The objective of Central House is to  
15 house those who are extraordinarily poor.  
16 That's what we do. We can't raise rent on  
17 somebody making \$14,000 a year, period.  
18 There's no there, there to be sort of  
19 colloquial about it.

20 The rents will be governed by the  
21 contractor in place, which are not with us.

1 They' re wi th vari ous soci al servi ces agenci es  
2 and the Housi ng Authori ty. If the Housi ng  
3 Authori ty i nvokes a rent i ncrease, the  
4 authori ties are payi ng that, not the  
5 resi dent. We have no expectati on of  
6 i ncreasi ng anybody' s rent.

7 MI CHAEL GARDNER: Okay.

8 Other members of the publ ic who woul d  
9 I i ke to be heard. Okay, I saw your hand  
10 fi rst, si r, but you can deci de between the  
11 two of you.

12 Pl ease i denti fy yoursel f for the  
13 record. State and spel l your name.

14 JAMES WI LLI AMSON: Yes. My name i s  
15 James Wi lli amson. And you need me to spel l  
16 that?

17 MI CHAEL GARDNER: Yes, pl ease.

18 JAMES WI LLI AMSON:  
19 W-i -l -l -i -a-m-s-o-n. And I am a long-term  
20 resi dent of Cambri dge and I am an el ected  
21 member of the Board of the Alli ance of

1 Cambridge Tenants which is an organization --  
2 a citywide organization of people, residents  
3 who live in public housing and who have  
4 Section 8 vouchers provided via the Cambridge  
5 Housing Authority. We represent -- we are  
6 officially recognized by the Cambridge  
7 Housing Authority to represent all of those  
8 residents and tenants, and the total number  
9 is something on the order of 5,000 people,  
10 most of whom live in Cambridge.

11 Last year there was major construction  
12 taking place in the development where I live  
13 and I was relocated, needed to be relocated  
14 on several occasions. And on some of those  
15 occasions for a very short periods of time I  
16 was relocated to the YMCA. And so I have  
17 direct knowledge of the YMCA, in addition to  
18 the fact that I know Hassan who is also an  
19 elected member of our board, and very much  
20 appreciate the work that he does and the  
21 strong, I think, spiritual sensibility, among

1 other things that he brings to work within  
2 our organization.

3 First of all, just some sort of  
4 paperwork questions. I was able to get a  
5 copy of the application from the License  
6 Commission. And the date, the dates on the  
7 applications are July 9, 2010. And I'm not  
8 sure whether that's accurate. Were these  
9 actually brought in in July of 2010?

10 MARK WINKELLER: No, they were not.

11 JAMES WILLIAMSON: So they should be  
12 corrected, I guess, to say 2011 on both of  
13 the applications.

14 And just to clarify, it's my  
15 understanding that this is an application --  
16 was from the announcement of the agenda that  
17 this is an application for a license to have  
18 a lodging house and a request for an  
19 exemption from the requirement for resident  
20 manager, but in the application there's a  
21 paragraph in the one, in one of the letters

1 that it requests -- it says we are  
2 respectfully asking that the Licensing  
3 Commission approve the new owner's exemption  
4 from the requirement to secure lodging house  
5 license.

6 MICHAEL GARDNER: I had the same  
7 question, sir, and I was advised that you're  
8 in fact applying for a license?

9 MARK WINKELLER: Yes, absolutely.

10 JAMES WILLIAMSON: Right. And so  
11 the relevant question I guess then, and more  
12 specific in terms of any exemption would be  
13 for the resident manager.

14 So, the idea of there being  
15 renovations, from my experience which I was  
16 in various rooms each time, I would be in  
17 different rooms, sometimes on different  
18 floors, the place, well, let's just say it's  
19 a bit of a pit. However, the managers were  
20 fantastic. Toni was fantastic. The people  
21 who work with Toni were very friendly, they

1           were very helpful. They're great. There is  
2           a question, and I don't have the answer to  
3           it, about whether or not a resident manager  
4           would be appropriate. I honestly don't have  
5           an answer to that.

6                       MICHAEL GARDNER: We will address  
7           that with Mr. Winkler.

8                       JAMES WILLIAMSON: Okay. But if  
9           there's going to be renovation, I think that  
10          would probably be welcome. There are two  
11          questions that would be important:

12                      How are the current residents going to  
13          be handled during major renovation? And in  
14          the meantime, I talked to a professional who  
15          is somewhat familiar with the building  
16          actually, who suggested, and I would suggest  
17          that pending the major renovation, that if  
18          they were to go in and wash the walls in the  
19          rooms from the ceiling to the floor, if they  
20          haven't done that, something like that might  
21          help in the intervening period. I just pass

1 that along as a possibly worthwhile  
2 suggesti on.

3 On the meeting that Mr. Rashid  
4 mentioned, I have a copy that I can submit  
5 for the record, it was sent around a poster  
6 announci ng the meeti ng. There are two  
7 di fferent times that people can attend  
8 tomorrow. It's at nine in the morni ng and  
9 six o' clock tomorrow eveni ng. Now, I think  
10 thi s is a wel come thi ng to i nvi te people to a  
11 meeti ng l i ke thi s. What I wonder about is  
12 whether it might not have been appropriate to  
13 have an opportuni ty for resi dents to meet  
14 before the publi c heari ng, before the Li cense  
15 Commi ssi on for, among other reasons, it would  
16 have been an opportuni ty for resi dents to  
17 express thei r vi ew s i f they had any,  
18 speci fi cal l y for exampl e, about the resi dent  
19 manager i ssue. And then that coul d have been  
20 i ncl uded i n your publi c heari ng. Do they  
21 care? Maybe they don' t, maybe they do.

1 Maybe they'd like to have a resident manager.  
2 But we won't know that, you won't know that  
3 tonight because the meeting is scheduled for  
4 tomorrow.

5 MICHAEL GARDNER: You can make and  
6 submit that for the record if you care to.

7 JAMES WILLIAMSON: Yes. And again,  
8 I think it's great that there's going to be  
9 this meeting. I just think the timing of it  
10 could have been better.

11 That I think is -- just speaking for  
12 myself in the short experience that I had  
13 there, there were situations that happened  
14 late at night that I have subsequently would  
15 go in the next day and speak with typically  
16 Toni about. And as I say, she was extremely  
17 helpful. I wonder -- again, I don't know,  
18 but I wonder if it might not be helpful to  
19 have a resident manager. Maybe to have  
20 people downstairs at the desk is sufficient,  
21 but there can be situations late at night.

1           There were people sometimes out in the halls  
2           screaming, slamming doors, situations. And  
3           there was a shared television room near where  
4           I had a room on one occasion. And maybe  
5           having a resident manager might be helpful.  
6           I don't know whether -- and again, and I  
7           think to hear from other residents would be  
8           important. How do you know unless you hear  
9           from people who actually live there.

10                        So thank you.

11                        MICHAEL GARDNER: Thank you very  
12                        much.

13                        I wonder whether or not we might  
14                        address the issue of the resident manager  
15                        first and then give you a chance if that's  
16                        all right?

17                        Mr. Winkler.

18                        MARK WINKELLER: Yes. The reason we  
19                        ask for the exemption, in my world resident  
20                        manager is somebody that lives at the  
21                        property.

1 MICHAEL GARDNER: Yes.

2 MARK WINKELLER: That person doesn't  
3 exist today. There has not been a resident  
4 manager for 19 years on the property and we  
5 don't necessarily think we have that. We  
6 think between the staff we have now, all of  
7 whom will be asked to remain on coming to  
8 work with us, I'm highly confident that the  
9 staff will do that.

10 MICHAEL GARDNER: And what is the  
11 staff, if you could explain to us, sir, who  
12 are there in the evening and in the overnight  
13 hours?

14 MARK WINKELLER: In the evening  
15 there's -- the staff goes home at five  
16 o'clock, between four and five. There is no  
17 overnight staffing per se. The security  
18 guards that roam the halls, but we don't --  
19 there's not a resident manager that lives in  
20 the building, and that's not something that  
21 we propose to do.

1                   MICHAEL GARDNER: And is that the  
2 model you have in the other 700 plus rooms  
3 that you manage or not?

4                   MARK WINKELLER: No. Most  
5 properties we have have a resident manager  
6 that lives there full time.

7                   MICHAEL GARDNER: And what problems  
8 do you anticipate out of having a different  
9 arrangement here?

10                  MARK WINKELLER: I would honestly  
11 anticipate no different problem than there is  
12 a situation today. Which is you have 128  
13 people living in fairly close quarters,  
14 involved in various different programs. Some  
15 of them have issues, some of them don't. And  
16 the final analysis I don't think that a  
17 single person living in the property is in a  
18 position to say that I can guarantee you that  
19 no one slams the door at two in the morning.  
20 That's simply not going to happen. I can't  
21 guarantee that, nobody can.

1 MICHAEL GARDNER: Mr. Commissioner.

2 ROBERT HAAS: I just want to clarify  
3 the security. So the security guard would be  
4 there seven days a week overnight?

5 NANCY O'BRIEN: Yes.

6 ROBERT HAAS: Is that your plan?

7 MARK WINKELLER: Yes, that's the  
8 case today.

9 ROBERT HAAS: I want to make sure  
10 you're continuing that practice?

11 MARK WINKELLER: Yes, sir. The only  
12 difference in practice would be simply that  
13 we would be involved in the operation of the  
14 property, not the Y and not SC.

15 MICHAEL GARDNER: And will you -- do  
16 you have plans for either tenant relocation  
17 or how will you handle the renovation issues?

18 MARK WINKELLER: We do not plan to  
19 relocate people out of the building. We're  
20 going to subdivide the work. It can be done  
21 on a daily basis. For example, you can

1 change the windows in a room in a day. You  
2 can run the heating register in a day. You  
3 can paint in a day. So you break the work  
4 up. The majority of residents aren't in  
5 their rooms during the day. We've got, I  
6 believe, seven vacancies today. If somebody  
7 says I don't want to put up with this, I want  
8 to be relocated. We don't expect to have  
9 anybody relocated offsite. Nobody will be  
10 required to do it.

11 MICHAEL GARDNER: Okay. Anything  
12 else you want to address before we go to the  
13 next public comment?

14 MARK WINKELLER: There were three  
15 issues raised, the exemption, which we  
16 chatted about. The handling of the resident  
17 issues, which we talked about. And on the  
18 washing the walls, that may be legitimate.  
19 These walls are going to be painted in the  
20 next six months, so I'm not sure that's  
21 something we're going to do at this point.

1 MICHAEL GARDNER: Thank you.

2 ROBERT HAAS: Can you just address  
3 the issue about the timing of the tenant  
4 meeting and this hearing?

5 MARK WINKELLER: Yes. We  
6 organized -- we applied for this license  
7 probably a month -- not 2010, a month ago in  
8 2011. At that time we were still scrambling  
9 to get our financing organized. We didn't  
10 have a full flow of work to tell the  
11 residents, and so we chose quite frankly by  
12 happenstance, to do it tomorrow rather than  
13 two days ago. There's no attempt, from our  
14 perspective, while it's certainly clear we  
15 made no effort to bring residents in. That's  
16 a fact. There's no denying that. We also  
17 haven't made any secret about presence in the  
18 building. There's a people in and out of the  
19 building for the last year and a half. And I  
20 think in the final analysis, we will have a  
21 much more in-depth discussion following this

1 then in the past. From my perspective if  
2 someone came to oppose the issuance of a  
3 license, which I'm not sure I'm hearing from  
4 the residents, I'd be surprised. The license  
5 is in fact more protection for the City of  
6 Cambridge than you have today. If we do a  
7 poor job, you can revoke the license and you  
8 can shut us down.

9 MICHAEL GARDNER: Thank you.

10 Other members of the public who would  
11 like to be heard? Please come forward.  
12 State your name and spell it for the record,  
13 please.

14 BILL CUNNINGHAM: I'm Bill  
15 Cunningham C-u-n-n-i-n-g-h-a-m of 6 New Town  
16 Port. I'm also on the Board of the Alliance  
17 of Cambridge Tenants.

18 I just -- I'm not sure that this is  
19 appropriate, but it seems to be in line with  
20 the comments that people are making. I hope  
21 that tomorrow at the residents' meeting that

1 the whoever is making the presentation will  
2 encourage people, in fact, to form some kind  
3 of a small tenants' group to advise you in  
4 this process. I don't know if you've been  
5 through this before, but we've been through  
6 stuff with the Housing Authority and the  
7 so-called aspiring use buildings over the  
8 last couple of years. They have much greater  
9 facilities for relocating people. They, you  
10 know, move people from one building to  
11 another and still there's tremendous --  
12 there's just stuff that comes up that you  
13 wouldn't anticipate. Without somebody on  
14 hand all the time, it would really be  
15 important to have some residents who are  
16 actively engaged in working with you because  
17 the disruption, it's not only that things can  
18 happen that are physically unexpected,  
19 something bursts, you find something in the  
20 wall, but you -- the moving of people around,  
21 you have to realize, and I know you know

1 this, that there are quite a few quite  
2 vulnerable people in the building. So  
3 tensions can also rise. So, we just hope on  
4 behalf of the Alliance that you'll do this  
5 and if you need any help from us, that you'll  
6 be in touch with us also.

7 MICHAEL GARDNER: Thank you very  
8 much.

9 I believe I understood you to say, sir,  
10 that if the tenants were interested in  
11 organizing, you would be interested in  
12 dealing with an appropriate group?

13 MARK WINKELLER: We would more than  
14 happy to work with an advisory group. It  
15 would be helpful to us, although we think we  
16 know what we're doing, there's always room  
17 for improvement. And in the final analysis,  
18 we're certainly open to that. I would raise  
19 that topic tomorrow, and I appreciate the  
20 gentleman's offer to help. We've done this  
21 in building's as big as 68. That's only half

1 the size. Everything that the gentleman has  
2 said is correct. People are going to be  
3 nervous about this. People don't want to be  
4 relocated. This is a very vulnerable  
5 population. Let's not have somebody move  
6 from building A to building B. At least  
7 let's keep people in their home and make it  
8 as least disruptive as we can given the fact  
9 that some construction will be done. The  
10 points are well taken and the offer of help  
11 is much appreciated.

12 MICHAEL GARDNER: Are there any  
13 other members of the public who'd like to be  
14 heard on this matter? Please come forward,  
15 state and spell your name for the record.

16 KATHY WATKINS: My name is Kathy  
17 with a K Watkins with W-a-t-k-i-n-s. I'll be  
18 brief because I know this has been a long  
19 meeting. I just -- I'm also on the Board of  
20 Alliance of Cambridge Tenants. I'm a low  
21 income tenant myself. I have a Section 8

1 voucher. They're not in a single room  
2 occupancy building. I just want to say that  
3 having a close friend that is going through  
4 renovations while, you know, the building is  
5 -- still living in the building while  
6 renovations are going on. As Bill said, you  
7 know, this is also a building where they're  
8 very vulnerable, you know, population. It's  
9 really important to have someone specifically  
10 assigned talking to the tenants, considering  
11 there are going to be a lot of things that  
12 will come up. And I also just would want to  
13 echo it's important to, even though these  
14 people are low income and some of them are in  
15 different programs and they're more  
16 vulnerable than other people, it's also  
17 important to remember that they are adults  
18 and they want to know what's going on in  
19 their housing. So sometimes you may think it  
20 might be more scary for them not, you know,  
21 not to know until you're sure what's going

1 on. Like you said, there's all rumors and  
2 stuff that are going on. And I know Hassan  
3 has wanted to know, and he's been reporting  
4 back to the Alliance of Cambridge Tenants in  
5 our board meetings and really not knowing  
6 what's going on. So, you know, it would --  
7 it's just -- I think it's more helpful to  
8 give at least some of the tenants that want  
9 to be involved, information so, you know,  
10 have them as a point person.

11 So that's pretty much all I want to  
12 say. Thank you so much.

13 MICHAEL GARDNER: Thank you very  
14 much.

15 Please.

16 MARK WINKELLER: One of the key  
17 reasons that Toni LaRosa remains on the  
18 property as our employee, Toni knows everyone  
19 in the building. Everyone knows Toni. And  
20 Toni is quite adept at explaining to Nancy or  
21 necessarily to me the SC, you've got to think

1 about this issue, you haven't thought about  
2 that issue. I agree that there's been a lot  
3 of rumors floating around. And we've been  
4 certainly criticized for not coming forward  
5 earlier. I tend to air on the side of a more  
6 complete story rather than a half ass story  
7 quite frankly. And I take this to heart. We  
8 haven't done it. The timing is what the  
9 timing is. We have worked with popular -- we  
10 have worked with some of the population  
11 currently housed in the another building, 60  
12 homeless vets with chronic disabilities. We  
13 have 40 chronic disabled people on the  
14 property. So we are utterly sensitive to the  
15 needs of the residents. The residents may  
16 not think that, folks here may not think  
17 we're committed to that fact. But our  
18 history is very strong. We've never had a  
19 license denied. We've never had a licensed  
20 suspended or revoked. We feel we would be a  
21 good neighbor. We feel we would be a

1           responsi ble landl ord and respectf ul to the  
2           resi dents. And as I sai d, we wi ll certai nly  
3           ask for parti ci pati on, and hopef ul ly peopl e  
4           wi ll step up and say they want to be  
5           i nvol ved.

6                   MI CHAEL GARDNER: Thank you.

7                   Any other members of the publ ic who' d  
8           like to speak?

9                   HASSAN RASHI D: Can I add somethi ng?

10                  MI CHAEL GARDNER: Yes, si r, i f you  
11           woul d bri efl y. Pl ease come forwardagai n and  
12           state your nameagai n. Thank you.

13                  HASSAN RASHI D: He j ust sai d he' s  
14           sensi ti ve to the needs of tenants, but I' m  
15           certai n that through al l of hi s experi ence  
16           wi th lower i ncome tenants i n other areas of  
17           the state, I' m sure he has encountered the  
18           tenant parti ci pati on i ssue before. But he  
19           has sensi ti vi ti es to tenants. He has no  
20           track record here i n Cambri dge of that, you  
21           see? And they' ve been worki ng out of state

1 for quite a while and all of a sudden they  
2 pop a poster up on the board. I mean, we  
3 should have been walking with them, crossing  
4 the stream with them from step one. If they  
5 want to help tenants here in Cambridge  
6 improve their domestic life, yeah, I'm for  
7 that, but don't just leave us out of, what do  
8 you call it? The mix, yeah.

9 MICHAEL GARDNER: Thank you very  
10 much.

11 HASSAN RASHID: And so if it's -- I  
12 don't know, I'm just saying that you  
13 should -- you people should scrutinize them  
14 very carefully because what they're doing is  
15 almost criminal.

16 MICHAEL GARDNER: Are there any  
17 other members of the public that would like  
18 to be heard?

19 (No Response.)

20 MICHAEL GARDNER: Anything else you  
21 want to add, Mr. Winkler?

1                   MARK WINKELLER: I guess -- I don't  
2                   guess. I'd like to close by saying that the  
3                   reason we're not in Cambridge today is we  
4                   haven't found a Cambridge to do in Cambridge  
5                   today. Cambridge is a high cost area, and we  
6                   were very fortunate to identify this property  
7                   two and a half years ago as a possible mix  
8                   for us. The honest answer is we have not  
9                   encountered tenant participation with any  
10                  building we've done, period. We've done 68  
11                  buildings we did in Roxbury and in Fenway.  
12                  At the end of the day I know talk is just  
13                  talk, but we have a long track record. 25  
14                  years of working with this kind of property,  
15                  with disadvantaged residents, and we feel  
16                  that we are frankly a candidate worthy of  
17                  being licensed. And you will as a city and  
18                  the residents will have even more authority  
19                  than they do today. Right now there isn't a  
20                  license. A license is renewed annually. And  
21                  if people want to come to the License

1           Commi ssi on and say we' re doi ng a poor j ob,  
2           and you agree, i t' s no di fferent than the  
3           gentl eman before wi th the bar i ssue. We  
4           can' t j ust blow you off. We have to come  
5           here. Because i f I ever go to another ci ty  
6           and say wel l, I l ost my l i cense i n Cambri dge  
7           but that doesn' t count, the Cari tas i s out of  
8           busi ness. It woul d be -- the one thi ng we  
9           have to offer i s -- the package we offer i s  
10          hi story, stabi l i ty and success. That' s what  
11          we bri ng to the tabl e. And we' re del i ghted  
12          the opportuni ty be i n Cambri dge and hope you  
13          wi ll support our appl i cation for a l i cense so  
14          we can go forward.

15                   MI CHAEL GARDNER: Thank you.

16                   ROBERT HAAS: I f you were granted  
17          the l i cense, what' s your ti mel i ne?

18                   MARK WI NKELLER: We expect to cl ose  
19          mi d-September.

20                   ROBERT HAAS: Cl ose on the --

21                   MARK WI NKELLER: Yes, cl ose on the

1 property and begin renovations probably  
2 October 1st. We have asked, I believe  
3 specifically you award the license  
4 conditionally upon the close of the building.  
5 We're not asking for the Y to be licensed.  
6 It's not our place to do that.

7 ROBERT HAAS: When do you anticipate  
8 completing all the renovations of the  
9 building if you start in October, eight  
10 months?

11 MARK WINKELLER: The contractor says  
12 spring. I'm thinking September. Certainly  
13 under 12 months, no question.

14 MICHAEL GARDNER: Pleasure of the  
15 Commission.

16 ROBERT HAAS: One last question.  
17 So, all these laws that have been identified,  
18 you're not aware of any violations that  
19 you're committing with respect to these laws?

20 MARK WINKELLER: I don't want to  
21 parse with Mr. Rashid. There is no question

1 that every one of these laws talks about  
2 participation. And there is no question that  
3 from our perspective that as an underwriter  
4 of this property, there is not a tenant  
5 organization active in this building today,  
6 period. He and I have never agreed about  
7 that with all due respect to him.

8 MICHAEL GARDNER: Any other  
9 questions?

10 ROBERT HAAS: No other questions.

11 MICHAEL GARDNER: Well, I'm make a  
12 motion to grant the license to Caritas.

13 MARK WINKELLER: Actually legally  
14 SRO 820, LLC.

15 MICHAEL GARDNER: 820 SRO, LLC upon  
16 their taking over --

17 ROBERT HAAS: Are you just granting  
18 them a license, right?

19 MICHAEL GARDNER: Well, with the --  
20 I'm prepared to agree to the exemption from  
21 the requirement of having a resident manager.

1 If any of the Commissioners think that a  
2 review at some point about that exemption is  
3 appropriate, I think that would be --

4 LESTER BOKUNIEWICZ: I think that  
5 would be a good idea.

6 MARK WINKELLER: Sure.

7 MICHAEL GARDNER: So I'll amend my  
8 motion to say, approve the license with the  
9 exemption subject to a six-month review of  
10 the matter of whether or not the exemption of  
11 a resident manager should continue.

12 LESTER BOKUNIEWICZ: I'll second  
13 that.

14 MICHAEL GARDNER: Any discussion?

15 ROBERT HAAS: No discussion.

16 MICHAEL GARDNER: Motion having been  
17 made and seconded to grant the license and  
18 the exemption subject to a six-month review,  
19 all those in favor signify by saying "Aye."

20 LESTER BOKUNIEWICZ: Aye.

21 ROBERT HAAS: Aye.

1                   MI CHAEL GARDNER: Aye. None

2                   opposed.

3                   Wel come to Cambri dge.

4                   MARK WI NKELLER: Thank you very

5                   much.

6                   MI CHAEL GARDNER: We do take to  
7                   heart havi ng a li cense gives us a li ttle more  
8                   control than not havi ng a li cense.

9                   MARK WI NKELLER: From our

10                  perspecti ve, a lot more control. And we

11                  understand that and respect that fully.

12                  Thank you very much. Appreciate your

13                  support.

14                  MI CHAEL GARDNER: We' ve had a

15                  request to take a break. It' s by my clock

16                  it' s 8:06. Why don' t we come back at 8:12.

17                  (A short recess was taken.)

18                  MI CHAEL GARDNER: It' s now 8:11.

19                  I' ll reopen the meeti ng. See i f the peopl e

20                  on the next i tem on the agenda are here.

21                                   \* \* \* \* \*

1                   ELI ZABETH LINT: Appl i cati on The  
2                   Upper Crust Harvard Square, LLC doi ng  
3                   busi ness The Upper Crust.

4                   Upper Crust?

5                   ROBERT HAAS: Were they here at all?

6                   ELI ZABETH LINT: I haven' t heard  
7                   from them.

8                   ROBERT HAAS: What are they applyi ng  
9                   for?

10                  ELI ZABETH LINT: Change of manager.

11                  ROBERT HAAS: Di dn' t we do that last  
12                  time, too?

13                  ELI ZABETH LINT: Same thi ng.

14                  MI CHAEL GARDNER: So I suppose one  
15                  of our concerns mi ght be that sometimes the  
16                  request for the change of manager comes i n  
17                  well after de facto managers have been  
18                  changed.

19                  ELI ZABETH LINT: Exactl y.

20                  MI CHAEL GARDNER: And perhaps we  
21                  shoul d send them a l etter to fi nd out what

1 exactly is the employment status of Jordan  
2 Tobins.

3 ELIZABETH LINT: He's an owner. I  
4 do know that.

5 MICHAEL GARDNER: And whether Joshua  
6 Huggard is in fact on premises and  
7 functioning as the de facto manager now, and  
8 if so, issue a strong demand that they come  
9 to the next hearing.

10 ELIZABETH LINT: Will do.

11 \* \* \* \* \*

12 ELIZABETH LINT: I don't know why  
13 this says ratification. Application Ariгато  
14 LLC doing business as Masa's Sushi Bar, Sora  
15 Kim, manager, holder of a common victualer  
16 license at 1815 Massachusetts Avenue has  
17 applied for a change of d/b/a to I (Heart)  
18 Sushi.

19 MICHAEL GARDNER: Could you state  
20 and spell your name for the record.

21 SORA KIM: Yes. My name is Sora

1 Kim, S-o-r-a last name K-i-m.

2 MICHAEL GARDNER: And could you just  
3 tell us your affiliation and your purpose  
4 this evening.

5 SORA KIM: Sorry, my English not  
6 good.

7 MICHAEL GARDNER: Okay. So, what's  
8 your role with the restaurant?

9 SORA KIM: Yes, Masa's Sushi Bar. I  
10 want to change the name.

11 ROBERT HAAS: Are you the owner?

12 SORA KIM: Yes, I'm the owner.

13 MICHAEL GARDNER: Okay. And that's  
14 the only change you want to make?

15 SORA KIM: Yes. Actually my  
16 restaurant is very small, tiny, casual  
17 restaurant. All our customers student, and  
18 they say Masa's Sushi name is very formal  
19 restaurant. So name is not really the match.  
20 Then my customer, one of my customer asked  
21 why don't you change the name to "I Love

1           Sushi ." It's more casual . So I heard that,  
2           it's very good. All my employees, wow, this  
3           is a really good name. That's why I just  
4           decide to change the name.

5                   MICHAEL GARDNER: And you're not  
6           proposi ng to make any other changes in the  
7           operati on, ei ther the hours --

8                   SORA KIM: Nothi ng.

9                   MICHAEL GARDNER: -- or seati ng or  
10          anythi ng I i ke that?

11                  SORA KIM: Nothi ng change. Onl y  
12          name change.

13                  MICHAEL GARDNER: And how l ong have  
14          you been operati ng the busi ness?

15                  SORA KIM: Three years, one month.

16                  MICHAEL GARDNER: Any compl ai nts,  
17          Ms. Li nt?

18                  ELI ZABETH LI NT: Not at al l .

19                  MICHAEL GARDNER: Any questi ons?

20                  LESTER BOKUNI EWI CZ: I 've been in  
21          there i nspecti ng and i t' s a very ni ce pl ace.

1                   SORA KIM: I recognize your face.

2                   ROBERT HAAS: You're inspecting?

3                   LESTER BOKUNIEWICZ: We don't  
4                   sample.

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

8                   (No Response.)

9                   MICHAEL GARDNER: Well --

10                  LESTER BOKUNIEWICZ: I'd like to  
11                  make a motion to approve the application to  
12                  change the name to "I (Love/Heart Symbol)  
13                  Sushi .

14                  MICHAEL GARDNER: To "I (Love/Heart  
15                  Symbol ) Sushi ."

16                  SORA KIM: Yes, "I Love Sushi ."

17                  MICHAEL GARDNER: Are you going to  
18                  be able to figure out a way to make that into  
19                  a heart?

20                  THE REPORTER: I have no way to do  
21                  that.

1           MICHAEL GARDNER: We'll leave it to  
2 you to use parens or something.

3           ROBERT HAAS: You're changing the  
4 sign I would imagine, right, on the outside  
5 of the building?

6           SORA KIM: I -- after hearing if I  
7 pass, I'm going to change the sign just the  
8 name change.

9           ROBERT HAAS: The sign is still  
10 going to stay the same configuration, same  
11 shape?

12          SORA KIM: Yes, same.

13          ROBERT HAAS: Okay.

14          I second the motion.

15          MICHAEL GARDNER: Motion having been  
16 made and seconded to approve a name change  
17 from Masa's Sushi Bar to "I Love" heart shape  
18 Sushi."

19          Any further discussion?

20          ROBERT HAAS: No further discussion.

21          MICHAEL GARDNER: Hearing none. All

1 those in favor signify by saying "Aye."

2 LESTER BOKUNIEWICZ: Aye.

3 ROBERT HAAS: Aye.

4 MICHAEL GARDNER: Aye. All of us  
5 approved. So, we wish you well with your new  
6 name change and best of luck.

7 SORA KIM: Thank you.

8 \* \* \* \* \*

9 ELIZABETH LINT: Application  
10 Boomerangs Holdings, LLC doing business as  
11 Boomerangs, Rebecca Haag, manager, has  
12 applied for a Second Hand Goods License at  
13 561-563 Mass. Avenue. Said license if  
14 granted would allow the sale of rags, junk  
15 old metals, and second-hand articles.

16 MICHAEL GARDNER: If you could just  
17 have a seat, and state and spell your names  
18 for the record and just identify your  
19 relationship to the application.

20 ATTORNEY RICHARD JUANG: Yes. My  
21 name is Richard Juang J-u-a-n-g. I'm staff

1 attorney for Aids Action Committee of  
2 Massachusetts representing Boomerangs in this  
3 matter.

4 ELIZABETH DONOVAN: I'm Elizabeth  
5 Donovan D-o-n-o-v-a-n. I'm the store manager  
6 of the Cambridge location.

7 MICHAEL GARDNER: Could you tell us  
8 about the store and what it is you do.

9 ELIZABETH DONOVAN: Yes, so we take  
10 donations from the public in Cambridge and we  
11 resell in the space that used to be The Attic  
12 in Central Square. We did bring along --  
13 I'll pass these out just to see our history  
14 and pictures of the new location. So, we  
15 sell clothing, furniture, housewares and  
16 pretty much other sort of used merchandise;  
17 bags, things like that.

18 ATTORNEY RICHARD JUANG: I should  
19 also say that the clothes that we sell are  
20 quite high end. They're very high quality,  
21 secondhand clothes. This Cambridge

1 Boomerangs is the fourth of our stores. We  
2 have three already operating, doing very well  
3 in Boston. All the revenue from our stores,  
4 from all the stores, go to fund AIDS actions  
5 as charitable and social work. The store in  
6 Cambridge is small, but very beautiful. It  
7 has everything from -- it has a wide variety  
8 of things from clothes to books to household  
9 goods. Its current items for sale are  
10 consistent with the prior use of the  
11 location. It was previously occupied by The  
12 Attic which I understand unfortunately went  
13 out of business.

14 ELIZABETH DONOVAN: One of  
15 Boomerangs specialties is we try to take the  
16 model of thrift shops and really make it more  
17 boutiquey, so it's very clean. All the items  
18 are inspected. We serve the whole population  
19 in Central Square. You can really see pretty  
20 much anybody in there. And that's kind of  
21 our goal, to serve the community, put out

1 what's donated to us and keep it really clean  
2 and fancy so everyone can feel good about  
3 shopping there.

4 MICHAEL GARDNER: So in the  
5 application where it says the license, if  
6 granted, would allow the sale of rags, junk,  
7 old metals and second-hand articles, I take  
8 it are those the terms of what a second-hand  
9 license is described in our rules or the  
10 ordinance?

11 ELIZABETH LINT: Correct. And what  
12 the in the statute.

13 MICHAEL GARDNER: And the statute.  
14 You don't have any intention of selling  
15 rags, junk or old metals?

16 ELIZABETH DONOVAN: No.

17 ATTORNEY RICHARD JUANG: Absolutely  
18 not.

19 MICHAEL GARDNER: And you're  
20 operating now?

21 ELIZABETH DONOVAN: Uh-huh.

1                   MICHAEL GARDNER: And how long have  
2 you been in operation?

3                   ELIZABETH DONOVAN: Since mid-May.

4                   MICHAEL GARDNER: And you somehow  
5 heard you needed a license or how did that  
6 happen?

7                   ATTORNEY RICHARD JUANG: The License  
8 Commission notified us. We made a mistake  
9 when moving in there without getting the  
10 license first. I think my understanding is  
11 that management thought that we could  
12 basically plug into what The Attic already  
13 was doing there. As I understand it, we  
14 didn't do any build out. So there's -- it's  
15 my understanding no need for reinspection of  
16 the premises although we are happy to be  
17 inspected at any time.

18                   MICHAEL GARDNER: Okay. And then so  
19 you heard about it and then after the License  
20 Commission contacted you, you made the  
21 application?

1 ATTORNEY RICHARD JUANG: That's  
2 correct.

3 MICHAEL GARDNER: Have there been  
4 any complaints?

5 ELIZABETH LINT: No. And I will say  
6 as soon as I sent the letter, I had a phone  
7 call immediately.

8 ATTORNEY RICHARD JUANG: Yes.

9 MICHAEL GARDNER: And The Attic, did  
10 The Attic have a similar license?

11 ELIZABETH LINT: I don't know.

12 MICHAEL GARDNER: Was it a similar  
13 business?

14 ELIZABETH LINT: Yes.

15 We do know we have a problem with a lot  
16 of second-hand goods stores that have opened  
17 up around city, we just haven't been able to  
18 catch up with all of them. This is a project  
19 that some of the interns are going to try to  
20 work on for the rest of the summer.

21 MICHAEL GARDNER: Is this a picture

1 of the sign here in Cambridge?

2 ELIZABETH DONOVAN: No. But on the  
3 -- let's see, a couple pages in, the sixth  
4 page are all pictures from the new store in  
5 Cambridge.

6 MICHAEL GARDNER: Business is  
7 booming page?

8 ELIZABETH DONOVAN: Business is  
9 booming, correct.

10 MICHAEL GARDNER: Questions?

11 ROBERT HAAS: You accept only  
12 donations? You don't pay for any property?

13 ELIZABETH DONOVAN: We do not.

14 MICHAEL GARDNER: And so people  
15 bring them there or have you a central place  
16 for donations?

17 ELIZABETH DONOVAN: We have a  
18 central place, but we like to distribute --  
19 if it came from Cambridge, put it out in  
20 Cambridge. Sort of a local motto that people  
21 sort of respond to. So we pretty much put

1 out everything there and get stuff from our  
2 warehouse in West Roxbury.

3 MICHAEL GARDNER: So can people  
4 actually make donations on-site?

5 ELIZABETH DONOVAN: Oh, yeah, every  
6 day people just come right in.

7 MICHAEL GARDNER: Questions?

8 ROBERT HAAS: No questions.

9 MICHAEL GARDNER: Any members of the  
10 public who would like to be heard on this  
11 matter?

12 (No Response.)

13 MICHAEL GARDNER: Seeing none.  
14 Pleasure of the Commission?

15 ROBERT HAAS: Make a motion to  
16 approve.

17 LESTER BOKUNIEWICZ: Second.

18 MICHAEL GARDNER: Motion having been  
19 made and seconded to approve the granting of  
20 a second-hand goods license at the premise,  
21 all those in favor signify by saying "Aye."

1 LESTER BOKUNI EWICZ: Aye.

2 ROBERT HAAS: Aye.

3 MICHAEL GARDNER: Aye. None  
4 opposed.

5 So again, welcome to Cambridge. Glad  
6 to have your paperwork in order and wish you  
7 well with the business.

8 ELIZABETH DONOVAN: Appreciate it.

9 ATTORNEY RICHARD JUANG: Abutters  
10 were notified. I don't have an Affidavit,  
11 but I have return receipts.

12 ELIZABETH LINT: We will need that.  
13 Thank you.

14 MICHAEL GARDNER: So you'll get that  
15 to Ms. Lint?

16 ATTORNEY RICHARD JUANG: Yes, that  
17 envelope contains --

18 ELIZABETH LINT: The Affidavit.

19 ATTORNEY RICHARD JUANG: Is there a  
20 particular form?

21 ELIZABETH LINT: It should have been

1 in the packet.

2 ATTORNEY RICHARD JUANG: I'll check  
3 again the packet.

4 ELIZABETH LINT: Otherwise you can  
5 see Chris upstairs.

6 ATTORNEY RICHARD JUANG: Thank you.

7 \* \* \* \* \*

8 ELIZABETH LINT: Appeal, Amarjit  
9 Singh, holder of Cambridge Hackney License  
10 No. 29175 due to my upholding the decision of  
11 Officer Szeto to not renew his Hackney  
12 License.

13 MICHAEL GARDNER: If you could just  
14 please state and spell your name for the  
15 record.

16 AMARJIT SINGH: Yeah. My name is  
17 Amarjit Singh, A-m-a-r-j-i-t S-i-n-g-h.

18 MICHAEL GARDNER: Please have a  
19 seat. So, I understand that your license was  
20 revoked and you're here appealing. Would you  
21 please describe to us the reason for your

1 appeal .

2 ELIZABETH LINT: It was not revoked.  
3 He -- it had expired, and we did not renew  
4 it.

5 MICHAEL GARDNER: I apologize for  
6 that.

7 AMARJIT SINGH: Okay. I went to the  
8 Hackney because my license was due to renew,  
9 and it was denied because I was last year was  
10 DUI in Somerville. So I was requested a  
11 written appeal if they can -- you know,  
12 because I've been here 26 years. I don't  
13 have any other criminal record or anything.  
14 This is the first time I made a mistake. So  
15 I asked them if they can -- I request them to  
16 if they can renew the license for me this  
17 time.

18 MICHAEL GARDNER: How long have you  
19 had a license, a Hackney license?

20 AMARJIT SINGH: Four years. And I  
21 never had any problem with anybody else. I

1 never have any complaints. I do have one  
2 when I started driving the cabs the first  
3 month, and I never have any complaints with  
4 anybody. I never have any problems with  
5 customers or anybody.

6 MICHAEL GARDNER: Tell us about the  
7 OUI. Was that -- did that involve a cab?

8 AMARJIT SINGH: No, it wasn't.

9 MICHAEL GARDNER: So what happened?

10 AMARJIT SINGH: We went to the  
11 Celtics game and that's -- I had no ride  
12 home. Because I drove there and I had a car,  
13 too. So I just drive home. And I was going  
14 home. On the way home, off-duty officer  
15 called the police department.

16 MICHAEL GARDNER: In addition to the  
17 OUI wasn't there a charge of either negligent  
18 operation?

19 AMARJIT SINGH: There was negligent  
20 operation, seat belt, and there was a one  
21 more because then the judge removed that

1 because then I did -- all the requirement  
2 they ask me to do, you know, I did the  
3 program. I did all the requirement they ask  
4 me to do, you know, what they call it 20-day  
5 program. I did all that.

6 MICHAEL GARDNER: What was it about  
7 your operation of the vehicle that called  
8 your attention to the off-duty officer?

9 AMARJIT SINGH: Because there was  
10 two lane, one going this direction and one's  
11 going the other direction. I was, I went on  
12 the other lane.

13 MICHAEL GARDNER: So crossing the  
14 center line?

15 AMARJIT SINGH: Crossing the center  
16 lane. And he was coming from the other  
17 direction, and he saw the car went on the  
18 different direction and he called the --

19 MICHAEL GARDNER: Where did this  
20 happen?

21 AMARJIT SINGH: Somerville.

1                   MI CHAEL GARDNER: Somerville?

2                   AMARJIT SINGH: Yes.

3                   MI CHAEL GARDNER: Tell us about your  
4 use of alcohol.

5                   AMARJIT SINGH: Not much.

6                   MI CHAEL GARDNER: It isn't that you  
7 maintain sobriety, that is that you're  
8 abstaining from alcohol? Is that you now  
9 don't use it much?

10                  AMARJIT SINGH: No, I don't use it  
11 because I don't even -- because I -- I'm  
12 always at work. That was my day off. We  
13 went to the game. I work until two o'clock  
14 in the morning, and I just go straight home.  
15 And, you know.

16                  MI CHAEL GARDNER: Were you able to  
17 continue to operate the cab during the period  
18 where essentially the charge was continued?

19                  AMARJIT SINGH: No, I couldn't  
20 operate it because I refuse the breathalyzer  
21 so they took my license. As soon as you

1 refuse a breathalyzer, they immediately take  
2 your license away. That's for 180 days. And  
3 so I had a lawyer, so I request them --  
4 because I just went into the court right in  
5 front of the judge, and I admit it that I  
6 made a mistake. So he gave me first offense  
7 without a finding. So they suspended the  
8 license, the 180 days, plus 45 days. So they  
9 give me a hardship license.

10 MICHAEL GARDNER: And could you  
11 drive a cab on that license?

12 AMARJIT SINGH: A hardship license  
13 -- yeah. Because the license they only give  
14 you for certain hours. So you can work. So  
15 if you need it to go to work. So I only work  
16 certain hours, because I only have the  
17 license from 12 to 12. So I only work in  
18 that time. And after that I can't operate  
19 any vehicle, not even the car.

20 MICHAEL GARDNER: Right. But you  
21 can drive a cab on that license during the

1 hours that it was approved? I just don't  
2 know. I'm trying to understand that.

3 The hardship license, did that allow  
4 you to continue to operate a Hackney?

5 AMARJIT SINGH: That, I don't know.

6 ROBERT HAAS: Did you drive a cab  
7 with your hardship license? When you had  
8 your hardship license, you were driving the  
9 cab?

10 AMARJIT SINGH: Yes, after I did  
11 drive cab, yes.

12 ROBERT HAAS: So it wasn't until you  
13 came up for renewal that we discovered that  
14 you had an OUI arrest, right?

15 AMARJIT SINGH: Yes, because it was  
16 due and new in June. Because I wasn't aware  
17 of that if you can drive -- because I wasn't  
18 -- I think I wasn't driving a commercial  
19 vehicle when I got OUI. If you got caught  
20 OUI driving commercial vehicle, then you  
21 cannot drive the commercial vehicle on that

1 license I think for certain amount of time.

2 ROBERT HAAS: Yes.

3 MICHAEL GARDNER: Ms. Lint, just  
4 give us some sense about what our prior  
5 experience has been with these.

6 ELIZABETH LINT: Well, our rules and  
7 regulations say that if you have any drug or  
8 alcohol offenses within seven years, you're  
9 not eligible to operate -- to have a Hackney  
10 license in the city. And we have had at  
11 least one other of these and the license was  
12 not granted.

13 MICHAEL GARDNER: What other work  
14 experience do you have?

15 AMARJIT SINGH: I used to own a  
16 restaurant.

17 MICHAEL GARDNER: So you have  
18 experience in the restaurant business?

19 AMARJIT SINGH: Yes.

20 I mean if you look at, you know, it's  
21 not like I have any other criminal record or

1 anything like, you know. It's like the first  
2 time I made a mistake, so if you can. . . .

3 ROBERT HAAS: Well, we have  
4 regulations that say we can't give you a  
5 license. So what you're saying is --

6 AMARJIT SINGH: It's not the right,  
7 it's the privilege to drive. It's not my  
8 right.

9 ROBERT HAAS: Yes, but what I'm  
10 saying to you is what you're asking us to do  
11 is to ignore our own regulations.

12 AMARJIT SINGH: No, I understand  
13 that.

14 MICHAEL GARDNER: Any members of the  
15 public who'd like to be heard on this matter?

16 HERBHAJEN SINGH: Yes.

17 MICHAEL GARDNER: Just please state  
18 and spell your name for the record.

19 HERBHAJEN SINGH: First name is  
20 Herbhaj en Singh, H-e-r-b-h-a-j -e-n, last name  
21 Singh. I'm his brother-in-law. So, he's not

1           likely to drink a lot. He made mistake, you  
2           know. So please give us license, you know,  
3           if you can. So, he's very careful. He good  
4           driver. He have kids. He's always take care  
5           of for his family.

6                   MICHAEL GARDNER: Thank you.

7                   ROBERT HAAS: Who did you drive for?

8                   AMARJIT SINGH: Joseph of Cambridge.  
9           It's independent cab.

10                  ROBERT HAAS: Okay.

11                  AMARJIT SINGH: I work with the same  
12           owner since I've been driving. And he's, I  
13           mean, he knows about it, the first -- you  
14           know, he knows everything about this. All  
15           the incident that happen.

16                  ROBERT HAAS: So you say you drive  
17           in Somerville as well or no?

18                  AMARJIT SINGH: Me?

19                  ROBERT HAAS: Yes. You have a  
20           Hackney license in Somerville as well?

21                  AMARJIT SINGH: No, only in

1 Cambridge. I don't drive anywhere else.

2 MICHAEL GARDNER: Is this a fairly  
3 typical rule or standard so that along one  
4 with his record would not be able to get a  
5 license in other communities as well?

6 ELIZABETH LINT: That's correct.

7 MICHAEL GARDNER: So I guess part of  
8 the problem is if you couldn't get a license  
9 someplace else --

10 AMARJIT SINGH: Yes.

11 MICHAEL GARDNER: -- you know,  
12 you're asking us to waive our rules to give  
13 you a license. And the purpose for the rules  
14 is to protect the public as best we can.  
15 That's a hard burden to overcome.

16 Pleasure of the Commission.

17 ROBERT HAAS: I appreciate your  
18 dilemma, but I think what you're asking us to  
19 do is ignore our regulations. And I think  
20 that sets a very dangerous precedent for this  
21 Commission, and I'm not prepared to overlook

1 our regulations as much as, you know -- I  
2 have empathy for your situation, but there's  
3 I don't think there's much we can do with  
4 respect to what took place.

5 I make a motion to uphold the decision  
6 on the appeal.

7 LESTER BOKUNIEWICZ: I second.

8 MICHAEL GARDNER: Motion having been  
9 made and seconded to uphold Ms. Lint's  
10 decision to not renew the Hackney license,  
11 all those in favor signify by saying "Aye."

12 LESTER BOKUNIEWICZ: Aye.

13 ROBERT HAAS: Aye.

14 MICHAEL GARDNER: Aye. None  
15 opposed.

16 So sorry, we appreciate something of  
17 the economic difficulty and bind you're in.  
18 Our primary responsibility is to protect the  
19 public and we have to uphold this regulation  
20 and we feel we have to maintain consistency  
21 there. So we wish you well.

1 AMARJIT SINGH: Thank you.

2 \* \* \* \* \*

3 ELIZABETH LINT: Appl i cati on Cafe  
4 Di l ara, LLC Ragi p O. Isman, manager, has  
5 appl i ed for common victual er Li cense to be  
6 exerci sed at 645 Cambri dge Street. Sai d  
7 Li cense i f granted woul d allow food and  
8 non-alcohol i c beverages to be sol d, served,  
9 and consumed on sai d premi ses wi th a seati ng  
10 capaci ty of 19. The hours of operati on wi ll  
11 be Sunday through Wednesday from 11:00 a.m.  
12 to 12:00 a.m. and 11:00 a.m. to 2:00 a.m.  
13 Thursday through Saturday. The Li cense  
14 Commi ssi on i s al so seeki ng i nformati on as to  
15 why al l abutters were not noti fi ed fi rst ti me  
16 thi s was on for heari ng.

17 RAGI P ISMAN: Ragi p R-a-g-i -p, fi rst  
18 name. Last name Isman I -s-m-a-n. I have  
19 receipt of one and two. I have receipt here  
20 for --

21 ELIZABETH LINT: Okay.

1                   RAGI P I SMAN: I have receipt. Good  
2 evening.

3                   MI CHAEL GARDNER: Good evening.  
4 Tell us about the business and tell us about  
5 the problems we've had so far in getting you  
6 here with abutter notices.

7                   RAGI P I SMAN: Okay, I've been in the  
8 business three -- past three months, since  
9 May 18th. You approved me, and I started the  
10 operation. It's just the pain of switching  
11 ownership has put a lot of burden on me. And  
12 I was relying on my wife to help me out, but  
13 she had -- has to go to hospital for my  
14 grandfather has been hospitalized. And I've  
15 been alone trying to run the place. Trying  
16 to shape up the place and trying to clean-up  
17 the place. There was a lot of rodent  
18 problems. And one of your inspectors,  
19 Mr. Packer, I believe, he's been very  
20 insistent, very meticulous about rodents and  
21 all the other issues. And I was trying to

1 keep up with all the, you know, Termini x  
2 contracts and get the baits filled up and all  
3 of that.

4 And I had a little bit of a grease  
5 problem. Not little -- I mean, between  
6 grease problem in the alley because of the  
7 oil. Just trying to keep the place looking  
8 good in and out. And so, I missed one of the  
9 final, I think your executive decisions to  
10 approve the -- I did not know that. I didn't  
11 know that. So I missed one of the hearings,  
12 I believe, the final approval hearing.

13 ELIZABETH LINT: Not exactly.

14 RAGIP ISMAN: Not exactly?

15 MICHAEL GARDNER: You might explain  
16 it procedurally for all of us.

17 ELIZABETH LINT: Yes. This had  
18 already been on for hearing and was approved.  
19 We then received a letter from an abutter,  
20 they had not been notified, and they had some  
21 very serious concerns. So, we did not issue

1 the license. And we put it on for hearing  
2 for, I believe, it was in July and he did not  
3 appear.

4 So we contacted him again and put it on  
5 again.

6 MICHAEL GARDNER: So essentially we  
7 had a reconsideration issue. We granted --  
8 we had voted to grant it, but then when  
9 Ms. Lint administratively realized that not  
10 all of the procedures had been complied with,  
11 we in fact didn't issue the license --

12 RAGIP ISMAN: Okay.

13 MICHAEL GARDNER: -- and had a  
14 second hearing, although not a decision  
15 hearing. But a hearing like this --

16 RAGIP ISMAN: Okay, yes.

17 MICHAEL GARDNER: -- to hear from  
18 you.

19 RAGIP ISMAN: Yeah, since you guys  
20 welcomed me into the community, I'm trying my  
21 best to be the, you know, a good owner and

1 run this operation. Just unexpected  
2 unprecedented events occurred.

3 And about the abutters, just that I was  
4 misinformed I did not know the word meaning  
5 "abutter." To be honest, I e-mailed, not  
6 e-mailed. New fish steel (phonetic), which  
7 is right across the street from me. So I  
8 shouldn't have done that. But I did let  
9 Galucci Properties (phonetic) know. I mailed  
10 them. The Cambridge Housing Authority, I did  
11 not. Chris, thankfully, he provided me with  
12 the three right abutters that I should have  
13 notified. So I've done that.

14 MICHAEL GARDNER: Okay. And  
15 Mr. Packer has been back out?

16 RAGIP ISMAN: Yeah. I kept all my,  
17 you know, old citations. I cleared  
18 everything out and provided you with a copy,  
19 Ms. Lint.

20 ELIZABETH LINT: Yes.

21 RAGIP ISMAN: All the pending

1           vi ol at i on s we re cor re cted.   Sani ta ry  
2           con di ti on s are ac cept a ble at thi s ti me.   Thi s  
3           i s my la st ci ta ti on.

4                   MI CHAEL GARDNER:   So remi nd us of  
5           the ex pe ri ence you had pri or to ma ki ng thi s  
6           ap pl i ca ti on.

7                   RAGI P I SMAN:   Run ni ng the pl ace.

8                   MI CHAEL GARDNER:   Work ex pe ri ence  
9           and run ni ng a res tau rant.

10                   RAGI P I SMAN:   I had I ta li an  
11           res tau rant.   My fa ther and I ran I ta li an  
12           res tau rant in Tam pa, Flo ri da.   It was a four  
13           star res tau rant, fi ne di ni ng.   And I had  
14           si mi lar, pi zza pl aces or sub, fast food  
15           ex pe ri ences here in Bos ton.   That was in  
16           Bri ghton and In bound Pi zza.

17                   MI CHAEL GARDNER:   So wi th the pri or  
18           ex pe ri ence I guess one of our con cerns might  
19           be i s re al i zi ng that your wi fe was not as  
20           ava i la ble as you had ho ped.

21                   RAGI P I SMAN:   Yes.

1                   MICHAEL GARDNER: It was incumbent  
2 upon you to find somebody else to help you.

3                   RAGIP ISMAN: Yes. And I had to  
4 watch my financial situation. It was a  
5 burden. You know, I purchased this place and  
6 I couldn't hire everybody. So I had to do it  
7 on my own.

8                   MICHAEL GARDNER: Right. I guess  
9 our concern would be when we're granting a  
10 license to someone who made the  
11 representations that you did about your  
12 experience and what you would be doing, if  
13 circumstances changed, you know, we are  
14 hopeful or expectant that the person who is  
15 granted the license has the wherewithal  
16 whether it's financial or managerial or  
17 creative to find a solution.

18                   RAGIP ISMAN: Of course, yeah.

19                   MICHAEL GARDNER: As opposed to  
20 getting --

21                   RAGIP ISMAN: You're right.

1           MICHAEL GARDNER:  -- getting the  
2           very serious complaints that were filed by  
3           one of your abutters about the sanitation.

4           RAGIP ISMAN:  I'm not aware,  
5           sanitations?

6           ELIZABETH LINT:  Yes.

7           MICHAEL GARDNER:  Well, the copy of  
8           -- it's a public record so you can --

9           ELIZABETH LINT:  Absolutely.

10          MICHAEL GARDNER:  You can look at  
11          it.

12          RAGIP ISMAN:  I haven't seen that.

13          MICHAEL GARDNER:  We encourage you  
14          to look at it in the future so you  
15          understand --

16          RAGIP ISMAN:  Of course.

17          MICHAEL GARDNER:  -- both we and  
18          Mr. Packer and other representatives of the  
19          city are facing.  Rodents are one of the  
20          biggest public health issues --

21          RAGIP ISMAN:  I am aware of it

1 myself.

2 MICHAEL GARDNER: -- that we face in  
3 Cambridge. And the restaurateurs or the  
4 victualers are on the forefront of our  
5 defenses against this. And it's very  
6 important for you to meet your obligations.

7 RAGIP ISMAN: I believe in, you  
8 know, eating, cleanliness is very important,  
9 you know. Especially if you're serving the  
10 public, you know, you have pregnant people,  
11 you have elderly. They're sensitive to this.  
12 So I am very, very much aware that everything  
13 has to be very clear and sanitized and  
14 everything. And I'm trying really hard to do  
15 that.

16 MICHAEL GARDNER: And do you have  
17 the additional support available to you now  
18 to maintain --

19 RAGIP ISMAN: Now?

20 MICHAEL GARDNER: -- a sanitary and  
21 cleanly operation?

1                   RAGI P I SMAN: Yes, I do. Addi ti onal  
2 support by as far as employi ng peopl e?

3                   MI CHAEL GARDNER: Wel l , your wi fe  
4 was away. I don' t know if your wi fe is back  
5 or if you' ve made other arrangements. But  
6 you can' t do i t yoursel f.

7                   RAGI P I SMAN: I can' t do everythi ng  
8 mysel f. I can' t answer the phones. I can' t  
9 do del i very mysel f. I can' t cook the food.  
10 I can' t open the pi zza mysel f. So many  
11 thi ngs. But I have hi red some hel p ri ght  
12 now, and I' m tryi ng to do the operati on as  
13 the best that I can.

14                   And I know the cleani ng i ssue, i t j ust,  
15 when I entered thi s new busi ness, I noti ced  
16 there was some work needed to be done, but I  
17 di dn' t real i ze i t was so much. And, you  
18 know, because we have to, al l the ovens and  
19 the cleani ng, they' re stati onary. They' re  
20 not -- I' m not abl e to pul l them out. So I  
21 have to bri ng a pl umber or somebody to take

1 those, you know, flexible hoses so that I can  
2 do a thorough cleaning which will satisfy me.  
3 And right now as it is right now, it's clean,  
4 but I'm not satisfied. I still would like to  
5 more clean.

6 MICHAEL GARDNER: So you still need  
7 the flexible hosing.

8 RAGIP ISMAN: Flexible hoses to pull  
9 out all the ovens, the grills, the salad bar  
10 stations so that I can enter the back of that  
11 area. You can't do it with just the brush  
12 there.

13 MICHAEL GARDNER: So that work  
14 remains to be done?

15 RAGIP ISMAN: Of course. I'm there  
16 clean person myself, very, you know, tidy. I  
17 don't know if I use the right word, tidy.

18 MICHAEL GARDNER: That's fine.

19 RAGIP ISMAN: I am myself. And I  
20 haven't had the chance to open the hours that  
21 you granted me. I haven't had the chance to

1 do this. So I was doing the previous owners  
2 hours, 11 to 11. And hopefully I will have  
3 the privilege to get to those hours with your  
4 permissions of course.

5 MICHAEL GARDNER: Questions?

6 ROBERT HAAS: No questions.

7 LESTER BOKUNIEWICZ: No.

8 MICHAEL GARDNER: Any members of the  
9 public who would like to be heard on this  
10 matter?

11 (No Response.)

12 MICHAEL GARDNER: Pleasure of the  
13 Commission?

14 ROBERT HAAS: So, I have some  
15 concerns about what you've described to us,  
16 and I'm really wondering if it is wise for  
17 you to try to go to two o'clock if you're  
18 having a difficult time with respect to the  
19 operating hours you're advertising now from  
20 11 to 11.

21 RAGIP ISMAN: The two o'clock that I

1 requested from you was mostly on-line orders,  
2 so that would get my revenue a little higher.  
3 But walk-ins, I'm not expecting as much.

4 ROBERT HAAS: But you know you're  
5 operating eleven to eleven is what you're  
6 saying?

7 RAGIP ISMAN: Yes. Eleven to  
8 eleven. If I'm open to two a.m., Thursdays  
9 Fridays, Saturdays, I would expect on-line  
10 orders more so that will, you know, raise up  
11 my revenue.

12 ROBERT HAAS: Well, you're telling  
13 me you're struggling now so I'm just trying  
14 to figure out how you're going to work those  
15 extended hours and add to business at this  
16 point. The breaking point, it sounds like  
17 you're kind of at that breaking point. And  
18 I'm wondering if you're overtaxing yourself  
19 by trying to work the extra hours.

20 RAGIP ISMAN: I mean, I could try.  
21 I could try.

1                   ROBERT HAAS: But see, right now  
2                   you're technically in -- if you had gotten  
3                   your license, you're already in violation  
4                   because you're supposed to work the hours you  
5                   advertise. You can't try and decide your own  
6                   hours. Once we grant you a license for a  
7                   certain period of time, you've got to stay  
8                   open or stay in business those hours. So,  
9                   I'd suggest to you is that what you're going  
10                  to do is jeopardize your license if you find  
11                  that you can't stay open until two o'clock  
12                  and you say you're going to roll your hours  
13                  back to midnight or eleven. So it would be  
14                  wiser for you, in my view, to stay with the  
15                  hours you're operating now until you get to a  
16                  place where you can get some momentum, you  
17                  get yourself established, and then come back  
18                  to the Commission and then seek additional  
19                  hours.

20                  RAGIP ISMAN: You have a point,  
21                  yeah. You have a point. But since my

1           experience from previous places I'm hoping  
2           that --

3                         ROBERT HAAS: I understand what  
4           you're hoping, but the problem is that you're  
5           not able to do it now. So I think it  
6           wouldn't be wise of you to try to extend  
7           yourself at this point in time and stay with  
8           the hours that you know you can operate until  
9           you get yourself to a place where you can  
10          support those additional hours.

11                        RAGIP ISMAN: Good point, sir, but  
12          the September is coming so students are  
13          coming. So that would generate some revenue  
14          for me to hire people.

15                        ROBERT HAAS: Why don't you get  
16          yourself into the fall months and then  
17          revisit it in September, October see where  
18          you are.

19                        MICHAEL GARDNER: Unless you want to  
20          represent to us that you're going to work the  
21          hours that are stated here beginning

1 tomorrow.

2 RAGI P ISMAN: Beginning tomorrow? I  
3 have to hire people to keep those three days  
4 until two a.m. three days. I have to hire  
5 additional help. And I do have two people  
6 interviewed to work.

7 ROBERT HAAS: Well, the problem you  
8 have right now is you make a representation  
9 to us -- I can tell you from my perspective  
10 anyway, if you came back here and we found  
11 out you weren't operating the hours that you  
12 weren't operating, I wouldn't be very  
13 lenient. So I'm saying to you don't put  
14 yourself in a situation where, you know,  
15 you're bound to find yourself in a very  
16 difficult situation to come back here. At  
17 least, you know, my view is I think we're  
18 trying to give you our best advice, you can  
19 do with it whatever you want.

20 RAGI P ISMAN: Yeah.

21 ROBERT HAAS: But it seems to me

1 right now you're not ready to operate the  
2 hours you're advertising. And as the Chair's  
3 indicated, you know, if we grant the license,  
4 effective tomorrow you have to be able to  
5 operate those hours.

6 MICHAEL GARDNER: So suppose, and  
7 I'll just ask this of both Commissioners and  
8 the License Commission staff and you can also  
9 comment, sir. Suppose we approved hours of  
10 operation of eleven to eleven now with a  
11 provision that the applicant could come back  
12 in October to request, to advise us as to  
13 whether or not he wished to request the going  
14 back to the hours that were originally  
15 applied for, which would give you a month of  
16 student, the potential student employment.

17 RAGIP ISMAN: Yes.

18 MICHAEL GARDNER: And a better  
19 chance for you to assess whether or not --

20 RAGIP ISMAN: That's an alternative  
21 to, Mr. Commissioner, as well. It's totally

1 -- I mean, I would take your alternative. I  
2 would take yours, too.

3 ROBERT HAAS: I just don't want to  
4 see you fail. I mean, that's my concern.

5 RAGIP ISMAN: I was going to, since  
6 Mr. Gardener had suggested, too, so, I could  
7 use the revenue so I'm hoping to, you know.

8 ROBERT HAAS: It's a catch 22. If  
9 you can't operate those hours and you use the  
10 revenue, you can't make the hours, it's a  
11 problem.

12 MICHAEL GARDNER: And, you know, one  
13 thing I think I've come to appreciate in this  
14 job is that the entrepreneurial spirit and  
15 sort of how complicated and difficult it is.  
16 So we are trying to be of assistance to you.

17 RAGIP ISMAN: Very much so I felt  
18 that. Thank you.

19 MICHAEL GARDNER: So I'll make a  
20 motion that we approve the license with the  
21 hours of eleven a.m. to eleven p.m. going

1 forward with the understanding that we would  
2 expect to hear back from Mr. Isman early in  
3 the fall as to whether or not he wishes to  
4 apply to have later hours some nights of the  
5 week.

6 RAGIP ISMAN: Okay, very good, sir.

7 MICHAEL GARDNER: Well, I've made  
8 that motion but I don't know if I've got  
9 support for it yet.

10 LESTER BOKUNIEWICZ: I'll second it.

11 RAGIP ISMAN: Oh, okay. Sorry. So  
12 eleven, eleven I'm going approved and extend  
13 it in the early fall.

14 MICHAEL GARDNER: You still have to  
15 come back and ask us, which means you have to  
16 come back and report to us about how you've  
17 got the administrative and staff structure to  
18 be able to support those hours.

19 RAGIP ISMAN: Those hours.

20 MICHAEL GARDNER: And keep the place  
21 clean and meet all your other obligations.

1                   ROBERT HAAS: So don't open the  
2 extra hours before you come back to us  
3 otherwise you'll find you'll be in violation  
4 again.

5                   RAGIP ISMAN: No, whatever the law  
6 says I will do.

7                   ROBERT HAAS: I just want to make  
8 sure.

9                   I believe the deputy seconded.

10                  LESTER BOKUNIEWICZ: I seconded it.

11                  MICHAEL GARDNER: Okay, motion  
12 having been made and seconded to approve  
13 hours of eleven to eleven with the  
14 expectation of a review in the early fall as  
15 to the possibility of an extension beyond  
16 that, all those in favor signify by saying  
17 "Aye."

18                  ROBERT HAAS: Aye.

19                  LESTER BOKUNIEWICZ: Aye.

20                  MICHAEL GARDNER: Aye. None  
21 opposed. We wish you well. Got off to a

1 rocky start, but hope you can recover.

2 RAGIP ISMAN: Little bit rocky.

3 Hopefully, sir. Thank you. I appreciate  
4 your help and understanding. And also,  
5 Mrs. Lint, to you too as well.

6 MICHAEL GARDNER: We appreciate that  
7 you were able to satisfy Mr. Packer's  
8 concerns as well.

9 RAGIP ISMAN: Yes. Thank you very  
10 much. And I will come back for my victualer  
11 license.

12 ELIZABETH LINT: Yes.

13 RAGIP ISMAN: To your office, right?

14 ELIZABETH LINT: Yes.

15 That's all I have.

16 UNIDENTIFIED MALE FROM THE AUDIENCE:  
17 Yardworks.

18 MICHAEL GARDNER: I think we've  
19 learned from a member of the audience that an  
20 item which was early on the agenda this  
21 evening, that Yardworks Limited noise

1 complaint on which we took some action, that  
2 we now have somebody here -- a representative  
3 of the company, sir?

4 UNI DENTIFIED MALE FROM THE AUDIENCE:  
5 Yes.

6 MICHAEL GARDNER: An indication of  
7 yes.

8 I think the pleasure of the Commission.  
9 I'd be happy to hear from him briefly. We  
10 can, if nothing else, report what we've done.

11 So if you could, sir, please come  
12 forward, state and spell your name for the  
13 record.

14 TOM CURRY: Tom Curry, general  
15 manager, Yardworks T-o-m C-u-r-r-y.

16 MICHAEL GARDNER: So, sir, we have  
17 had some difficulty in getting you here or  
18 getting your attention. We've had at least  
19 one or more hearings where we've had you  
20 scheduled. We've had an address in  
21 Somerville where materials went which we

1 understand, or we believe at least, either  
2 you or members of your family have some  
3 connection to. Only one of -- we sent two  
4 letters there. Only one of those letters  
5 came back to us. One of our investigators  
6 did some outreach work to attempt to contact  
7 you for this evening's hearing. We would be  
8 happy to hear briefly what you have to say.

9 No notice of anything, yourself? You  
10 don't know what this is about?

11 TOM CURRY: No. The office is  
12 located in North Reading, sir. That's where  
13 the office is. It's been there for --

14 MICHAEL GARDNER: What's the  
15 Somerville address?

16 TOM CURRY: That was an office 15  
17 years ago.

18 MICHAEL GARDNER: Okay.

19 TOM CURRY: We've been out of there  
20 15 years. That was not my office. I don't  
21 live there. My office is in North Reading.

1           Somebody looked it up on the web, they found  
2           my e-mail, sent me an e-mail. I couldn't  
3           open the e-mail. And I replied back, I can't  
4           open it. And they replied back that there  
5           was a hearing tonight.

6                   MICHAEL GARDNER: Do any business in  
7           Cambridge?

8                   TOM CURRY: I've been doing business  
9           in Cambridge for 30 years.

10                  MICHAEL GARDNER: And approximately  
11           how many clients?

12                  TOM CURRY: It's hard to tell.

13                  MICHAEL GARDNER: Well, three,  
14           seven, 27?

15                  TOM CURRY: It could be thousands  
16           and thousands.

17                  MICHAEL GARDNER: Okay.

18                   Do you have any knowledge or  
19           understanding of what the licensing  
20           requirements of the City of Cambridge are to  
21           do your kind of business?

1 TOM CURRY: Um, I don't think there  
2 is any licensing for my type of business.

3 MICHAEL GARDNER: Are you familiar  
4 with the City's regulations with respect to  
5 the use of leaf blowers?

6 TOM CURRY: Um, I've read the  
7 regulation.

8 MICHAEL GARDNER: Do you understand  
9 that you need to obtain a license from the  
10 City of Cambridge to work here and operate  
11 such equipment?

12 TOM CURRY: It doesn't say that. It  
13 says to run a leaf blower in the regulation,  
14 that's what I read.

15 MICHAEL GARDNER: Okay. You  
16 understand when you are and are not permitted  
17 to run leaf blowers?

18 TOM CURRY: Um, I think it's June,  
19 July and August? I believe.

20 MICHAEL GARDNER: That you're not  
21 supposed to run them?

1 TOM CURRY: Right.

2 MICHAEL GARDNER: Do you understand  
3 that your employees appear to have routinely  
4 run them routinely during those months?

5 TOM CURRY: Well, that's what I  
6 hear, but I'm not quite sure because they've  
7 been told not to use them. And I know what  
8 house it is, and I know the guy. And I have  
9 pictures of the guy. And I've been out there  
10 taking pictures of him while he's taking  
11 pictures of us. And just the --

12 MICHAEL GARDNER: So you've been  
13 aware of this controversy for awhile?

14 TOM CURRY: With this guy, yes.

15 MICHAEL GARDNER: But unaware that  
16 we sent you a letter to come here?

17 TOM CURRY: The minute we pull up to  
18 this property --

19 MICHAEL GARDNER: Yes.

20 TOM CURRY: -- this guy comes  
21 running out as soon as the lawn mother is

1 started. And this is every ten days he comes  
2 out. Every ten days.

3 MICHAEL GARDNER: Okay.

4 Well, I think I can summarize the  
5 actions that we took this evening. This  
6 evening we issued a fine of \$300 for a  
7 violation of the leaf blower ordinance on  
8 July the 29th, 2011. We also continued the  
9 matter with respect to, I believe, four other  
10 alleged violations, each of which include a  
11 \$300 fine, until our September meeting which  
12 is scheduled for?

13 ELIZABETH LINT: We have two in  
14 September. I'm going to have to look at the  
15 piles and see what's going to be better.

16 MICHAEL GARDNER: Most likely  
17 September 13th or 27th?

18 ELIZABETH LINT: No.

19 MICHAEL GARDNER: They're not  
20 Tuesdays.

21 ELIZABETH LINT: The other Tuesdays.

1 The 6th and the 19th.

2 MICHAEL GARDNER: And the 20th.

3 ELIZABETH LINT: The 20th.

4 MICHAEL GARDNER: The 20th is a  
5 Tuesday.

6 ELIZABETH LINT: Okay.

7 TOM CURRY: So what are you saying?

8 MICHAEL GARDNER: I think we'd  
9 suggest that you speak to the staff of the  
10 License Commission with respect to any  
11 obligations you may have up under our  
12 ordinance to obtain a license, and that you  
13 -- I guess we've got the right address now,  
14 and that you come to the September hearing.

15 TOM CURRY: So, what are you saying,  
16 previously you -- I'll definitely have to  
17 appeal that.

18 MICHAEL GARDNER: Okay.

19 Well, we appreciate you coming.

20 TOM CURRY: So you have copies of  
21 the ordinance that I'm supposed to follow?

1 ELIZABETH LINT: It's available on  
2 the License Commission website.

3 TOM CURRY: It's on-line?

4 ELIZABETH LINT: It's available on  
5 the Department of Public Works website. It's  
6 available on the City Manager's website, I  
7 believe, and the ordinances.

8 MICHAEL GARDNER: And it's available  
9 here during the regular business hours.

10 ELIZABETH LINT: Yes, it's in our  
11 office.

12 TOM CURRY: Will you be bringing the  
13 accuser that night?

14 ELIZABETH LINT: He's been here  
15 twice.

16 TOM CURRY: I mean, I got here a  
17 little after six. I've been here for almost  
18 three hours now.

19 ELIZABETH LINT: Well --

20 MICHAEL GARDNER: We called the item  
21 about 6:05. We were done with it about 6:30

1 or quarter of seven.

2 ELI ZABETH LINT: He has been here  
3 both times.

4 TOM CURRY: He has been?

5 ELI ZABETH LINT: Absolutel y.

6 TOM CURRY: See you next ti me.

7 MI CHAEL GARDNER: And wi th respect  
8 to the July 29, 2011 i ssue on whi ch we  
9 actual ly i ssued a ci tati on for a vi ol ati on,  
10 we had vi deo evi dence of the operati on of the  
11 leaf blower at the Chauncy Street locati on.

12 TOM CURRY: So you have no evi dence  
13 of the next three then?

14 MI CHAEL GARDNER: Of what?

15 TOM CURRY: You have no evi dence of  
16 the next three vi ol ati ons you' re sayi ng?

17 ELI ZABETH LINT: Four vi ol ati ons.

18 MI CHAEL GARDNER: I thi nk there are  
19 four. We have evi dence.

20 TOM CURRY: You sai d vi deo of one,  
21 but you don' t have anythi ng on the other?



1 sayi ng "Aye. "

2 ROBERT HAAS: Aye.

3 LESTER BOKUNI EWICZ: Aye.

4 MI CHAEL GARDNER: Aye.

5 Thank you very much.

6 (At 9:00 p.m. , the heari ng of the  
7 Li cense Commi ssi on adj ourned. )

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## 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 29th day of August 2011.

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

My Commission Expires:  
April 23, 2015

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