

CAMBRIDGE LICENSE COMMISSION HEARING  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

POLICE COMMISSIONER ROBERT HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, February 9, 2016

TIME: 5:30 p.m.

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P R O C E E D I N G S

February 9, 2016

EXECUTIVE DIRECTOR ELIZABETH LINT: It is the License Commission agenda for Tuesday, February 9, 2016 at 5:30. We are in the Michael J. Lombardi Building, 831 Mass. Ave, Basement Conference Room.

Before you are the Commissioners: Chair Nicole Murati Ferrer, Police Commissioner Robert Haas and Assistant Fire Chief Gerard Mahoney.

Requests for special one-day licenses.

CHAIR NICOLE MURATI FERRER: For the record, this matter is being recorded.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. Sorry.

CHAIR NICOLE MURATI FERRER: And videotaped.

EXECUTIVE DIRECTOR ELIZABETH LINT: First

one is Arlyn Depagter, on behalf of MIT, has applied for a malt and wine license to be exercised at E62-100 Main Street, Cambridge, on 2/12/16 from 4:00 p.m. to 6:00 p.m. for a SloanFest - MBA AdMIT Weekend. Expected attendance - 280 people.

CHAIR NICOLE MURATI FERRER: Granted.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Take these one by one?

CHAIR NICOLE MURATI FERRER: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Motion to approve.

CHAIR NICOLE MURATI FERRER: We're just going to vote on them granted or rejected.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Arlyn Depagter, on behalf of MIT, has applied for a malt and wine license to be exercised at Space

10-105 Bush Room, 222 Memorial Drive, Cambridge,  
on 2/10/16 from 5:00 p.m. to 7:00 p.m. for a  
Seminar and Dinner Discussion. Expected  
attendance – 31 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Arlyn Depagter, on behalf of MIT, has applied for  
a malt and wine license to be exercised at E62-  
Executive Education Suite Dining Room, 100 Main  
Street, Cambridge, on 03/03/16 from 5:00 p.m. to  
8:00 p.m. for a Midea Working Program Dinner.  
Expected attendance – 43 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Arlyn Depagter, on behalf of MIT, has applied for  
a malt and wine license to be exercised at E62-  
Executive Education Suite Dining Room 100 Main  
Street, Cambridge, on 03/03/16 from 5:00 p.m. to  
8:00 p.m. for a Midea Working Program Dinner.

Expected attendance is 43 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Lindsey Whitford, has applied for a malt and wine license to be exercised at Cambridge Community Center, 5 Callender Street, Cambridge, on 04/08/16 from 7:00 p.m. to 11:30 p.m. for a Fundraiser with Silent Auction. Expected attendance is 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Renee

Gosselin on behalf of Restaurant Associates has applied for six malt and wine licenses to be exercised at the Samberg Conference Center at MIT, 50 Memorial Drive.

Corporate event plated dinner

February 10, 2016 from 5:00 to 7:00 p.m., 20 people are expected.

Conference/dinner February 13, 2016 from

5:00 to 10:00 p.m., 65 are expected.

Corporate event plated dinner

February 17, 2016 from 5:00 to 7:00 p.m.

Expected 20 people.

Corporate event plated dinner

February 18, 2016 from 6:00 p.m. to 11:30 p.m.,

50 people expected.

Corporate lecture plated dinner

February 24, 2016 from 5:00 p.m. to 10:00 p.m.,

expected people are 150.

Corporate event plated dinner

February 24, 2016 from 5:00 p.m. to 7:00 p.m.,

expected people 20.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Lesly

Serigny, on behalf of Restaurant Associates, has

applied for a malt and wine license to be

exercised at Novartis Institutes for BioMedical

Research, 181 Massachusetts Avenue, Cambridge, on 02/25/16 from 3:30 p.m. to 5:30 p.m. for a Reception. Expected attendance, 1000 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Carlos Cordena, has applied for a malt and wine license to be exercised at Workbar, 45 Prospect Street, Cambridge, on 02/17/16 from 5:00 p.m. to 9:30 p.m. for a Professional Forum. Expected attendance 95 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Daniel Benjamin Adler, on behalf of the President and Fellows of Harvard College, has applied for a wine and malt with entertainment to be exercised at Lowell House Dining Hall, 10 Holyoke Place, Cambridge, on 02/12/16 from 10:00 p.m. to 2:00 a.m. for a party. Expected attendance, 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Entertainment Licenses.

Andrea Campbell, has applied for an entertainment license to provide a Performance-Live Band by Cambridge Symphony, 48 Massachusetts Avenue, Cambridge, on 03/20/16 from 1:30 p.m. to 7:00 p.m. Expected attendance, 450 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kathryn Brink, has applied for an entertainment license to provide a Theatrical Performance, 32 Vassar Street, Cambridge --

CHAIR NICOLE MURATI FERRER: I'm sorry to interrupt. I think we skipped one. Ane Holland, do you have that one? I have it here for an event on the 24 from networking and --

EXECUTIVE DIRECTOR ELIZABETH LINT: I

don't have it.

CHAIR NICOLE MURATI FERRER: 45 prospect.

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
don't have that.

POLICE COMMISSIONER ROBERT HAAS: It's  
not on the list.

CHAIR NICOLE MURATI FERRER: Let's put  
that one aside. Sorry about that.

EXECUTIVE DIRECTOR ELIZABETH LINT: No  
problem.

Kathryn Brink, has applied for an  
entertainment license to provide a Theatrical  
Performance, 32 Vassar Street, Cambridge, on  
02/12/16 & 02/13/16 from 8:00 p.m. to 11:00 p.m.  
and 02/14/16 from 1:00 p.m. to 4:00 p.m.  
Expected attendance, 250 people.

CHAIR NICOLE MURATI FERRER: She's also  
applying for a raffle and bazaar at the same  
time.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have that either here.

CHAIR NICOLE MURATI FERRER: She did provide the application and everything else.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have Larissa Rocha applying for a raffle.

CHAIR NICOLE MURATI FERRER: Kathryn Brink. Yep, signed by the police chief. We can add that there. I will grant this. It looks like she filled out -- she came right when she changed the forms because she has the registered event that they usually give us, and she applied for the entertainment license and the application for the raffles and bizarres signed by everyone here as well.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Larissa Rocha, has applied for a Raffle license (Gift Cards), Eliot Dining Hall, 101 Dunster Street, Cambridge, on 02/11/16 from 9:00 p.m. to

11:00 p.m. Expected attendance is 100 people.

CHAIR NICOLE MURATI FERRER: So this is missing -- it's here. They faxed it to us.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Michael Bishop, has applied for a Vendor's permit to sell Artist Merchandise, CDs and tee shirts at Sanders Theatre, 45 Quincy Street, Cambridge, on 02/14/16 from 3:00 p.m. to 6:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Amanda Mayor has applied for a vendor's permit to sell cards and wrapping paper at the Stratton Student Lobby at MIT on February 12, 2016 from 9:00 a.m. to 5:00 p.m.

CHAIR NICOLE MURATI FERRER: Just for the record, the application she goes by Amanda Gruhl, G-R-U-H-L. We confirmed with MIT that apparently one of those is her married name.

Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have administrative matters that should be voted on.

Oggi Cafe, 1350 --

CHAIR NICOLE MURATI FERRER: Before we go there, I have one in here for the 12th. So I think we should vote on it.

I'm going to butcher the name so I'm just going to spell it for you, M-E-N-G-T-I-N-G, Zhang, Z-H-A-N-G. And he has applied for Harvard-Radcliff Chinese Students Association as a nonprofit for a cultural event. It's 18 plus 300 people on February 12, 2016 from 8:30 to 10:00 p.m. at the Quincy House Dining Hall and they're going to have rerecorded music, entertainment, dancing and amplification system.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Oggi Café 1350 Massachusetts Avenue, holder of a Common Victualer license, has submitted a letter

to inform the Board that they will be moving to a temporary location from February 13, 2016 until September, 2018 at 30 Dunster Street, due to construction of the existing area.

CHAIR NICOLE MURATI FERRER: Do you have a copy of the letter so we can acknowledge it?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do.

CHAIR NICOLE MURATI FERRER: The Board acknowledges.

EXECUTIVE DIRECTOR ELIZABETH LINT: The Blue Room, 1 Kendall Square, Building 200, holder of an All Alcohol Common Victualer license has submitted a letter advising the Board that they expect to reopen after repairs are completed in late April 2016.

CHAIR NICOLE MURATI FERRER: We should say Commission acknowledges instead of Board.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Commission

acknowledges.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Oleana Restaurant, 134 Hampshire Street, holder of an All Alcohol Common Victualer license has submitted a letter stating that they will be closed for renovations from February 29, 2016 until March 14, 2016.

CHAIR NICOLE MURATI FERRER: Commission acknowledges.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Walpole Homemade Chocolates, LLC doing business as Burdicks Chocolate, 52D Brattle Street, has changed their manager to Yoon Chang, and has changed their corporate name from J&M Chocolate Confections, Inc to Walpole Homemade Chocolates, LLC.

CHAIR NICOLE MURATI FERRER: This would be a petition to change the manager of record. First approve change of manager and then their

change of corporate name.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

CHAIR NICOLE MURATI FERRER: I vote to grant this at this time.

POLICE COMMISSIONER ROBERT HAAS: Say that again.

CHAIR NICOLE MURATI FERRER: I would vote to grant this at this time.

We can take a recess until 6:00 until we start the portion for testimony hearings.

(Recess began at 5:50 p.m.)

(Recess ended at 6:00 p.m.)

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started with the rest of the agenda and I would just remind anyone that has a cell phone on to please turn it off.

**APPLICATION:**

**THE CHEESECAKE FACTORY RESTAURANTS, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The Cheesecake Factory Restaurants, Inc, 100 Cambridgeside Place, holder of an All Alcoholic Beverages, Common Victualer and Entertainment Licenses, has applied for a Change of Manager from Corey Dugan to Clint Malek.

CHAIR NICOLE MURATI FERRER: Please state your name for the record.

ATTY ANDREW UPTON: Good evening, Madam Chair, Andrew Upton for the Cheesecake Factory. With me is Clint Malek, the proposed manager of record.

CHAIR NICOLE MURATI FERRER: Thank you. Mr. Malek, I know you have been in the industry for more than ten years now at this location, is that correct?

CLINT MALCK: Not at this location ten years. I relocated from upstate New York, but I worked for the company for ten years.

CHAIR NICOLE MURATI FERRER: Okay. How long have you been at this location?

CLINT MALCK: I started transitioning in July and made it official in October.

CHAIR NICOLE MURATI FERRER: You have never been the manager on a liquor license before, is that correct?

CLINT MALCK: Correct.

CHAIR NICOLE MURATI FERRER: And have you been -- have you received the 21 Proof training?

CLINT MALCK: No.

ATTY ANDREW UPTON: He's TIPS trained and I told him he has to sign up for that.

CLINT MALCK: We go through ServSafe training through our company as well.

CHAIR NICOLE MURATI FERRER: Are you familiar with the rules and regulations and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

CLINT MALCK: Yes.

CHAIR NICOLE MURATI FERRER: You understand we expect you to stay up to date with those rules and regulations?

CLINT MALCK: I am.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

CLINT MALCK: Yes.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have nothing.

CHAIR NICOLE MURATI FERRER: I move to vote on this matter as presented to us today.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR NICOLE MURATI FERRER: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

CHAIR NICOLE MURATI FERRER: Aye.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Application --

CHAIR NICOLE MURATI FERRER: Before you go, I'm sorry, I forget to ask the people out there. Anyone in favor of this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

Sorry about that.

**APPLICATION:  
TURNIP, LLC D/B/A PARSNIP**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Turnip, LLC doing business as Parsnip, holder of a Common Victualer All Alcoholic Beverages License at 91 Winthrop Street has applied for a Change of Manager from Jeremiah Tracy to Kevin Murphy.

ATTY ANTHONY GALLUCCIO: Good evening, Madam Chair and Honorable Members.

My name is Anthony Galluccio, G-A-L-L-U-C-C-I-O. I'm a partner with Galluccio and Watson, and I'm here representing Turnip LLC doing business as Parsnip. As the Chair said applying for a change of manager. I'm joined by Kevin Murphy who is the proposed manager this evening.

CHAIR NICOLE MURATI FERRER:

Mr. Galluccio, can you come up here? I'm going to give this back to you both on the manager application and on the personal information form. On the licensee information the address you put

is your office address, not the licensee's address. I'm assuming the licensee is not at your office.

ATTY ANTHONY GALLUCCIO: Is that 1188 Centre Street or the 1498 Cambridge Street?

CHAIR NICOLE MURATI FERRER: 1188 Centre Street.

ATTY ANTHONY GALLUCCIO: That's the address of the LLC.

CHAIR NICOLE MURATI FERRER: But it needs to be the licensee information where the license is located.

ATTY ANTHONY GALLUCCIO: For Winthrop Street?

CHAIR NICOLE MURATI FERRER: Yeah. If you can just change that. You can cross it out.

EXECUTIVE DIRECTOR ELIZABETH LINT: It has to be typed or the ABCC won't take it.

ATTY ANTHONY GALLUCCIO: We can submit a

typed version. 91 Winthrop Street.

CHAIR NICOLE MURATI FERRER: Mr. Murphy, have you ever been a manager of record on a liquor license before?

KEVIN MURPHY: No.

CHAIR NICOLE MURATI FERRER: Can you tell us about your experience in the food and beverage industry?

KEVIN MURPHY: I've been in the food and beverage industry for 18 years now. I have been in Harvard Square a little over ten years ago and throughout Boston as well. Managing all higher end restaurants focusing on restaurants and liquor as well.

CHAIR NICOLE MURATI FERRER: Are you familiar with the rules and regulations and the laws with regard to the sale and service of alcohol?

KEVIN MURPHY: Yes, I am.

CHAIR NICOLE MURATI FERRER: Are you currently a Massachusetts resident?

KEVIN MURPHY: Yes.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

KEVIN MURPHY: Yes.

CHAIR NICOLE MURATI FERRER: Have you taken the 21 Proof training?

KEVIN MURPHY: No, I have not. I have taken the TIPS training.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

Anyone in opposition to this petition?

I move to vote on this matter as presented to us today with the caveat that the application will be cleaned up a little bit.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

CHAIR NICOLE MURATI FERRER: All in favor

say aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIR NICOLE MURATI FERRER: Aye.

ATTY ANTHONY GALLUCCIO: Thank you, Madam

Chair.

**APPLICATION:**

**LAMPLIGHTER BREWING CO., LLC D/B/A**

**LAMPLIGHTER BREWING CO.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Lamplighter Brewing Co., LLC doing

business as Lamplighter Brewing Co., has applied

for a Farmer Brewery Pouring Permit and Common

Victualer License at 284 Broadway, Cayla Marvil,

as proposed Manager, and proposed hours of

operation of Tuesday through Sunday 11:00 a.m. to

12:00 a.m., and seating capacity of 35.

Applicant is also applying for an Entertainment

License to include an audio tape machine/CD/computerized digital media that can be played below, at, or above conversation level and one TV. Premise description: Building at 284 Broadway. Single story 10,032 square foot brick and concrete structure situated on a 10,684 square feet plot of land with brewing/bottling room (6,339 square feet), tasting room with bar (1,060 square feet), kitchen (177 square feet), three bathrooms, break room, and storage in rear (1,300 square feet). Building is a rough rectangle, approximately 73 feet wide facing the street and going back 152 feet, with a cutout in the back right corner that is 13 feet wide by 39 feet long. The lot number is Block: 87 Lot: 47 (recorded in the Middlesex South Registry of Deeds, Book 20832, Page 510).

CHAIR NICOLE MURATI FERRER: Good evening.

Please state your name for the record.

CAYLA MARVIL: My name Cayla, C-A-Y-L-A.  
Last name Marvil, M-A-R-V-I-L.

ANDREW JONES: My name is Andrew Jones,  
J-O-N-E-S.

TYLER FITZPATRICK: Tyler Fitzpatrick,  
T-Y-L-E-R, F-I-T-Z-P-A-T-R-I-C-K.

CHAIR NICOLE MURATI FERRER: Thank you.  
I do know that you guys already have a farmer  
brewery license there, correct?

CAYLA MARVIL: Correct.

CHAIR NICOLE MURATI FERRER: Can you tell  
us what the public need is for the pouring  
license?

CAYLA MARVIL: Sure. A main point of the  
business is we really want it to be downtown and  
have a tap room place where people can come in  
and sit and watch the brewing process, learn  
about what we're doing and sample our beers.

We're hoping to have a tap room to give people the opportunity to do that. Whereas the farmer brewer license we have now only allows us to sell off-sites to accounts.

ANDREW JONES: That opens up the building right now. It's a closed space right now, 10,000 square feet and having a tap room will allow us to open it up to the public.

CHAIR NICOLE MURATI FERRER: I did go through the application had a few questions. I know you already, since the farmer brewery license goes straight through the ABCC, I'm sure you already have gone through this process and all you have been vetted by the ABCC, but, unfortunately everyone has to fill out everything all over again.

Right now I'm missing all the CORI information forms except for the manager of record.

CAYLA MARVIL: Okay.

CHAIR NICOLE MURATI FERRER: So I need all of the people involved with interests to submit their CORI forms again.

CAYLA MARVIL: Okay. Got you. For the ABCC, they just had us do it for the voting members but we can get everybody else to do it.

CHAIR NICOLE MURATI FERRER: They only had you -- even though this is not a publicly-traded company or anything?

CAYLA MARVIL: We have Class A members, which is the two of us and everybody is Class B members. And as Class A members we're the only two with voting rights.

CHAIR NICOLE MURATI FERRER: That's only why I have your CORI forms.

CAYLA MARVIL: For the two of us.

ANDREW JONES: They told us the ownership percentage was small enough.

CHAIR NICOLE MURATI FERRER: Less than 5 percent, so it didn't matter.

CAYLA MARVIL: Yes.

ANDREW JONES: We can do that, if you like.

CHAIR NICOLE MURATI FERRER: Listen, it's an ABCC requirement, not a local board requirement. I mean, we can send up the application that way, but if it gets kicked back to us, it's because of that.

CAYLA MARVIL: Okay.

CHAIR NICOLE MURATI FERRER: So it really -- it's not a local requirement because of what you just mentioned, but because it wasn't a publicly-traded company pursuant to the ABCC kind've matrix, it says that you have to, but since they have already gone through that, I mean we can certainly try it.

CAYLA MARVIL: We're willing to try.

CHAIR NICOLE MURATI FERRER: Who is in the DMI Group, LLC?

CAYLA MARVIL: It's Tom Neidermyer (phonetic) and Aaron Sells (phonetic), and they both have personal information forms in there.

CHAIR NICOLE MURATI FERRER: And are you pledging the inventory?

CAYLA MARVIL: No.

CHAIR NICOLE MURATI FERRER: I'm going to have you check "no" on that.

CAYLA MARVIL: Sure.

CHAIR NICOLE MURATI FERRER: Because it wasn't answered. I'll give this to you. 16C.

You guys are going to be closed on Mondays?

CAYLA MARVIL: Correct.

CHAIR NICOLE MURATI FERRER: You're currently operating?

CAYLA MARVIL: We're not currently in

operation. We're under construction.

CHAIR NICOLE MURATI FERRER: When do you expect to finish construction?

CAYLA MARVIL: Hopefully in mid-May is the projection.

CHAIR NICOLE MURATI FERRER: Ms. Marvil, I know that you're approved as the manager of record on the other permit, correct?

CAYLA MARVIL: Correct.

CHAIR NICOLE MURATI FERRER: Have you been approved in any other license, liquor license?

CAYLA MARVIL: Just our Federal brewing permit, but no otherwise.

CHAIR NICOLE MURATI FERRER: Can you tell us a little bit about your experience?

CAYLA MARVIL: Sure. I worked in the restaurant industry for the last ten years, various commissions, manager, server, bartender,

chef.

And prior to Lamplighter, I was a manager at a cafe in Vermont and they had a beer and wine license. I wasn't the manager of record there, but I did work really closely and understood the responsibilities.

CHAIR NICOLE MURATI FERRER: Have you received the 21 Proof training?

CAYLA MARVIL: I have.

CHAIR NICOLE MURATI FERRER: Are you familiar with the rules and regulations and the laws with regard to the sales and service of alcohol?

CAYLA MARVIL: Yes.

CHAIR NICOLE MURATI FERRER: You understand we expect you to stay up to date with those rules and regulations?

CAYLA MARVIL: Yes.

CHAIR NICOLE MURATI FERRER: Are you a

Massachusetts resident?

CAYLA MARVIL: Yes.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

CAYLA MARVIL: Yes.

CHAIR NICOLE MURATI FERRER: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Are you going in the space that was Metric Systems?

CAYLA MARVIL: Yes.

CHAIR NICOLE MURATI FERRER: I have one more for Aaron Sells. The personal information form, can you just fill out No. 5 completely? Specifically the percentage interest -- sorry -- I should have had you come and also for you, Ms. Marvil, on there, No. 5.

CAYLA MARVIL: I'm not positive. I would have to look this up.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

Anyone in opposition to this petition?

Questions?

POLICE COMMISSIONER ROBERT HAAS: Are you planning to sell from 11:00 to closing?

CAYLA MARVIL: Correct, yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I do have one question. There was a small -- there's a small parking area adjacent to that building, is that --

CAYLA MARVIL: Unfortunately, it's not ours.

ANDREW JONES: We wish we could have more seats out there. They're actually turning that into a garden center. It was a small garage that just went in business there.

CHAIR NICOLE MURATI FERRER: Do you have the green cards?

I note for the record we received two letters from different people, neighbors, who were in support of this application.

Yes, ma'am. You need to come up and state your name, and if you're a resident, your address.

MARGO BRATHWAITE: I'm new to this process. My name is Margo, M-A-R-G-O, Brathwaite, B-R-A-T-H-W-A-I-T-E.

And I have represented the first Holyness Church on Columbia Street which is around the corner.

We just have a few concerns and questions. And we have been there for a hundred years or so and parking is always an issue.

So our main concern is parking. Right now, as congregates of the church, we find it hard to park on Sundays, and during the week nights or have anything going on, we wanted to

know how you were going to address that.

This may have already been answered. I don't know.

ANDREW JONES: So this was a conversation we had during the Zoning Board hearing about parking, and actually one of our emphasis is to make sure people are not driving. We don't want people driving, especially if they're going to be drinking beer. The hope is not to do that. We're on Broadway there. There's some parking there. We agree that's not ideal. But we're also going to point people to the parking garages and make sure no one is double parking and emphasize Uber and other alternative transportation.

It's a relatively small space. It's 35 seats. We don't anticipate it being a huge additional burden on the parking. We actually live on Boardman Street right down there, so we

know parking can be a bit of a drag.

MARGO BRATHWAITE: I have another question.

Our other concern is loitering. What do you -- how do you anticipate preventing this from happening and your hours of service that --

ANDREW JONES: Loitering. We're actually -- we were talking about this. We're putting NO SMOKING signs and hopefully have nobody in front of the building at all. And that's something we would like to avoid, too, because that is not good for anybody. We weren't really anticipating this behavior much like a bar. It should be more like a coffee shop look and feel. I don't think it should be particularly crowded in that way. That's not much of an issue. We can make sure that doesn't happen with our staff coming out.

And the second part of your question was?

MARGO BRATHWAITE: Your hours of

operation?

ANDREW JONES: We want to be open from --  
did we apply for 11:00 a.m.?

CAYLA MARVIL: 11:00 a.m. to 12:00.

ANDREW JONES: 11:00 to midnight, and the  
thought there being that last call would be at  
11:15. We don't want to be a late night spot.  
We're not applying for 2:00. We're just so you  
can come over and have a drink.

MARGO BRATHWAITE: I can't, but...

Thank you.

CHAIR NICOLE MURATI FERRER: Just for the  
record, the First Holyness Church is not  
submitting an opposition to this application, is  
that correct?

MARGO BRATHWAITE: Can we? I don't know.

CHAIR NICOLE MURATI FERRER: So pursuant  
to the law when you got your affidavit, when you  
got notice of this, I mean, there's a whole

section in the law that says that churches can write something to the Commission for its consideration with regard to whether or not they oppose the application or are concerned. I'm wondering because we have not received anything to date.

Was the intent of the church to file something with us?

MARGO BRATHWAITE: Okay.

Can I -- I'm not sure. I can get an answer by tomorrow and -- is it too late to mail something?

CHAIR NICOLE MURATI FERRER: No, that's fine. We'll take this matter under advisement and then if you can just call the Commission tomorrow and let us know whether something -- whether we should expect something or not.

Thank you.

ANDREW JONES: We're already neighborhood

members and live right there, so we're more than happy to call and happy -- if you have some concerns to address those.

CHAIR NICOLE MURATI FERRER: If we do receive something, obviously, we will let the applicants know and give you an opportunity to respond if it does come in the form of an opposition.

Thank you. Thank you all. We'll take it under advisement. Thank you.

CAYLA MARVIL: Are we all done?

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that the Decision Hearing which is March 3rd?

CHAIR NICOLE MURATI FERRER: It would be February 22nd. We met again February 22nd.

POLICE COMMISSIONER ROBERT HAAS: It will be a regular meeting.

EXECUTIVE DIRECTOR ELIZABETH LINT: 23rd.

CHAIR NICOLE MURATI FERRER: We could

always vote on it during our administrative matters on the 23rd.

**APPLICATION:  
0912, LLC D/B/A FORAGE**

**EXECUTIVE DIRECTOR ELIZABETH LINT:**

Application: 0912, LLC doing business as Forage, has applied for a new Common Victualer All Alcoholic Beverages License to be exercised at 5 Craigie Circle, Stanislas Hilbert, as proposed Manager, and hours of operation for Monday-Friday of 5:00 p.m. to 1:00 a.m., and Saturday and Sunday 10:00 a.m. to 1:00 a.m., and a seating capacity of 49. Applicant is also applying for an Entertainment License to include an audio tape machine/CD/computerized digital media that can be played below conversation level. Premise description: Restaurant at basement level on Craigie Circle, one main dining room with bar (approximately 1200 square feet) with storage in

the rear (approximately 550 square feet). One main entrance on Craigie Circle and one rear service entrance.

ATTY KRISTEN SCANLON: Good evening, Madam Chair and Members of the Board, Kristen Scanlon, Scanlon Law, LLC.

With me this evening and seated to my left is Stan Hilbert, H-I-L-B-E-R-T, who is the LLC manager, sole member and proposed manager of record as the applicant before you this evening.

Just by way of background, the applicant is seeking to open a new restaurant with all alcoholic beverages license at 5 Craigie Circle which is the former home of Ten Tables which was there over a decade. Stan, who has 20 years of experience in all phases and facets of the restaurant industry, including being a general manager at Solea, beverage director, and head server at Solea, most notably worked with Ten

Tables for the past eight years and is a critical piece of their team and daily restaurant operation. So he is seeking to open his first restaurant and share his version and expertise and fine dining and wine and spirits in a small neighborhood setting.

Additionally, he's excited to bring onboard with him Chef Eric Copper who has additionally 20 years of global experience in the restaurant industry from London to Madrid to New York City to Ten Tables in Jamaica Plain and South Africa. And this location, as you know, is a featured dining location and we're seeking to keep it that way.

I would like to turn it over to Stan in a few moments to tell you further about the concept he has in mind regarding the food and beverage programming. But what the Board can essentially expect is elements of what he's learned in his

experience in fine dining with L'Espalier and Ten Tables and would like to bring that same consistency and excellence in his food and dining programming and hospitality and service he can bring to the customers, residents and nonresidents alike to Cambridge.

As this is a new liquor license application, as far as public need goes, this is a unique restaurant concept in an existing former restaurant space was previously used as a restaurant space, and looking to keep it that way. This is an amenity and dining option that the neighborhood has had for several years, and otherwise, it would be shuttered. And it's an ideal restaurant location in a neighborhood setting of its size can really focus on the culinary and wine and spirits expertise they can provide to their customers.

As far as jobs go, they anticipate adding

14 full-time staff members, and as far as the setting in the restaurant goes, you can expect to see largely how Ten Tables looked with a fresh coat of paint and new signage. They plan to keep the same seating and tables and chairs and just kind of give it a cosmetic facelift before opening.

So at this point, if I may turn it over to Stan to tell you a little bit more about the concept itself.

CHAIR NICOLE MURATI FERRER: Before we go to Mr. Hilbert, I do have a couple questions. I always mispronounce her name. Is it Kranyak?

ATTY KRISTEN SCANLON: Kranyak, yes.

CHAIR NICOLE MURATI FERRER: So she is sort of giving a loan with regard to this transaction, is that correct?

ATTY KRISTEN SCANLON: Correct.

CHAIR NICOLE MURATI FERRER: Can you tell

me how that doesn't imply Section 25 of Chapter 128?

ATTY KRISTEN SCANLON: It's a private promissory note that the seller funded. I did talk to the ABCC about that and they said that was okay to do, which he'll be paying back which is laid out in the promissory note loan that was included as an attachment to the asset purchase agreement.

CHAIR NICOLE MURATI FERRER: Because she's doing it personally and not through the license?

ATTY KRISTEN SCANLON: It's not related to the license. It's related to the assets. The furniture and fixtures and equipment.

CHAIR NICOLE MURATI FERRER: She has licenses elsewhere in the state, correct?

ATTY KRISTEN SCANLON: That's correct.

CHAIR NICOLE MURATI FERRER: And it

doesn't imply that because it doesn't apply indirect of a licensee on Section 25?

ATTY KRISTEN SCANLON: She won't have an interest in this license.

CHAIR NICOLE MURATI FERRER: Who at the ABCC did you speak to about this?

ATTY KRISTEN SCANLON: Ralph Sacramone.

CHAIR NICOLE MURATI FERRER: In the description of the premise, it says restaurant basement level on Craigie Street, and the last sentence, one main entrance located on Craigie Circle. Is that a typo or is there a street --

ATTY KRISTEN SCANLON: It's a typo. It's circle and I can fax that to the Board.

CHAIR NICOLE MURATI FERRER: Yes, that would be great. Thank you.

And we do know that the seller doesn't really have a title on the license, correct?

ATTY KRISTEN SCANLON: What do you mean

by that?

CHAIR NICOLE MURATI FERRER: So on the purchase and sale agreement on 11A that's on Page 5, do you have a copy of it with you?

ATTY KRISTEN SCANLON: Of the asset purchase agreement?

CHAIR NICOLE MURATI FERRER: Uh-huh.

ATTY KRISTEN SCANLON: Yes.

CHAIR NICOLE MURATI FERRER: It says: "Representations and covenants," and then it has 11A title and "The seller has good and marketable title to the license."

This is not really the sale of the license?

ATTY KRISTEN SCANLON: Right. Right. Understood.

CHAIR NICOLE MURATI FERRER: I want to make clear that doesn't really apply and that's not appropriate in this.

ATTY KRISTEN SCANLON: This says title to the assets, which I did go back and forth with Ms. Lint on correcting. So there is -- it was corrected to just say assets and can exclude the license.

CHAIR NICOLE MURATI FERRER: We'll need a copy.

ATTY KRISTEN SCANLON: A fresh copy.

CHAIR NICOLE MURATI FERRER: It says title to the license.

ATTY KRISTEN SCANLON: Got you.

EXECUTIVE DIRECTOR ELIZABETH LINT: It should be in there somewhere.

ATTY KRISTEN SCANLON: I can simply email you over a new one if that's easier.

CHAIR NICOLE MURATI FERRER: We can swap that page if that's the only one that changed. I saw it and I wanted to flag it because I was like, wait a minute.

And then Lucinda Hilbert has no interest in the license?

ATTY KRISTEN SCANLON: No. And I do have an affidavit prepared ready for her to sign because I know typically the ABCC asks about that. She signed on as a limited guarantor to get the financing through East Boston Savings Bank.

CHAIR NICOLE MURATI FERRER: You do have her affidavit?

ATTY KRISTEN SCANLON: I don't have it signed. It's prepared. I'm waiting for her to sign it. I can get that to you as well as the ABCC.

CHAIR NICOLE MURATI FERRER: Okay. Now we'll hear you from Mr. Hilbert.

STAN HILBERT: I have been working in this industry for 20 years in Boston. I have been with Ten Tables for eight years. I worked

in JP as well as in Cambridge as a matter of fact. I started there right at the beginning with the opening. I created the beverage program there. I worked there a number of times as fill-in manager for wine dinners. I know the location well. My wife used to work at Craigie Street Bistro back in the day. I know that location as well. I would go there often.

My concept for the restaurant is really to keep it be much the same as Ten Tables had before, farm to table neighborhood restaurant, not doing anything fancy, I want to keep it cozy with a warm neighborhood feel. Something really simple.

ATTY KRISTEN SCANLON: I do have extra menus. I think we submitted one with the application, but if the Board would like to see it.

CHAIR NICOLE MURATI FERRER: I did see

the menu. I'm not sure if either of the chiefs want to see one.

So you have never been the manager on a liquor license, but you have worked in the industry?

STAN HILBERT: Yeah.

CHAIR NICOLE MURATI FERRER: I saw what you received. I must state for the record we received quite a number of letters recommending you personally to hold the liquor license which was interesting, including one from L'Espalier. Did you do a cheese Tuesday there?

STAN HILBERT: I did those back in the day.

CHAIR NICOLE MURATI FERRER: And you used to sing with the song?

STAN HILBERT: Yes. Played my guitar. Those were the days.

CHAIR NICOLE MURATI FERRER: That's why I

said wait a minute.

STAN HILBERT: I used to bring my guitar then. That was a long time ago.

CHAIR NICOLE MURATI FERRER: Have you received a 21 Proof training?

STAN HILBERT: No.

CHAIR NICOLE MURATI FERRER: And are you familiar with the rules and regulations and laws with regard to sales and service of alcohol.

STAN HILBERT: Yes.

CHAIR NICOLE MURATI FERRER: Do you understand we expect you to stay up to date with those rules and regulations?

STAN HILBERT: Yes.

CHAIR NICOLE MURATI FERRER: Are you a Massachusetts resident?

STAN HILBERT: Yes.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

STAN HILBERT: Yes.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER ROBERT HAAS:  
Nothing.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Nothing.

CHAIR NICOLE MURATI FERRER: Anyone in favor of the petition?

Yes, ma'am, please come up.

KRISTA KRANYAK: Krista Kranyak, K-R-I-S-T-A, K-R-A-N-Y-A-K, former owner of Ten Tables in Cambridge, I sold the restaurant because I am focusing just on the Jamaica Plain area and expanding my burger bar.

Stan worked for me over eight years and I can't speak enough how great of a manager he is. I highly recommend him and I'll miss him.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else?

Yes, sir.

KENNETH TAYLOR: Questions and then comments.

Ken Taylor, K-E-N-N-E-T-H, T-A-Y-L-O-R.  
The address is 2 Craigie Street and 23 Berklee Street, which is across the street from the premises.

Your application is correct, by the way. It's 2 Craigie -- there's a number on Craigie Circle. Circle is correct. And it fronts on Craigie Street.

In any case, the question I have is I'm not familiar with licensing laws, but when it says applying for an entertainment license to include an audio tape machine and CD, computerized digital media that can be played below conversation level, is there a limitation on the decibels that it can be played in a

license like this?

CHAIR NICOLE MURATI FERRER: The statute doesn't particularly state decibel levels. It just states whether it can be played below conversation level or above conversational level. But Mr. Hilbert can probably explain what kind of music he's trying to incorporate.

STAN HILBERT: Jazz music. Nothing crazy or extravagant. Obeisance really. I'm not trying to make this a bar atmosphere.

KEN TAYLOR: Not ^ fix music?

STAN HILBERT: No, no, no. That's not my type at all. It's more fine dining.

Like I said, jazz or maybe a little soul music, it's more of a background.

KENNETH TAYLOR: We have lived across the street from Craigie Street Bistro and Ten Tables the last ten years. And there haven't been any difficulties that I'm aware of relative to their

operation. It is -- they were not licensed, they did not have a license that you're asking for.

Occasionally people would come out late at night on their way and make a little more noise than you would like, but it that's tolerable and I'm not objecting to that.

I just would suggest that since it's a residential neighborhood, which has benefited from having a neighborhood restaurant for longer than the ten years I'm talking about, that we would welcome you. And I think the only question that I would have is that we would hope you would be good neighbors which your predecessors have been and the noise wouldn't -- I'm not sure what conversational level is because if you go into a New York restaurant it's lot higher than it is in most, and I would be feel more comfortable if anybody could put a decibel level on that.

CHAIR NICOLE MURATI FERRER: If you do

look at -- I apologize. I wasn't really understanding where you were getting to. If you look at the noise ordinance, the City of Cambridge noise ordinance, there's decibel levels there would have to be a measurement made and I think the way it says it, I don't have it in front of me, so I apologize. Do either of you know it off the top of your head?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do.

CHAIR NICOLE MURATI FERRER: So there you go, she can tell you.

EXECUTIVE DIRECTOR ELIZABETH LINT: In this situation the music could not be plainly audible from 50 feet.

KENNETH TAYLOR: From?

EXECUTIVE DIRECTOR ELIZABETH LINT: 50 feet which is not very large a distance.

If you can hear it outside, it's too loud.

KENNETH TAYLOR: Okay. That would be tolerable. That would be acceptable. And is there -- will there be any operation of the restaurant outside of the dining room?

STAN HILBERT: No.

KENNETH TAYLOR: There will be people coming and going and that's what has been happening. Well, I mean, I would support your application.

STAN HILBERT: Thank you.

KENNETH TAYLOR: I haven't seen your menu yet. I would like to see your menu but you hopefully will see us visiting you when you open.

CHAIR NICOLE MURATI FERRER: Thank you very much.

Anyone else anyone in opposition to this petition?

Okay. Thank you. I would say we take it under advisement while we wait for the affidavit

and everything else before we vote on it.

ATTY KRISTEN SCANLON: Okay.

CHAIR NICOLE MURATI FERRER: Are you fine with that?

POLICE COMMISSIONER ROBERT HAAS: Yes.

ATTY KRISTEN SCANLON: Thank you.

**DISCIPLINARY HEARING  
SUNSET CAFE, INC D/B/A SUNSET CAFE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing held pursuant to G.L.C. 138, §§ 23 and 64, and c. 140, §§ 9 and 185C as to Sunset Café, Inc d/b/a Sunset Café for alleged violations of: M.G.L. c. 138 §15A- Failure to apply for and be approved for a Change of Officers/Directors of a licensed corporation; M.G.L. c. 138 §23 - Transfer of the privilege of a license without approval; M.G.L. c. 138 §26 - Operating without an approved manager and/or changing manager without approval.

CHAIR NICOLE MURATI FERRER: Good evening.

ATTY COLIN SMITH: Good evening.

CHAIR NICOLE MURATI FERRER: Please state your name for the record.

ATTY COLIN SMITH: My name is Colin Smith, S-M-I-T-H.

CHAIR NICOLE MURATI FERRER: Mr. Smith, are you an attorney?

ATTY COLIN SMITH: I am.

CHAIR NICOLE MURATI FERRER: And you're here representing?

ATTY COLIN SMITH: I represent the corporation, and I also represent Irene Pereira, as she's is the personal representative of the estate of Fernando Castanheira and her mother who is the -- Mrs. Castanheira who is the heir to Fernando. So that sounds more complicated than it needs to be. Basically Fernando Castanheira

died in December of 2012. He was the manager as a matter of statute, as a matter of this Board's action. He also was the sole shareholder and the sole officer. His surviving brother has been running the premises on basically a day facto sort of basis.

And the several applications that have existed since then all have had the deceased name preprinted as the manager.

We have been going back and forth with David and his counsel for three years three months about this situation.

CHAIR NICOLE MURATI FERRER: I'm sorry David being the brother?

ATTY COLIN SMITH: David being the brother who is day facto been operating the premises. And in November of this year, Irene Pereira reluctantly signed the application as personal representative, sole officer and sole

director. And I say reluctantly because she's not in control of the day-to-day operations, and doesn't really have any control of it.

CHAIR NICOLE MURATI FERRER: Has there been any change to Sunset Cafe, Inc?

ATTY COLIN SMITH: Beg your pardon?

CHAIR NICOLE MURATI FERRER: Has there been any change to Sunset Cafe, Inc?

ATTY COLIN SMITH: It's the same corporation. I submitted certified copies of the articles of organization. I submitted certified copies of, I believe, every single annual report that exists on the records of the Secretary of State. Since Fernando was deceased, I have submitted officer and director annual statements on behalf of Irene Pereira and submitted votes of both the shareholder and votes of the officer with the proposed application.

CHAIR NICOLE MURATI FERRER: So why

hasn't there been a change with regard to this?

I mean, I'm sorry that --

ATTY COLIN SMITH: Yeah.

CHAIR NICOLE MURATI FERRER: -- you know, that Mr. Castanheira passed away, but that happened in 2012, and you know our laws are our laws and this should have been done.

ATTY COLIN SMITH: I understand that. I can't speak really for David Castanheira or his counsel, Caroline Conway or his counsel, William Bare. I understood that David may have a CORI problem. There's a lot of correspondence from me saying "How are you coming on that problem? Do you have any solution?"

At this stage my clients have come to the determination they want to go into inactive status with the Board's permission and they want to sell the premises and whatever sale of the license is possible.

CHAIR NICOLE MURATI FERRER: I apologize because, quite frankly, I went through this file and I could not find it. Does the estate agreement say anything with regard to this license or this business?

ATTY COLIN SMITH: It's intestate. There's no estate agreement. So everything went to the mother who is in her 80s who is not fluent in English and has never been in the liquor business. Okay.

ATTY COLIN SMITH: It's a Subchapter S. At some point after two years, she signed a return and became, for IRS purposes, shareholder as opposed to the estate.

The real estate premises, not to get too complicated, but the real estate premises is held in the name of a trust which was set up by Carlos, David and Fernando in the 1990s. And it provides that upon the sale of -- I'm sorry --

upon the death of a beneficiary, the trust must be terminated.

So the real estate is going to vanish where the premises is, and frankly, the operation hasn't been one that's really economic, so it's one thing for two brothers who own the real estate and running the restaurant if they want to not pay themselves rent, that's fine. But it doesn't the work it's constituted now.

And from a liability standpoint, it doesn't work for these two people who are not in the liquor business, and it's a lot of liability and they're not in control. They don't know what the tax returns are. They don't have any background on them.

CHAIR NICOLE MURATI FERRER: I'm going to stop you because the more you say the words, you're making this case, quite frankly. To be frank, the cases like this particularly when

viewed by the ABCC licenses are suspended indefinitely until this is corrected and they can even be revoked. This is one of the biggest no-nos of liquor laws and stuff like that.

And seeing how this has been going on since 2012, and I understand that you're telling us now that you want to put it in inactive status and I get that, but, quite frankly, I don't know even if you come tomorrow with an application to transfer or sell this license. I mean, it seems like estate-wise there needs to be a lot of legwork to do that first.

So I mean --

ATTY COLIN SMITH: Well, you know, it's the -- the stock belongs to the people I represent.

CHAIR NICOLE MURATI FERRER: Uh-huh.

ATTY COLIN SMITH: And they have been silent partners, sort of hoping their brother,

son, would come in with a proposal that would be satisfactory to the Board. He has not done so and now they're on the application.

CHAIR NICOLE MURATI FERRER: What -- but they're not. This is the thing. This license is currently right now in the name of a deceased person. This license should not be active at this point. And there should have been a transfer to either the trustee of the estate or the estate or something so that this could continue, and then you can, for lack of a better term, clean up what has been going on family-wise.

ATTY COLIN SMITH: Well, the statute does suggest that in the case where somebody has passed away with some deference to the estate.

CHAIR NICOLE MURATI FERRER: Yes. Absolutely. There should be deference, but this happened in 2012. I think deference has come and

gone.

ATTY COLIN SMITH: I frankly agree. And, frankly, we were trying to preserve the business for David. And, you know, the -- it has not been any secret that David -- sorry -- that Fernando was deceased.

CHAIR NICOLE MURATI FERRER: What would be the timeline for this to be resolved?

ATTY COLIN SMITH: Well, I did talk to Ralph Sacramone about this, and I talked to two people at the DOR. From the standpoint of technicalities, I think the biggest technicality right now is having enough of a deal of release or lien of certificate to satisfy the ABCC assuming that you were --

CHAIR NICOLE MURATI FERRER: We also have DOR issues?

ATTY COLIN SMITH: I don't believe -- well, I don't know if there's any amount owed. I

doubt very much that there's any significant amount owed. It may be that there's a tax return that has not been filed as of last September. I have no reason to believe there's any amount owed, and if it was owed, it would be something like less \$5,000. So this is not a situation where there's some great tax lien that nobody has the money to pay.

CHAIR NICOLE MURATI FERRER: Okay. So, again, when do you expect -- what would be the timeline that you say this would be all dotted Is and crossed Ts?

ATTY COLIN SMITH: Well, I would think that if I could straighten something out with the DOR in a month to have that certificate, then I could say it was a complete application.

CHAIR NICOLE MURATI FERRER: Has the certificate been requested?

ATTY COLIN SMITH: Yes.

CHAIR NICOLE MURATI FERRER: When was it requested?

ATTY COLIN SMITH: Maybe a week ago. And I talked to Deborah Hess today and Ralph last week and faxed Deborah Hess last week. So I'm working on it, been working with the accountant for literally months to try to have tax returns filed and have enough material so my clients could sign them.

So this is not been -- you know, when we got this violation letter, we pretty much had this application in hand and filed within a few days after getting the violation letter.

This has been something I have been working on for three years, but especially working on the license part of it since November.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER ROBERT HAAS: So is it unrealistic to expect this to be resolved in

the next six months?

ATTY COLIN SMITH: Yes.

POLICE COMMISSIONER ROBERT HAAS: It's unrealistic or realistic?

ATTY COLIN SMITH: I think it's realistic to resolve it.

POLICE COMMISSIONER ROBERT HAAS: In six months?

ATTY COLIN SMITH: You know, I, in fact, have an offer that was unsolicited. I think from the standpoint of having somebody that would like to purchase the real estate and the license as part of that, I don't think that's a hard thing to do.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY COLIN SMITH: I would suppose there might be some problem in the Probate Court if I had an objection from David, but I think with the status of the license, if David doesn't have a

restaurant to operate, I think I can do things indirectly that maybe I couldn't do directly, so it's unlikely to be held up in Probate Court.

I have an action pending in Probate Court in equity which I filed in December of '14 in which David is a defendant. So, you know, my clients have been generous in time to their brother and son, but they have not been sitting on their hands and, you know, each year the Commission has preprinted another application with Christopher's name on it. I have been kind of holding my breath for David and giving David a chance to try to put something together and there's no other -- other than family ties, there's been no, you know, latches or laziness on the part of my client. They're trying to deal with a situation that was not their making. And they're in this reluctantly. This is not where they want to be.

So, in other words, the delay here was for good motives, and there hasn't been anything, as far as I know, untoward happening at the premises in the interim.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So is the restaurant still in operation?

ATTY COLIN SMITH: Oh, yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Yet the license is in the name of somebody that's been deceased for over three years?

ATTY COLIN SMITH: Correct.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That's a problem.

POLICE COMMISSIONER ROBERT HAAS: I remember there was a time, and I can't place the time frame when there was actually an ongoing dispute where the restaurant was closed, there was a dispute between who the owners were, and I just don't remember when that occurred. I

remember there was somehow we got involved in it and then we referred it back to the License Commission.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, the brother-in-law had been on the license and there was fighting between the brother-in-law and the brothers so he --

POLICE COMMISSIONER ROBERT HAAS: They locked one of the owners out or people out.

EXECUTIVE DIRECTOR ELIZABETH LINT: Something like that.

ATTY COLIN SMITH: What happened was the stock was pledged to the brother-in-law. He sold it to somebody. He came to you and said, "Do a trust special order, we won't conserve it." He went to court, the parties settled it.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ATTY COLIN SMITH: Basically --

POLICE COMMISSIONER ROBERT HAAS: Do you

remember when that occurred?

ATTY COLIN SMITH: I --

POLICE COMMISSIONER ROBERT HAAS: It must have occurred after --

ATTY COLIN SMITH: I would say about 2007.

POLICE COMMISSIONER ROBERT HAAS: Oh, that long ago.

EXECUTIVE DIRECTOR ELIZABETH LINT: It was a long time ago.

ATTY COLIN SMITH: So basically we got the father died in the early '90s, then we got the brother-in-law and two brothers run it for ten years. Then the two brothers buy out the brother-in-law. They don't pay for it. There's a collection proceeding which really brought you into it at one point when there was another owner there. They resolved that. Then you have the two brothers running it from 2004, 2008, 2009,

something in there, to 2015, one brother was deceased three years ago. That's -- that's the timeline for what it's worth.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: I mean, I'm ready to vote to suspend this license indefinitely at this time. Just based on the law and past cases similar to this before the ABCC, but, I mean, if Commissioners want to take it under advisement, we can vote on it at the next meeting.

POLICE COMMISSIONER ROBERT HAAS: I'm prepared to vote.

ATTY COLIN SMITH: Could I speak for a moment? I would suggest that if you went -- if you did, what I asked in the statement, the close of it, and directed that David has no authority to act and it goes into inactive status, it suspends it, you know, basically, as quickly as

you want to. It's the same as revocation.

CHAIR NICOLE MURATI FERRER: No, I mean suspend it indefinitely right now. Meaning --

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Close the place.

CHAIR NICOLE MURATI FERRER: -- someone will go today and say you need to get out of here today, basically.

ATTY COLIN SMITH: All I'm asking is I ask you to exercise your discretion to do inactive instead of suspension.

CHAIR NICOLE MURATI FERRER: No.  
Because, quite frankly, this has been like this since 2012, and I am giving deference not only to, you know, this situation, but also the past, you know -- I'm assure you this is not the first time the Board has seen this.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
I'll make the motion.

I make the motion that the license be suspended indefinitely.

CHAIR NICOLE MURATI FERRER: I second that motion.

All in favor say aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

CHAIR NICOLE MURATI FERRER: Aye.

ATTY COLIN SMITH: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

**DISCIPLINARY HEARING  
ASPEN BAGEL CO.**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary Hearing as to Aspen Bagel Co.,  
holder of a Common Victualer License and  
Entertainment License at 84 Massachusetts Avenue,  
for failure to renew its 2016 licenses in  
violation of G.L. c. 140 §§ 2, 4, 20, and 183A.

CHAIR NICOLE MURATI FERRER: So usually when someone is not here, I would do a second call, but seeing how it's ten minutes of seven and these people were scheduled for 6:00 p.m., I was about to say 6:00 a.m., I say we go ahead and start on this. And I would state for the record, that I reviewed this license and it was supposed to have been renewed. It was not the licensee was sent their bill and everything else. And I would say, you know, there's really no license to cancel so, so at this point I say we just send them -- we send an investigator, and if they have opened, they have to shut down until they get a license.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Will this be done in the form of motion or similar to what we did in the beginning?

CHAIR NICOLE MURATI FERRER: I say we do it administratively if you guys are okay with

that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I  
am.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: Yes. Okay.  
So I guess cease and desist notice and then for  
the record, it was obviously a no show here. I  
mean, we can send one of our investigators or  
both of our investigators, I mean, unfortunately,  
this room looks very empty and we have a lot of  
these. So I think we can spread the wealth.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'm  
talking about the sunset.

CHAIR NICOLE MURATI FERRER: Oh, yeah. I  
don't know. What do we do?

EXECUTIVE DIRECTOR ELIZABETH LINT: We  
never had to do it.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
First time for everything.

EXECUTIVE DIRECTOR ELIZABETH LINT: Benny is not in uniform. I would not send him.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would send the deputy chief.

CHAIR NICOLE MURATI FERRER: No. 7.

**DISCIPLINARY HEARING  
FAWAZ ABU-RUBUYAH**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary hearing as to Fawaz Abu-Rubuyah, holder of a Common Victualer License and entertainment license at 150 Western Avenue for failure to renew its 2016 licenses in violation of General Laws Chapter 140 Sections 2, 4, 20, and 183A.

CHAIR NICOLE MURATI FERRER: Again, for the record it's 7:53 p.m. -- 6:53 and there's a no show for this. We'll send a cease and desist and they need to apply for a license if they want to keep operating.

**DISCIPLINARY HEARING  
FAWAZ ABU-RUBUYAH**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to Fawaz Abu-Rubuyah,  
holder of a Common Victualer License and  
Entertainment License at 150 Western Avenue, for  
failure to renew its 2016 licenses in violation  
of G.L. c. 140 §§ 2, 4, 20, and 183A.

CHAIR NICOLE MURATI FERRER: Again, it's  
6:54 p.m., what in the world is wrong with me?  
There's a no-show a cease and desist letter so  
they need to apply for a license.

**DISCIPLINARY HEARING  
NORTH EAST FOODS, LLC D/B/A BURGER KING**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to North East Foods, LLC  
d/b/a Burger King, holder of a Common Victualer  
License at 679 Concord Avenue, for failure to  
renew its 2016 license in violation of G.L. c.

140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: 6:55 p.m.,  
no shows. Cease and desist must apply for a  
license.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary Hearing as to Orhan Tas doing  
business Cafe Anthony 983, holder of a Common  
Victualer License at 983 Massachusetts Avenue,  
for failure to renew its 2016 license in  
violation of G.L. c. 140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: Just for the  
record, I'm sorry to go back to No. 9 for a  
second on Burger King. I want to note for the  
record they did this in '14 and 2015.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Same thing.

CHAIR NICOLE MURATI FERRER: I'm sorry  
back to Cage & Anthony.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's

actually Cafe Anthony.

CHAIR NICOLE MURATI FERRER: There's cage here. Cafe Anthony.

Cease and desist. They must apply if they want to keep operating for the record. It's 6:55. Again no show.

**DISCIPLINARY HEARING  
ORHAN TAS D/B/A CAFE ANTHONY 983**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to Restaurant Associates, LLC holder of a Common Victualer License at 1585 Massachusetts Avenue, for failure to renew its 2016 license in violation of G.L. c. 140 §§ 2, 4, and 20 disciplinary hearing as to Restaurant Associates LLC holder of CV license at 1585 Mass Ave for failure to renew its 2016 license in violation of General Laws Chapter 140 Sections 2, 4, 20, and 183A.

CHAIR NICOLE MURATI FERRER: 6:55 p.m. no

show, cease and desist and to obtain a license.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is it that closed.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I thought.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it's what.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Three as Is pizza. I think that is who it was.

**DISCIPLINARY HEARING  
RESTAURANT ASSOCIATES, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary Hearing as to Restaurant Associates,  
LLC holder of a Common Victualer License at 1585  
Massachusetts Avenue, for failure to renew its  
2016 license in violation of G.L. c. 140 §§ 2, 4,  
and 20.

CHAIR NICOLE MURATI FERRER: 6:56 p.m.,  
no show, cease and desist notice and must apply

for a license.

**DISCIPLINARY HEARING  
PLAZA DELI, INC D/B/A DISCOVERY CAFE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

The compass matter is off the agenda  
there's no license needed at that location  
pursuant to General Laws Chapter 140.

**DISCIPLINARY HEARING  
HEARTHSTONE PARTNERS, LLC D/B/A COSI**

Disciplinary Hearing as to Hearthstone  
Partners, LLC doing business as Cosi, holder of a  
Common Victualer license and entertainment  
license at 290 Main Street for failure to renew  
its 2016 licenses pursuant to General Laws  
Chapter 140 Sections 2, 4, 20, and 183A.

CHAIR NICOLE MURATI FERRER: For the  
record, it's 6:56 or 7:00 p.m. it's a no show.

EXECUTIVE DIRECTOR ELIZABETH LINT: 6:59.

CHAIR NICOLE MURATI FERRER: Just for the

record, they also did this in 2015, cease and desist letter, must apply to obtain a license.

**DISCIPLINARY HEARING  
PLAZA DELI, INC D/B/A DISCOVERY CAFE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to Plaza Deli, Inc doing business as Discovery Café, holder of a Common Victualer License at 157 6th Street, for failure to renew its 2016 license pursuant to G.L. c. 140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: So these are no shows, but they did file a waiver of hearing, they filed it on February 4 where they admit they submitted everything and paid. I do note for the record that they did renew late in 2015 as well. I would just based on that I do a violation with a one day held in abeyance for a year.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR NICOLE MURATI FERRER: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIR NICOLE MURATI FERRER: One day held  
in abeyance for a year.

**DISCIPLINARY HEARING  
COMPASS GROUP, INC D/B/A EUREST DINING SERVICES**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary hearing -- this I think is the same  
thing -- Compass Group, Inc doing business as  
Eurest Dining Services, holder of a Common  
Victualer License at 1 Memorial Drive, for  
failure to renew its 2016 license in violation of  
G.L. c. 140 §§ 2, 4, and 20.

Compass Group US Dining Services, it's --  
it's company dining, I believe. It's not open to  
the public.

CHAIR NICOLE MURATI FERRER: So if you  
think it's the same group, let's table this one  
and have Andrea check it because she checked the

other one today and noticed that it was closed to the public. So are you okay tabling No. 16?

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Yes.

CHAIR NICOLE MURATI FERRER: So we'll have the investigator look at it, so let's defer this matter to the 22nd.

EXECUTIVE DIRECTOR ELIZABETH LINT: 23.

CHAIR NICOLE MURATI FERRER: 23. Thank you.

**DISCIPLINARY HEARING  
TABLES OF CONTENT, INC D/B/A GUTMAN LIBRARY CAFE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to Tables of Content, Inc d/b/a Gutman Library Café, holder of a Common Victualer License at 6 Appian Way, for failure to renew its 2016 license in violation of G.L. c. 140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: It's 7:00 p.m., cease and desist, has to apply for a license.

**DISCIPLINARY HEARING  
MARKET IN THE SQUARE, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary Hearing as to Market in the Square, LLC, holder of a Common Victualer License at 45 Brattle Street, for failure to renew its 2016 license in violation of G.L. c. 140 §§ 2, 4, and 20.

This one they had a hearing, I can't remember the date, I think in November, to purchase the license from 7/11 and transfer it to a new location at Church Street.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is this on the corner of the street?

EXECUTIVE DIRECTOR ELIZABETH LINT: That might be all tied up together.

CHAIR NICOLE MURATI FERRER: They're not open is what you're saying?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
It's open.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
They're open in a different location.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
They are?

CHAIR NICOLE MURATI FERRER: They're not open at 45 Brattle.

EXECUTIVE DIRECTOR ELIZABETH LINT: No.  
I think they're on Church.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Isn't that the semantics. I think they should use the door.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIR NICOLE MURATI FERRER: So I say  
it's --

ASSISTANT FIRE CHIEF GERARD MAHONEY:

They're going by --

EXECUTIVE DIRECTOR ELIZABETH LINT: It has been heard and approved and it's pending at the ABCC.

CHAIR NICOLE MURATI FERRER: For 45 Brattle Street so basically they shut down whatever -- are they still operating because if they're still operating, they need to have the license, if they're not operating and we have the license pending at the ABCC that's another piece.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
They're going by --

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a new corporation so that is not in existence anymore.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So they're not operating at 60 Church Street -- I should say they're using 60 Church Street, physically it's in the same location.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIR NICOLE MURATI FERRER: I say cease and desist. Must be obtain a license if they want to operate. 7:03 p.m., no show.

**DISCIPLINARY HEARING  
KING SELHI ASSOCIATES, LLC  
D/B/A MCDONALD'S**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to King Selhi Associates, LLC d/b/a McDonald's, holder of a Common Victualer License at 186 Alewife Brook Parkway, for failure to renew its 2016 licenses in violation of G.L. c. 140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: 7:03 p.m.  
no show, cease and desist.

**DISCIPLINARY HEARING  
NE FROG POND, LLC D/B/A PINKBERRY**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to NE Frog Pond, LLC

d/b/a Pinkberry, holder of a Common Victualer License at 1380 Massachusetts Avenue, for failure to renew its 2016 license in violation of G.L. c. 140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: Just for the record, again, 7:03 p.m. approximately, no show, but for the record, I was reviewing this file and there was paperwork for last year, but they haven't paid for last year's license, so for 2015 license. So I wasn't really quite sure whether they were still operating. An investigator went out today and they are open operating as Pinkberry, so cease and desist. Must obtain a license and pay us the past fee of 2015 if they do apply and get a license.

**DISCIPLINARY HEARING  
LUCKSAMEE OF CAMBRIDGE, D/B/A ROD DEE  
THAI CUISINE ORIGINAL**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Hearing as to Lucksamee of

Cambridge, Inc d/b/a Rod Dee Thai Cuisine  
Original, holder of a Common Victualer License at  
1906 Massachusetts Avenue, for failure to renew  
its 2016 license in violation of G.L. c. 140 §§  
2, 4, and 20.

CHAIR NICOLE MURATI FERRER: For the  
record, they did this in 2011, 2012, 2014 and  
2015. Cease and desist.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Some people never learn.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
They're consistent.

**DISCIPLINARY HEARING  
PLENTY USA, INC D/B/A SANTOUKA**

Disciplinary Hearing as to Plenty USA,  
Inc d/b/a Santouka, holder of a Common Victualer  
License at 1 Bow Street, for failure to renew its  
2016 license in violation of G.L. c. 140 §§ 2, 4,

and 20.

CHAIR NICOLE MURATI FERRER: 7:05 p.m. no  
show, cease and desist.

**DISCIPLINARY HEARING  
PEDRO DOMBELE D/B/A TISAN COFFEE**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary Hearing as to Pedro Dombele d/b/a  
Tisan Coffee, holder of a Common Victualer  
License at 1722 Massachusetts Avenue, for failure  
to renew its 2016 license in violation of G.L. c.  
140 §§ 2, 4, and 20.

CHAIR NICOLE MURATI FERRER: 7:05 p.m.,  
no show, cease and desist.

**DISCIPLINARY HEARING  
YL HARVARD SQUARE, INC D/B/A YOGURTLAND**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary Hearing as to YU LEI: Harvard  
Square, Inc d/b/a Yogurtland, holder of a Common  
Victualer License and Entertainment License at 57

JFK Street, for failure to renew its 2016 licenses pursuant to G.L. c. 140 §§ 2, 4, 20, and 183A.

CHAIR NICOLE MURATI FERRER: 7:05 p.m., no show. For the record, they did this as well in 2014, cease and desist.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's all I have.

CHAIR NICOLE MURATI FERRER: So we are concluded at 7:06 p.m.

## ERRATA SHEET

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

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

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of February 2016.

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

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

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