

CAMBRIDGE LICENSE COMMISSION HEARING  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

POLICE COMMISSIONER ROBERT HAAS

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, April 5, 2016

TIME: 5:30 p.m.

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P R O C E E D I N G S

April 5, 2016

EXECUTIVE DIRECTOR ELIZABETH LINT:

License Commission agenda for one-day matters

Tuesday, April 5th, 2016, 5:32 p.m.

We're in the Michael J. Lombardi

Building, 831 Mass Ave, Basement Conference Room.

And before you are the Commissioners:

Chair Nicole Murati Ferrer, Chief Gerald Reardon

and Commissioner Robert Haas.

MALT & WINE LICENSES WITHOUT ENTERTAINMENT:

LAURA BREIMAN (MIT-PORTER ROOM)

So the first one is: Laura Breiman, has applied for a malt and wine license to be exercised at MIT-Porter Room, 410 Memorial Drive, Cambridge, on 4/17/16 from 10:00 p.m. to 1:00 a.m. for a party. Expected attendance: 350

people.

CHAIR NICOLE MURATI FERRER: Granted and  
I put down there's a police detail requested by  
the MIT police.

EDWARD SALERNO (ELIOT HOUSE & DINING HALL)

EXECUTIVE DIRECTOR ELIZABETH LINT: Edward  
Salerno, has applied for a malt and wine license  
with entertainment (Patrons dancing,  
recorded/live music and amplification system) to  
be exercised at Eliot House & Dining Hall, JCR,  
Courtyard, 101 Dunster Street, Cambridge, on  
5/3/16 from 10:00 p.m. to 2:00 a.m. for a party.  
Expected attendance: 650 people.

CHAIR NICOLE MURATI FERRER: Granted.

TIJANA KATUSHEVSKA (CENTER FOR EUROPEAN STUDIES)

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Tijana Katushevska, has applied for a malt and

wine license with entertainment (recorded/live music and amplification system) to be exercised at Center for European Studies at Harvard, 27 Kirkland Street, Cambridge, on 4/14/16 from 6:00 p.m. to 9:00 p.m. for a happy hour event.

Expected attendance: 95 people.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN DePAGTER (E62-100 MAIN STREET)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Arlyn DePagter, has applied for a malt and wine license to be exercised at E62-100 Main Street, Cambridge, on 4/15/16 from 4:00 p.m. to 6:00 p.m. for a reception. Expected attendance: 180 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail is requested.

ARLYN DePAGTER (E62-100 MAIN STREET)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn DePagter, has applied for a malt and wine license to be exercised at E62-100 Main Street, Cambridge, on 4/22/16 from 6:00 p.m. to 9:30 p.m. for a reception. Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted and police detail is requested.

BRAD HARTMAN (LOWELL HOUSE COURTYARD)

EXECUTIVE DIRECTOR ELIZABETH LINT: Brad Hartman, has applied for a malt and wine license with entertainment (Patrons/Performers dancing, Recorded/live music, amplification system and Light show) to be exercised at Lowell House courtyard, JCR, dining hall, 10 Holyoke Place, Cambridge, on 4/28/16 from 9:00 p.m. to 1:30 a.m. for a party. Expected attendance: 300 people.



CHAIR NICOLE MURATI FERRER: Granted.

THOMAS O'BRIEN (ADAMS HOUSING DINING HALL)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Thomas O'Brien, has applied for a malt and wine license with entertainment (Patrons dancing, Recorded/live music and amplification system) to be exercised at Adams House Dining Hall, LCR and UCR, 26 Plympton Street, Cambridge, on 4/29/16 from 10:00 p.m. to 2:00 a.m. for a party.

Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

LESLEY SERIGNY (NOVARTIS INSTITUTES FOR  
BIOMEDICAL RESEARCH)

EXECUTIVE DIRECTOR ELIZABETH LINT: Lesly

Serigny, has applied for a malt and wine license to be exercised at Novartis Institutes for BioMedical Research, 250 Massachusetts Avenue,

Cambridge, on 4/13/16 from 3:30 p.m. to 7:00 p.m.  
for a reception. Expected attendance: 100  
people.

CHAIR NICOLE MURATI FERRER: Granted.

AMY POFTAK (WORKBAR)

EXECUTIVE DIRECTOR ELIZABETH LINT: Amy  
Poftak, has applied for a malt and wine license  
to be exercised at Workbar, 45 Prospect Street,  
Cambridge, on 4/28/16, 5/17/16 and 6/15/16 from  
6:00 p.m. to 8:00 p.m. for panel discussion and  
workshops. Expected attendance: 100 people.

CHAIR NICOLE MURATI FERRER: Granted. We  
should probably tell them they can file one  
application for all events because they file  
different applications. We should probably put  
that there.

AYODEJI OGUNNAIKE (RADCLIFFE QUADRANGLE LAWN)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ayodeji Ogunnaike, has applied for a malt and wine license with entertainment (Patrons dancing, Recorded/live music, amplification system and Light show) to be exercised at Radcliffe Quadrangle Lawn between Shepherd and Linnaean Street, Cambridge, on 4/29/16 from 9:00 p.m. to 1:00 a.m. for a formal. Expected attendance: 1000.

CHAIR NICOLE MURATI FERRER: Granted and police detail as requested.

LIAM COUGHLIN (PATIO ADJACENT TO OLECITO RESTAURANT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Liam Coughlin, has applied for a malt and wine license with entertainment to provide (Mariachi music) to be exercised on patio adjacent to Olecito

Restaurant, 12 Springfield Street, Cambridge, on 5/5/16 from 12:00 p.m. to 9:00 p.m. for a Cinco de Mayo party. Expected attendance: 50 people.

They have an outstanding payment to the city.

CHAIR NICOLE MURATI FERRER: Yeah, I also have a question.

Where exactly is this? Is this -- is this like a different premises or is this something adjacent to their premises? Because if it's adjacent to their premises, they shouldn't be getting a special one day, they should be getting an extension, a one-day extension of their liquor license.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it's on that parking area on Springfield Street.

FIRE CHIEF GERALD REARDON: That's a public lot.

CHAIR NICOLE MURATI FERRER: Let's -- this is on May 5. Let's hold on. He, anyways, has to pay the city. So let's hold on that one, and they can get us more information. And if it's something that is not theirs, they can get a letter from the owner of those premises as well as if it's a public parking lot, they certainly will need a special permit.

EXECUTIVE DIRECTOR ELIZABETH LINT: That did not come to special events, so I don't know if it just went through Traffic and Parking.

CHAIR NICOLE MURATI FERRER: We'll defer that and get more information and have them pay.

SUSAN ZAWALICH (LEHMAN HALL/HARVARD YARD)

EXECUTIVE DIRECTOR ELIZABETH LINT: Susan Zawalich, has applied for a malt and wine license with entertainment (Patrons dancing) to be exercised at Lehman Hall, Harvard Yard,

Cambridge, on 4/23/16 from 8:00 p.m. to 1:00 a.m.  
for a salsa dance party. Expected attendance:  
100.

CHAIR NICOLE MURATI FERRER: So this  
doesn't have the police signoff that you get. I  
think this was the one that was emailed in.

Did you get them to send you an updated  
one?

EXECUTIVE DIRECTOR ELIZABETH LINT: What  
is the other name on that?

CHAIR NICOLE MURATI FERRER: Benjamin  
Seth Green.

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
don't think I heard back from him.

CHAIR NICOLE MURATI FERRER: I would  
defer on that one. I would hold on signing that.

**ALL ALCOHOLIC BEVERAGES LICENSES WITH OR**  
**WITHOUT ENTERTAINMENT:**

HIGOR FONTOURA (ST. ANTHONY PARISH HALL)

EXECUTIVE DIRECTOR ELIZABETH LINT: Higor Fontoura, has applied for an all alcoholic beverages license with entertainment (Patrons dancing) at St. Anthony Parish Hall, 400 Cardinal Medeiros Avenue, Cambridge, on 5/9/16 from 8:00 p.m. to 12:00 a.m. for a dinner dance. Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

DONN LEONARD (DUNSTER HOUSE COURTYARD)

EXECUTIVE DIRECTOR ELIZABETH LINT: Donn Leonard, has applied for an all alcoholic beverages license with entertainment (Patrons dancing, Recorded/live music, amplification system and Light show) at Dunster House courtyard, 945 Memorial Drive, Cambridge, on 4/28/16 from 10:00 p.m. to 1:15 a.m. for a

party/formal. Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted and  
police detail is requested.

**ENTERTAINMENT LICENSES ONLY:**

LOUIS AGHANWA (STUDENT ORGANIZATION CENTER)

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Entertainment licenses only.

Louis Aghanwa, has applied for an  
entertainment license (Patrons dancing and  
amplification system) for an Undergraduate party  
at Student Organization Center at Hilles (SOCH),  
59 Shepard Street, Cambridge, on 4/30/16 from  
10:00 p.m. to 2:00 a.m. Expected attendance:  
499 people.

CHAIR NICOLE MURATI FERRER: Granted.

TREVOR MULLIN (MATHER HOUSE DINING HALL)

EXECUTIVE DIRECTOR ELIZABETH LINT:



Trevor Mullin, has applied for an entertainment license (Patrons dancing, Recorded/live music and amplification system) for a party at Mather House Dining Hall, 10 Cowperthwaite Street, Cambridge, on 4/8/16 from 10:00 p.m. to 2:00 a.m. Expected attendance: 400 people.

CHAIR NICOLE MURATI FERRER: Granted with police detail requested.

ANUJ KHANDELWAL (MIT KRESGE AUDITORIUM)

EXECUTIVE DIRECTOR ELIZABETH LINT: Anuj Khandelwal, has applied for an entertainment license (Performers/entertainers dancing, Recorded/live music, amplification system and Dynamic audio/visual show live/recorded) for a Song and dance performance at MIT Kresge Auditorium, 48 Massachusetts Avenue, Cambridge, on 4/8/16 from 7:00 p.m. to 11:00 p.m. Expected attendance: 700 people.

CHAIR NICOLE MURATI FERRER: Granted and police detail is requested.

CAROLINE KERWIN (LEVERETT LIBRARY THEATER)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Caroline Kerwin, has applied for an entertainment license (Performers/entertainers dancing, Recorded/live music and amplification system) for a concert at Leverett Library Theater, 28 Dewolfe Street, Cambridge, on 4/16/16 from 7:00 p.m. to 9:00 p.m. Expected attendance: 75 people. He has also applied for a vendor's license to sell T-shirts at the event.

CHAIR NICOLE MURATI FERRER: Granted.

BILL MANLEY (STREET FAIR IN HARVARD SQUARE)

EXECUTIVE DIRECTOR ELIZABETH LINT: Bill

Manley, on behalf of the Harvard Square Business Association, has applied for an entertainment

license (Patrons/Performers dancing,  
Recorded/live music and amplification system) for  
a street fair in Harvard Square on 5/1/16 from  
12:00 p.m. to 6:00 p.m. Expected attendance:  
150,000 people.

CHAIR NICOLE MURATI FERRER: Does this go  
through special events?

EXECUTIVE DIRECTOR ELIZABETH LINT: It  
did.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Uh-huh.

CHAIR NICOLE MURATI FERRER: Granted.

SHIRLEY SANTOS (KENNEDY/LONGFELLOW SCHOOL)

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Shirley Santos, has applied for an entertainment  
license (Performers/entertainers dancing and a  
moon bounce) for a community and school event at

Kennedy/Longfellow School, 158 Spring Street, Cambridge, on 5/14/16 from 10:00 a.m. to 3:00 p.m., with a rain date of 5/21/16. Expected attendance: 125 people.

That also went through special events. It's an annual.

CHAIR NICOLE MURATI FERRER: Granted. In the future, let's have the special events stuff attached to it so it's easier. Thank you.

LOUIS AGHANWA (ADAMS HOUSE DINING HALL)

EXECUTIVE DIRECTOR ELIZABETH LINT: Louis Aghanwa, has applied for an entertainment license (Patrons dancing and amplification system) for a party at Adams House Dining Hall, Plympton Street, Cambridge, on 4/16/16 from 10:00 p.m. to 2:00 a.m. Expected attendance: 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

AMY VEST (TERCENTENARY THEATRE)

EXECUTIVE DIRECTOR ELIZABETH LINT: Amy Vest, has applied for an entertainment license (Patrons, Performers/entertainers dancing, Recorded/live music, amplification system and Light show) for a concert at Tercentenary Theatre, Harvard Yard, Cambridge, on 4/24/16 from 5:00 p.m. to 9:00 p.m. Expected attendance: 4,750 people.

CHAIR NICOLE MURATI FERRER: Granted.

**VENDOR LICENSE:**

JAIME BEADLE-POSTO MOBILE (32-34-36 CAMBRIDGE PARK DRIVE)

EXECUTIVE DIRECTOR ELIZABETH LINT: Jaime Beadle-Posto Mobile has applied to vend at Vecna Technologies, Inc to (private property) 32-34-36 Cambridgepark Drive, Cambridge, on 4/8/16 and

4/15/16 from 11:00 a.m. to 2:00 p.m. to sell food. Expected attendance: 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

GO YOLINDA (DONOHUE PARK)

EXECUTIVE DIRECTOR ELIZABETH LINT: Go Yolinda (phonetic) has applied for an entertainment license for Danehy Park on April 18 from 8:00 a.m. to 2:00 p.m. for a 5k road race.

CHAIR NICOLE MURATI FERRER: Granted.

DANIEL KATZ (JOHN KNOWLES PAINE CONCERT HALL)

EXECUTIVE DIRECTOR ELIZABETH LINT: Daniel Katz has applied for an entertainment license and vendor permit for a spring concert on April 23, 2016 at John Knowles Paine Concert Hall at Harvard. Expected attendance: 100 people.

CHAIR NICOLE MURATI FERRER: That's actually Daniel.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is. I wrote Daniel.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN DEPAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Can't read my own writing.

Arlyn DePagter has applied for a wine and malt license for April 14 from 5:00 p.m. to 6:00 p.m. for 30 people at reception at MIT.

CHAIR NICOLE MURATI FERRER: Granted.

MINOT KAMON KOHMAN (CAMBRIDGE PARK DRIVE)

EXECUTIVE DIRECTOR ELIZABETH LINT: Minot Kamon Kohman (phonetic) has applied for one-day vendor permit to be exercised at 150 Cambridgepark Drive on April 8, 15, 22, 29 and May 6 and he has an annual application.

CHAIR NICOLE MURATI FERRER: He has a

pending annual. So, okay, granted.

CHAIR NICOLE MURATI FERRER: I need a hearing for the annual one. There's one here for Susan Zawalich.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's the same one. Is it a copy then? Yeah, it is. I think two people printed it. Then these are your administration matters.

**ADMINISTRATIVE MATTERS:**

CAMBRIDGE 1 ASSOCIATES LT, D/B/A CAMBRIDGE 1  
ASSOCIATES LTD PARTNERSHIP

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Cambridge 1 Associates LT, doing business as  
Cambridge 1 Associates LTD Partnership, 35  
Cambridgepark Drive has filed a Waiver of  
Rehearing for Failure to Timely Renew their 2015  
Garage License.

CHAIR NICOLE MURATI FERRER: They failed



to renew last year, but they renewed since.

EXECUTIVE DIRECTOR ELIZABETH LINT: They have -- there's a check right there.

POLICE COMMISSIONER ROBERT HAAS: For both years?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, uh-huh.

CHAIR NICOLE MURATI FERRER: What is the \$181 for and then \$50?

EXECUTIVE DIRECTOR ELIZABETH LINT: 50 is the administrative fee.

CHAIR NICOLE MURATI FERRER: This is for last year, they're just paying last year and the renewal will be this year.

EXECUTIVE DIRECTOR ELIZABETH LINT: The renewal will come.

CHAIR NICOLE MURATI FERRER: Consider these are licenses that run with the land, they don't really go away. Is this the first time

they do this?

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
don't know.

CHAIR NICOLE MURATI FERRER: Obviously, I  
would vote for a violation, but I would want to  
know what the history was, so let's defer. They  
can definitely renew if they should, but...

POLICE COMMISSIONER ROBERT HAAS: Do you  
want to approve the renewal and access whether or  
not they should just get a --

CHAIR NICOLE MURATI FERRER: Yeah.  
Except I don't know if there's a renewal for us  
to actually --

EXECUTIVE DIRECTOR ELIZABETH LINT: No,  
there isn't.

CHAIR NICOLE MURATI FERRER: There really  
isn't a renewal for us to actually allow or not.  
But that said, we should also give this back to  
Kara because the garage information is missing

the tax ID number.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that Playska?

CHAIR NICOLE MURATI FERRER: Yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's withdrawn.

CHAIR NICOLE MURATI FERRER: For the record, Playska filed for a request to change their d/b/a and they withdrew their request on April 4. So that's that. So I guess we'll take a ten-minute break.

(Recess began at 5:48 p.m.)

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

EXECUTIVE DIRECTOR ELIZABETH LINT: We're going back on the record.

CHAIR NICOLE MURATI FERRER: If anyone has a cell phone, please silence it.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: And

the meeting is being audiotaped.

CHAIR NICOLE MURATI FERRER: And may be recorded.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah it's not video, just audio.

CHAIR NICOLE MURATI FERRER: Just before we start again, is anyone here for Yan 2000, LLC d/b/a Flame Hot Pot & Sushi at 1001 Massachusetts Avenue?

Anyone that came in to speak on behalf or in opposition of that application?

And for the record in case anyone is wondering, it was advertised for today, but it didn't make the agenda. It has been moved to April 19.

DISCIPLINARY: MSEX, LLC D/B/A

MIDDLESEX LOUNGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary MSEX, LLC doing business as  
Middlesex Lounge, 315 Massachusetts Avenue,  
holder of a Common Victualer All Alcoholic  
Beverages License, for alleged violations of  
General Laws Chapter 138, Sections 23 and 64, and  
Chapter 140, Sections 9 and 183A, to wit, failure  
to call police and hindering an investigation.

CHAIR NICOLE MURATI FERRER: Swear the  
witnesses that are going to testify?

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
have it.

If you're going to testify, would you  
please stand and raise your right hand?

(All witness, sworn.)

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening, please state your name for  
the record and we'll go from my left.

POLICE OFFICER ROBERT CLINTON: My name  
is Officer Robert Clinton.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R.

NATE BROWN: Nate Brown.

CHRIS LUTES: Chris Lutes.

DAVID HUNT: David Hunt.

CHAIR NICOLE MURATI FERRER: Thank you.

Go ahead, Officer.

POLICE OFFICER ROBERT CLINTON: On

March 20, 2016, I, Officer Clinton, was assigned to uniform patrol for at approximately 1:00 a.m., I was dispatched to Middlesex Lounge at 301 Mass Ave for the report of a pick-pocketing.

Upon arrival, I was met by a female who was later identified as Kate Schlock (phonetic). Schlock stated that she entered the club around 12:30 a.m. using her passport. At around 1:00 a.m., she found that her wallet was gone.

Schlock showed me where she had kept her pocketbook, which was slung over her left shoulder and rested on her right hip. The

wallet, which was a black Kate Spade, was stolen was kept there. Schlock stated that the wallet wall contained her passport, Bank of America credit card, Chase credit card and other gift cards and personal items.

When Schlock discovered her wallet was missing and searched -- she began to search the floor of the whole club trying to see if she dropped it. Schlock was unable to locate the wallet, and when she asked the bouncers for help, they stated no worry about the wallet and that it would eventually show up.

When Schlock stated she was going to file the police report, the bouncers stated there was no need and that they did not want the police at the lounge.

I then took the report and told Schlock that if she found the wallet, to please contact Cambridge Police.

CHAIR NICOLE MURATI FERRER: Thank you.

Did she identify the bouncer that told her not to call the police?

POLICE OFFICER ROBERT CLINTON: She did not, no.

CHAIR NICOLE MURATI FERRER: Thank you.

Ms. Boyer, do you have anything to add?

ANDREA BOYER: Is Kate Schlock in the audience at all?

CHAIR NICOLE MURATI FERRER: I don't know. Is Kate Schlock here? Nope.

ANDREA BOYER: I did speak with Kate Schlock on March 24, 2016. I asked if she would be willing to come forward to testify. She said that she had concerns about her information still being either at the club or someone else having it, that she had reservations about wanting to go forward with any charges and/or show up for the hearing.



CHAIR NICOLE MURATI FERRER: Did she confirm with the bouncers what she told the officer that the bouncers said that night?

ANDREA BOYER: She did say that she was asked not to call the police.

CHAIR NICOLE MURATI FERRER: Thank you. And I'm sorry, Mr. Lutes?

CHRIS LUTES: Yes.

CHAIR NICOLE MURATI FERRER: Yes. Would you please tell us what your title is.

CHRIS LUTES: Yeah, I'm one of the owners of the business. Matthew Curtis is my business partner who was unable to be here this evening.

Nate Brown is the general manager of the establishment, was there that night, as was Dave Hunt, he was one of the door guys.

CHAIR NICOLE MURATI FERRER: Okay. You have an opportunity to cross-examine them, if you want to ask them any questions, or you can just

tell us your version of the story.

CHRIS LUTES: Well, what I'd like to, I'm going to let Nate tell the story, because he was there and experienced it firsthand and Dave can add to that.

CHAIR NICOLE MURATI FERRER: Thank you. Go ahead.

NATE BROWN: I wasn't -- I didn't have any interaction with her. I did get statements from all of our crew.

From what it came across, as to all of our bar staff, it didn't seem like anything was stolen. Everybody said she was looking for something lost. She did stay there till 2:00 a.m. We helped her look for stuff.

We never said, "Don't call the police." I feel we have a pretty good relationship with the police. I even checked the log. We have called the police 15 times in the last year.

These guys, my door guys have other stuff to do, so I much rather get police involved, especially something that was lost and was missing that has the person's information on it. We -- even it's policy for us to suggest that people call the police for insurance reasons alone just to have, you know, some kind of statements or claim from some kind of police.

But we didn't even know that the police were involved until we got the hearing statement. Like we -- no one talked to us. She stayed. We didn't even know she had called the police because she was there until the end when the lights went out, and we helped her look for stuff. We asked her to leave her information. She got my information. She left a number and no information. We have, like, just a phone number. We have a log at the end of every night.

A lot of stuff gets lost. We do have

coat check. She didn't use coat check, but people lose sweaters and stuff like that all the time. We have a lost and found that's huge, and so most of the time, we do end up finding the stuff at the end of the night when the lights go out, so...

CHAIR NICOLE MURATI FERRER: And you were working that night?

NATE BROWN: I was working.

CHAIR NICOLE MURATI FERRER: And you didn't see Officer Clinton?

NATE BROWN: Not that night. We only met like two weeks ago.

POLICE OFFICER ROBERT CLINTON: The report was not taken inside the club. It was maybe five feet from the door a little to the right.

CHRIS LUTES: Was it taken when the club was still open or it had --

POLICE OFFICER ROBERT CLINTON: Yes, yeah, it was 1:00.

CHRIS LUTES: It was 1:00. And she went out with you and met with you and then came back in?

POLICE OFFICER ROBERT CLINTON: I assume so, yes. When I left her, she was still on the sidewalk.

CHRIS LUTES: You met her on the sidewalk?

POLICE OFFICER ROBERT CLINTON: Uh-huh.

CHRIS LUTES: Did you speak to any of our door staff at the time?

POLICE OFFICER ROBERT CLINTON: No.

CHRIS LUTES: Why wouldn't -- if she told you then that one of the door -- someone told her not to call the police, and our door staff is standing right there on the sidewalk, why wouldn't -- one, why wouldn't she identify that

someone that would have said that and why wouldn't you've maybe asked them what was going on?

CHAIR NICOLE MURATI FERRER: Well, I don't know that he can answer why she didn't do something.

You can certainly --

CHRIS LUTES: No --

CHAIR NICOLE MURATI FERRER: I'm sorry. But you can certainly answer why you didn't go inside and ask anyone about it.

POLICE OFFICER ROBERT CLINTON: I just -- I believed at -- you know, at 1:00 a.m., I knew that staff was busy. I took the report.

At the time I didn't think to ask a bouncer about it because I don't know what a bouncer would have been able to do to help me at that time find her passport and her information.

CHRIS LUTES: I guess my only point was

that you might be able to confirm whether or not someone actually said, "Don't call the police," which I find hard to believe.

POLICE OFFICER ROBERT CLINTON: Uh-huh.

NATE BROWN: I think that's the weird thing about this report. Like I'm sure something got lost or that's the thing, for our reports, everyone said something got lost. There was never mention of anything being stolen. And so, you know, we always tell people if something is lost, put it down. If then if somebody like, you know, loses a phone or something of value, we're like, definitely call the police. A lot of renter's insurance and stuff covers things like that. So, we're just like, that's the next step.

I mean, there should be a log of times we have called for similar incidents, so it wouldn't be like this is a nonremarkable night for us, you know, if somebody loses something and we would

call. It's not like what anything crazy. So I don't know why --

CHAIR NICOLE MURATI FERRER: You mentioned your reports. Do you have a report of her mentioning to your staff about something?

NATE BROWN: I have, after the fact of the reports. At the end of the night our shift reports just have like items missing, name and stuff -- any incident report stuff, we have a note section.

So, for that night, it's like there's a Canada Goose coat that was lost, a Burberry scarf, you know, and those were both recovered.

CHAIR NICOLE MURATI FERRER: Do you have a -- does your shift report -- is there anything with regard to what this individual claims to have lost or was there --

NATE BROWN: It just has a name, doesn't even have her -- I mean, it doesn't have her



name. It just has a phone number and says wallet.

CHRIS LUTES: Lost wallet.

POLICE COMMISSIONER ROBERT HAAS: Did she not want to give you her name?

NATE BROWN: She just -- it seemed -- from what these reports -- from the -- it just says she was like in a hurry and so -- but she stayed till the lights went up, so everyone --

CHAIR NICOLE MURATI FERRER: Who takes the -- who took her name and her phone number?

NATE BROWN: The bartender.

CHAIR NICOLE MURATI FERRER: "Bartender took her phone number," I got.

Did you ask the bartender whether or not he or she said to this individual not to call the police?

NATE BROWN: I did. But every -- I mean, our policy is pretty easy. Just call the police.

You got other stuff to do.

CHAIR NICOLE MURATI FERRER: When you asked them, what did they say "yes" or "no"?

NATE BROWN: It wasn't even reported stolen. So nobody -- people were, like, "Do you want to leave something? We'll find out." I don't know if anyone mentioned --

CHAIR NICOLE MURATI FERRER: I don't think that you're getting my question.

My question is: Did you ask your staff whether or not they told her not to call the police?

NATE BROWN: Oh, yes. I told -- yes, definitely.

CHAIR NICOLE MURATI FERRER: What did your staff reply to that question?

NATE BROWN: Nobody -- nobody had said that.

CHAIR NICOLE MURATI FERRER: Okay. So

everyone denied telling her "don't call the police"?

NATE BROWN: Yes.

I'm sorry.

CHAIR NICOLE MURATI FERRER: And, Mr. Hunt, anything to add?

MR. HUNT: Well, this is the letter I wrote to Nate here. It's very short, so I guess I'll just read it.

"This email is in regard to Saturday the 19. I do recall a woman letting me know she lost her wallet. I told her what we always say to try to help, "Did you check the area you were in? Did you possibly leave it in the bathroom? Have you asked the bar if someone turned anything in?"

As I was explaining this to her, she did say she would like to call the police. I told that she should do that, but it might be best to check with the bar first to see if her things

were turned in. The whole conversation was very polite on both ends. When I told her to check with the bar the last time, she said okay. And I never saw her again.

As you know, to Nate, we are very helpful with lost items. We deal with it a lot and always say the same. We always have a great relationship Cambridge PD, myself and the rest of the team, encourage and welcome their support always. I just would never suggest not calling them. That doesn't even sound right to me. I, however, never saw a police officer that night. I hope this helps clear this unfortunate event up."

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: No further questions.

CHAIR NICOLE MURATI FERRER: Thank you.  
We'll take it under advisement.

Thank you very much.

Unless you guys want to vote on it now?  
Do you want to vote on that now?

FIRE CHIEF GERALD REARDON: We can.

CHAIR NICOLE MURATI FERRER: Do you want  
to vote on that now?

POLICE COMMISSIONER ROBERT HAAS: I can.

CHRIS LUTES: Do you want a copy of --  
these are the statements from the various  
police --

CHAIR NICOLE MURATI FERRER: Sure.

CHRIS LUTES: -- on that night.

CHAIR NICOLE MURATI FERRER: I'm sorry.  
We're actually going to vote it on now since

everyone is ready to vote on that.

Considering that the individual making the complaint was not here, and that the officer testified that he was outside and that she didn't identify anyone that night, and the testimony provided, I actually vote no violation on this.

POLICE COMMISSIONER ROBERT HAAS: I concur.

I think if the officer had taken the investigation a little bit further just to verify whether or not the veracity of the story, the reporting party, I think we would have had something, but absent that, there's no -- it doesn't even rise to the level of any cause to take any action relative to a violation.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: No violation. Thank you.

CHRIS LUTES: Thank you.

APPLICATION:

BGR HOSPITALITY, LLC DOING BUSINESS AS  
BLAZE FAST FIRE'D PIZZA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: BGR Hospitality, LLC doing business as Blaze Fast Fire'd Pizza, has applied for a Common Victualer license to be exercised at One Canal Park with a seating capacity of 64 inside and 26 in outdoor patio on private property, hours of 11:00 a.m. to 10:00 p.m. seven days per week, Matthew Giroux, manager of record. Premise is described as a make your own pizza restaurant with large gas oven with polished concrete flooring.

CHAIR NICOLE MURATI FERRER: Good evening. Would you please state your name for the record?

MATTHEW GIROUX: Good evening, I'm Matt

Giroux, G-I-R-O-U-X.

CHAIR NICOLE MURATI FERRER: Thank you, Matt. And can you tell us about this petition, please?

MATTHEW GIROUX: Sure. We are looking to open a fast casual new pizza concept at One Canal Park next to the Cambridgeside Galleria. And it's about 2500 square feet. It's a new concept coming from the west coast east where it's a similar setup to a Chipotle or a Subway where you come up and your dough is ready. You get to pick whatever you want coming down the line, pointing to the employee to put on to your pizza, and it goes into a large gas oven and 180 seconds later, we call your name.

It gives people an option for a full pizza with whatever they want on it for lunch versus just a slice or calling for delivery.

CHAIR NICOLE MURATI FERRER: Is this the



same concept that's in downtown Boston near The Black Rose?

MATTHEW GIROUX: It's very similar to Crush Pizza.

CHAIR NICOLE MURATI FERRER: Thank you. I could not remember the name of the place.

MATTHEW GIROUX: It's a national chain that it's got some big celebrity backers behind it. LeBron James, James off of McDonald's just start repping it, Tom Werner, the owner of the Red Sox is a financial backer on the corporate side as well. So it's opening about one every three days right now. It's the fastest growing restaurant chain, I guess, ever from what I have been told.

FIRE CHIEF GERALD REARDON: I guess just to be clear when it says make your own.

MATTHEW GIROUX: It's you pointing, not

like a salad bar.

FIRE CHIEF GERALD REARDON: Okay. Just for clarity.

CHAIR NICOLE MURATI FERRER: In your application, it says the hours of operation are 11 a.m. to 10:00 p.m. But then the letter that we got from Beacon Capital says 11:00 a.m. to 9:00 p.m. with room for growth is what I think is the language that they used in there.

MATTHEW GIROUX: We were looking to do just so test that area. It's obviously easier to start closing earlier then increase your hours. The mall closes at 9:00 and we would think that some of the mall staff after closing may stop by on their way to the Lechmere T stop for a quick pizza to go or to eat. So I think we would start it till 10:00 p.m. and then knock it back down to 9:00, if there's no business.

I know the restaurant concept in the same

building as us, a couple doors down, has hours Monday through Saturday, they're not even open on Sundays right now. So I don't -- I guess it will be business-based.

CHAIR NICOLE MURATI FERRER: Is Beacon Capital though your --

MATTHEW GIROUX: Our landlord, yep.

CHAIR NICOLE MURATI FERRER: They're the landlord.

MATTHEW GIROUX: Yep.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: The question is: Is Beacon Capital going to go along with 10:00?

MATTHEW GIROUX: Yeah. They're the ones that wrote for "in growth." Those are their words, not ours. I would assume so. They haven't gotten any push back and I sent them copies of all THIS.

As a matter of fact, they got the letter for two out of the three abutters were them.

CHAIR NICOLE MURATI FERRER: I do see that they -- there's some like handwritten notes here that says 11:00 a.m. to 11:00 p.m., seven days a week.

So I would just want you to give us some type of confirmation from the landlord about these hours.

MATTHEW GIROUX: Sure.

CHAIR NICOLE MURATI FERRER: I mean, I think what you're saying the public need of, you know, 10:00 p.m. for the people that stick around that are cleaning the mall and stuff makes sense, but, obviously, I would want to get some confirmation from them about that in terms of whether or not -- if they tell you you can't be open, I mean, you can't be open. That's your landlord.

MATT GIROUX: Exactly.

CHAIR NICOLE MURATI FERRER: I think it's cleaner that way. I do note for the record that Councilor Timothy Toomey sent in a letter of support for this application.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: So whatever hours you decide upon, you know you have to operate during those hours, and if you want to change them, you have to come back to the Commission, correct?

MATTHEW GIROUX: Correct.

POLICE COMMISSIONER ROBERT HAAS: Okay.

FIRE CHIEF GERALD REARDON: This is a complete retrofit?

MATTHEW GIROUX: Yes, it is. It was a bank prior. Going back to that prior question, if we decreased the hours, also a hearing on that?

POLICE COMMISSIONER ROBERT HAAS: No.

Whatever you advertise you're going to operate, you have to operate those hours. If you make a decision that you need to roll it back to 9:00, you have to come back for what? I don't know if you have to come back before a hearing or just apply for the petition?

CHAIR NICOLE MURATI FERRER: It depends.

If it's a decrease of hours, probably a letter will suffice and we'll put it on an administrative hearing. Depending -- I mean, it's on a case-by-case basis. If it's too much, we'll probably call you in anyways just to figure out what's happening and what's going on.

If it's an expansion of hours, then a hearing will have to happen.

MATTHEW GIROUX: Absolutely.

POLICE COMMISSIONER ROBERT HAAS: You said you can assemble a pizza in 20 seconds?

MATTHEW GIROUX: 180 seconds. It takes about three to four minutes for you to pick and choose the toppings that you want and assemble it, and then 180 seconds in the oven on average.

POLICE COMMISSIONER ROBERT HAAS: Okay.

FIRE CHIEF GERALD REARDON: You haven't started any construction work yet?

MATTHEW GIROUX: I'm sorry?

FIRE CHIEF GERALD REARDON: You haven't started any construction work yet?

MATTHEW GIROUX: Yeah, we have. We have our permit and it's under construction as it sits now.

FIRE CHIEF GERALD REARDON: Where are you exhausting the hood on this?

MATTHEW GIROUX: It comes out into the soffit on First Street and dumps down. It's a heat only. It's a nice, clean concept. There's no fryolators, flat tops, grills like that. All

it is, is the one oven.

FIRE CHIEF GERALD REARDON: Convection?

MATTHEW GIROUX: No, it's gas.

FIRE CHIEF GERALD REARDON: Straight gas?

MATTHEW GIROUX: Yep.

CHAIR NICOLE MURATI FERRER: Anything  
else?

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: All right.  
Let's defer the matter since you're not -- you're  
constructing anyways, so you don't need the  
license today.

MATTHEW GIROUX: Okay.

CHAIR NICOLE MURATI FERRER: So I will  
defer and wait for the confirmation on the hours  
and whether it's 11:00 to 9:00.

MATTHEW GIROUX: Do you want a letter  
signed by them and us?

CHAIR NICOLE MURATI FERRER: If you're



going to keep the 11:00 to 10:00, as in your application, something from them confirming they're fine with that.

MATTHEW GIROUX: Sure.

CHAIR NICOLE MURATI FERRER: That your lease allows you that. And if you're keeping it at 11:00 to 9:00, you know, we have it, just something from you.

MATTHEW GIROUX: It will probably be 11:00 to 10:00 to start.

CHAIR NICOLE MURATI FERRER: Okay.

MATTHEW GIROUX: And I'll make sure that they get a signature and you want me just to drop it off?

CHAIR NICOLE MURATI FERRER: You can email it to Ms. Lint. You can grab one of her cards and just email it straight to her and then she'll give it to the Commission.

MATTHEW GIROUX: Do you want the other

information here?

EXECUTIVE DIRECTOR ELIZABETH LINT: The  
abutter notifications.

MATTHEW GIROUX: That's those.

CHAIR NICOLE MURATI FERRER: We can grant  
it and vote on the hours next week, if you want.

FIRE CHIEF GERALD REARDON: I think it's  
easier, but...

CHAIR NICOLE MURATI FERRER: So let's  
vote to grant the CV application and we'll set  
the hours once we get confirmation --

MATTHEW GIROUX: From Beacon Capital,  
sure.

CHAIR NICOLE MURATI FERRER: -- from  
Beacon Capital.

Thank you.

APPLICATION:

ROOM FOR DESSERT LLC

D/B/A FINALE DESSERTERIE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Room for Dessert, LLC doing business as Finale Desserterie, has applied for a new Common Victualer All Alcoholic Beverages License to be exercised at 30 Dunster Street with proposed hours of 8:00 a.m. to 11:00 p.m. seven days per week, Paul Conforti, proposed manager of record. The premise is described as: kitchen, dining room, bar on the first floor; storage in the basement, seasonal patio on private property.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state and spell your names for the record?

ATTY JAMES RAFFERTY: Good evening, Madam Chair. My name is James Rafferty, R-A-F-F-E-R-T-Y. And I'm an attorney with the Law Offices of Adams and Rafferty, located at 675 Massachusetts Avenue in Cambridge.

Seated to my left is Paul Conforti,

C-O-N-F-O-R-T-I, and Mr. Conforti is the manager and principal of Room For Dessert LLC, which has held a license at this location since 2002.

CHAIR NICOLE MURATI FERRER: Now, before I forget and before you start, counselor, there is some money owed to the city that has to be paid.

ATTY JAMES RAFFERTY: Okay.

CHAIR NICOLE MURATI FERRER: We can give you copies of those bills.

Do you have a copy of those? There you go.

ATTY JAMES RAFFERTY: Thank you.

CHAIR NICOLE MURATI FERRER: And you may now start.

ATTY JAMES RAFFERTY: Thank you.

Well, as the Commission may be aware, this is somewhat an unconventional application in that it is an application where the licensee or

the applicant is before the Commission having been a licensee since 2002 in the same location, operated Finale, and at some point in 2007 -- excuse me -- in the summer of 2015, last summer, to be exact, they ceased operating, and the applicant sought approval to hold his license -- hold the license as inactive, and that was approved. I came before the Commission, I think it was sometime in July or August. I think the inactive status was approved.

At any rate, he was approved -- the license was approved as inactive. And what happened is when the renewal period came in November, as the Commission well knows, all licensees, annual licenses issued Section 12 and Section 15 licenses are entitled to an automatic renewal provided that they complete the renewal affidavit.

And this licensee did not do that. And

it was a bit of a perfect storm. Regrettably, the individual that had been interacting for years with the License Commission, Christopher Kane, was no longer with the company because they closed this location and they closed several other locations.

I have done my best to try to piece together how it is this happened. But it's my understanding from reviewing the file, it looks like there would have been an email communication to Mr. Kane at some time in October or November informing him and all other licensees to the renewal process and indicating that it was going to be done through email.

Unfortunately, Mr. Kane, not with the company, that email address was no longer valid, never received that. And I offer this for context, not as a defense because we know the licensee has a obligation to do so.

So what happened here is the licensee, unaware of the obligations to complete the renewal affidavit, neglected to do so.

And, unfortunately, the story only gets worse after that.

So, at some point in time, I'm not sure where, because I could not find it in the file, there must have been a notice that went out because in January, I noticed in the Administrative Agenda of the Commission in late January, the cancellation of this license was also on the agenda of the License Commission.

This condition or this circumstance continued to be totally unknown by the licensee. So whether there was a letter to Mr. Kane or an email, I could not find the existence of it. But, nonetheless, it appears from the review of the agenda and the actions taken that the license itself was cancelled for failure to renew the

application which is a logical consequence of what happened.

I learned of this action quite accidentally in a subsequent conversation in -- later in the month of February about another matter when the notion came up that the license in Harvard Square had been cancelled. And I thought that was unusual, so I contacted Mr. Conforti and said, "I thought you were trying to sell that license." And he informed me that, yes, they were working on a deal with the operator of Oggi, O-G-G-I, who was also in Holyoke Center and had been located there for many years.

And as the Commission may be aware, Holyoke Center is now called the Smith Center, and Harvard University is in the process of a significant renovation of that Holyoke Plaza. A number of licensees have closed recently this



past week, Au Bon Pain has closed, the Forbes Plaza is now closed.

So Harvard was making an attempt to be responsive to local businesses and allow them to remain there.

So I think it's fair to say they were a bit of a matchmaker here, and said, "Oggi, if you're interested in a license, we know a tenant of ours is leaving.

So that had been plan. So when I became aware of this, I began the process of trying to figure out how to address this.

And the law led us in a particular direction. What Section 16(a) says is that if a licensee fails to renew in a timely manner, he can apply for a license, but the application gets treated as a new license.

So I just brought a copy of the statute because sometimes some of these statutes are a

little hard to follow the specific language.

But it's clear we fall in the category that this licensee failed to qualify for the automatic renewal and now has filed an application before you for a new application.

But we want to be clear, the new application is to allow this license to be issued for the purpose of being able to transfer the license. Oggi is represented by their counsel, Attorney Sean Hope, who is here today.

And what's before the Commission is an opportunity for a licensee, who operated in this city since 2002, to be able to capture some of the value with his asset purchase.

This was a for-value license purchased in 2002 when licenses trafficked at a much higher value frankly that they do now.

The Commission's policies around new licenses and no-value licenses have, frankly, had

an effect on the market value of license.

So back in 2002, when the cap policies were more strictly enforced, this license, believe it or not, was purchased for \$450,000.

At the current moment, if the applicant is unable to get the license renewed, he will not have a license to transfer.

So it represents a significant hardship to the licensee. I think this is of some relevance to the Commission that this licensee's record here for 14 years was outstanding.

He was an active member of CLAB, he was an active participant in the Taste of Cambridge events. They were active members of the Harvard Square Business Association, and Mr. Conforti and his colleagues operated a restaurant, and unfortunately, by all of the standards that we hold licensees to, and I would say he met and exceeded all of them, unfortunately, this perfect

storm of notice and understanding and awareness took place while the license was inactive.

So he's before the Commission tonight in the eyes of the law as seeking a new license, but he's asking the Commission to grant a new license of value.

We have a negotiation. We have an offer and acceptance with Oggi to sell the license and we're asking the Commission to recognize -- this doesn't represent any change in the number of licenses in the square. This is a no-net change.

This license, as I said, is a for-value license that existed for decades in the square prior to 2002. It was on Holyoke Street as part the Hasty Pudding license. It was purchased, as I said, for value, and regrettably, the licensee neglected to take those steps necessary to renew the license.

But the law does make a provision to

address that. And the provision is that one makes an application pursuant to a new license. So this is a new license.

If it had not been inactive, I suspect none of this would have happened, but it had been granted an inactive status. And I think that factor contributed to the lack of understanding.

I've discussed it with Mr. Conforti. He mistakenly believed because he was inactive, it might have not been necessary.

And another one of the unfortunate circumstances here is that Mr. Kane, who had been the person of contact on the license and the records of the License Commission show him as the contact person, when he ceased working for the company in March and they had ceased operating, the licensee didn't notify the Commission that there was a new contact person.

So the applicant doesn't appear here

today suggesting that the responsibility for this situation rests with anyone other than himself, but does ask that the Commission, in its capacity and authority, to grant new licenses, that they look favorably upon the application here to allow this license to be issued.

The ABCC's position would be that the same license would issue would have the same ABCC ID number. It's for the same premises.

And as soon as the license were to issue, we would be prepared to file a transfer application to transfer the license to the operator of Oggi. So that's matter before us.

As I said, Mr. Conforti, as a licensee has a long history in the city. He operated two other establishments without incident, the one in Park Square in the City of Boston and the other in Newton.

PAUL CONFORTI: Coolidge Corner in

Brookline and Natick.

CHAIR NICOLE MURATI FERRER: Did the ones at Natick and Brookline have a liquor license as well?

PAUL CONFORTI: Yes.

CHAIR NICOLE MURATI FERRER: I think, and, counselor, I'm going to give this back to when we're done here with the hearing because the application -- are those still open or closed?

PAUL CONFORTI: No. Everything's closed.

CHAIR NICOLE MURATI FERRER: So those need to be listed in No. 12.

ATTY JAMES RAFFERTY: His prior licenses?

CHAIR NICOLE MURATI FERRER: Yes, on the ABCC application, but I had noticed that was not there.

And to be clear, the renewal, or the late renewal, or trying to revive this old license with a new application was filed in March of this

year?

ATTY JAMES RAFFERTY: It might have been. It was filed within weeks of learning. It was filed by me.

I contacted the ABCC, frankly, and I contacted Ms. Lint. I attempted to ascertain what options were available. So there was a period of time in the two- to three-week range from the time that I quite accidentally, frankly, became aware of the status of the license until this was filed. But for an inadvertent comment in a conversation regarding a different license around Harvard Square licenses, it was said to me, "Well, there is a license in Harvard Square."

So, in the old days under the cap policy and I think it may have some relevance in terms of a precedent by the Commission, the Commission would -- the cap policy was intended to keep the number of licenses frozen. So if a license were



cancelled or revoked, it meant that there was another license eligible for an applicant to come forward.

We all know that the city is not subject to the quota system, but the cap at the time when it was most rigorously enforced in Harvard Square would have said that if a license went away, then an application could be brought forward for a new license.

Well, this falls right into that structure, because all we're asking the Commission to do in this case is to issue a new license.

But by issuing a new license for value, it's going to allow the applicant, the licensee, to have a transfer and sell the license for value.

Frankly, he's not going to be able to sell it for the value he paid for it, but this

will at least allow him an opportunity to recover some portion of his investment.

We have a willing buyer. We have a proven licensee who complied with notwithstanding this unfortunate chapter around the renewal, complied with the license requirements and rules for his entire tenure, and would ask the Commission to take that into consideration in evaluating under a Section -- under a new license standard under Section 15 whether or not the licensee appears as an appropriate applicant for the issuance of a license. I would say his past conduct in Cambridge would be some compelling evidence that he meets the requirements and standards for the issuance of a license.

CHAIR NICOLE MURATI FERRER: Thank you.

Mr. Conforti, I would usually ask you a few questions as to your, I guess, abilities to be a manager of record, but it's very clear from

the presentation that this license would not be anywhere in your control, it would just be sold forward.

So I won't waste anyone's time with those questions.

I don't know if Commissioners have any other questions?

FIRE CHIEF GERALD REARDON: So, counselor, on the Chapter 138, 16(a) that referred to there's nothing there that indicates that a new license would be for value. We don't issue for value licenses.

ATTY JAMES RAFFERTY: Well, you wouldn't find any reference for value in Chapter 138, Chief. It's a term applied only in Cambridge.

FIRE CHIEF GERALD REARDON: It says basically that if it didn't get renewed, it would be available as a new license.

ATTY JAMES RAFFERTY: A new license,

right. So we're asking for new license. And the Commission has, in its history, granted new licenses for value.

Its most recent practice has not been, I know, in most cases, although I can recall in the not too distant past where -- so the history of these licenses you're well aware. Sometimes they have no value --

FIRE CHIEF GERALD REARDON: I have a long history here, counsel.

ATTY JAMES RAFFERTY: Well, I was trying to think of the appropriate response to that, and I would say it's a long and distinguished history, and I know you can appreciate that what the purpose of asking for a new license because the other question is, well, why doesn't Oggi just come and apply for a for value -- apply for a no value license?

I would have to concede there is some

logic to that, but what that has the effect of doing is not allowing the licensee here to be able to transfer the license.

So to -- there are no-value licenses, there are no value transfer licenses, although I understand that's a less favorable restriction these days. There used to be licenses issued if you exceeded the cap and got a license, there was no talk in those days of no value. Sometimes there was, sometimes there wasn't.

I can remember years ago when the Burger King went out and it was seen as a positive thing for Central Square, and a license was issued for Rendezvous, and I believe that license has since transferred for value because there was a no value restriction placed upon it.

In noncap areas, Middlesex Lounge and Miracle of Science, I represented them. In those days if you had locations that were outside of

cap districts, you would get a license and there was no restriction on no value.

So the reference in the -- the absence to any reference of value or no value in Chapter 138, frankly, is of little relevance because this concept of value versus nonvalue is somewhat unique to Cambridge because value -- licenses like this.

So we are asking for a new license and we're asking for the Commission, which has within its authority to do so, based upon the quota policy, to allow in this case, based on the circumstances and the inadvertent negligence of the licensee, allowing him an opportunity to issue this license as a new license for value.

It essentially allows us to return to the status quo and conclude a transaction to sell the license.

POLICE COMMISSIONER ROBERT HAAS: So how

solid is this deal going forward?

ATTY JAMES RAFFERTY: I will let Mr. Hope speak to that. I would say it's in the one hundred percent range.

I did speak with Mr. Hope for several weeks about this. I know the buyer has financing lined up.

It's a purchase price, probably about 50 percent below that was paid before.

But I will let Mr. Hope speak. But I understand his client, who has recently relocated, sees this as a great opportunity.

ATTY SEAN HOPE: Good evening, Madam Chair and Members for the Commission.

For the record, Attorney Sean Hope, Hope Legal Law Offices in Cambridge. We're here tonight on behalf Oggi Gourmet Restaurant.

As Attorney Rafferty had said, we're interested in the license. It's part of our

business model.

We have an agreement to purchase a license. I think it was made reference to that there may have been an option to apply for a license.

It has been the history of the Commission for licensees to start off with a beer and wine and then proceed in six months. I think that would be a less desirable than proceeding with a for-value license.

We have the financial wherewithal to purchase that license, and it would be our desire to be able to revive the license in its capacity to have it transferred to my clients.

CHAIR NICOLE MURATI FERRER: I just have two things, and only -- Attorney Hope, with all due respect, each application is looked at on a case-by-case basis and whether you apply for a full liquor license transfer, or you apply for a



full blown full liquor the first time or you apply for a malt and wine, it's considered on a case-by-case public good, public need. And it has nothing to do whether or not you buy an all alcohol and then -- or whether you apply for the all alcohol through us.

That said, I want to take it back to Mr. Rafferty. Mr. Rafferty, I've heard a -- I mean, it's a great argument on behalf your client. I get it. It's your job. But I haven't heard a single word that talks about the public need to actually issue this new license to the person that's applying for it.

I mean understand your client's need, financial. But, you know, as you know, whether this is a late renewal that has to be treated as a new application because it is the late renewal, the caselaw is very strict on this. Chapter 138 is very strict on this.

We have to treat it as a new application, and treating it as a new application, there has to be a public need for this license at this location for this applicant, and I actually haven't heard a single iota of how we can say, yes, there's a public need to issue this license so that this gentleman can sell it to this corporation.

ATTY JAMES RAFFERTY: Well, Madam Chair, I think the Commission could easily take judicial notice of the fact that the license has existed in this location, in this very location for 14 years and served the public.

It was during a period of inactivity. It's a rather unique circumstance, and while it is a new license standard, I would agree serving the public need, one would -- could easily -- and I'm happy to supplement the record -- I did not bring in testimony from Denise Jilson of the

Harvard Square Business Association to inform the License Commission of how many tourists walk through Harvard Square every day.

I could have Mr. Conforti, if the Commission wants, to go through the volume of business. He operated a successful restaurant at that location serving the public for quite some time.

It is perhaps the single most visited place in Massachusetts, according to certain figures produced by the City of Cambridge, but the volume of patronage at the restaurant was high, high levels and was obviously reflective of the need.

The whole cap policies that was in place for many, many years was a reflection of the fact that there was a desire to limit the number of licenses, so even during the cap period, this license existed.

So you are correct. I don't disagree at all that's the legal standard, but I think it's a little -- I think there is ample evidence in the Harvard Square area to suggest that licenses with longstanding histories of serving the public are examples of where the public need is being met. That's the same standard.

I, frankly, did not go out and seek petitions, which we have done in some cases when new licenses are being created. But if the Commission generally feels that there's some question as to whether the public need for this license exists, I would ask for an opportunity to supplement the record with letters of support, petitions, other evidence that, frankly, I thought was somewhat understood, but I certainly recognize the fact that the record needs to reflect the legal standard for the issuance of the license, and if the feeling is that that has

yet to be met, I would ask for the opportunity to supplement the record on that issue.

FIRE CHIEF GERALD REARDON: Can I ask what was Mr. Kane's previous position with Finale?

PAUL CONFORTI: He was the operating manager of the business.

ATTY JAMES RAFFERTY: At Harvard Square?

PAUL CONFORTI: At Harvard Square. Handled all our administrative functions, and, you know, was the person who was renewing the license for us annually and handling that correspondence.

FIRE CHIEF GERALD REARDON: Are you the sole owner of the --

PAUL CONFORTI: No. I believe the application reflects that there are investors involved in the business as well.

CHAIR NICOLE MURATI FERRER: There's

three more.

Any other questions?

POLICE COMMISSIONER ROBERT HAAS: So how would this work if we were issuing the license for value?

I mean, right now we have a formula for when we issue no-value licenses in terms of fees that are associated? How would this work with the for-value license?

CHAIR NICOLE MURATI FERRER: It doesn't matter, the annual fees are the same.

POLICE COMMISSIONER ROBERT HAAS: It would still be the same fee structure?

CHAIR NICOLE MURATI FERRER: It would be an newly-issued license fee which is, I don't know. I don't know off the top of my head.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's it would be twice what the --

CHAIR NICOLE MURATI FERRER: It wouldn't

be the renewal fee. There's a first instance fee for any new license.

POLICE COMMISSIONER ROBERT HAAS: That's typically for a no value.

Again, I'm trying to remember the last time we were asked to issue a for-value license and I'm trying to think what that --

ATTY JAMES RAFFERTY: I think it's fair to say that it's a practice that the Commission has moved away from, understandably because, frankly, like the Chief, I, too, have been here for awhile. But a lot of the existing licensees, I think raised a legitimate question over the life of the new licenses and say, "Wait a minute, if I paid a couple hundred thousand dollars for something, how is it that my competitor down the street just got a license and didn't have to pay anything?"

Frankly, that did come up in the Central

Square case, in the case of Rendezvous there were other licensees. I think wisely the Commission at that point modified its policy and said, "Well you know what? If we're going to do this that we're going to take a little more relaxed attitude to the cap or allow for instances of exceeding the cap would be permitted, we're going to create this class of no-value licenses.

So it was an attempt, in my experience -- and this going back a decade now -- to somehow address the equity issue of licensees who paid market value for their licenses.

We also had licensees who were attempting to sell licenses. It was very hard to sell a for-value license back then when there was an opportunity to simply go and get a new license, and this is an era when these license prices really climbed because when the cap was there in place, the value you saw on this license back in



2002 is not a value you would see today, but I think it got adjusted.

But like many municipalities even those that operate under a quota. If you apply for a license and they're available, you have a license and then what you do with the license thereafter, whatever value the license has, the license has value.

So it's not that far in a concept. It's just that we've -- based on the evolution of the cap policy, I would suggest what's happened here is that we created or the Commission saw in its wisdom that new licenses be created, but we're going to level the playing field.

So what we have here is an applicant who paid considerable value for a license. So I know the Commission will be mindful of precedent, but I would say this is quite a distinction between someone else coming in saying "How come that guy

got a for-value license?"

I would say the circumstance here are highly unique. You have a for-value licensee, and what you have chosen to do is issue a new license which is consistent with the prior license.

And I can't think of a case that's been before the Commission in my history here that's quite as consistent with the set of facts we've got here.

PAUL CONFORTI: Your Honor, since I'm sitting here and Attorney Rafferty spoke eloquently on my behalf, but I just want to apologize for having created this situation and this oversight. I have never had a license in dormant status or whatever the legal term of the status was, and didn't realize that there was going to be additional action that needed to be taken and didn't realize that the communication

was happening via email to notify me that all of these things were happening.

So it's just oversight on our part, and an unfortunate situation, and I'm sorry that I put us all in this situation and appreciate your consideration of this request.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: I would like to take it under advisement and also give counsel a chance to finish off the application.

Thank you.

ATTY JAMES RAFFERTY: Thank you.

Just some direction, Madam Chair, the decision will occur at a decision-making hearing?

CHAIR NICOLE MURATI FERRER: Yes.

Probably next week we're looking at meeting next week, if not, the week after.

ATTY JAMES RAFFERTY: You won't be sending Mr. Kane that notice?

CHAIR NICOLE MURATI FERRER: It will go to you, counselor, because you represented him at the hearing.

ATTY JAMES RAFFERTY: The record remains open if I could -- I would be free then to be able to supplement the record with evidence?

CHAIR NICOLE MURATI FERRER: I, quite frankly, don't find a reason to leave the record open, but I'll defer to my fellow commissioners.

POLICE COMMISSIONER ROBERT HAAS: I don't see a need for it.

CHAIR NICOLE MURATI FERRER: No need, counselor.

ATTY JAMES RAFFERTY: Thank you.

APPLICATION:

ETHOS BUSINESS PARTNERS, INC

D/B/A LE'S SUSHI BAR AND RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Ethos Business Partners, Inc, doing business as Le's Sushi Bar and Restaurant, has applied for a Common Victualer license to be exercised at 425 Cambridge Street with a seating capacity of 24, hours of 9:00 a.m. to 9:00 p.m., seven days per week, Huong Le, manager of record. Premise is described as red brick building with first floor restaurant space approximately 252 square feet.

And you have an amended application in regards to the square footage.

CHAIR NICOLE MURATI FERRER: I was going to say the application has amended the square footage to 1,609 square feet, is that correct?

ATTY ROBERT COLEMAN: That's correct.

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening. Could you please state your name for the record and please spell them for the benefit of the stenographer?

Thank you.

ATTY ROBERT COLEMAN: My name is Robert Coleman, C-O-L-E-M-A-N. I'm representing Ethos.

HUONG LE: Huong Le.

CHAIR NICOLE MURATI FERRER: I'm sorry, you have to speak up, ma'am.

HUONG LE: Ethos business partner.

THE REPORTER: I can't hear her, Chair.

CHAIR NICOLE MURATI FERRER: Huong, H-U-O-N-G, Le, L-E.

Sir?

TUAN NGUYEN: T-U-A-N, last Nguyen, N-G-U-Y-E-N.

CHAIR NICOLE MURATI FERRER: Thank you.

Go ahead, counselor. I mean -- yes,

counselor.

ATTY ROBERT COLEMAN: I have to address the issue of notice. There's been a little bit of confusion. I have just recently been engaged, and I discovered last week that the square footage was way off. I thought that was a material error.

So I came in late last week and spoke with Ms. Lint, and we both agree that I should amend the application.

I requested that we get an adjournment so we could conduct a notice properly. And when I came in with the new application yesterday, I guess a decision was made to continue with the hearing. I had not sent out the notice. So I sent out the notice today. And then in order to compensate, I hand-delivered the notice to the physical addresses in the area, but I suspect that you will consider the notice to be

deficient. If that's the case, I'm willing to --

CHAIR NICOLE MURATI FERRER: Well, counselor, I think -- I think we didn't intend you to renotice. You know, that was -- notice was subject to the open meeting law, so I do not understand why you were given direction to renotice.

But what we'll do is, we'll do this: We'll hear your petition. We'll leave the record open since you sent out notices, new notices today, in the event that we do get something, and we'll leave it open until next week, and if we get something that is not in support of your application or that raises concerns, we'll direct it to your attention so that you guys have an opportunity to respond.

I do not foresee the issue, not only was this published in the newspaper, but it was published on the open meeting -- I mean, pursuant



to the open meeting law, so I don't foresee a problem with this.

But we'll definitely leave the matter open, and since you're here today, we'll continue with the hearing.

Thank you.

Can you tell us a little about Le's Sushi Bar and Restaurant?

ATTY ROBERT COLEMAN: Yes. Ms. Le acquired the building with the intention of starting a Japanese/Vietnamese restaurant.

She spent about six months looking at the demographics and picked this location because there doesn't appear to be a Japanese restaurant within about a mile of the location, and there's no Vietnamese restaurant near by.

So with that in mind, she has begun -- she's almost completed construction of the facility. It probably will be completed at the

end of this month.

The menu is -- the prices on the menu are -- although it will have an upscale appearance, the prices should be modest in the \$5 to \$15 range for sushi and various other dishes.

CHAIR NICOLE MURATI FERRER: And you will be at the restaurant?

HUONG LE: Yes.

CHAIR NICOLE MURATI FERRER: You, sir, are you the manager or her son?

ATTY ROBERT COLEMAN: He's acting as a translator if it's needed.

CHAIR NICOLE MURATI FERRER: Ah. Okay. Thank you.

FIRE CHIEF GERALD REARDON: So, counsel, you indicated that they already started work, so there's permits ongoing for this?

ATTY ROBERT COLEMAN: Yeah. We've already gotten approval for the plumbing and

electrical, the ductwork, the gas. So it's --  
the only thing remaining is get the final permit.

POLICE COMMISSIONER ROBERT HAAS: No  
questions.

CHAIR NICOLE MURATI FERRER: Any  
questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: Anyone in  
favor?

I do note for the record we received a  
letter from Councillor Toomey supporting this  
application.

Anyone in opposition?

We'll leave the record open and then  
we'll decide after that.

ATTY ROBERT COLEMAN: Okay. When I get  
confirmation and notice --

CHAIR NICOLE MURATI FERRER: Please send  
it to Ms. Lint. Thank you.

APPLICATION:

L.C.W. ASSOCIATES, INC D/B/A AS ROYAL EAST

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: L.C.W. Associates, Inc doing  
business as Royal East, 782 Main Street, holder  
of a Common Victualer Wine and Malt Beverages  
License has applied for a Change of  
Officers/Directors and Transfer of Stock.

CHAIR NICOLE MURATI FERRER: Good evening.

ATTY GERARD FONG: Good evening.

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

ATTY GRARD FONG: My name is Grard Fong,  
G-R-A-R-D, Fong, F-O-N-G. I'm from the Lebrus  
(phonetic) Associates at 143 Newbury Street.  
With me is Evans Fu of Hiawatha Street in  
Waltham.

THE REPORTER: I need the spelling of his

name, counsel.

ATTY GRARD FONG: E-V-A-N-S, last name  
F-U.

CHAIR NICOLE MURATI FERRER: Thank you.  
Go ahead, counsel.

ATTY GRARD FONG: The petition here is  
for a change of shareholders and officers and  
directors. LCW Associates does business as Royal  
East at 782 Main Street.

It has been there, I think, about 30  
years. The building is owned by MIT. It has  
been a tenant of MIT for all that time.

There are presently four shareholders,  
Mr. Fu and then three others. The three others  
have been there since the beginning. I believe  
it's 1985.

And over the course of years, there are  
certain chronological inevitabilities and they've  
retired and they want to basically get out of the

business.

Mr. Fu has been in the -- has been at the restaurant as a shareholder for about two years.

EVANS FU: Three years.

ATTY GRARD FONG: Three years.

Previous to that, he ran the Island Hopper on Mass Ave for, I don't know, about 15 years before that -- ten or 15 years, a long time.

CHAIR NICOLE MURATI FERRER: Mr. Fu, you're currently the manager of record, correct?

EVANS FU: Yes.

CHAIR NICOLE MURATI FERRER: You're basically just buying out the other three.

EVANS FU: Yes.

CHAIR NICOLE MURATI FERRER: And I noticed that for a dollar each?

EVANS FU: Well, no.

CHAIR NICOLE MURATI FERRER: That was my

question. Here we have on Section 16, \$50,823.53 as other, is that the sale?

ATTY GRARD FONG: That's the sale price.

CHAIR NICOLE MURATI FERRER: Okay. It's just that the agreements all say for a dollar.

ATTY GRARD FONG: That may be the assigned paper.

CHAIR NICOLE MURATI FERRER: That's fine, which is fine, which is why I was confused. That's fine.

I do know bank records as requested by the ABCC have been provided.

You may want to check the math on those. I don't know if they're going to ask you for supplemental confirmation of the cash because it's not -- when you add up the bank accounts, it's kind of a little off.

ATTY GRARD FONG: Okay.

CHAIR NICOLE MURATI FERRER: Again,

that's an ABCC requirement. But maybe you want to check it and get back to Ms. Lint tomorrow before -- you know, if we do approve it as we send it up, you don't want it to come right back down just because of that.

Other than you just absorbing everyone else's shares, are there going to be any changes to the corporation or the operations of the premises?

EVANS FU: No, everything would remain the same.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

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

Anyone in opposition to this petition?



Okay. I vote to grant.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY GRARD FONG: Thank you.

EVANS FU: Thank you.

APPLICATION:

CAMBRIDGE AFFORDABLE HOUSING CORPORATION

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cambridge Affordable Housing Corporation has applied for a Garage License with additional flammables at 5-7 Temple Street for 18 parking spaces, 180 gallons of gasoline in the tanks of autos only and 150 gallons of Class 2.

CHAIR NICOLE MURATI FERRER: Good evening.

DEVIN SHAUSSE: Good evening.

CHAIR NICOLE MURATI FERRER: Would you please state and spell your names for the record?

DEVIN SHAUSSE: My name is Devin Shausee, S-H-A-U-S-S-E, first name is D-E-V-I-N. And I'm with the Cambridge Housing Authority.

To my left is John Woods, also with the Cambridge Housing Authority, W-O-O-D-S.

CHAIR NICOLE MURATI FERRER: Thank you.

And we're just basically -- can you tell me what kind of garage this is? Is this in a covered area?

JOHN WOODS: Yeah, there's 18 spaces, an 18-space garage that is underneath a five-story building, concrete slab with five stories of wooden framing on top of it.

CHAIR NICOLE MURATI FERRER: So is there any open areas to those spaces -- to the walls?

JOHN WOODS: Yes, yes. The walls are virtually all open. They're a series of columns.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: So you comply

with the two-thirds open wall space that is required?

JOHN WOODS: Yes.

FIRE CHIEF GERALD REARDON: So the 150-gallon tank, is that a diesel tank for a generator?

JOHN WOODS: Yeah. There's a diesel generator outside the garage. So it's on the side of the building between the YWCA and the new property.

And we wanted to raise this. When we were preparing for this, we realized that the capacity of that generator is actually 300 gallons, not 150. We carried 150 on the original design.

So we've gotten two flammables permits in both 2015 and 2016 where we put down 150 gallons when it's actually 300 gallons for the diesel.

FIRE CHIEF GERALD REARDON: Is this a

self-contained generator with a tank on the bottom?

JOHN WOODS: Exactly. Exactly.

FIRE CHIEF GERALD REARDON: So it's an about 150KW.

JOHN WOODS: Yes.

FIRE CHIEF GERALD REARDON: So typically 300 gallons, okay.

JOHN WOODS: Yeah. And we included the generator, so we could ensure that the water pumps and fire sprinkler systems were --

CHAIR NICOLE MURATI FERRER: Who are these parking spaces for?

JOHN WOODS: For the residents of the development. 40 units of a hundred percent affordable housing, and 18 parking spaces for those residents.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: So you don't have a separate day tank, everything is self-contained in the generator itself?

JOHN WOODS: That's right.

I was a little confused on the listing there. We calculated 18 cars at 20 gallons on each car, so 360. In fact, the flammable liquids permit shows 360.

FIRE CHIEF GERALD REARDON: The average that we use for cars is always ten gallons per vehicle.

JOHN WOODS: Okay, great.

FIRE CHIEF GERALD REARDON: The average is ten. The number of parking spaces times ten is 180.

So the only thing you're going to have to do is amend your flammable license to indicate the 300 gallons of the No. 2.

JOHN WOODS: Sorry about that. We didn't

realize.

CHAIR NICOLE MURATI FERRER: Anything  
else?

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: I vote to  
grant.

FIRE CHIEF GERALD REARDON: Approved.

CHAIR NICOLE MURATI FERRER: Yes.

POLICE COMMISSIONER ROBERT HAAS: Yes.

FIRE CHIEF GERALD REARDON: Yes.

JOHN WOODS: Thank you.

APPLICATION:

CLOVER FAST FOOD, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Clover Fast Food, Inc, holder of a  
Malt Only License at 7 Holyoke Street has applied  
for a Change of Location to 1326 Massachusetts  
Avenue and Change of Premise description to:

1,390 square feet first floor kitchen and dining with an occupancy of 49 and seating for 41.

Basement for storage.

CHAIR NICOLE MURATI FERRER: Good evening. Could you please state your names for the record?

JULIA BREMNER: My name is Julia Bremner, B-R-E-M-N-E-R.

CHRIS ANDERSON: Chris Anderson, C-H-R-I-S, A-N-D-E-R-S-O-N.

CHAIR NICOLE MURATI FERRER: Thank you. You guys are basically moving because of Harvard's renovations to everything, yes?

CHRIS ANDERSON: Yes.

JULIA BREMNER: Yes.

CHAIR NICOLE MURATI FERRER: And then the manager of record is staying the same, yes?

JULIA BREMNER: We are planning to change the manager.

CHAIR NICOLE MURATI FERRER: But not currently?

JULIA BREMNER: Not currently.

CHAIR NICOLE MURATI FERRER: Do you know when that application is going to be coming in?

JULIA BREMNER: I would expect later this week.

CHAIR NICOLE MURATI FERRER: Are you guys open, because I know that we transferred the common victualer first so that you guys could start operating, but it looks like you haven't opened, is that correct?

JULIA BREMNER: We open today.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: Is your current manager of record still with the company right now?

JULIA BREMNER: It's Chris.

FIRE CHIEF GERALD REARDON: Okay.



CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR NICOLE MURATI FERRER: Anyone in favor?

Anyone in opposition?

I vote to grant.

EXECUTIVE DIRECTOR ELIZABETH LINT: Madam Chair, if I may, the only issue right now is the Yen Ching license is still attached to that location that was supposed to be heard tonight.

CHAIR NICOLE MURATI FERRER: Well, not granted. We are deferred.

And when is that -- so that's the one that's going to be heard on the 19th?

EXECUTIVE DIRECTOR ELIZABETH LINT: It was supposed to be tonight.

CHAIR NICOLE MURATI FERRER: Okay.

You're going to have to make do without alcohol for a little bit.

JULIA BREMNER: Okay.

FIRE CHIEF GERALD REARDON: Can you explain the reason to them?

CHAIR NICOLE MURATI FERRER: Well, the license is in transfer.

FIRE CHIEF GERALD REARDON: Right. You can't -- you can't have two licenses at the same location that's why we can't do that.

JULIA BREMNER: Okay.

CHAIR NICOLE MURATI FERRER: In any event, even when we approve it, it still has to go up to the ABCC. So there's going to be some delay. Quite honestly, when you -- if you are moving back to another location, this is a process that you should probably start much earlier, and by "earlier," I mean three months

before your move just as an FYI.

Thank you.

Are you not the two for the next one?

CHRIS ANDERSON: Yes.

DISCIPLINARY: CLOVER FAST FOOD, INC

D/B/A CLOVER FAST FOOD

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary: Clover Fast Food, Inc doing  
business as Clover Fast Food, holder of a Common  
Victualer Malt Only License at 302 Elm Street for  
alleged violations of Cambridge Municipal Code  
Noise Ordinance 8.16.080-Non-Measured Noise  
Disturbance.

CHAIR NICOLE MURATI FERRER: We had  
various emails sent to us with regard to this  
matter.

Is anyone that's sitting back there here  
on behalf of the residents or whatever? Okay.

So this is what we'll do.

Why don't -- Ms. Boyer, why don't you leave that seat open and just take the one over here. And one by one, each of you please come forward so that you can tell us your side of the story, and then we'll go from there, and then Ms. Boyer can do everything else.

Anyone that's intending to testify with regard to this, if you could please stand up and raise your right hand.

Ms. Boyer, for the record, you are still sworn in.

Anyone else that's going to be testifying, please come forward or stand up wherever you are and raise your right hand.

Thank you.

(All participants sworn.)

CHAIR NICOLE MURATI FERRER: So each of you please state your name and spell it, and if

you're a resident, if you could give us your number and street address, that's great. You don't have to give us the full blown address or you can just say direct abutter in front if you don't want to really give the number. But let us know the basis of your complaint.

And if anyone is going to be repeating everything said, let's try to keep it adding on to it rather than repeating the same things, please, if possible.

I will note for the record that the commissioners received them. We will consider the emails that we have received with regard to this. '

Thank you.

Sir, if you want to start.

MICHAEL NOLL: Michael Noll, N-O-L-L. I live at 303 Elm Street.

Thank you, Madam Chair and Commissioners,

for listening to us tonight.

I have been a resident at Elm Street since 2010 just before Clover moved in, was excited to have a restaurant close by, and I feel like they made a big improvement to the corner and to our street through their renovations. However, we have been battling noise ever since they moved in.

On a number occasions the License Commission, I believe, has met with Clover, and they did make improvements, however, those improvements never stick. They always a couple weeks later come back to the way they were before.

Just a couple of these items: Food trucks start to idle around 5:00 in the morning as they're preparing to leave for the day, and idle to about 7:00 when they leave to go out and serve the public.

And then upon returning to the garage in the evenings, the trucks also sometimes idle well past 9:00. Additionally, there's occasional truck maintenance, cleaning of grease traps or other types of maintenance that goes on, that's oftentimes very loud also and that generally occurs in the evenings.

Early deliveries, there's been a number of earlier deliveries. I didn't actually bring a list because I had expected Ms. Boyer was going to present that list.

But early on March 14 there was a delivery as early as 4:55 a.m., and those deliveries often go all the way up until 7:00 a.m. in the morning.

And another issue we have seen are sprinter trucks, they have these small almost like mini-vans that do deliveries between their different locations. Those trucks are very

quiet. We appreciate that. However, the drivers when they turn onto Elm Street, they'll start honking their horns all the way down Elm Street until they get to the garage door as a signal to open that door.

That happens generally hourly on the weekends when I'm there. There are routine loud conversations and arguments and cell phone calls made during smoke breaks.

We have asked -- I personally have asked at least one time to have -- an employee was sitting on our steps -- move back to the Clover side of the road. He complied, was very polite about that.

However, a lot of the conversations have foul language and we can hear that above our TVs and radios.

Finally, there's a Clover truck that is permanently parked in the loading zone on Elm



Street right next to their property, and I think that contributes a little bit to the loud deliveries in the mornings because the delivery drivers now don't have a place to get their truck.

So I understand the trade-offs living in an urban environment and by no means am I expecting everything to be silent, however, I am asking the Commission to please take the necessary action to help us stop this permanently and to abide by the delivery rules.

Thank you for your time.

CHAIR NICOLE MURATI FERRER: Thank you.

Sir?

Just your name for the record, please.

DAVE BUCK: Dave Buck, B-as Boston-U-C-K.

CHAIR NICOLE MURATI FERRER: Are you also a resident?

DAVE BUCK: Yes, I am. 307 Elm Street.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

DAVE BUCK: I support what he said and it has been going on for a long time. A lot of idling trucks or deliveries before 7:00 in the morning on weekdays, and also because partly because that's when I leave and so I know that's been going on, and also on weekends, but I haven't documented that. But I mean, I would asked that they not do that on weekends. And that's like before 7:00 in the morning sometimes on weekends.

CHAIR NICOLE MURATI FERRER: Thank you.

Ma'am?

KARA DIPIERRO: Kara Dipierro. K-A-R-A, Dipiero, D-I-P-I-E-R-R-O.

I have been a resident of 303 Elm Street for just over a year as of February. Had I known I would have kept a log, but I started to keep a

log as of two weeks ago since knowing about this hearing.

Much like what Michael has said, everything has applied. Clover's garage door has now become my alarm clock. I can hear it every morning opening sometimes before 5 a.m. 7 a.m. is fine, but anything before that, I think, is a bit much. Other than the trucks idling, late night noises. They blare music sometimes out of the garage, and if you know, garage doors two stories high, it's all concrete inside and sound carries. I'm the top floor and I hear absolutely everything.

CHAIR NICOLE MURATI FERRER: Thank you.

RICHARD HOBBS: Hi, Richard Hobbs, H-O-B-B-S. I'm also in 303 Elm Street. The thing -- I can basically support everything that Michael has said. I'm not as good keeping nice logs as he did. But, yeah, using the truck horn

as a doorbell effectively is one of the major nuisances or just employees slamming on the roller shutter doors also using it as a doorbell.

Those are the only issues I can add to what Mike already said. Other than that, I support what he said.

CHAIR NICOLE MURATI FERRER: Thank you.

MICHAEL FLOYD: My name is Michael Floyd, F-L-O-Y-D. I'm a resident of 293 Elm Street. And I've given a couple very detailed emails as well some video recordings from my window of early morning disturbances so I won't go into any more detail on that.

The one thing I would just like to reiterate is what I heard from the first speaker. I have been a resident for just over three years now. And it has been fairly evident to me that there are times when things improve. Perhaps someone has made a complaint and Clover has

responded to that in a positive way. However, it's just two or three weeks later that the problems become -- they come back again. And I would like to see some kind of permanent assurance here that we don't have keep on coming back in front of the License Commission or involved in the city in order to just to maintain our daily lives as residents.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else?

Ms. Boyer, do you care to present?

ANDREA BOYER: Thank you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

ANDREA BOYER: So the reason that we're here for the hearing today for the Clover that's located at 302 Elm Street is basically we have been here before. In September of 2012, Elizabeth Lint and I had already spoken with Ayr Muer and Mr. John Lee regarding the deliveries,

the traffic, and the noise complaints.

At that time -- and there was an email that was attached to your report stated that they would make many changes and that it would no longer be an issue.

I and must admit we have not received many complaints until recently when Mr. Michael Noll who already spoke, email, the delivery and traffic problems are still an ongoing issue. That email was also attached to your report.

And based on Mr. Noll's complaint, I contacted the Clover logistic operations manager, Mr. Peter Bona, B-O-N-A. And over the last few months, Mr. Bona and I communicated regarding the delivery issues.

He stated that he had contacted the Clover purveyors and he had put them on a staggered delivery schedule for after 8:00 a.m. And then the two emails from Mr. Noll dated this

March 7 and March 8 showed that some deliveries are still transpiring before the allowable time.

So in accordance --

CHAIR NICOLE MURATI FERRER: When you talk about allowable time, you mean our actual noise ordinance, not any agreement that Clover has made, correct?

ANDREA BOYER: Correct.

So they're in a BA zone which allows they are in commercial, breakdown in commercial noise ordinance and they are right on the border with residential, and according to 8160 Paragraph E, crates deliveries, specifically, may only take place between 7:00 a.m. and 9:00 p.m. on weekdays and 9 a.m. and 9:00 p.m. on weekends, Saturdays Sundays and holidays. The only allowable pickup which would be a delivery of a disposal or dumpster in a commercial zone would be trash. No other deliveries may take place unless it's a

trash pickup.

I received a new complaint on March 14 from Mr. Floyd, and he asked for assistance as well regarding the delivery, and then the employee noise and traffic problems. That email was also attached. He also did send us, as he stated, a video of the music that emanates from the garage door that -- when it's open from the garage.

CHAIR NICOLE MURATI FERRER: I'm not sure, but have you been able to share that with Clover?

ANDREA BOYER: I have not.

CHAIR NICOLE MURATI FERRER: I'm going to play it for you. This is a video and I can show you that.

(Video played.)

CHRIS ANDERSON: What time was that?

CHAIR NICOLE MURATI FERRER: 8:30 a.m.



ANDREA BOYER: So, again, while you look for the date, we already had a sit-down in 2012 regarding these issues, and normally, that's what we like to do is to mediate, and then hopes that with them having the staggered delivery schedule, but, unfortunately, it does seem to only stick for a little while and then it transpires again.

CHAIR NICOLE MURATI FERRER: According to the email Ms. Boyer forwarded to the Commission, Mr. Michael Floyd sent this and said this was -- it now shows up. At 8:30 a.m. on Tuesday, March 22.

ANDREA BOYER: That's the end of my report.

Thank you.

CHAIR NICOLE MURATI FERRER: Now we hear from you.

CHRIS ANDERSON: Well, I do apologize for any disturbances we caused to the city -- the

residents of the City of Cambridge. There's a delicate balance to operate a business in a commercial area right next to a residential zone.

The people that we had in place taking care of it was not communicating a clear message of what exactly the issues were, and that's why it has escalated to me being on top of this currently. It's something I want to resolve and take care of. I also want to be able to operate within the means and boundaries that are set forth, but also be respectful and compliant to the residents in the City of Cambridge.

It was brought earlier to my attention or described to me that it was an idling/parking issue which I cannot find any issues with until we recently after doing some investigation and calling around. I think we had a conversation and I called the Parking -- Department of Ticketing and Parking Bureau.

FIRE CHIEF GERALD REARDON: Parking and Transportation.

CHRIS ANDERSON: They redirected me to other places, and it was actually a noise ordinance that we were violating. And then after researching that stuff, I was able to clearly then take action steps towards resolving those issues.

As far as the employee issues with whether it's smoking or have phone calls or beeping, those are easily executable and we do have some policies in place that if our employees are on resident properties that there are stern consequences for those actions.

CHAIR NICOLE MURATI FERRER: That sounds great, and I'm not saying it's not often to have these policies, but clearly they're not working. I mean, you have all these residents here saying that. We also have letters from people that

didn't make it. Miss Laurie Guscott, G-U-S-C-O-T-T and then two of her current tenants. You know, they're talking about -- I understand that there's this balance between commercial and residential, but we're not talking about deliveries being made within those hours and people complaining about that. We're talking about deliveries at 5:30 a.m., deliveries at 7:00 a.m. on a weekend, which is not allowable, 6:30 a.m. on a weekend. That music that we heard, that's not even a delivery. It's not a matter of a delivery being made, it's a matter of your employees not being respectful. I mean, that's -- I'm sorry, what floor are you on, sir?

MICHAEL NOLL: Second.

CHAIR NICOLE MURATI FERRER: That's on the second floor across the street at 8:30 a.m. I mean, you know, quite frankly, even if it's at 11:00 a.m., it doesn't matter. I mean, if you

have someone that lives at home that works from home, that's just not -- it's not good neighboring.

So my question to you guys is: I understand you have those policies. You're saying that whoever was dealing with this wasn't really on top of it. But how exactly are you going to get on top of it? Who's going to be there? Because clearly and based on the testimony that they have given and based on the testimony of that Ms. Boyer has given, you know, talks have worked in the past, a couple of weeks go by and then it goes back to same old same old.

CHRIS ANDERSON: It's a policy and more oversight that I'll be taking this on, and it's also a change in management in hands are going to enforce the policies that we put in place to comply with the noise ordinances of Cambridge.

CHAIR NICOLE MURATI FERRER: Is there a

manager on site there?

CHRIS ANDERSON: Yes.

CHAIR NICOLE MURATI FERRER: Are you telling me none of them know -- I mean, because this beeping thing down the street completely -- it doesn't matter the hour, according to our noise ordinance, it doesn't matter where you are, you can't really do that.

CHRIS ANDERSON: Again, I wasn't in contact. Through this we were working through Peter, and I just didn't have a clear message of exactly what the issues were.

FIRE CHIEF GERALD REARDON: You have a management problem at that property.

CHRIS ANDERSON: Yes.

FIRE CHIEF GERALD REARDON: So that's the key here. So if your management people are not aware of this, then something is drastically wrong.

CHRIS ANDERSON: That's escalated towards me. I'm going to be on top of the issues managing those folks and/or changing those folks around.

FIRE CHIEF GERALD REARDON: And the other issues with the door is closed going up to the roll up doors and pounding on them, you can hear them a block away. Clearly, all of this is just, you know, out of bounds in terms of what reasonable would be, never mind good neighbors.

Personally, from my point of view, you got to stop now. If you come back here, I'm not going to be charitable to you at all.

CHRIS ANDERSON: Understood.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: Okay. Do we want to vote on it now or take it under

advisement so we can discuss options?

FIRE CHIEF GERALD REARDON: Take it under advisement.

CHAIR NICOLE MURATI FERRER: Under advisement. Thank you.

Thank you all. We'll notify you of our decision.

Thank you.

DISCIPLINARY: LOWHILL, INC

D/B/A JOE SENT ME

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary: Lowhill, Inc doing business as Joe Sent Me, 2388 Massachusetts Avenue, holder of a Common Victualer All Alcoholic Beverages License, for alleged violation of General Laws Chapter 138, Section 64A, to wit, sale or delivery of alcohol to an intoxicated person.

CHAIR NICOLE MURATI FERRER: Good



evening. Could you please state your names for the record and spell them as well.

ALEXANDER MCCULLOUGH: Alexander McCullough, A-L-E-X-A-N-D-E-R. M-C-C-U-L-L-O-U-G-H.

DAVID GIANGREGORIO: David Giangregorio, G-I-A-N-G-R-E-G-O-R-I-O.

TIMOTHY GUIDRY: Timothy Guidry, G-U-I-D-R-Y.

CHAIR NICOLE MURATI FERRER: Anyone testifying, please stand up.

(All participants, sworn.)

Ms. Boyer, you're still under oath.

ANDREA BOYER: Do you want me to read the police record?

CHAIR NICOLE MURATI FERRER: Yes, please.

ANDREA BOYER: So we have here based on after receiving a police report No. 1600015, case titled "Intoxicated Person" in email from Officer

Lawrence Hudson.

Based on these police reports and the follow-up email, I had performed a follow-up investigation.

The police report is as follows -- it's from officer Lawrence Hudson -- and, Commissioner Haas, if there's any sort of -- what I'm starting here is with I 11R, is that the reporting officer?

POLICE COMMISSIONER ROBERT HAAS: Mm-hmm, reporting officer.

ANDREA BOYER: "Was dispatched to the area of Mass Ave and Cedar Street for an intoxicated person. When I arrived on scene, I saw a male lying on the ground struggling to sit up. There was a vehicle next to him with a female that said she called because she was concerned for the guy. She left when I arrived and I started to talk to the man who was

extremely intoxicated and could not talk coherently. He was also wearing a knee brace on his left leg from a prior accident. I asked for his identification. He would start to get it out of his wallet, then stop and almost pass out. I called for medical, and I took the wallet from the person and found that his name is Eduardo Handoko. I asked where he lives and he could not give me an address only pointing down Mass Ave saying 'down there.' While I was trying to keep Mr. Handoko awake, the white male came over and said he works at Joe Sent Me as bartender and Eduardo is a regular. He told me his name is Tim Guidry. I asked if Handoko was at the bar and Guidry said he left at approximately 1:00 a.m. closing time. I told Guidry that it is obviously that Eduardo is highly intoxicated and he was overserved. Professional Ambulance arrived, and one of the medical personnel asked Mr. Handoko

some questions, and he was slurring his words and kept on apologizing for being drunk. They asked where he was coming from, and he said, "Joe Sent Me." When asked where he was going, he responded 'home, down there,' but still did not give me -- give them an address. I am informed that his license had his address of 2456 Mass Ave, Cambridge. He was then transported by Professional Ambulance."

Again it was based on that police report that I had asked some more questions and met down at Joe Sent Me and spoke with the bartender, Tim Guidry and another employee, Heather. I actually spoke with Mr. Guidry.

The information given to me by the bartender and it's quoted. And it's "Who is Eduardo? He had been here for approximately 45 minutes. Ed is a regular when his wife lets him out. He lives two blocks away, right around the

corner next to Buy Rite. He hasn't been in since this happened. I don't think his wife will let him out for a while. Ed bought two Titos and a soda, an appetizers for himself and a few rounds for other people at the bar. He always does. He is very generous. The patron left at closing time. He lives one block way, and another employee -- excuse me -- as the patron left at closing time, another employee, Heather, noticed that Ed had fallen on the ground. Heather ran back to the establishment to get to Tim. When Tim ran up to Ed, Tim noticed that Ed had a leg brace on. Tim asked if the police -- said if a police cruiser wasn't already doing a U-turn on Mass Ave to come to help, he would have called 911.

The end of Tim giving me information, I requested the bill of sale and any employee guidelines that Joe Sent Me may have for their

employees. I received that information on January 28, 2016. The bill of sale, which was part of the report, shows the correct date and time and notes Ed as a patron. The bill shows two Titos, an appetizer and stated rounds and a very generous tip."

I also attached to the report I submitted is a Joe Sent Me responsible service of alcohol. The follow-up on January 26, 2016 I called the alleged involved party, Mr. Eduardo Handoko February 16 and February 24 and had not received any call back. It's dated on my report that if Mr. Handoko doesn't call back, I would reopen the investigation.

CHAIR NICOLE MURATI FERRER: The next letter.

ANDREA BOYER: This is from Andrew Topouzoglou.

POLICE COMMISSIONER ROBERT HAAS:

Topouzoglou.

ANDREA BOYER: Thank you.

"On the above mentioned date which is February 15, 2016 at approximately 12:36 a.m., the officer, while assigned to 13R, was dispatched to Joe Sent Me Bar and Grill at 2388 Mass Ave for a report of a fight. Upon arrival and investigation, a patron of the bar, Mr. Getinete Dendir was ejected from the bar for pushing some unidentified customers in the bar who did not want to be identified or press charges. Upon my arrival with 10R Officer Illynski, Officer Clinton, Car 5, Officers Levesque and Keough, and Car 19, Sergeant Keough, I spoke with employee Katlyn Kline who stated that a regular of the bar, Mr. Getinete Dendir entered the bar and sat down and asked for a beer. Kline served Dendir his first beer and then Kline stated that Dendir 'started to act

weirder than usual and pick a fight with three other customers.' Dendir then approached the three males and pushed two of them, so she called the police. Kline also stated that she did not realize Dendir was intoxicated when he first entered the bar and would have not served him the one beer she had served him. Officer Illynski approached Dendir who was sitting at the end of the bar with a half full bottle of beer in front of him. Dendir was argumentative, but did eventually give Officer Illynski his identification. Kline and the patrons who were assaulted did not want to press any charges and just wanted Dendir ejected from the bar. Dendir was told to leave the bar, and after he was identified, he left without any further problems."

CHAIR NICOLE MURATI FERRER: You spoke to the bartender about her statement, correct?



ANDREA BOYER: Yes, I did, ma'am.

CHAIR NICOLE MURATI FERRER: What did she say?

ANDREA BOYER: Let's see. "I interviewed the bartender, Ms. Kline, on March 1, 2016 to get more specifics of the incident.

Ms. Kline stated that the gentleman, Mr. Dendir Getinete, is a regular who orders the same item, a bottle of Heineken. In the evening, questioned she did not have much conversation with Mr. Getinete.

She stated that Mr. Getinete has a heavy accent. Instead of waiting for him to order, she just asks him 'Would you like your usual, Heineken?'

She walked away, spoke with other patrons for a couple of minutes, and when her back was turned towards the customers and working at the cash register, she heard a man say 'Why are you

touching me?'

She turned and saw shoving between Mr. Getinete and another patron, a third patron was in between breaking it up.

Mr. Getinete went towards the back of the establishment, towards the bathroom and started yelling, and that is when Ms. Kline realized Mr. Getinete was intoxicated. She explained that the incident did not take longer than five minutes from when she served the beer.

She told Mr. Getinete and the others involved to get out of the bar, which they did. She then called the police. The police arrived and took statements."

That's of end of my report.

CHAIR NICOLE MURATI FERRER: Did she say -- I think I'm -- what I'm concerned about is her statement that had she noticed that he was intoxicated, she wouldn't have served him. So

was she saying that she wasn't even looking and she just served him the beer, is that what he --

ANDREA BOYER: I think from what she had stated to me is, again, from his accent, he's a regular and instead of waiting to speak, she just spoke for him, which was probably how he was able to procure the alcoholic beverage.

CHAIR NICOLE MURATI FERRER: Gentlemen?

ALEXANDER MCCULLOUGH: Which one do you want to talk about first?

CHAIR NICOLE MURATI FERRER: You can take them in the order that you want.

ALEXANDER MCCULLOUGH: So Mr. Dendir, whatever his name is, he's a regular, but only in that he comes in maybe six times a year. Katlyn has been with us for a while now, she knows who he is. He's a big guy with a thick Jamaican accent. He doesn't really talk to many people, doesn't really talk to the bartenders, just kinda

comes in and sits down and watches TV for a little while and basically leaves.

He's not sociable. Doesn't really talk to anyone, he just sits there.

So I think when he walked in, it might have been just, you know, kind've business as usual. He came in. She knows what he drinks. Just kinda gave it to him. And, you know, went on about her business. I know she went down and talked to the other guys for little while, was cashing out a few tabs and just didn't think anything of it.

CHAIR NICOLE MURATI FERRER: Did you talk to her about this situation?

ALEXANDER MCCULLOUGH: Yeah.

CHAIR NICOLE MURATI FERRER: I'll tell you, I -- the first instance, the January 1 to 2, you know, I get it. He was served. There's no real information as to his state when service was

made because no one could really talk about that, you know, two Titos exploded or maybe the multiple rounds of shots he bought, maybe he drank some of those. It's neither here nor there. What concerns me is you have that and then you have the month after this, and then you your bartender basically just serving without even looking for clues and trying to assess. I mean, regulars are awesome, that's what keeps our businesses going, but you have to make sure that regardless of whether you're a regular or not, that the person is not intoxicated.

ALEXANDER MCCULLOUGH: Absolutely.

We sort of individually, Dave and I've talked to everyone kinda individually say, "Hey, you know," especially after the second one. You know, the thing with Ed after talking -- someone talked to him afterwards, and he said he had an accident with his knee, fell down and was on some

medication and didn't really realize what was going to happen.

So I think that was kinda -- it might have been a mixture of the, you know, pain medication and having a couple drinks. He usually comes in late night. He does some sort of international sales or service or something. So he's on the phone -- you know, he works from home, he's on the phone a lot. And so he doesn't finish up work until 12:00.

He's usually someone you can rely on as not being, you know, intoxicated at 12:00. He's generous. The appetizers he bought, they were not even for him, they were for somebody else, "Hey, take their round -- you know, take their tab, put it on mine," you know, that type of thing. He had the two -- you know, the two Titos which he usually does and that was it.

With the other guy, it's kind've the

opposite. He doesn't talk to anyone. He doesn't want to be talked to. He doesn't -- I know what you're saying, we need to kinda do a better job of assessing our guests as they come in. But I think just with familiarity with who these two guys were, it just wasn't -- it got by Tim and Katlyn.

The -- Dendir, we haven't seen him since this happened. When we do see him, we're going to tell him he's barred and can't come in any more.

Ed, we've already spoken to and told him that he has been barred. And I liked Ed. He's a nice guy and he takes care of, you know, patrons, he takes care of the bartenders and he usually 99 percent of the time he doesn't do anything.

CHAIR NICOLE MURATI FERRER: Dendir, I understand why you're barring, he started a fight.

You don't need to bar your usual people that come. You need to maintain your staff in line and your staff needs to do their job because whether I go into your bar and I'm intoxicated or not, it's not on me. If you serve me, that's on you.

ALEXANDER MCCULLOUGH: Understood.

CHAIR NICOLE MURATI FERRER: I mean, it's on me everything else I do.

ALEXANDER MCCULLOUGH: We're not really used to this sort of thing. The last thing we want is for, you know, Ed's name to appear in front of you again. We're trying to be a little more --

CHAIR NICOLE MURATI FERRER: I am more concerned about you appearing in front of us again. I am more concerned about your staff doing what they need to do because, quite frankly, it's those usuals, the people that you



know, it's your friend that comes to the bar to have a drink. It's the person that's usually loud all the time, and they're a little louder today because they're drunk, and you don't notice because you're like ah, they're always loud, what do you care."

Unfortunately, in this business, you have to keep up to date with a lot of things, but mostly with making sure that especially with the people that come to your establishment all the time to make sure that you are assessing those people, that you don't take it for granted that they're the good guy and they're not going to create a problem or the good girl because sometimes women are worse.

ALEXANDER MCCULLOUGH: Understood.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER ROBERT HAAS: No question.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: Do you want to take it under advisement or vote now?

FIRE CHIEF GERALD REARDON: I'm ready now.

CHAIR NICOLE MURATI FERRER: Okay. I would actually vote for a violation, particularly as to the second one.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR NICOLE MURATI FERRER: Violation. And I'll tell you considering your record, I was going to say a warning, but I would rather do a one day held in abeyance for six months.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR NICOLE MURATI FERRER: Okay. Violation one day held in abeyance for six months.

Talk to your staff.

ALEXANDER MCCULLOUGH: Absolutely.

CHAIR NICOLE MURATI FERRER: Please.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: The next matter, Dante Alighieri is off the agenda. They finally -- we had originally sent this into the ABCC. It came back because the application had been handwritten --

CHAIR NICOLE MURATI FERRER: Ms. Boyer, I need that police report.

ANDREA BOYER: I'm going to make copies and give them to Jill. I'll be right back.

EXECUTIVE DIRECTOR ELIZABETH LINT: So Dante Alighieri is off the agenda. We had originally sent in the application for the change of officers and directors to the ABCC who sent it back to us because it had been handwritten. It took them a few months to get it together to type out the application on-line and get it back to us and now they need -- they needed another

certificate of good standing. We're waiting for that to come in and then we'll send it back to the ABCC.

DISCIPLINARY: ASSOCIATION NOTRE DAME DE  
CAMBRIDGE, INC

Disciplinary: Association Notre Dame De Cambridge, Inc, 2322 Massachusetts Avenue, holder of an All Alcoholic Beverages Club License, for alleged violation of General Laws Chapter 138, Sections 15A and 26, to wit, failure to apply for change of officers/directors, and failure to have an approved manager on premise.

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening. Could you please state your name for the record?

THOMAS MOORE: Yes, my name is Thomas Moore, T-H-O-M-A-S, M-O-O-R-E.

CHAIR NICOLE MURATI FERRER: What is your

relation to this license?

THOMAS MOORE: I'm the acting manager also the treasurer of the organization.

CHAIR NICOLE MURATI FERRER: Basically in September of 2015 you were told that there were issues with the application and yet here we are are still.

THOMAS MOORE: Yes, so part of the -- one of the things that was needed was a certificate of good standing from the DOR. We were in a payment program to pay back some -- I think it was meals taxes, that we owed. So when I sent in the -- I filled out the change of managers -- I'm sorry -- The Change of Officers and Directors Form, part of that -- one of the things that was required was a certificate of good standing.

The DOR would not issue one, so I filled out a request for a waiver. What I did was I received a phone call from a gentleman -- I can't

remember his name -- at the ABCC. He gave me the phone number of a woman named Deborah Hess at DOR and said to call and she could give us a -- she could not give a certificate of good standing, but it was basically a letter saying that we are in a payment program, we're making payments trying to comply, sort of in lieu of a certificate of good standing.

So I called the phone number and they asked to -- they said, "Leave a message, if we, you know, don't call, leave multiple messages, we'll get back to you." So I did that.

A couple months went by and Executive Director Lint emailed me and said, "Hey, what's the holdup?" And I explained everything to her and I said, I'll call back, but I haven't heard anything." And the only reason I didn't call again was it said specifically on the message don't call twice.

But I figured, well, I better because maybe, you know, they forgot me or something like that.

So I called back. I left another message. Never heard back from them. However, in February, we made our last payment of the payment plan.

What I did as soon as the payment went through, I went onto the Mass tax website to just request the certificate, and I got back a rejection saying that we hadn't paid a different tax, an unrelated business tax it's called because we have storefronts, but the only problem was I had filed it and had paid the tax. I sent -- so what I did was emailed the letter that they sent me plus, you know, checkstub, plus my bank statement showing that cancelled check and I emailed it to them.

When I received the letter from the

Commission, I also forwarded it on to Executive Director Lint just so she could see it, just so she would know that, you know, I was trying to comply.

And then on Friday, they -- I got an email from saying "You have a letter," so they did issue the certificate of good standing and I emailed that on to Executive Director Lint this morning and I also brought in a hard copy.

CHAIR NICOLE MURATI FERRER: Where is the application then? Do we have the application?

EXECUTIVE DIRECTOR ELIZABETH LINT: We have the application and we got the certificate of good standing today.

The main purpose of still having Tom come in is to understand how serious this. It has taken basically two years to get the club in to comply to get the application done and he's -- they're not the only ones. Andrea and I have met



with all the clubs, I would say, easily six times to get them to understand what their responsibilities are, that every time you have an election and change your members, you have to take action.

CHAIR NICOLE MURATI FERRER: Actually, during your renewal, you're supposed to file an updated list of officers. So every year in November when you renew this license, you have to submit a list of officers and directors, that's according to Chapter 130A.

So I can tell you right now that this year we will be making sure that we look for that, and if that's not there, your renewal is incomplete and your license may be subject to cancellation.

THOMAS MOORE: Understood.

CHAIR NICOLE MURATI FERRER: With that said, do we have everything we need from them?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe we do as of today.

THOMAS MOORE: I apologize for that. I was trying to get what we needed from DOR. As luck would have it, we got it today.

CHAIR NICOLE MURATI FERRER: I would vote for a violation warning on this.

FIRE CHIEF GERALD REARDON: I would support a warning. I know the past problems with Mr. Moore have been carrying a lot of this club on his back lately, but obviously we can't go too far out of bounds. Obviously the club has to understand that. This warning, I think, is necessary for the rest of your club holders to understand that you can't be holding -- they're all responsible, they're going to jeopardize the license. I support it.

CHAIR NICOLE MURATI FERRER: Thank you. For violation warning.

Thank you.

THOMAS MOORE: Thank you.

DISCIPLINARY:

NEW RED DRAGON GENERAL, INC,

D/B/A AKAI RYU SHABU AND SUSHI

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary: New Red Dragon General, Inc, doing business as Akai Ryu Shabu and Sushi, One Porter Square, holder of a Common Victualer All Alcoholic Beverages License, for alleged violation of General Laws Chapter 138, Section 77, to wit, cessation of business and non-use of license.

CHAIR NICOLE MURATI FERRER: Is New Red Dragon General, Inc here? Is Allan Yee here? Is Wen Biao Zou here? Wai Lin Tang? Johnny Ouyang? No.

Well, seeing how we scheduled them for

6:00 p.m. and it is 7:48 p.m., I vote to cancel this license. That would be my vote.

FIRE CHIEF GERALD REARDON: Second.

EXECUTIVE DIRECTOR ELIZABETH LINT: The mail did not come back, so...

POLICE COMMISSIONER ROBERT HAAS: In favor.

CHAIR NICOLE MURATI FERRER: License cancelled.

We're adjourned.

(Hearing adjourned)

# ERRATA SHEET

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

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

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 8th day of April, 2016.

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

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