

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Acting Chairman
Robert C. Haas, Police Commissioner
Gerald R. Reardon, Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

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

Tuesday, February 08, 2011

6:00 p.m.

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I N D E X

Page

Application:

Disciplinary: All common victualer,
entertainment, used car dealers and
jitney licenses that failed to renew
their license for the 2011 year

4

Application: Cho Enterprises, LLC
d/b/a Oxford Spa Cafe

8

Continued January 11, 2011
Maharaja

11

Ratifications: #90, #196, #146
and #45

33

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

2 ELIZABETH LINT: Before we get
3 started if anybody has a cell phone on,
4 please turn it off.

5 It's License Commission General
6 Hearing, Tuesday, February 8, 2011, at 6:04
7 p.m. We're in the Michael J. Lombardi
8 Municipal Building, 831 Mass. Ave. basement
9 conference room. Before you the
10 Commissioners, Chairman Michael Gardner,
11 Commissioner Robert Haas and Chief Gerald
12 Reardon.

13 Would you like to take care of Maharaja
14 since counsel is here? And let me -- I'm
15 sorry.

16 If anyone is here for the meter rate
17 increase, that will be continued to March
18 15th.

19 MICHAEL GARDNER: Are people here
20 for the first item on the agenda?

21 ELIZABETH LINT: Maharaja and Chos,

1 Oxford Spa.

2 And you're here for?

3 ATTORNEY KEVIN CRANE: Maharaja.

4 ELIZABETH LINT: Maharaja.

5 ROBERT HAAS: It's a series of
6 non-payments.

7 MICHAEL GARDNER: Right.

8 ELIZABETH LINT: I mean, that's
9 fairly simple. Much them are here. I would
10 traditionally read them into the record.

11 MICHAEL GARDNER: Okay. Well, why
12 don't you do that.

13 ELIZABETH LINT: Okay.

14 Disciplinary matter: All common
15 victualer, entertainment, used car dealers
16 and jitney licensees that failed to renew
17 their license for the 2011 year. Fresh Pond
18 Auto Sales.

19 (No Response.)

20 ELIZABETH LINT: Ahmed Guda, Day and
21 Night Transportation.

1 (No Response.)

2 ELIZABETH LINT: Dunkin' Donuts.

3 GERALD REARDON: Which one?

4 ELIZABETH LINT: Five Third Street.

5 (No Response.)

6 ELIZABETH LINT: Verna's Donut Shop.

7 (No Response.)

8 ELIZABETH LINT: Subway.

9 GERALD REARDON: Which one was that?

10 ELIZABETH LINT: JFK Street. 36 JFK

11 Street.

12 (No Response.)

13 ELIZABETH LINT: And Zing Pizza.

14 (No Response.)

15 ROBERT HAAS: So, our motion would
16 be to either make a recommendation that we
17 suspend their license if we don't get a note
18 after 30 days or something like that?

19 ELIZABETH LINT: I would recommend
20 that you assess a \$25 administrative fee.

21 ROBERT HAAS: Okay.

1 ELIZABETH LINT: And then I can have
2 Andrea go out and make sure that all these
3 establishments are still open. And if
4 they're not open, then we would see summarily
5 revoke the license.

6 ROBERT HAAS: At that point?

7 ELIZABETH LINT: At that point. And
8 if they are open, give them a period of time,
9 30 days --

10 ROBERT HAAS: You mean if they're
11 not in operation any longer?

12 ELIZABETH LINT: If they are not in
13 operation. And if they are in operation,
14 give them 14 days to pay since they're
15 already --

16 GERALD REARDON: In arrears.

17 ELIZABETH LINT: -- in arrears.

18 MICHAEL GARDNER: And these were all
19 due December 31st?

20 ELIZABETH LINT: By December 31st,
21 yes.

1 ROBERT HAAS: I make a motion that
2 we assess the \$25 administrative fine for
3 failure to renew their licenses in a timely
4 fashion, and for the inspector to determine
5 which establishments are still open, and if
6 they're open, give them a 14-day period to
7 pay their fee otherwise then their license
8 will be suspended.

9 GERALD REARDON: Second.

10 MICHAEL GARDNER: Is this consistent
11 with what's typically been done?

12 ELIZABETH LINT: Absolutely.

13 MICHAEL GARDNER: All those in
14 favor?

15 (Aye: Gardner, Haas, Reardon.)

16 MICHAEL GARDNER: Opposed? None.
17 Thank you.

18 Why don't we just do the agenda and go
19 to Chos?

20 * * * * *

21 ELIZABETH LINT: Sure.

1 Application: Cho Enterprises, LLC
2 doing business as Oxford Spa Cafe, Casey Cho,
3 Manager, has applied for a Common Victualer
4 license for 16 seats (12 inside and 4
5 outside) at 102 Oxford Street. Said license,
6 if granted, would allow food and
7 non-alcoholic beverages to be sold, served
8 and consumed on said premises and to have
9 hours of operation from 6:30 a.m. until 7:00
10 p.m. seven days per week.

11 MICHAEL GARDNER: Good evening.

12 CASEY CHO: Hello.

13 MICHAEL GARDNER: It would be good
14 if you can identify yourself for the record,
15 please.

16 CASEY CHO: My name is Casey Cho,
17 manager of Oxford Spa.

18 MICHAEL GARDNER: Would you tell us
19 a little by the about your plans, please.

20 CASEY CHO: We're not really
21 changing anything. We just added our

1 corporation Cho Enterprises on to the CV
2 license. We're just staying -- everything
3 pretty much the same, seating, menu.

4 MICHAEL GARDNER: Okay. I guess I'm
5 not sure what the action or the change is
6 then.

7 ELIZABETH LINT: It was just a d/b/a
8 and now they're incorporated. The only
9 question I would have is that he's asking for
10 12 indoor seats and Zoning only signed off
11 for 10.

12 CASEY CHO: Oh.

13 MICHAEL GARDNER: So is this an
14 increase? Are you proposing to increase it
15 or are you operating with 12 now?

16 CASEY CHO: No, there's only 10.

17 MICHAEL GARDNER: And what about the
18 four outside, is that new?

19 CASEY CHO: We've had that. We had
20 that obstruction license, too.

21 GERALD REARDON: For the sidewalk?

1 ELIZABETH LINT: The DPW permit.

2 MICHAEL GARDNER: So should this
3 application be amended to say 14 seats, 10
4 inside and four outside?

5 ELIZABETH LINT: Yes, it absolutely
6 should.

7 MICHAEL GARDNER: And that's
8 amenable to you, that's agreeable to you?

9 CASEY CHO: Yeah, that's fine.

10 MICHAEL GARDNER: And how long have
11 you been in operation? Just give us some
12 sense about your experience.

13 CASEY CHO: Almost three years now.
14 In May. I think it will be May. It will be
15 three years.

16 GERALD REARDON: I'll make a motion
17 to approve for a CV license, 14 seats, 10
18 inside, four outside. The four outside
19 subject to an obstruction permit from Public
20 Works at 102 Oxford.

21 ROBERT HAAS: Second it.

1 MICHAEL GARDNER: There being
2 nothing else, I guess, all those in favor?

3 (Aye: Gardner, Haas, Reardon.)

4 MICHAEL GARDNER: Opposed? No?
5 Good luck.

6 CASEY CHO: Thank you.

7 MICHAEL GARDNER: Why don't we hold
8 off on the ratifications.

9 ELIZABETH LINT: You read my mind.

10 * * * * *

11 ELIZABETH LINT: Matter continued
12 from January 11th, Maharaja.

13 MICHAEL GARDNER: Welcome back.

14 ATTORNEY BERNARD GOLDBERG: Thank
15 you. Good to be here.

16 MICHAEL GARDNER: State your name
17 for the record.

18 ATTORNEY BERNARD GOLDBERG: 620
19 Massachusetts Avenue, Cambridge.

20 MICHAEL GARDNER: And as I recall,
21 Mr. Goldberg, last Thursday morning we asked

1 you to set about on a series of tasks to
2 return to us with and we agreed you would
3 come back this evening?

4 ATTORNEY BERNARD GOLDBERG: Yes.

5 MICHAEL GARDNER: Right? Nice to
6 see you. I wonder if you could report to us
7 on your activities.

8 ATTORNEY BERNARD GOLDBERG: Yes,
9 Mr. Gardener, Mr. Chairman, I have submitted
10 to Ms. Lint, Monday, yesterday, an Affidavit
11 relative to, as you describe, a chore that I
12 had so far as the last meeting on Thursday.
13 And in it I described what I did and what I
14 had done relative to the inactive licenses.
15 And as you can see, and I did speak to
16 Ms. Lint with regard to her knowledge
17 concerning what -- whether there were any
18 licenses available in Harvard Square that she
19 was aware of. And then I did speak directly
20 with John Digiovanni in connection with -- he
21 was the contact gentleman with regard to the

1 HZ Vendors, Inc. And as I reported, he was
2 in negotiation presently with regard to the
3 development of that property in Brattle
4 Square. I also spoke to a gentleman, a
5 contact person at with regard to Hoffa's in
6 Harvard Square. And it was a Jim Cronin,
7 Senior Vice President. And my question both
8 to him and to John Diogiovanni is whether or
9 not the licenses were for sale. And as I
10 described here, they didn't say emphatically,
11 but they did say that it wasn't for sale but
12 they were going to continue with their
13 development in the area. And as Hoffa's --
14 Jim Cronin said, the economy has slowed him
15 down a little bit.

16 And then with regard to Uno Restaurant,
17 I think you're aware of that that license has
18 to stay at the site. And then finally I did
19 speak with -- on the answering service with
20 the gentleman -- his name is -- let's see,
21 well, it was Florentine Restaurant. I forget

1 his name right now. But previously I'd
2 spoken to him, left a message for him to call
3 me, and I called him again. And I called him
4 last Friday, and I called him on Monday to
5 see if he had any answers for me, and he has
6 not. I noted -- and maybe, Ms. Lint, you can
7 tell me, in the inactive licenses, it says
8 inactive until expired. Has that expired? I
9 don't know how long it's been inactive.

10 ELIZABETH LINT: Florentina? No.
11 Actually, someone is interested in utilizing
12 that license and they've been paying the
13 renewal fees for it and keeping it active.

14 ATTORNEY BERNARD GOLDBERG: Thank
15 you.

16 So as I described in my letter and in
17 my beginning with regard to the Affidavit, I
18 have exhausted, if you will, an attempt to
19 obtain any of the inactive licenses or any
20 active licenses that are presently existing
21 in the Harvard Square area. And I think that

1 that may satisfy your requirement and the
2 regulations requirement of last resort.

3 ROBERT HAAS: So, there were -- I
4 mean, the two other establishments that we're
5 aware of Om Restaurant indicated they wanted
6 to sell their license. I'm just curious why
7 you didn't incorporate it into your
8 Affidavit.

9 ATTORNEY BERNARD GOLDBERG: I did
10 speak to him.

11 ROBERT HAAS: Yes, I know you did.

12 ATTORNEY BERNARD GOLDBERG: Right.

13 ROBERT HAAS: I just was wondering
14 why you left him off --

15 ATTORNEY BERNARD GOLDBERG: Well, it
16 wasn't an inactive license.

17 ROBERT HAAS: Right.

18 ATTORNEY BERNARD GOLDBERG: And as
19 we discussed previously, he is using that
20 license presently and he wants to sell it.
21 And when he does sell it, then he'll move to

1 Central Square if I'm not mistaken with
2 regard to the development at Massachusetts
3 Avenue. He wants to sell the license and I
4 think he wants to get out from that business
5 in Harvard Square.

6 ROBERT HAAS: Yes, I think the
7 Chairman's question is not only inactive
8 license but licenses for sale. He's
9 indicated to us that his license is for sale,
10 right?

11 ATTORNEY BERNARD GOLDBERG: Okay.
12 Well, I did speak to him with regard to that,
13 Commissioner, and he told me that his price
14 was \$250,000.

15 ROBERT HAAS: Okay. And there was a
16 gentleman here on the first evening that was
17 indicating to us --

18 ATTORNEY BERNARD GOLDBERG: Oh, yes.

19 ROBERT HAAS: I'm trying to
20 remember.

21 ATTORNEY BERNARD GOLDBERG: That's

1 the Indian restaurant in the --

2 ELIZABETH LINT: I think you mean
3 Vic Capure (phonetic). As you know, I wasn't
4 here. I'm not sure that he really wants to
5 sell it. I think he was trying to make a
6 point that he had done -- sold his license --
7 his all-alcoholic license to Wagamama, and
8 Wagamama sold him their all -- their wine and
9 malt.

10 ROBERT HAAS: Right.

11 ELIZABETH LINT: So, I think he was
12 talking more about the costs involved.

13 ROBERT HAAS: Okay.

14 ELIZABETH LINT: But I couldn't say
15 with certainty that he wanted to sell.

16 ROBERT HAAS: Okay.

17 ATTORNEY BERNARD GOLDBERG: I'm sure
18 that he doesn't want to sell. I was
19 negotiating for Wagamama in that transaction
20 and he had a liquor license he didn't want.
21 Wagamama wanted a liquor license, so Wagamama

1 took an opportunity to sell their beer and
2 wine license.

3 ROBERT HAAS: Right. They
4 exchanged -- okay.

5 MICHAEL GARDNER: Is the Om license
6 a matter of some kind of litigation?

7 ATTORNEY BERNARD GOLDBERG: I'm --
8 well, I really don't know. I know that he --

9 MICHAEL GARDNER: General knowledge
10 if anybody knows anything.

11 ATTORNEY BERNARD GOLDBERG: Well, I
12 do know that Om had gone into bankruptcy. It
13 may be in the bankruptcy court where it is
14 presently. And I don't believe he's been
15 discharged as yet from that.

16 MICHAEL GARDNER: Okay, Ms. Lint.

17 ELIZABETH LINT: That's my
18 understanding.

19 MICHAEL GARDNER: Members of the
20 audience signalling yes as well.

21 ATTORNEY BERNARD GOLDBERG: Also,

1 Mr. Chairman, if I may say, that I left with
2 Ms. Lint, and perhaps she can show you the
3 lease, and the lease has taken care of the
4 requirement that you had suggested that there
5 is no security interest in the license and/or
6 the common victualer license that the tenant
7 has.

8 ROBERT HAAS: Is that paragraph 24
9 that was changed?

10 ELIZABETH LINT: Yes.

11 ROBERT HAAS: Okay.

12 MICHAEL GARDNER: That material will
13 be part of the record?

14 ELIZABETH LINT: Yes.

15 MICHAEL GARDNER: Any questions from
16 either of the Commissioners?

17 GERALD REARDON: Not at this time.

18 ROBERT HAAS: No.

19 MICHAEL GARDNER: Are there any
20 members of the public here who would like to
21 be heard on this matter? Just come up and

1 state your name, please.

2 RAJ DHANDA: Raj Dhanda. I'm the
3 landlord of the property where this
4 restaurant is.

5 MICHAEL GARDNER: Would you mind
6 just speaking -- coming a little for purposes
7 of the microphone?

8 ATTORNEY KEVIN CRANE: Sit down
9 right here.

10 RAJ DHANDA: Yes, I can speak
11 louder. Once again, Raj Dhanda. I'm the
12 owner of Crimson Gallery and landlord of the
13 property where Maharaja wants to open the
14 restaurant. And I want to confirm as you've
15 seen the document that there's no security
16 interest. We have no loan to this restaurant
17 of any kind, and there's no financial
18 connection. Just to reconfirm earlier, Om is
19 in bankruptcy, has been since July of 2009,
20 and there's no idea when that will be over.
21 It may be six months, it may be three months.

1 I have no idea. And I have no idea that
2 there is, there's any intention on his own
3 for Om to move.

4 MICHAEL GARDNER: Okay.

5 RAJ DHANDA: And, therefore, the
6 restaurant, I would assume that that liquor
7 license will continue to be used in that
8 location by that proprietor.

9 MICHAEL GARDNER: I guess in terms
10 of my review of attempting to understand the
11 regulations, I'm persuaded that the provision
12 that under certain circumstances a license
13 could be transferred cap to cap does not
14 necessarily preclude us from approving a
15 transfer from a non-capped area into a capped
16 area. And so I think the two questions
17 remaining to me are you've taken the
18 reasonable steps to exhaust the efforts to
19 locate a license within the area?

20 And then the issue of in terms of a new
21 application if we are limited or what the

1 procedures are with respect to both the
2 number of seats that can be subject to the
3 new license and also the operating hours.
4 And if there's any differences or what the
5 restrictions are with respect to what in the
6 new location the Guido's license -- whatever
7 requirements it had, if those would transfer
8 over?

9 ATTORNEY KEVIN CRANE: Kevin Crane,
10 104 Mount Auburn Street, Cambridge, the
11 attorney for Guido's Bar and Grill, Inc.

12 Mr. Chairman, members of the board, I
13 did review this morning actually the files on
14 those three transfers that I've cited
15 recently into Harvard Square from outside
16 Harvard Square, and I confirm that in two of
17 those instances, the First Printer transfer
18 and also the Conga transfer that in each
19 instance the capacities were increased as
20 well.

21 MICHAEL GARDNER: Is there any

1 indication in the record that that was a
2 conscious decision of the Commission?

3 ELIZABETH LINT: The application
4 specifically asked for an increase in
5 capacity. On the first transfer I think it
6 was the Roca license we determined this
7 morning. It was an increase of seats, and
8 the seats that were part of that increase had
9 no value and were non-transferable. So that
10 if the license were sold again, it would go
11 back to the original number of seats that are
12 on that license. So I think it went from 58
13 is to 100.

14 ATTORNEY KEVIN CRANE: I think it
15 was up to 100 -- 100 to 136.

16 ELIZABETH LINT: Yes, okay.

17 ATTORNEY KEVIN CRANE: And the other
18 two, there was First Printer went from 60 to
19 94. And on Shine to Conga it was less than
20 an hundred to 111.

21 ELIZABETH LINT: That would be

1 right.

2 ROBERT HAAS: And so I'm
3 understanding, there's a stipulation, though,
4 that if the license were to be sold, it would
5 revert back to the original number of seats
6 in both instances?

7 ELIZABETH LINT: I don't believe
8 that was voted on the second, but on the
9 first transfer that tested the new policy, it
10 absolutely was done, that the additional
11 seats had no value and were non-transferable.

12 MICHAEL GARDNER: I had heard in my
13 inquiries about this before that there was an
14 issue or a procedure about buying bank seats.
15 That that's a different process that you're
16 saying.

17 ELIZABETH LINT: Yes.

18 MICHAEL GARDNER: In these three
19 instances that was not done.

20 ATTORNEY KEVIN CRANE: That's right.

21 ELIZABETH LINT: That's right.

1 MICHAEL GARDNER: And what is your
2 plan here, Mr. Goldberg, with respect to the
3 increase in capacity, if you could just
4 address that?

5 ATTORNEY BERNARD GOLDBERG: Well, if
6 we need to increase with regard to the
7 seating capacity, we would request that the
8 increase go through as a non-value increase.
9 And that if it were to be sold, it would not
10 be sold at the higher increase of seats
11 itself.

12 ROBERT HAAS: So it would revert
13 back to the original capacity?

14 ATTORNEY BERNARD GOLDBERG: It would
15 revert back to the original capacity, yes.

16 MICHAEL GARDNER: Which is 58; is
17 that right?

18 ATTORNEY KEVIN CRANE: 63.

19 MICHAEL GARDNER: 63.

20 Is there any issue about operating
21 hours, one license to the other?

1 ELIZABETH LINT: No. I think
2 actually the Guido's license had longer hours
3 than what's here.

4 ATTORNEY KEVIN CRANE: The Guido's
5 license was one.

6 ELIZABETH LINT: With a one a.m.,
7 wasn't it? Yes.

8 GERALD REARDON: Traditionally the
9 time doesn't necessarily transfer anyway. It
10 depends on where they're going and what are
11 the circumstances.

12 ELIZABETH LINT: It depends on a two
13 a.m. That's what we won't transfer.

14 ATTORNEY BERNARD GOLDBERG: Right.
15 That would be a new application.

16 ELIZABETH LINT: And the seating
17 capacity went to about here. I'm not
18 entirely sure.

19 UNIDENTIFIED MALE: 125.

20 ROBERT HAAS: Let me ask you this:
21 If the license were to be sold with the

1 Maharaja -- I mean, what you're basically
2 doing is disadvantaging them, the next owner,
3 right, if it's going to revert back to 63
4 seats? So, if it stays with the
5 establishment, I would imagine you would be
6 interested or at least your client would be
7 interested that it stays at that capacity
8 that would make that license viable for the
9 next buyer, right?

10 ATTORNEY BERNARD GOLDBERG: Yes.

11 MICHAEL GARDNER: Well, when we talk
12 about no value seats being transferred, are
13 we talking about a change in ownership
14 within -- at the same location or are we
15 talking about a transfer of the license as
16 here from one establishment to another with
17 the different location.

18 ELIZABETH LINT: If it were to stay
19 at that location and be sold, they could not
20 sell the additional seats. So that buyer
21 would be in the same situation that you're in

1 right now.

2 ATTORNEY KEVIN CRANE: Although
3 there is precedent in those two other
4 instances where the additional seats were not
5 considered no value.

6 MICHAEL GARDNER: Okay.

7 Any other questions from anyone?

8 ROBERT HAAS: No other questions.

9 MICHAEL GARDNER: Then no other
10 comments from the audience?

11 (No Response.)

12 ROBERT HAAS: Mr. Chair, I'd make a
13 motion to accept the transfer with the
14 adjusted number of seats with two
15 stipulations:

16 One, if the license were to be sold off
17 premises, it would revert back to 63 seats.

18 If it were sold as part of the
19 Maharaja, that it maintain its capacity as
20 part of that sale.

21 ELIZABETH LINT: Say that again?

1 ROBERT HAAS: So, in other words, if
2 Maharaja sells its establishment and it sells
3 the license as part of that sale, it would
4 retain the number of seats that capacity of
5 that restaurant would be. In other words, it
6 wouldn't revert back to 63. So, you wouldn't
7 find yourself in this situation again. They
8 could sell the restaurant as a whole package.

9 ELIZABETH LINT: Okay.

10 ROBERT HAAS: But if they were to
11 sell the license to another entity, they
12 revert back to the 63 seats. Let's say they
13 sell the restaurant separately, right? And
14 they sell their license to another entity.
15 Then it goes back to 63.

16 ELIZABETH LINT: Oh. We don't often
17 see that.

18 ROBERT HAAS: No. I'm just trying
19 to make it so that if at some point in the
20 future if the Maharaja wanted to sell its
21 establishment, it could also use the value of

1 the license as part of the incentive to buy
2 the restaurant.

3 MICHAEL GARDNER: I mean, I take it
4 if they wanted to simply sell to a different
5 owner and operator, if they were no-valued
6 seats, they could sell the 63 seats and apply
7 to us for additional no value seats.

8 ROBERT HAAS: Yes.

9 MICHAEL GARDNER: It seems to me
10 that's the more streamline equitable way to
11 do it.

12 ATTORNEY BERNARD GOLDBERG: That
13 makes sense.

14 MICHAEL GARDNER: I don't know if
15 you have a comment, Mr. Goldberg.

16 ATTORNEY BERNARD GOLDBERG: No, I
17 don't. You're right, it's equitable and it
18 would accomplish the main objective.

19 GERALD REARDON: If they're sold at
20 the same location, 125, you increase the
21 license to 125 and the value -- I think the

1 value in some of the pricing that's been here
2 indicates that it's 58 seat, 63 seat license.

3 ATTORNEY KEVIN CRANE: 63.

4 GERALD REARDON: And some of the
5 pricing on the ones I compared to are several
6 hundred seats. I think it's apples and
7 oranges. This is a lower value liquor
8 license number that some of the other ones
9 that are out there that are highly priced. I
10 mean, I would suggest that maybe we just
11 stick with the 63 seats and whoever does get
12 it, if it gets moved or doesn't get moved,
13 they have to come back in for the same
14 situation. Because otherwise, someone could
15 conceivably sell it at the location and that
16 license becomes 125 seat liquor license.

17 MICHAEL GARDNER: Yes, I think that
18 was my suggestion. That it be a -- we
19 approve the 63 seats with the additional no
20 value seats, you understanding you've got 63
21 seats for sale. If you've got an owner who

1 wants to keep it there and wants to keep the
2 125 or whatever the number is, you've got 63
3 for sale, the new owner's got to come in and
4 persuade us that it's -- the no value seats
5 should be applied or added.

6 ATTORNEY BERNARD GOLDBERG: Uh-huh.

7 GERALD REARDON: Is that a motion?

8 MICHAEL GARDNER: I'm asking -- well
9 the maker of the motion, I'm asking if
10 that's --

11 ROBERT HAAS: Amendment?

12 MICHAEL GARDNER: If that's an
13 amendment you're prepared to accept or not?

14 ROBERT HAAS: Yeah, I suppose.

15 MICHAEL GARDNER: I'm sorry I --
16 even sitting here I didn't quite understand
17 what you said.

18 ROBERT HAAS: I'll modify my motion
19 to allow for the transfer of the 63 seats and
20 give no value license for the remaining
21 balance of the seats. And if the license

1 were to be sold, it would revert back to its
2 63 seat capacity.

3 GERALD REARDON: Second.

4 MICHAEL GARDNER: Any further
5 discussion?

6 GERALD REARDON: I'm all set.

7 ROBERT HAAS: No.

8 MICHAEL GARDNER: All those in favor
9 please say "Aye."

10 (Aye: Gardner, Haas, Reardon.)

11 MICHAEL GARDNER: Opposed?

12 (No Response.)

13 MICHAEL GARDNER: Good luck, wish
14 you well.

15 ELIZABETH LINT: And ratifications:
16 90, 196, 146 and 45. Paperwork was all in
17 order. They were all just refinances.

18 ROBERT HAAS: I make a motion to
19 accept.

20 GERALD REARDON: Second.

21 MICHAEL GARDNER: Any comment?

1 (No Response.)

2 MICHAEL GARDNER: Hearing none, all
3 those in favor?

4 (Aye: Gardner, Haas, Reardon.)

5 MICHAEL GARDNER: Opposed? None.

6 ROBERT HAAS: Mr. Chairman, I make a
7 motion to accept the minutes from the January
8 11th meeting.

9 GERALD REARDON: Yes.

10 MICHAEL GARDNER: All right.
11 There's been motion made to accept the
12 January 11th minutes -- were you there?

13 GERALD REARDON: I thought I was.

14 MICHAEL GARDNER: No, that was the
15 25th.

16 ELIZABETH LINT: The 11th was the
17 one I was not here.

18 GERALD REARDON: Correct.

19 I second it.

20 MICHAEL GARDNER: We have a second.
21 I've read them. They seem to be in order.

1 All those in favor signify by saying, Aye."

2 (Aye: Gardner, Haas, Reardon.)

3 * * * * *

4 ROBERT HAAS: Mr. Chairman, I make a
5 motion to accept the minutes from the January
6 25th meeting.

7 MICHAEL GARDNER: I believe you and
8 I were there. I'll second that motion.

9 GERALD REARDON: I'll abstain.

10 MICHAEL GARDNER: All those in
11 favor.

12 (Aye: Haas and Gardner.)

13 GERALD REARDON: Motion to adjourn?

14 MICHAEL GARDNER: Well --

15 ELIZABETH LINT: Unless you have
16 other business.

17 MICHAEL GARDNER: I just ask,
18 Ms. Lint, if she could talk about plans for
19 the 22nd of this month. I mean, what
20 arrangements have been made, notices,
21 location and the commissioners can talk about

1 procedures if they wish to.

2 ELIZABETH LINT: Unfortunately that
3 agenda is not as small as I would have liked.
4 By statute if we get certain applications, we
5 have to hear them by a certain time. But
6 couldn't take them off. There were a few MIT
7 lodging houses and they were kind enough to
8 let me put them over.

9 ROBERT HAAS: Did they take action
10 with regard to those --

11 ELIZABETH LINT: Not yet.

12 ROBERT HAAS: Are they going to
13 prior to the meeting?

14 ELIZABETH LINT: That's not on.

15 ROBERT HAAS: Oh, it's not on.

16 ELIZABETH LINT: No.

17 ROBERT HAAS: I thought you said
18 there were on for 22nd.

19 ELIZABETH LINT: No, no. There were
20 three lodging house applications, but it has
21 nothing to do. The 22nd, I reserved the

1 Senior Center. We have notice for that
2 hearing, our regular e-mail blast that we
3 send for License Commission hearings, as well
4 as the hotel associations, the Mass. -- I
5 can't remember. You had told me the name of
6 the --

7 MICHAEL GARDNER: It wasn't me.

8 ELIZABETH LINT: Maybe it wasn't
9 you.

10 MICHAEL GARDNER: I was asking you
11 if there are any organizations which
12 essentially have the representations of hotel
13 travelers in mind.

14 ELIZABETH LINT: Well, we notified
15 the Mass -- I think it's Mass Hotel
16 Association. I can't remember the name of
17 it, but I have that, and the SEIU office.
18 Tourism. Chamber of commerce. And I did not
19 find anything in regard to what you were
20 asking about. So it's gone everywhere.

21 MICHAEL GARDNER: Okay. And so how

1 many items are we likely to have on the
2 agenda?

3 ELIZABETH LINT: Maybe eight.
4 Hopefully some of them won't have all their
5 paperwork all together and we can bump it.

6 ROBERT HAAS: So, Mr. Chair, you
7 were planning to holding the hearing at the
8 back end of the meeting after we take care of
9 the agenda items?

10 MICHAEL GARDNER: I think that makes
11 the most sense.

12 ELIZABETH LINT: Traditionally
13 that's what we would do on something that
14 could be very controversial and would be very
15 time consuming so as to not hold everyone
16 else up.

17 MICHAEL GARDNER: Sure.

18 And in the past has there been any
19 procedure in terms of when there may be a
20 number of people in the audience who wish to
21 speak and in fact, you know, what our

1 proposal here is that we're essentially going
2 to be taking testimony and considering
3 opinions in terms of the order in which
4 people speak or, you know, a sign-up list or
5 any particular ways in which we've done this
6 in the past?

7 ELIZABETH LINT: We've never done a
8 sign-up list. I know that the hotel
9 association has one spokesperson that will be
10 presenting their position so that you're not
11 sitting here listening to 22 hotels tell you
12 the same thing. I believe the Chamber of
13 Commerce will also be speaking. Other than
14 that, I haven't had any feedback whatsoever.
15 I think it's hard to say. Say, for example,
16 when we've done hearings on taxi meter
17 increases, we've had groups that come to
18 support it or oppose it, and it just kind of
19 plays out that way. So I guess perhaps I
20 would recommend that we get a feel for
21 exactly how many people wish to speak. If it

1 seems unwieldy we can ask them to sign up
2 and I can do that maybe at the beginning of
3 the meeting.

4 ROBERT HAAS: So maybe just have
5 them sign-up as they come into the room and
6 we can use that as kind of a speaker's
7 listing, have a check-off box whether they
8 want to speak or not, yes or no, then we can
9 see who's being represented here and make it
10 part of our record. So I think at some point
11 we're going to have to report back anyway,
12 right, on the findings of the hearing?

13 ELIZABETH LINT: Absolutely.

14 ROBERT HAAS: All right. So if we
15 identify what organizations are here, you
16 know, I think that would be helpful even if
17 they want to speak or don't speak.

18 ELIZABETH LINT: Yes, all right.

19 ROBERT HAAS: So just do it like you
20 do sign in, affiliation, and then just check
21 a box yes to speak, yes or no. And I think

1 that way we can go down the list.

2 MICHAEL GARDNER: Any thoughts about
3 that, Chief?

4 GERALD REARDON: No. I think that's
5 a good idea. At least we can capture
6 everyone so people can't say afterwards they
7 didn't have representation. It's good to
8 capture who was there in terms of the public.

9 MICHAEL GARDNER: And the notices
10 have gone out, right, to the groups you've
11 described?

12 ELIZABETH LINT: Yes. They may not
13 have gone to one or two, but we have -- we're
14 way ahead of the amount of time that we need
15 to notice people.

16 MICHAEL GARDNER: And it's been
17 advertised or is that --

18 ELIZABETH LINT: It's going to be in
19 Thursday.

20 ROBERT HAAS: Are you going to limit
21 the testimony at all?

1 MICHAEL GARDNER: I'm sorry, I
2 didn't hear you.

3 ROBERT HAAS: Are you going to limit
4 the testimony at all?

5 MICHAEL GARDNER: Well, in general
6 I'm inclined not to.

7 GERALD REARDON: It needs to be
8 germane to the subject though.

9 ELIZABETH LINT: But I think you can
10 drive that. And if people are getting off
11 topic, then obviously as we've seen done in
12 the past to just ask them to please stick
13 with the matter at hand because that's what
14 we're trying to get to the bottom of. And
15 sometimes what we've done in the past, you
16 know, as the hour gets very late and people
17 are saying the same thing over and over and
18 over again, you know, if you're going to say
19 the same thing, raise your hand, we'll take a
20 count or some such thing.

21 ROBERT HAAS: So it might be helpful

1 I think for the Chair is just to have a list
2 of general rules for the format of the
3 meeting that he can read at the beginning of
4 the meeting so he can kind of set the stage
5 in terms of what the expectations are
6 nobody's surprised when he says you need to
7 get back on topic, or something like that so
8 he can kind of.... I don't think it's got to
9 be a lot of rules. But basically we're going
10 to go in the order of which they signed up,
11 right? We're going to allow them to give
12 testimony that's germane to the subject in
13 which we're taking the matter. That the
14 Board does reserve the right to limit the
15 testimony to the topic that we're taking into
16 consideration, right?

17 ELIZABETH LINT: Yes.

18 ROBERT HAAS: And then we're asking
19 people to be respectful of each other's
20 opinions, and that we're asking -- we don't
21 want any editorial comments to taking

1 testimony.

2 GERALD REARDON: Is it appropriate
3 to limit the time just to tell people?

4 ROBERT HAAS: Well, I think you can
5 ask them to keep it short or keep it as short
6 as possible. I think the other thing is, you
7 know, if you're going to repeat or support a
8 previous speaker's statements, then just say
9 so without going through the whole litany of
10 things.

11 ELIZABETH LINT: I really don't have
12 a good grasp on how many people are going to
13 show up. I just think it's --

14 MICHAEL GARDNER: One thing that
15 might be a little bit helpful to me in
16 preparing is if any of you have got any sort
17 of analogous kinds of proceedings in the
18 past. You know, I could review the minutes
19 of or we could just sort of see how things
20 have gone or been handled. Maybe it's meter
21 increases. I don't know if there's --

1 GERALD REARDON: That would probably
2 be the most analogous, meter rate increases
3 maybe.

4 ELIZABETH LINT: And I don't know if
5 you would find that necessarily terribly
6 helpful to this particular --

7 MICHAEL GARDNER: Okay.

8 ELIZABETH LINT: The only other
9 thing I can think of is some of the
10 contentious hearings, like Idenix where you
11 had very two different factions basically.
12 But then in limiting the testimony, it was if
13 you're going to say the same thing that your
14 neighbor just said, please just say I agree.

15 MICHAEL GARDNER: I don't know how
16 the Commissioners feel about our role in
17 questioning any of the speakers, if we have
18 questions that we've got that we'd like to
19 ask them to elaborate on. Anybody feel
20 that's not appropriate?

21 ROBERT HAAS: I think it's

1 appropriate for clarification purposes.

2 GERALD REARDON: We always have.

3 Sometimes it's not necessary, other times it
4 is.

5 MICHAEL GARDNER: Any other matters
6 we have to talk about?

7 ROBERT HAAS: No.

8 MICHAEL GARDNER: A motion to
9 adjourn is always in order.

10 ROBERT HAAS: Motion to adjourn.

11 GERALD REARDON: Second.

12 MICHAEL GARDNER: All those in
13 favor.

14 (Aye: Gardner, Haas, Reardon.)

15 (Whereupon, at 6:45 p.m., the
16 meeting adjourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
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