

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 CHRIS BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Monday, July 18, 2016

TIME: 5:00 p.m.

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P R O C E E D I N G S

July 18, 2016

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if anyone has a cell phone on, we would appreciate it if you put it on silent.

This meeting is being audiotaped and videotaped.

The License Commission agenda for Monday, July 18 at 5:06 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are the Commissioners: Chair Nicole Murati Ferrer, Fire Chief Gerald Reardon and Commissioner Chris Burke.

DISCIPLINARY: MOKSA, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter: Moksa, LLC doing business

as MONROE, holder of a common victualler all alcohol license and entertainment license at 450 Massachusetts Avenue due to police reports received by the License Commission alleging disturbances outside of the establishment causing public safety concerns on June 9, 12 and 25 of 2016. Also for alleged violation of Rule 1 of the Rules and Regulations of the Cambridge License Commission.

Second disciplinary matter: Moksa, LLC doing business as Monroe holder of a common victualler and all alcohol license and entertainment license at 450 Massachusetts Avenue due to reports received by the License Commission alleging disturbances outside of the establishment causing public safety concerns on May 1, 2016. Also for alleged violation of Rule 1 of the rules and regulations of the Cambridge License Commission.

CHAIR NICOLE MURATI FERRER: Also for failure to cooperate with the police and hindering police investigation.

So, Monroe -- yeah, why don't we start with Monroe taking down a seat and then we'll just -- please take a seat.

And before anyone takes a seat, anyone who's gonna testify, please raise your right hand?

(All witnesses sworn.)

ATTY TIMOTHY FLAHERTY: Just for the record, I'm Attorney Timothy Flaherty. I'm an attorney representing Moksa, LLC, doing business as Monroe.

THE REPORTER: Counsel, please spell your name.

ATTY TIMOTHY FLAHERTY: F-L-A-H-E-R-T-Y.

CHAIR NICOLE MURATI FERRER: Okay. And I don't know -- Sergeant, do you want to start with

your testimony and then we'll go down the line?

Thank you.

If you could all please state and spell your names for the record before you testify, that would be helpful for the stenographer and the record.

SERGEANT GEDAMINSKY: Sergeant Gedaminsky, G-E-D-A-M-I-N-S-K-Y. Cambridge Police Department.

CHAIR NICOLE MURATI FERRER: Can we consolidate these matters and do them as one?

ATTY TIMOTHY FLAHERTY: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.

SERGEANT GEDAMINSKY: If I may, I'll just read my report into the record.

CHAIR NICOLE MURATI FERRER: Thank you. Go ahead.

SERGEANT GEDAMINSKY: On May 1, 2016, I was assigned to Car 18, last half. I noted

that Officer John Jones while performing a detail at Monroe nightclub called for units to assist him as he had a report from security that several fights were being broken up inside the club.

Officer Jones called off the units before units arrived, stating the arguments were over. This occurred around 1:00 a.m.

At 1:45 a.m., as numerous units were in the area for bar closings, Officer Jones called in another fight inside the club near the Green Street exit.

Car 3, Officers Padgett and Harutunian, responded and discovered a victim with eye swollen closed who was the victim of an assault and battery. Officer Padgett wrote a report, 16-2932.

I arrived at the front entrance to the club and observed staff ordering patrons to leave. I observed hundreds of people leaving the

club and quickly formed the opinion that the club was well over its capacity.

As I made my way through the club to the Green Street exit, I smelt a heavy, lingering smell of burnt marijuana throughout the entire building front to rear.

I met with Officer Padgett and returned to Mass Ave after Professional Ambulance left with the victim.

While walking back through the club, I noticed numerous patrons still in the club, some holding drinks. I asked club staff to clear all non-staff from the club.

The front of the club sidewalk was filled with well over a hundred people on the sidewalk. Uber drivers picking up patrons caused traffic problems.

I noted that dozens of people were waiting in the alley next to the club for the one

person valeting cars. The valet had to run back to the Green Street garage for each patron causing a serious delay in clearing out the club and the sidewalk.

The clearing of the club and patrons from the sidewalk in front of the club took between 45 minutes to an hour. I spoke to Officer Jones who told me that staff was throwing out patrons who were fighting during the entire detail.

Jones told me that he had all he could handle managing patrons on the sidewalk waiting to enter the club.

That's the end of the report.

CHAIR NICOLE MURATI FERRER: I'm sorry, Sergeant, what time did you respond? Was it 1:45? Is that what you said?

SERGEANT GEDAMINSKY: The first instance where Officer Jones called in the fight was 1:00 a.m.

The incident with the assault and battery was 1:45, approximately, a.m.

CHAIR NICOLE MURATI FERRER: Questions?

EXAMINATION OF SERGEANT GEDAMINSKY

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Sergeant, how long have you been a police officer?

A. 29 years.

Q. And how did you form the opinion that that was burnt marijuana in the club?

A. I had spent 14 years assigned to the Cambridge Police Vice Narcotics Unit, numerous interactions with marijuana training and convictions in court.

Q. Thank you.

EXAMINATION OF SERGEANT GEDAMINSKY

BY CHAIR NICOLE MURATI FERRER:

Q. Did you see smoke inside the premises?

A. Heavy smoke lingering from the front to

the rear up on top to the point that I held my breath. I didn't want contact. I felt it was that strong.

Q. You said that you observed it was -- did you say well over capacity?

A. Well over capacity, I felt, in my opinion.

Q. And approximately how many people?

A. I felt like there were hundreds.

When I first came to the front of the door, people were shoulder to shoulder and basically trying to get out one door.

I just thought immediately that it was a hazard. I was concerned there might actually be a panic there with people trying to get out the door.

CHAIR NICOLE MURATI FERRER: Counselor, do you have any questions for the sergeant?

ATTY TIMOTHY FLAHERTY: I do.

EXAMINATION OF SERGEANT GEDAMINSKY**BY ATTY TIMOTHY FLAHERTY:**

Q. Sergeant Gedaminsky, my name is Timothy Flaherty, I'm an attorney, and I represent Monroe. If there's anything you don't understand, let me know, I will try and rephrase.

You're not a member of the Drug Control Unit presently, correct?

A. I am not.

Q. Are you familiar with the smell of burnt marijuana?

A. Yes.

Q. In your police incident report, you didn't make reference to observing any smoke in the establishment, right?

A. I believe I said that there was -- I smelled a heavy lingering smell of burnt marijuana throughout the entire building. No, I did not say smoke in the report.

Q. There is a fog machine at Monroe, isn't there?

A. I'm unaware of that.

Q. Did you see anybody smoking marijuana?

A. I did not.

Q. And, obviously, the odor marijuana is a very pungent odor and it travels a great distance especially with the more synthetic type that's commonplace in the today's black market?

A. Could be.

Q. And the doors, obviously, were open to both Green Street and Mass Ave?

A. Doors were not open.

Q. Didn't you testify that once you were there, you saw a bunch of people leaving and you thought there might be a panic?

A. Yes. Bottled up like in a bottleneck at the door.

Q. You saw a lot of security staff members

present?

A. There was, yes.

Q. Somewhere in the area of two dozen?

A. No, I don't think it was two dozen.

Q. Now, you said that you formed the opinion that it was well over capacity at Monroe. Do you know what the capacity is?

A. I don't.

Q. So if you don't know what the capacity is, it would be hard to form an opinion that you were over capacity?

A. I couldn't imagine that it's over 200.

Q. But you saw somewhere in the area of 200, 300 people there?

A. Could be, yeah. I mean, it was shoulder to shoulder throughout the club.

Q. And with respect to that first incident at 1:00 a.m., Officer Jones, according to your report, called off the units before any units

arrived stating that the arguments were over, right?

A. That's what he said.

Q. Nowhere in his -- in your recitation of his information given to you in your police report, did Officer Jones state that there was an actual fist fight?

A. No.

In the opening paragraph it says "Officer John Jones, while performing a detail at Monroe nightclub, called for units to assist him as they had a report from security that several fights were being broken up inside the club." That's the first paragraph.

When you were there, you never saw anyone fighting?

A. Not physically fighting. A victim of a punch, yes.

Q. Understood.

And when you arrived, it was 1:45 prior to closing time, right?

A. Yes.

Q. And when you observed patrons inside the establishment holding drinks, it was prior to closing time?

A. Well, no, because we were there for a little bit, you know, attending to that person, so I would say that and we were ordering people to leave the bar, that it was being shut down basically because there were so many people and because the numerous altercations that had been reported going on and staff was actually trying to -- was actively telling people to leave.

Q. Understood.

A. So I think they understood that the place was closed.

Q. Right.

And when you asked the staff to clear the

club of all patrons, they cooperated and did do that?

A. They did.

Q. And you did notice that many of the people, the patrons, once they got out onto the sidewalk, they lingered for a while?

A. They did.

Q. Were staff members still trying to disperse the crowd from the sidewalk?

A. Yes.

Q. Did the police assist in that effort?

A. Yes.

Q. And the valet -- there was only one valet on duty?

A. Yes.

Q. Sergeant, in your opinion, if there were more than one valet person working that night, would that have improved the congestion on that area being able to disperse people?

A. I do believe that would have been very helpful.

Q. And if there were more police officers on scene, would the same thing be true, would it be easier to disperse people from the sidewalk area?

A. I'm not so sure about that.

Q. All right. Fair enough.

No further questions.

EXAMINATION OF SERGEANT GEDAMINKSY

BY CHAIR NICOLE MURATI FERRER:

Q. Sergeant, were you the only officer that responded at 1:45?

A. No.

Q. How many officers responded?

A. Numerous. We probably sent maybe ten to 12 officers.

We all pretty much come into the squares when the bar was closing. There were two detail officers. I think one detail officer that night.

So I'd probably say anywhere from eight to 12 officers involved in that area.

EXAMINATION OF SERGEANT GEDAMINSKY

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Sergeant, could you tell me, were there any other police officers from other agencies there that night?

A. Not that I noticed.

Q. You estimated there was approximately 12 Cambridge police officers.

A. At least. Eight to 12 directly with this incident.

Q. Typically, would that be every police officer assigned from eastern side of Harvard Square?

A. Yes.

Q. That would be half the Police Department roster?

A. Yes.

Q. All set.

EXAMINATION OF SERGEANT GEDAMINSKY

BY FIRE CHIEF GERALD REARDON:

Q. So do you know if you actually had to pull units from North Cambridge that night?

A. We did not that night. We did not that night.

Q. You would have pulled, as the Commissioner said, from Harvard Square to East Cambridge all the way over down into the Central Square?

A. If we had to. And there has been times that we actually assisted the Harvard and MIT police as well.

Q. And it includes the two-men route cars as well?

A. Yes.

CHAIR NICOLE MURATI FERRER: So, Sergeant, one of the things we noticed Monroe

here for today was a possible rollback of hours because of closing time issues.

Do you have any knowledge as to anything other than that night with regard to closing time issues with Monroe?

SERGEANT GEDAMINSKY: Well, I mean, there were reports of incidents, reports from staff to the detail officer because the detail officer that night, there was only one detail officer, he was involved in trying to deal with the crowd that was on the sidewalk. So nobody was really inside the club that night.

He was only dealing with reports from security that there was fights involved, and oftentimes they probably break it up or whatever, and then the officer would call off the units that he was requesting.

POLICE COMMISSIONER CHRIS BURKE: One other question.

Sergeant, can you tell me, were you sure these were Monroe patrons?

SERGEANT GEDAMINSKY: Absolutely.

CHAIR NICOLE MURATI FERRER: Anything else for the sergeant?

POLICE COMMISSIONER CHRIS BURKE: No.

CHAIR NICOLE MURATI FERRER: Is Officer John Jones here today?

Please state and spell your name for the record.

OFFICER JOHN JONES: My name is Officer John Jones, J-O-N-E-S, Cambridge Police Department.

CHAIR NICOLE MURATI FERRER: Officer, are you just going to testify about the May event?

OFFICER JOHN JONES: Yes.

CHAIR NICOLE MURATI FERRER: Go ahead.

OFFICER JOHN JONES: I didn't write a report.

I was working a paid detail assignment at Monroe that night.

As the sergeant said, it was very busy that night. We got numerous reports from staff that there were altercations inside -- most was handled by staff until the end of the night -- and I was out on the sidewalk, and we got a report that there was another fight inside. I called for assistance, went back in, and found the gentleman with the swollen eye.

At that point we had units respond inside, notified medical, brought the injured party out to Green Street where he was rendered medical aid, and the sergeant in the patrol units took over from that point.

CHAIR NICOLE MURATI FERRER: Were you performing your paid detail inside the premises or outside of the premises?

OFFICER JOHN JONES: Both. Both inside

and outside.

That detail is also responsible for the Middle East, so I spent quite a bit of time walking back and forth.

EXAMINATION OFFICER JOHN JONES

BY POLICE COMMISSIONER CHRIS BURKE:

Q. So it was the Monroe club staff that alerted you to the disturbance inside?

A. Yes.

Q. Now, is this the 1:00 disturbance?

A. Yes. Both actually.

Q. And it was the second disturbance at 1:45 the club staff alerted you to that as well?

A. Yes. A relative of the person who was injured came to the front of the club, grabbed a staff member. I happened to be in the area. She reported to the staff first. I overheard. She turned her attention towards me and told me she needed -- that I need to get back there and help

her uncle.

Q. Did you enter the club at any point?

A. Yes.

Q. Did you -- you heard the sergeant testify. Did you smell any marijuana?

A. Yes.

Q. Did you draw any conclusions with respect to whether it was smokey or anything to that effect?

A. That particular night there was a strong smell of marijuana.

I -- for the most part, I kept my attention towards the front of the club and the sidewalk, but the smell was strong that night.

EXAMINATION OF OFFICER JOHN JONES

BY CHAIR NICOLE MURATI FERRER:

Q. Were you involved in the dispersing the crowd at the end of the night?

A. Involved? Yes.

Q. How many other officers were involved in that?

A. Between ten and 12, I would say.

EXAMINATION OF OFFICER JOHN JONES

BY FIRE CHIEF GERALD REARDON:

Q. Officer Jones, you were working both in and out right at the front door. At any time did you see anyone taking clickers, taking a census of who was coming and going into the club?

A. I know that's a common practice. I don't remember specifically that night, but I do the detail quite a bit, and that's a common practice. I believe they have either one or two people doing the clickers.

Q. You don't remember any particular episode that night where you saw anyone doing that?

A. Not that I can recall specifically.

EXAMINATION OF OFFICER JOHN JONES**BY CHAIR NICOLE MURATI FERRER:**

Q. Officer, you said you do the detail quite a bit. Is this the detail for the Monroe and Middle East type area?

A. Yes, ma'am.

Q. Is it common to have multiple officers respond to the Monroe area at closing time?

A. Yes.

Q. What for?

A. If it's a particularly busy night, we'll ask for presence just to have the guys standing by outside to make sure that the transition from inside to outside is smooth.

And on occasion there are different disturbances, but for the most part, it's just for presence.

Q. So later today we're assuming we're going to hear about the female that was tasered outside

of Monroe. Were you present that day?

A. Yes.

Q. Can you tell us anything about that incident?

A. That happened towards the end of the night outside the club just about in the middle of Mass Ave, a disturbance started and called in for assistance with the fight.

I went across the street with Monroe staff to try and break it up, and it wasn't until after the peace was, for the most part, restored, that I was approached by the friends of the female and they told me that a woman was tasered in the eye.

At that point, I brought her inside of Monroe and we called for medical and additional units.

Q. Were you working details on June 9, 12 or 25?

A. Tough to say.

Q. Would you describe the dispersing of the crowd on the May 1 incident kind've like the usual way it goes on a detail night?

A. That night I feel like people hung around a little bit longer because of all the excitement. Typically, everybody's, for the most part, gone by 2:30.

Q. Did you say there were multiple fights that night inside the establishment?

A. Yes. Well, that's what was reported to me. By the time I got to the area where the reports were reported to me, they were under control.

Q. And these were reported to you by Monroe?

A. By staff.

Q. And is it usual, when you work details there, to have multiple fights throughout the night?

A. I wouldn't say usual, but it happens.

It's not so much fights, but people being escorted out by staff.

EXAMINATION OF OFFICER JOHN JONES

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Typically, how often does that happen, if you have to put a number on it? More than 10?

A. Since I have been doing the detail, yes, which is, I started doing it in probably September, October of last year.

Q. So since September, October of 2015, there were at least ten persons that you saw escorted out of the club?

A. Yes.

Q. Typically, what are the reasons they're escorted out for?

A. Either altercations or being intoxicated.

Q. Have you -- in any of these ten occasions, have you had an opportunity to engage

their level of intoxication?

A. Yes. Several have been extremely intoxicated. We've called Pro on a few occasions, sent some people to the hospital.

Q. How many occasions did people get sent to the hospital?

A. Say half a dozen.

Q. Again, that's -- so that's half a dozen occasions. Was that one occasion each time that you have been to the club or have there been occasions when there have been multiple trips by the ambulance to the hospital?

A. This past weekend, two women went to the hospital.

EXAMINATION OF OFFICER JOHN JONES

BY CHAIR NICOLE MURATI FERRER:

Q. Since this May 1 incident, how many times have you worked at Monroe?

A. Since May 1? Eight.

Q. Out of those eight times, or approximately eight times, how many times have the police had to respond to Monroe?

A. Probably four, I'd say.

Q. And from those four times, how many times has that been around closing time?

A. It's almost always at closing.

EXAMINATION OF OFFICER JOHN JONES

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Just so I'm clear, your duties and responsibilities while you have this detail is both for the Middle East and Monroe?

A. Yes, sir.

Q. On the occasions when the police had to respond, were these because of Monroe patrons or because of Middle East patrons?

A. The ones in question is because of Monroe, but we have had -- I have had to ask for assistance for situations at the Middle East as

well.

Q. Is that included in the eight occasions that you just referenced?

A. No.

Q. So those were other occasions?

A. Yes.

EXAMINATION OF OFFICER JOHN JONES

BY ATTY TIMOTHY FLAHERTY:

Q. Officer Jones, my name is Timothy Flaherty, I'm an attorney and I represent Monroe. If I ask you anything you don't understand, let me know and I'll try and rephrase.

You testified that you have been doing the detail since September, October of 2015, correct?

A. Approximately.

Q. In that time you've come to know who the staff members are at Monroe, the security personnel, right?

A. Yes.

Q. You would agree with me they're always cooperative with you?

A. Very much so.

Q. And you would agree with me they're proactive in quelling any type of disturbance both inside and outside of the club?

A. Yes.

Q. And you would agree with me that they're always doing the best that they can to call 911 when appropriate, or advise you of any situation that might need your attention?

A. Yes.

Q. And you would agree with me that on this May 4 -- May 1 incident, that the staff were responsive?

A. Yes.

Q. I understand you didn't write a police incident report regarding that event, right?

A. No, that is passed off to patrol.

Q. You said that night, that particular night, you smelled an odor of marijuana at Monroe, correct?

A. Yes.

Q. You would agree with me that's unusual?

A. No, not typically.

Q. And the issues that you see at Monroe are stemmed from when patrons are leaving and they congregate outside on Massachusetts Avenue?

A. That's been the most difficult part of the assignment is after the club.

Q. And during that time when people are escorted from the club, they're being escorted by security staff members at the appropriate time at closing hour, right?

A. If they have to be escorted? No.

Q. I used the wrong word. Excuse me.

When people are being asked to leave the

club, they're being asked to leave at closing hour, correct?

A. 2:00, yes.

Q. And then people sometimes linger on the sidewalk and chat with friends or whomever they met, is that right?

A. They linger on the sidewalk, whatever they're doing.

Q. You would agree with me that sometimes at -- Middle East obviously closes at the same time, correct?

A. Yes.

Q. And the patrons from Middle East sometimes meander down Massachusetts Avenue and congregate in the same location as the patrons from Monroe?

A. Not typically, no.

Q. But there's a large amount of people on Massachusetts Avenue in Central Square at that

hour?

A. Yes.

Q. And there are a paid detail of two police officers that work between Middle East and Monroe usually, is that right?

A. There are two assignments. Frequently I'm the only one, only one there.

Q. Would you agree with me just having one police officer is inadequate?

A. (Pause.)

Q. Let me ask it a different way.

Would it make your job easier to have more assistance?

A. Yes.

Q. And the security staff, obviously, from Monroe, are -- don't have police powers or authority and they can't place their hands on anyone to escort them once they're outside the establishment, correct?

A. Once they're outside, no.

Q. And what they do normally is say "Move along. Please don't stay"?

A. That's right.

Q. Things of that nature.

The incident with respect to the tasing incident, that happened across the street from Monroe?

A. Yeah, in the street. In the middle of Mass Ave.

Q. In the middle of Mass Ave, okay.

And that was some sort of dispute that lingered between two individuals who had an argument from years prior, is that right?

A. I'm not sure of the history.

Q. Was somebody arrested?

A. No.

Q. Did Monroe security staff cooperate with you in that -- with respect to that incident?

A. Yes.

Q. And you mentioned that on these ten occasions since September, October of 2015 when you've seen patrons escorted from Monroe, that's being done by the security staff, right?

A. Yes.

Q. On some of those occasions, there have been intoxicated patrons, right?

A. Yes.

Q. And on each of those occasions, Monroe staff has been assisting you in getting medical personnel to attend to them, is that right?

A. Once they get to them, for the most part, I take over, and there's a bench out front that I sit people at and wait for medical.

Q. Put another way, they're not hiding the fact that somebody may be intoxicated?

A. Yes.

Q. You would agree with me, would you not,

it's commonplace for people who attend nightclubs to sometimes ingest substances that are totally unrelated to alcohol that they're served by the establishment?

A. That's not my area of expertise, but I imagine people take some other things.

Q. No further questions.

EXAMINATION OF OFFICER JOHN JONES

BY POLICE COMMISSIONER CHRIS BURKE:

Q. I just have a followup.

With respect to the detail assignment, is that a mandatory assignment that you work?

A. Not that I'm aware of, sir.

Q. So any paid details at the licensed establishment, are those mandatory?

A. Not that I know of.

Q. Do you have to work that?

A. No, I don't have to work that.

Q. Do you know of any other officers that

have to work that?

A. No.

Q. So is it by choice of the officer whether or not he works there?

A. By choice.

Q. Is based on the availability of officers who are willing to accept that assignment?

A. Yes, sir.

Q. With respect to those patrons who are escorted out of the establishment, you indicated that they were intoxicated?

A. Yes, sir.

Q. Did they have any behavior issues that went with it? Were they out of control? Were they creating a disturbance or any other thing other than being intoxicated?

A. Occasionally it's the behavior that leads to the staff noticing that they're overly intoxicated. So whether it's an altercation or

obnoxious behavior towards other customers, a lot of times that's how it's brought to their attention.

Q. With respect to the victim of the taser incident, was it clear that the assailant and victim were patrons of the Monroe club earlier in the evening?

A. Yes, sir.

The assailant actually text-messaged one of the staff afterwards apologizing and saying she had to do it. I believe that's part of the investigative report.

Q. So the assailant of the patron was familiar with the bouncer, the staff?

A. Yes.

Q. Do you know if that information was turned over to the detectives for follow-up investigation?

A. Yes, it was. It was turned over to me

and I, in turn, passed it over to the detective.

Q. Do you know what detective was handling that?

A. Detective Schwartz.

Q. Okay.

CHAIR NICOLE MURATI FERRER: Counsel?

ATTY TIMOTHY FLAHERTY: Nothing further.

CHAIR NICOLE MURATI FERRER: Thank you, Officer.

I'm not quite sure of the order, which of you guys want do it, whoever is next.

OFFICER PADGETT: Officer Padgett, Cambridge Police Department, P-A-D-G-E-T-T.

And I would like to read my report from the incident on 5-1-2016.

On 5-1-16 at approximately 2:10 a.m., I, Officer Padgett, while assigned to Car 3 with Officer Harutunian, responded inside to Monroe, 450 Massachusetts Avenue, to assist Car 74,

Officer J. Jones, who was working a paid detail.

Officer J. Jones called for assistance in clearing out the establishment after several fights began to break out at closing.

While inside, I was approached by a female, later identified as Alaiyah Wilson, DOB 8/4/94, who stated that her uncle had been assaulted and needed an ambulance.

Myself and Officer J. Jones went to the back of the club, which was still full off patrons, making it difficult to get to the victim, later identified as Clifford Weaver, DOB 2/1/68. Weaver was being held up by a bouncer and had blood on his shirt and a towel covering his left eye.

Officer J. Jones called for Professional Ambulance, and we walked Weaver to the back exit to meet with Professional Ambulance on Green Street.

While outside, Weaver stated to me that several fights started to break out in Monroe, and he was just trying to have people move along.

Weaver stated that he got sucker-punched in the left eye by an unknown black male in his late 20s to early 30s, about 5'9", 190 pounds, and wearing light brown clothing.

Wilson stated to me that the attack was unprovoked and witnessed her uncle get punched in the left eye.

Weaver's left eye was completely closed and he had some lacerations to his face. He was transported to Cambridge Hospital by Professional Ambulance for further evaluation.

It's unknown the condition of Weaver's injuries.

CHAIR NICOLE MURATI FERRER: Thank you.

EXAMINATION OF OFFICER PADGETT

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Did you have occasion to enter the club that evening?

A. I went in with Officer Jones and I remember holding onto his back because it was so crowded to get in, and we eventually found the victim standing -- being held up by a bouncer with injury to his left eye.

Q. So you indicated that it was crowded?

A. Yes.

Q. How deep was the crowd into the club itself?

A. In the beginning, from the -- going towards Mass Ave, that was jam-packed, shoulder to shoulder.

It cleared up a little in the hallway going towards the middle section of the bar, which happened where the victim was, and then

there was patrons in the back end of the bar, but not sure how many people.

In the middle where the victim was, it was pretty much cleared out, but in the front part, it was jam-packed, shoulder to shoulder.

EXAMINATION OF OFFICER PADGETT

BY CHAIR NICOLE MURATI FERRER:

Q. Maybe I'm not understanding.

Is this in the first room?

A. The first room. When you enter, it's the first room. There's a little alley, the door, that's located in the alleyway of Monroe.

Q. Okay, thank you.

EXAMINATION OF OFFICER PADGETT

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Did you have an occasion to pick up any odors?

A. I smelled marijuana as well when I walked in.

Q. Okay, I'm all set.

EXAMINATION OF OFFICER PADGETT

BY CHAIR NICOLE MURATI FERRER:

Q. Since May, is this the only time you responded to Monroe?

A. No. I've responded several times.

Q. Since this incident?

A. Just for regular patrol, directed patrol, and, yes, after this one, there was a shooting that I was directed patrol of that.

Q. Do you recall the date of that shooting?

A. I don't recall the date off the top of my head.

Q. Is this a shooting on the foot of the woman?

A. Yes, the girl that was shot in the foot.

EXAMINATION OF OFFICER PADGETT

BY POLICE COMMISSIONER CHRIS BURKE:

Q. So are you assigned to Car 23?

A. Car 2, yes, Car 2 and 3.

Q. Are those your bid pick assignments?

A. Those are my bid pick assignments.

Q. And you work an alternating shift?

A. Alternating shift.

Q. Do you typically have directed patrols at club Monroe?

A. Yes. Every single night directed patrol is in the Central Square area, but mostly Monroe is where we kind've patrol right in front of, but every night between -- if it's a Thursday, Friday, Saturday, I believe they close at 2:00, so we're there around 1:50, 1:45. And that's everybody that's up in the Central Square area, if we need more from Car 1, that's to East Cambridge, everyone is in Central Square. There's no one else patrolling anywhere else. Every resource is right there in front of that club.

Q. So those units that you just spoke about, those are all on-duty personnel?

A. On-duty personnel.

Q. And those on-duty personnel are on the eastern side of Harvard Square?

A. Yes.

Q. So directed patrol, is that a patrol -- can you tell me what a directed patrol is?

A. Pretty much we stand or patrol in a cruiser in a certain area where there's a lot of congestion to make sure that everyone is safe. And if a disturbance were to break out, we are there to try and resolve it as fast and safely as possible.

Q. So a directed patrol, you're dispatched by the Emergency Communication Center?

A. No, we usually do it ourselves.

Sometimes, occasions, we get called -- there's been several occasions where Monroe

called ECC, which is our emergency control, and asked if we can have officers in the area because they think -- just to help with crowd control.

On occasion, but we always do, regardless whether they call or not, we're always in that area.

EXAMINATION OF OFFICER PADGETT

BY FIRE CHIEF GERALD REARDON:

Q. Officer, the night you went into the injured party, did the staff lead you to the injured party?

A. No. We just went -- I was following Officer Jones, and that's when the victim's niece came up and said he was standing over with the bouncer.

Q. That night also did you notice anyone taking numbers of anyone in or out?

A. Not to my knowledge.

EXAMINATION OF OFFICER PADGETT**BY CHAIR NICOLE MURATI FERRER:**

Q. Do you know how many other officers responded on May 1?

A. The two Central Square units, my partner, Officer Harutunian. Car 2 is usually in the area. Again, I don't know off the top of my head, but we're all in the area.

When an officer calls for assistance, everyone goes right in full force.

CHAIR NICOLE MURATI FERRER: Thank you.
Counselor?

EXAMINATION OF OFFICER PADGETT**BY ATTY TIMOTHY FLAHERTY:**

Q. I'm Tim Flaherty, and if I ask you anything you that don't understand, let me know and I'll try to rephrase it.

How long have you been working in Central Square, Car 2 or 3?

A. I have been on the force four years pretty much. It depends. Sometimes I'm up north. Usually Central Square area, Car 2 or 3.

Q. All that time you usually do the directed patrols on Thursday, Friday and Saturday night in that area?

A. Well, every night. Even that -- when the bars close. Those nights are usually from 2:00 a.m., but usually if it's Monday, Tuesday, 1:00 a.m. Sometimes the bars close. Sometimes Phoenix Landing is closed, Middle East, every night, every night I'm working the overnight.

Q. And you would agree with me, would you not, at bar closing time, there's a lot of people congregating throughout the Central Square?

A. Oh, yes.

Q. And you responded to Monroe on May 1, 2016 for the injured party on premises, correct?

A. Yes.

Q. And the staff members, did you speak with any of the staff members of Monroe?

A. Just the one holding the victim up. He didn't see anything. He was cooperative. He didn't see anything.

Q. But he was cooperative to you?

A. Yes.

Q. And nowhere in your police incident report, which, I assume, was written immediately after the event?

A. No, not immediately after. Like we have to wait until the bars are closed and we go back in and write the report after -- that night it was done or that morning, early morning, it was done.

Q. That night or early morning of May 1, 2016?

A. Yes.

Q. Nowhere in your police incident report do

you make a mention of smelling at all of burnt marijuana, right?

A. No.

Q. Obviously, in four years, you're trained to note important factors in your police incident report, right?

A. Yes. I talked to the sergeant and he mentioned he was gonna put it in the report. So I kept his violation stuff on his end and mine was primarily the whole victim.

Q. And you also responded on a second occasion to the call for a shooting that took place in the area of Monroe?

A. Yes.

Q. There's no information from any source that you're aware that the shooting had any connection to Monroe?

A. The victim was from Monroe.

She stated to me she was inside Monroe

where the shooting took place. She said she had exited through that little alleyway and she was by the window and the altercation took place in the little alleyway.

Q. But there was no determination that the individual who committed the shooting was inside or had any relationship to Monroe?

A. No, not to my knowledge.

Q. And the issue inside Central Square at closing time is, obviously, crowd control on Massachusetts Avenue?

A. Yes.

Q. And in your time, other than this May 1 and June 10 incident, in your four years there, have you always had occasion to see Monroe security staff trying to disperse crowds on Mass Ave?

A. Yes, definitely. They see them kind of staggering in the middle of the street, they try

to get them to go towards the parking lot just to get them out. They do try. Sometimes they listen, sometimes they don't, but they do try to get them moving.

Q. No further questions.

CHAIR NICOLE MURATI FERRER: Thank you.

POLICE COMMISSIONER CHRIS BURKE: All set.

CHAIR NICOLE MURATI FERRER: Thank you.

OFFICER BRIAN HARUTUNIAN: Good afternoon, ladies and gentlemen. I'm Officer Brian Harutunian, Cambridge Police Department, that's H-A-R-U-T-U-N-I-A-N.

THE REPORTER: Your first name?

OFFICER BRIAN HARUTUNIAN: Brian, B-R-I-A-N.

CHAIR NICOLE MURATI FERRER: Officer, the stenographer is clearly faster than I am.

Can you spell it again?

OFFICER BRIAN HARUTUNIAN: Absolutely.

H-A-R-U-T-U-N-I-A-N.

CHAIR NICOLE MURATI FERRER: Thank you.

OFFICER BRIAN HARUTUNIAN: The night of May 1, I was -- my partner was Officer Padgett.

We were assigned to Car 3, Central Square area.

I did not write a report. My officer -- I assume my partner, Officer Padgett, did write a report, so everything I'll be stating will be off memory.

On the night of May 1, I responded multiple times to Monroe establishment for fights. Officer Jones was a detail officer. He had requested help with a disturbance inside, so we immediately responded.

I got out and immediately had to fight my way through the crowd. It was shoulder to shoulder, large bodies, especially males,

blocking the entrance. I had to force my way through.

Finally, I found Officer Jones who explained to me the fight was over.

At that point, we started doing -- making sure everything was safe and started ordering people to exit.

At that point, we had another call for a fight. That was the fight that my -- Officer Padgett, my partner, just talked about.

And the fight was inside and it was -- I responded inside as well.

At that point, my partner, Officer Padgett, and Officer Jones had the situation taken care of.

I did visually see, it was -- Mr. Weaver had severe trauma to one of his eyes. He had been punched by either a fist or something that hit him in the face. They brought him through to

Green Street or in an ambulance.

At that point, I returned back and started ordering people outside.

It was a shoulder-to-shoulder crowd, large bodies, just had to get people out, and they were bottlenecking into the sidewalk.

At that point, we had to exit them through, tell them to either go left or right, but they couldn't stay there because it was a public safety issue at that point because officers had to fight their way to even get through.

And, excuse me, when I say the word "fight," I had to actually put my hands on people to part them because they were physically standing there, and also you have a lot of intoxicated people, and with a bottleneck at that entrance, you got a lot of people that get angry, and so it's an issue at that point, too.

You have to calmly get them out of there and exit them through.

Pending any questions you want --

EXAMINATION BY OFFICER BRIAN HARUTUNIAN

BY CHAIR NICOLE MURATI FERRER:

Q. Since May 1, how many times have you responded to Monroe?

A. Since May 1, I had a shift bid change, so I don't know exactly.

I now no longer work in the Central Square area, I'm in the Harvard Square area.

I want to say before my shift ended, I responded maybe two times, but that's going off memory.

But with that said, when I worked all four nights in the Central Square area, prior to that, and at any time there was a bar -- any time for bar closing, we would respond to the Monroe area, the Middle East area to help with

bar closings.

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY FIRE CHIEF GERALD REARDON:

Q. So, Officer, based upon your experience, let's say that injury was far worse, or there was a weapon involved or something and people had a mass exodus, what is your opinion on how that place would have been evacuated?

A. It would have been very tough. I would have been stampeded at that point. People would have been injured. We have a lot of large bodies and if people panic, they're going to go straight forward, and you would have people landing on the bottom, especially with the smaller people.

There's two exits. There's the exit -- excuse me, three exits.

There's an exit on the side that goes to an alley, which has all fenced-off areas.

That's a tough area.

And then there's another door to exit right towards it. So that's a bottleneck area.

And then you have -- on Green Street, you have exits there, which are two doors, but to get all the way back there, you have to go through the entire club, which you have seats, you have tables, you have small area hallways, you have several doors to get through, stages, and it would be an issue. Definitely an issue for a mass panic.

It would be -- you have several large -- you have people injured just from a stampede perspective.

Q. Thank you.

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Officer, you indicated that as you left the establishment, you went in and you saw the injured party and he was provided care, and then

as you left the establishment, you indicated that you went back outside?

A. Yes, sir.

Q. Now, when you got out in front of the establishment, are you pretty clear those were Monroe patrons?

A. Yes, sir.

I exited through the alley exit, which is on the side of Mass Ave, the alley exit, which is that little courtyard.

I immediately went back there just to start getting people through because I wasn't sure which direction they were going to actually bring the injured person, to go Green Street or that way. We had to actually get the doors cleared in case medical personnel had to go through there.

At that point, I started ordering people to leave along with several other officers on the

scene.

Q. Once you got out into the alley area, is that an area where Middle East patrons congregate?

A. No, sir.

It's actually gated off at some points.

And I know the security at Monroe will stand there and actually -- I think, correct me if I'm mistaken, I believe that's one of the VIP entrances as well.

So to get into that side, that alley, sir, you have to either be already inside Monroe or brought in by security.

Q. Now, you also indicated that a lot of people were intoxicated?

A. Yes.

Q. What do you mean by "intoxicated"?

A. There was a strong odor of alcohol.

I understand it was a bar, but I could

tell right away -- just people still had drinks in their hands.

Roughly, going by, you could tell from their demeanor, stumbling. You had people that -- I saw a couple bloodshot eyes, but, ultimately, a strong odor was coming throughout the establishment.

Q. How long have you been a police officer?

A. Just over two years.

Q. Have you had occasion to deal with persons who are intoxicated before?

A. I have, sir.

Q. And so, you formed the opinion that these folks were intoxicated based on that experience?

A. Based on that experience being with the Cambridge Police Department, sir, and based off life experiences and also, sir, off the academy training.

Q. Okay.

CHAIR NICOLE MURATI FERRER: Counselor?

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY ATTY TIMOTHY FLAHERTY:

Q. Officer Harutunian, my name is Tim Flaherty, I'm an attorney, and I represent Monroe.

If I ask you anything that you don't understand, just let me know and I'll try and rephrase it.

How many times have you actually been inside Monroe?

A. Been inside Monroe? I would say maybe 20, 25 times.

Q. So are you aware that there's actually four exits, not three?

A. I've never seen the fourth exit. If there's a fourth exit, I don't know if --

Q. How wide are the doors?

A. Double, standard double size doors.

Q. About seven feet in width?

A. I'm not an expert. I don't know exactly how far they are. That's assuming that they're double standard size doors.

Q. And there were a couple hundred people inside the club when you arrived on May 1, 2016?

A. Yes. There were several hundred people.

Q. You're aware that the capacity is 480?

A. Is that standing or is that seated?

Q. Just capacity.

A. 480? So --

Q. There were less than 480 people there, weren't there, you would agree with me?

CHAIR NICOLE MURATI FERRER: Counselor, are you dividing it by the rooms, because it's not 480 in the front room?

ATTY TIMOTHY FLAHERTY: Well, the entire capacity.

CHAIR NICOLE MURATI FERRER: Okay. I

want it clear for the record that you're asking about the entire capacity, not the --

A. The entire capacity?

Q. Yeah.

A. There were definitely several hundred people, but the people themselves, I would like to acknowledge that there were large bodies, so it seemed like there were probably a lot more several people than maybe there were.

Q. Okay. And you would agree with me, would you not, that there weren't any tables or seats that obstructed any of the exits there?

A. Not to my knowledge, but that wasn't a priority at the time.

Q. And you would agree with me that there was no stampede there, right?

People weren't pushing and shoving and in panic mode trying to get out that night, right?

A. There was no panic mode, but the

potential was definitely there.

There was also panic at some points, there were several fights, which caused for panic.

Q. And you testified that you observed several intoxicated patrons?

A. That's correct.

Q. And you based this on your academy training, your life experience and just being a Cambridge police officer?

A. That's correct.

Q. And in the academy, you were trained if you suspect someone to be under the influence of impairment, the suggestion of alcohol while driving, for instance, you give them field sobriety tests, right?

A. There are several tests we go through.

Q. Right. You can give them a counting test, a one-legged stand test, a heel to turn

test, correct?

A. That's correct.

Q. And, obviously, you didn't administer any of those tests to any of the patrons that you saw that you believe may have been intoxicated?

A. They weren't driving, so I did not need to.

Q. Right. So the opinion that you formed was just based on looking at them, right?

A. Yes, it was an opinion that was formed based on the odor, based off they were holding alcoholic beverages, they were inside a bar, their movements were staggered. A lot of different -- based off experiences, any individual would expect they were intoxicated.

Q. Did you call for assistance, for medical personnel for any of these intoxicated persons?

A. My partner did.

Q. Did you place anybody in protective

custody because you believed they were intoxicated?

A. No.

Q. I have no further questions.

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Just as a followup.

You indicated that you have been there to this establishment 25 times?

A. I was probably inside maybe a little less than that, sir.

Q. Did you do 25 details there, or did you socialize at the club 25 times? How did you get there 25 times?

A. I've been through -- when I was an FT0, I actually went through before people came there. My FT0 officer actually showed me the club while I was on duty to know exactly what it looked like without people in there because there were issues

there.

I've been inside many other times just for responding. There's been several fights there prior to May 1 that I have responded to.

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY CHAIR NICOLE MURATI FERRER:

Q. Officer, for my benefit, what is an FT0?

A. Field training officer, ma'am.

CHAIR NICOLE MURATI FERRER: Thank you.

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Now, typically, when you encounter a person who is intoxicated and they're walking, do you typically perform a field sobriety test?

A. No, not unless they looked like they needed medical help.

Q. Is there a distinction between someone who is intoxicated and someone who is impaired?

A. Yes.

Q. What is the distinction?

A. The distinction is basically if they're in self-control. That's what it comes down to. If they're able to move on their own, if they're unable to move on their own, they're unable to answer questions.

Q. So if a person's intoxicated, they haven't crossed that threshold where they would be subject to a protective type of custody situation?

A. That is correct.

Q. Again, just so -- the persons you observed that evening were intoxicated and not impaired?

A. I would say so, yes.

EXAMINATION OF OFFICER BRIAN HARUTUNIAN

BY FIRE CHIEF GERALD REARDON:

Q. So, Officer, also during the course of your duties and throughout the city, in Central

Square, you run into people who are intoxicated on a regular basis?

A. That's right.

Q. And many times they're checked out for the ability to care for one's self?

A. Correct.

Q. And others will turn around and will say they're unable to ambulate or unable to move or take care of themselves and may need medical attention at that point, and once they're medically cleared, they could be placed in protective custody?

A. That's correct.

Q. And that's the normal course of the actions that you run into. So that is something you would normally be relatively aware of in terms of intoxicated, but not totally impaired or unable to ambulate?

A. Yes.

Q. Okay. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

I'm not quite sure which one of you will be next.

DETECTIVE MICHAEL SCHWARTZ: I'm Detective Michael Schwartz of the Cambridge Police, S-C-H-W-A-R-T-Z.

CHAIR NICOLE MURATI FERRER: Go ahead.

DETECTIVE MICHAEL SCHWARTZ: So as part of my duties in the Criminal Investigation section, I'm going to read some stuff off my phone.

I apologize. I don't have the paperwork in front of me.

We get assigned cases to follow-up on. I was actually assigned File No. 4045 of this year, which is the taser incident in question that's come up.

As part of my investigation into that, I

had to respond to Club Monroe on 6/25 at 12:30 in the morning after I had been working an assignment in Central Square at the dance party.

As part of that assignment at the dance party, we were required by our sergeant on scene to don our marked shirts so that people knew who we were. We were dressed down for the event, so we could do some counterintelligence work.

We had to put these shirts on so that they would be marked and identifiable as police officers throughout the crowd, which was, I want to say, they estimated it to be around 20,000 or some number like that.

People were able to visually see who we were and abide by our rules and regulations as to where they needed to go when the event ended.

I was wearing a black 'METRO Gang Task Force' (written on the back). I can show you the

jersey, if you need to see it.

It's clearly marked "POLICE," on several parts (badge and POLICE) on lapels.

I approached the front door where four males were outside (two were white and two were black), and I asked one that I recognized to be one of the doormen, he was leaning on the podium up front, if 'Travis' was working.

Now, Travis was a party that was emailed to me by Officer Jones as a bouncer who had knowledge from the suspect in the taser incident.

I had found out that now two victims were tasered by hand-held tasers, tasered out front across the street from the club after they had realized they were all in the club together and kinda spilled out outside, and that's where the altercation took place.

CHAIR NICOLE MURATI FERRER: And I'm

sorry to interrupt you, Detective, but when was the taser incident?

DETECTIVE MICHAEL SCHWARTZ: I have to refer to another phone, but hold on.

That would have been 6/9, it looks like 23:06. I'm sure that time is a little off. So I'll give you 22 a.m. on 6/10, if that makes sense for everyone.

CHAIR NICOLE MURATI FERRER: Go ahead.

DETECTIVE MICHAEL SWARTZ: So I approached the front door and there were males obviously working.

I recognized one to be a doorman and I asked if 'Travis' was working. He gave me a bit of vague stare, and finally after I asked again, he stated, "I dunno. Which one?"

In that moment, I had forgotten the last name and again just asked for Travis. Reluctantly he went to go check.

While he slowly moved from his position resting on the podium outside, two other males made themselves part of the conversation.

Before speaking with them, I noted that I could still see my reflection in the glass windows and my jersey and its markings was clearly viewable and unobstructed.

The other younger black male stood by, and I began a conversation with the two white males who had identified themselves as 'Brig' and Mikhail Druskin.

I knew that Mikhail Druskin was a member of the staff as I had conversations with him relative to another incident prior in the year.

During our conversation, I became irritated as they continually stated they had no idea I was with the police.

Brig stated that he did not recognize 'my' POLICE shirt, but that he had seen BOSTON

shirts of similar makeup in the club a week prior.

He said he knew exactly what the BOSTON shirts represented, just not mine.

He also explained that many people come up to the front door, they will occasionally try to vet parties before allowing information to get out about their staff.

Both were evasive with my questions and continued to not acknowledge that they had any idea I was a police officer when I first approached.

During our conversation, the young black male went back into the club. Noticing this, I stated directly to them that he better be the one I was looking for, i.e., Travis. They stared back at me and would not answer.

Shortly thereafter, the same black male came back out and stated he was, in fact, Travis.

I walked him over to the Economy Hardware entrance where we had a discussion that was beneficial to my investigation.

During that conversation, Travis stated to me what I needed relative to my investigation, but also when he saw me walk up with a Gang Task Force shirt, he panicked. He knew exactly who I was and why I was there, and he was terrified and it stressed him out.

I stressed to him that had I been there for other matters and he had gotten away or caused me to need to chase after him in the club, both he and the parties who had aided his disappearance would have to answer to impeding my investigation.

As far as they knew, I was looking for Travis, they didn't know why, but they allowed during our conversation for him to have been in front me and then go back inside and disappear

into the club.

After talking with Travis, who was later identified as Travis Pogue, I tried to reason with Druskin, as Brig had gone back inside and was not available, in what I believed to be a lack of respect both for myself or any civilian patron that might come to the front door asking for assistance.

He went on to say he has a great respect for the police and the people who work in that sector/the details (just apparently not for me) to which I responded: "I am not one of those people and you completely allowed someone who could have been a suspect in a far serious matter elude me with deception."

During this incident, I spoke with Travis and Druskin at length, and they continually tried to defer any recent violent incidents as being related to the club, i.e., "That happened across

the street. That didn't happen inside."

I explained that it was their patrons, not patrons of the Middle East, and that the incident I was referring to occurred directly out front and not miles away where a connection to the club would be greatly exaggerated.

I also expressed my belief that it was due to interactions like mine that allowed for them to have such a negative light shining upon them. If they can't handle my simple request, how could they handle larger events?

There was some other stuff I found, and I actually wrote that I was appalled to realize that Club Monroe has 19 plus nights - given some of the problems that have unfortunately occurred within its walls, or that included some of its patrons upon their exit.

And then I have another part of the email but that was about the --

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ

BY CHAIR NICOLE MURATI FERRER:

Q. Detective, you said you have the shirt with you?

A. I do.

I can wear it or I can just hold it up for you guys, whichever is easier for you.

This is the front lapel with a badge.

This would be the front right lapel with a badge. This would be the front right lapel where it says "Police Gang Task Force." And on my body that's pretty big where it says "Police Metro Gang Task Force."

No one -- as I had said, no one at the dance party had any problem identifying who I was.

Q. You said that you had responded to Monroe before, is that this year?

A. For different investigations. I have

responded there multiple times.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Detective, I was at the dance party earlier in the evening, and that was what you were wearing during that portion of the event?

A. I believe I was actually wearing a shirt similar to this right now during the event, and at the conclusion, Sergeant Timmins -- Lieutenant Timmins had us don either Cambridge Police jerseys or jerseys that we had in our presence.

That evening there was what we call shin and grin overtime, which involves the Metro Gang Task Force, so that was the jersey I had on-hand in my vehicle which I donned. There were also six people in those same jerseys that evening.

Q. Did you also have a badge with you?

A. I did have a badge.

Q. Did you display the badge to the -- -

A. At the door I did not have my badge displayed. During the conversation, I did display it. But when I first walked up, I realized it was underneath my shirt.

Q. Once you engaged the staff in conversation, did you find them cooperative?

A. No.

Q. When you spoke to Travis, did you find him cooperative?

A. Yes.

Q. Did he provide the information that you were looking for?

A. Yes.

Q. Was he helpful?

A. Yes.

CHAIR NICOLE MURATI FERRER: Who was not cooperative?

DETECTIVE MICHAEL SCHWARTZ: I believe this is Brig and Druskin is back in the audience.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ**BY FIRE CHIEF GERALD REARDON:**

Q. Officer, how long were you standing by the door when this conversation occurred?

A. Roughly from start until Travis came back out. I would say five minutes.

Q. Did you notice anyone counting heads coming and going?

A. (No response.)

Q. Did you notice anyone counting heads in terms of --

A. We were out outside, so I did not. I never entered the club. I was outside the entire time.

Q. Okay.

POLICE COMMISSIONER CHRIS BURKE: All set.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ**BY ATTY MICHAEL FLAHERTY:**

Q. Detective Schwartz, my name is Timothy Flaherty, I'm an attorney, and I represent Monroe. If I ask you questions you don't understand, you just let me know and I'll rephrase them.

A. Understood, sir.

Q. You never specifically identified yourself as a Cambridge police officer when you first approached the front door of Monroe?

A. Correct. I realized that I'd forgotten to display my badge when I approached.

Q. And you never introduced yourself as "Detective Schwartz, I'm a member of the Cambridge Police Department, I would like to speak Travis"?

A. No, and that was my mistake. I recognized the doormen that was at the front. I

talked to them before in passing, and I approached just kind've on a whim hoping to speak with Travis. And they said, "Travis is working." I was wearing the shirt and thought that might be enough. I apologize for that.

Q. And all of the staff members, including Brig and Druskin, told you they didn't realized you were a police officer when you first approached, right?

A. Correct.

Q. And they told you the reason why they weren't immediately responsive to you was multiple parties could come up to the front door and ask about a staff person that could present the safety issue for that particular staff person, right?

A. I suppose.

Q. And, obviously, the staff people at Monroe oftentimes have to exclude people from

entering if they don't satisfy the dress code or sometimes escort patrons from the premises, right?

A. If that's the policy, yeah.

Q. And once you did identify yourself as a Cambridge police officer, they became aware that you were a Cambridge police officer, they apologized for misunderstanding, is that right?

A. Eventually, yes.

Q. And they both said to you that they have a lot of respect for the people that work -- the Cambridge police officers who work a paid detail there and the other ones that do directed patrol in Central Square?

A. I believe Mr. Druskin stated that.

CHAIR NICOLE MURATI FERRER: I'm sorry, what did you --

DETECTIVE MICHAEL SCHWARTZ: I believe Mr. Druskin tried to state that to me.

Q. Is it fair to say that after you had a conversation with Travis Pogue, and he provided you the helpful information that he came back and you spoke to Druskin that it became apparent to you there was some sort of misunderstanding when you first approached?

A. If that's how he wants to portray it, yes.

Q. Well, it's not your opinion that they were aware that you were a Cambridge police officer and that they were intentionally evasive with you, is it?

A. Eventually that's what it became. Once I did identify myself, Mr. Pogue had still been out front and they allowed him to go back in during the initial -- my addressing who I actually was if they didn't understand.

Q. Well, then, he was directed to come straight back outside and go in front of the

hardware store and talk to you and answer all your questions, right?

A. Right. But what I stated was had this discussion took place and they did understand who I now was, he still had been outside and was able to get back inside before eventually having to come back out.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ

BY CHAIR NICOLE MURATI FERRER:

Q. Let me see if I understand what you're saying. You walked up to the door, you asked the gentleman that you recognized whether Travis was there?

A. Yes.

Q. And then at that point they questioned who you were?

A. Yes.

Q. At that point did you respond who you were?

A. Right.

Q. Yes?

A. Yes.

Q. At that point the back and forth continued and in between that back and forth Travis went to the back?

A. Correct.

Q. Did Travis go to the back after you identified yourself as a police officer?

A. Yes.

Q. Thank you.

CHAIR NICOLE MURATI FERRER: I'm sorry. Go ahead, counselor.

A. I apologize if I did not make that clear.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ

BY ATTY MICHAEL FLAHERTY:

Q. I read your email to the License Commission, and there's no mention in here of your ever identifying yourself with police

credentials or a badge or photo identification, correct?

A. Not in the email, I don't think so, no.

Q. And you testified that you weren't wearing the Cambridge Police Department issued uniform, right?

A. I was wearing the Metro Gang Task Force shirt.

Q. That obviously doesn't identify you as a member of the Cambridge Police Department, correct?

A. It identifies me as a member of the Police Department assigned to the Metro Gang Task Force, and I did explain to them I was with the Cambridge Police assigned to that unit.

Q. And the employees that you spoke with at the front door said they were sorry, they didn't recognize that shirt, that they recognized what Boston Gang Unit shirt looked like, but they had

no idea or no knowledge what the Metro Gang Task Force was?

A. I think that was probably what unfortunately for them was part of the issue. Unfortunately, Mr. Pogue said, "I knew exactly who you were when you walked up to the door."

Q. But nobody told Pogue to go or get away from you?

A. I don't know. I was speaking to individuals. They may have signaled for him to, I don't know.

Q. Once it became clear that you were who you were that you were actually a Cambridge police officer, that this individual, Travis Pogue, immediately identified himself as Travis Pogue and agreed to question -- agreed to submit to questioning and provided you helpful and cooperative information, right?

A. Eventually, yes.

Q. Okay. No further questions.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Just so I'm clear, Detective, when you approached the door, were you by yourself or other officers?

A. We parked out front. I approached originally by myself. I think event Detective Albert joined outside.

Q. Detective Albert is another Cambridge police officer?

A. Yes.

Q. Was he wearing the same outer garment?

A. He had a Cambridge police jersey.

Q. Was he with you at the time that you had the initial conversation?

A. I don't remember exactly when he came out, but I believe it was the secondary conversations after I had spoken with Mr. Pogue.

Q. Now, the Metro Gang shirt, was that issued by the task force?

A. It was provided by the detective who runs that unit.

Q. All set.

CHAIR NICOLE MURATI FERRER: Anything else?

ATTY TIMOTHY FLAHERTY: Nothing. Just so the record is clear that my view of the Metro Gang Unit Task Force jersey appears to be a baseball-style jersey, color in black with white lettering on the rear and an insignia. It looks like a white badge on the left chest plate.

CHAIR NICOLE MURATI FERRER: Thank you.

DETECTIVE BETH HALLORAN: Good evening.
My name is Detective Beth Halloran,
H-A-L-L-O-R-A-N.

I followed up a report on June 12, which was shooting that took place outside of the

Monroe Club.

I responded roughly at 3:00 a.m. along with Detective Albert. I did not write a report. I wrote an initial email. I will read from the email.

The night of the shooting there were several patrol units within 25 yards of the nightclub and heard the shots ring out. Some walking patrol officers and a two-person unit on Mass Ave, in front of the hardware store.

As you can imagine, the scene was chaotic and there were people running and ducking for cover.

Myself, along with Detective Dave Albert, responded that night to process the crime scene. As part of our investigation, we reached out to Monroe to speak with the manager and attempt to get video from the club.

The victim and her friend stated they had just left the club as it was emptying when she was struck by the bullet.

I was directed to Brig -- sorry, no last name. I connected with him on the phone and he was far from helpful. He initially stated that cameras did not record and that he was not sure what he would be able to help me with anything.

I was insisting that he look at his cameras and provide what he could as it related to video.

The following day, he called me and told me that he had watched the news, reviewed his video and that there was nobody on their surveillance that fit the description of what was on the news.

I had to repeatedly tell him that I needed the video I had asked for, and that I would do the review and necessary comparisons.

He then told me that the shooting took place in front of Asgard, nowhere near his club. I assured him that the crime scene was nowhere near Asgard and did, in fact, happen right outside of Monroe.

He then told me that his landlord was giving him a hard time about the shooting and the people that had come into his club. I had to repeatedly remind him that this was an active investigation, and that my priority was finding out who fired the shots and struck the innocent victim.

I had several phone conversations with Brig. He was quick to answer my questions. I, again, had to repeatedly tell him that I would do the review that was necessary. He originally said there were 12 cameras, only two record, one on the entry, one in the back room, but he would see what he could get.

I told him I wanted roughly from 10:00 p.m. until shortly after 2:00, as the call, I believe, came in right after 2:00 a.m. on the 12th.

He did provide the video eventually and delivered it to the Police Department for me to review.

I just -- my conversations were only with Brig. I did have a conversation with a valet who refused -- a female, I don't have her name with me -- who refused to answer any questions and directed me to speak with management.

I just found evasive and trying to steer me in a direction that I knew wasn't the case, and steer me in a location that was nowhere near the crime scene.

CHAIR NICOLE MURATI FERRER: Thank you.

EXAMINATION OF DETECTIVE BETH HALLORAN**BY POLICE COMMISSIONER CHRIS BURKE:**

Q. With respect to the valet, how do you know if -- was she employed by Monroe?

A. We were still on scene at 5:00 p.m. There were two cars -- as we were clearing the crime scene, there were two cars there. Myself and Detective Albert were there and a gentleman and a female came to pick up the car. And I asked him if it was his car, and he said, "It's not my car, it's my friend's car, but he told me to come and pick it up."

I said, "Well, how did you get the keys?"

"Oh, our friend's the valet. She called us and told us we could get the car now that the crime scene was done."

Q. So what was the connection?

A. So the valet called -- the owner of the car got a call from the valet saying "You can

come get your car now."

He was there to get that car.

Q. Who was this Greg person?

A. Brig. I have never seen Brig, but there's Brig.

Q. So, initially, you became aware where the shooting actually took place?

A. I responded to the scene, so I could see -- I mean the shell casings were still in place. Officer Padgett had responded and showed me where the victim had ducked for cover and was trampled subsequent to the shooting and where she was finally treated by Pro and transported to Mass General.

I knew where the victim fell. I could see the shell casings on the ground. So I knew exactly where the crime scene and the length of Mass Ave that it went from.

Q. And Brig was trying to tell you that it

was the Asgard?

A. He told me the shooting happened in front of Asgard.

Q. Now, Asgard, what would you estimate the distance between Monroe and Asgard?

A. I would say 100 yards. It's past Sidney Street. So we're talking from Monroe, past the firehouse, over Sidney Street onto the corner of Sidney and Mass Ave.

Q. So you indicated also that Brig mentioned something about the -- trouble with the landlord?

A. He said, "My landlord keeps calling trying to find out what's happening, what's going on."

I said, "I can't give you any information. It's an active investigation." And I said, "I can't give you any information right now. What I need is the video."

Q. From the point that you asked for the

video to the point it was delivered, how much time went by?

A. I believe a day and a half.

Q. How many times did you have to speak with Brig or contact him?

A. Say probably four or five times.

Q. Beyond the initial conversation where he told you the incident occurred at the Asgard, did you get a sense that he was cooperating or what was your --

A. No. I got the sense that he was just kind've saying what he thinks I wanted to hear. As I said, he was trying to steer me and say -- "I was told it happened in front of the Asgard."

"Didn't it happen in front of the Asgard?"

I said, "No, it didn't happen in front of Asgard. It happened in front of Monroe."

He seemed to have answers for questions I

wasn't asking and he was steering me in another direction, that's how I felt.

Q. Was this the first investigation you ever did?

A. No.

Q. How long have you been with the Police Department?

A. 14 years.

Q. How long have you been a detective?

A. Ten years.

Q. What cases have you investigated?

A. Homicides, domestic violence, sexual assaults, stabbings, home invasions.

Q. Is it fair to say that you have conducted a number of investigations of serious crimes?

A. I have.

Q. Would you consider this to be a serious incident?

A. Yes.

EXAMINATION OF DETECTIVE BETH HALLORAN**BY FIRE CHIEF GERALD REARDON:**

Q. So, Detective, in terms of the video, he indicated you there were 12 cameras?

A. 12 cameras, but only two recorded.

Q. How much did you wind up getting for footage from the number of cameras, could you tell?

A. Time frame, you mean, how much time frame?

Q. How much did you get?

A. We got two views, two camera views.

Q. So their inference was that all the other cameras --

A. Don't record.

Q. -- don't record?

So they're view only for the staff?

A. Monitor. That's correct.

Q. Thank you.

CHAIR NICOLE MURATI FERRER: Counselor?

EXAMINATION OF DETECTIVE BETH HALLORAN

BY ATTY TIMOTHY FLAHERTY:

Q. Detective, my name is Tim Flaherty and I represent Monroe. If I ask you any questions you don't understand, let me know and I'll try and rephrase them.

A. Yes, sir.

Q. A request was made to Brig Dauber, an employee of Monroe, for video footage from inside the premises of Monroe, correct?

A. Yes.

Q. And that flash drive was delivered, hand-delivered to the Cambridge Police Department within a day and a half?

A. Yes.

Q. And was there a schedule for an interview the following day when the flash drive was delivered?

A. With who?

Q. With Mr. Dauber and Mr. Chowdhury and other members of the staff before it was delivered. Was there an arrangement made to come down and interview them?

A. No.

Q. So you don't have any memory of a scheduling conflict presenting some difficulty in conducting an interview?

A. My only conversations were with Brig.

Q. And the 12 cameras on site are used to monitor the bar, staff and receipts, correct?

A. I would not know that.

Q. And the video footage that you got was -- actually one of the cameras gave a recording of each and every patron as they entered the front of Monroe?

A. I asked for the camera that would record on the door and there was another one that faced

the bar which was the middle section, I believe.

Q. Those were given to you?

A. Yes.

Q. I think you said that Mr. Dauber, Brig Dauber said to you the statement or words to the effect of "I was told it happened in front of Asgard"?

A. What is your question?

Q. Didn't you just testify to that he said to you "I was told it happened in front of Asgard"?

A. Yes.

Q. His point to you was he was making an inquiry, "Did it happen in front of Asgard"?

A. Inquiry or statement. It happened in front of Asgard.

Q. He didn't say to you "I know that this happened in front of Asgard," correct?

A. He did not say that.

Q. The email you wrote was written on July 8, 2016, is that right?

A. Yes.

Q. And the conversation that you had with Mr. Dauber was sometime around June 10 or 11 of 2016, about a month earlier?

A. No. The incident happened June 12.

Q. When was your conversation with Mr. Dauber?

A. After the incident, which was June 12, 13, 14.

Q. So this was --

A. It wasn't the 12. That was a Sunday. It would have been the following Monday. Nobody was at the club.

Q. And it was about -- so your email was written about a month after your conversation with Mr. Dauber?

A. July 8.

Q. There was no police report written immediately after your conversation with Mr. Dauber, right?

A. Yes. There's a police report related to my investigation.

Q. I guess I should ask the question this way: Did you memorialize the statements by Mr. Dauber to you during your telephone conversation immediately after the statements were made?

A. I memorialized it on July 8.

Q. About a month-- not a full month, but about a month later?

A. July 8.

Q. I have no further questions.

CHAIR NICOLE MURATI FERRER: Thank you.

EXAMINATION OF DETECTIVE BETH HALLORAN

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Just so I'm clear, did Mr. Dauber tell

you that it happened in front of Asgard?

A. Yes.

Q. He said it happened in front of Asgard
or --

A. I can't say I remember his words. He
said -- I said -- I was asking for information
and I think he said, "Didn't it happen in front
of Asgard?"

After I had asked for the information and
said where the crime scene was, he said, "Didn't
it happen in front of Asgard," I think he was
asking me.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Okay. All set.

CHAIR NICOLE MURATI FERRER: Thank you.

DETECTIVE DAVID ALBERT: Detective David
Albert, A-L-B-E-R-T, criminal investigations.

So I had the opportunity to work the
investigation for the shooting with Detective

Halloran, and I don't have anything to add other than to support that she was pretty agitated talking with Mr. Brig.

She informed me that she felt he wasn't being helpful in the investigation after, you know, we determined it happened just outside their door.

Additionally, I was with Detective Schwartz the night he stopped Monroe to speak to staff working out front. I was in the -- in the unmarked cruiser waiting for him. He had the conspicuous shirt on we all had to don that night at the end of the dance party. He said, "Just give me a couple minutes. I'll be really quick. We'll get out of here."

Five minutes or more passed. I looked over my shoulder, I could see he -- you know, he appeared agitated, and there was a little excited conversation going on. I figured I should step

outside and see if he needed any assistance.

I didn't overhear the conversation. I can only testify to the fact that he appeared to be agitated. He was clearly upset with the staff there. I was made aware after talking to the gentleman with the beard who works for Monroe, the individual he was looking for, came back out and he had a very orderly conversation with that gentleman. He was satisfied and went back over and talked to the gentleman with the beard again, and it certainly wasn't a very pleasant conversation between the two.

CHAIR NICOLE MURATI FERRER: Detective, did you say -- so you investigated the -- did you also investigate the taser?

DETECTIVE DAVID ALBERT: I did not.

I happened to be with Detective Schwartz the night of the dance party. He thought he would stop on our way out of the dance party

while the staff and the club was open at Monroe and take care of some investigative issues he had.

CHAIR NICOLE MURATI FERRER: Thank you.

POLICE COMMISSIONER CHRIS BURKE: All set.

FIRE CHIEF GERALD REARDON: All set.

ATTY TIMOTHY FLAHERTY: No questions.

CHAIR NICOLE MURATI FERRER: Thank you.

Next? Do we have anyone that will testify on the June 25 matter?

Is anyone here from Crime Analysis?

REBECCA LEONARD: Rebecca Leonard, L-E-O-N-A-R-D. I didn't actually know I was supposed to be talking. I was told to bring in information about the times of some of the calls that officers HAD responded to. So I have the number of calls for service that officers responded to at Monroe in the past year and a

half. I'm actually not sure what.

EXAMINATION OF REBECCA LEONARD

BY CHAIR NICOLE MURATI FERRER:

Q. How many times have officers responded in the past?

A. January 1, 2015, 321 calls for service have been reported specifically at 450 Massachusetts Avenue which is Monroe or formally Moksa. Over a hundred of them have either been directed patrols issued by the Department Or Emergency Control or police detail calls.

Looking at some of the ones, we have had 17 disturbance calls in the past year and a half, ten of which have been reported between 1:30 and 3:00. I was told to look around the time of closing. So over half of those were between 1:30 and 3:00 a.m. There have been eight fight calls. Only three of those eight have been between 1:30 and 3:00.

And we have had one stabbing and shooting call which ended up being the shooting on June 12 that was at 2:00 a.m., that was between that time.

And then looking at the incident reports specifically, there's other call types. I don't know if these are the kind of -- these are the ones that pertain most.

We have had 41 incident reports. So officers responded to that specific address 321 times; 41 responses resulted in an incident report in that year and a half.

Q. By "incident report," you mean a police report?

A. Yes. There's been four aggravated assaults, so that involves either a serious injury or use of a weapon. That was -- there was one with a knife, a taser and the victim was shot in the foot. Only those -- one of those happened

between 1:00 and 3:00, that was the shooting in June.

There were three disorderly reports, two of which were between 1:30 and 3:00.

There was one indecent assault that was back in October, that was around 1:45, between 1:45 and 2:00 in the morning.

There was the incident on May 1 of this year which happened over a span of time, so I'm not really sure what exact -- at one point it was between that 1:30 and 3:00 clock time. So I don't -- I mean, that one is a long incident.

There's been ten simple assaults in the last year and a half, seven were between 1:30 and 3:00. Those involved fights inside the club or immediately outside, and those would be minor injuries or no weapon involved.

And then there's been nine incidents that were not reported specifically at 450 Mass Ave,

but either stemmed from or likely involved an incident including two aggravated assaults which were the taser -- I'm sorry. I'm not sure about the taser one - and a female assaulted by a Boston gang member attempting to break up a fight in August of 2015. That happened at 2:00 in the morning as well.

We had two shots-fired incidents at the lot across from Moksa/Monroe in March and in May, one of which resulted in an arrest of a Boston gang member that had been at the club earlier. I'm not sure about that. That was 2:00 in the morning. Both of those shots were between 1:30 and 3:00.

Q. Were those either from Monroe or is that what you're saying that you do not --

A. The one in March I'm not sure. The one in May, a Boston gang member was arrested. I don't know for sure what the investigation

determined from that.

Q. Thank you.

POLICE COMMISSIONER CHRIS BURKE: No questions.

CHAIR NICOLE MURATI FERRER: Questions?

EXAMINATION OF REBECCA LEONARD

BY ATTY TIMOTHY FLAHERTY:

Q. I'm Tim Flaherty, I'm an attorney, and I represent Monroe. If I ask you any questions you don't understand, let me know and I'll try and rephrase it.

If I look at your report, where you write 321 calls for service at 450 Mass Ave since 1/1/15, there's a couple different categories. Maybe a dozen categories?

A. Yes.

Q. Did you create each of these categories yourself?

A. I did not. They exist.

Q. These categories exist?

A. Those are through our Emergency Communications Center. They assigned those to each call that comes in.

Q. I see. So 71 Park and Walks are directed patrol are what has been discussed earlier tonight where the police officers go to the location of Central Square for bar let out time?

A. Yes.

Q. And 46 police detail calls are when police officers are requested to work at maybe that Middle East/Monroe sort of swing?

A. I think so.

Q. And so, that's roughly a little more than 100 of the 321 calls. Then there's four crowd control?

A. Yes.

Q. 17 disturbances. And so, would you agree with me that a disturbance -- that category

disturbance, doesn't include an assault-type behavior, right?

A. It depends on what Emergency Communications classifies it. This is also 24 hours a day. There's activity in Central Square all day long. So I was focused on the ones around that closing time.

Q. For instance, that category that says 12 man down/unconscious calls?

A. Right. So there's a large homeless population in Cambridge, and a lot of them will be in the Central Square area.

Q. Would you agree with me that the 321 calls for service at 450 Mass Ave, a large number of them have nothing at all to do with the conduct in or around the premises of Monroe?

A. Yes. This is just for number purposes. They were just asking about the --

FIRE CHIEF GERALD REARDON: I'm sorry. I

would counter you're seeking communication doesn't take calls for detail or directed details, are those the details office? They're coding them out of the dispatcher center? It would be a detail officer calling or requesting something as opposed to someone requesting a call in for a detail officer to do that work?

ATTY TIMOTHY FLAHERTY: Well, for instance, when you call for a detail officer, if the club becomes over crowded after hours, you call the Emergency Control room, right?

FIRE CHIEF GERALD REARDON: No, they would be doing emergency dispatch calls. It would be a police officer on detail asking for assistance or a follow-up where they needed something as opposed to someone scheduling -- requesting a scheduled detailed. That would be a completely different subject.

ATTY TIMOTHY FLAHERTY: Fair enough.

EXAMINATION OF REBECCA LEONARD**BY ATTY TIMOTHY FLAHERTY:**

Q. And of those 46 police detail calls, there's no indication whether they're from Monroe, Middle East or some other location in Central Square?

A. They were reported specifically at 450 Massachusetts Avenue. A lot of these calls some are administrative. Unless you open the call and read the details from the dispatcher, it's not always clear.

Q. Fair enough. No further questions.

CHAIR NICOLE MURATI FERRER: Is Officer Gaudette here?

OFFICER PADGETT: No.

UNIDENTIFIED SPEAKER: I can have him here if you want him.

CHAIR NICOLE MURATI FERRER: Is Officer Clinton here?

OFFICER PADGETT: He's out.

CHAIR NICOLE MURATI FERRER: And remind me, you testified about the gun shot case?

OFFICER PADGETT: I was there.

CHAIR NICOLE MURATI FERRER: Do you mind reading these reports?

OFFICER PADGETT: Name again, Officer Padgett, P-A-D-G-E-T-T, Cambridge Police Department. And I'll be reading Officer Gaudette's -- G-A-U-D-E-T-T-E -- police report for the shooting that occurred on June 12, 2016.

On June 12, 2016, Cambridge police responded to gunshots in the vicinity of 450 Mass Ave. On arrival, a victim was found to be struck in the foot by gunfire and was transported to a local hospital.

On June 12, 2016, I, Officer Gaudette, was assigned to Central Square as walking unit Central 10. At approximately 2:08 a.m., I was

conducting a direct patrol for bar closings in Central Square.

While over by Lafayette Square, I heard a series of loud popping sounds (five or more) that I believed to be gunshots coming from the area of the Monroe nightclub (450 Mass Ave), where a large crowd was currently gathered as the bars and nightclubs had just closed at 2:00 a.m.

I immediately called off what I heard, unholstered my service pistol to a low ready and made my way to the front of the Monroe nightclub.

I observed several large groups of people scrambling and running in multiple directions as well as motor vehicles fleeing the scene.

At this time multiple other CPD units had arrived to assist with securing the crime scene with Car 18, Sergeant Lynch in charge. MIT Police and Mass State Police arrived to assist a

short time later.

One female victim, later identified as, (redacted) (DOB redacted) was found on the ground in between two parked cars in front of Monroe.

Car 3 (Officers McNeill and Padgett) began to render aid to the victim and I called ECC to have medical respond. (Redacted) was struck in her left foot and transported to Mass General Hospital (MGH) via Pro Ambulance. (Redacted) was accompanied by her friend and witness (redacted).

Officer Lee, Badge 473, was then instructed by Sergeant Lynch to speak with the victim and witness at MGH. The victim's left shoe with a spent round embedded in it was collected and given to me by Sergeant Lynch and I placed it into evidence, Locker No. 36.

An MIT Officer then called off that he had located a firearm under a parked motor

vehicle in front of 415 Mass Ave.

After the scene was deemed safe, units were instructed to begin establishing and securing the scene using crime scene tape.

Officer Mushlin, 5R, was responsible for the crime scene log. Units then began canvassing the area for evidence and found several spent shell casings on the street and sidewalk in the vicinity of 450 Mass Ave.

Several supplements by officers involved have been completed and the investigation is currently ongoing.

The next report would be Officer Clinton.

Upon arrival to the shots fired scene, I, Officer Clinton, took witness statements from three witnesses.

First witness was identified by his New Jersey State driver's license as (redacted). He stated that he had been inside Monroe tonight.

He stated after the bar closed, he was standing in front of 425 Mass Ave when he witnessed an argument in front of Monroe.

He then witnessed a black male in his 20s wearing a white tee shirt and dark pants cross Mass Ave and talk to another male. The two males then walked back across to the argument. He stated a fight broke out and he saw a punch thrown.

After a male was knocked to the ground, he heard four to five gunshots. He stated he saw the suspect in the white tee shirt begin to run up Mass Ave towards Sidney Street.

When the suspect saw police blue lights coming down Mass Ave, the suspect crossed Mass Ave heading toward Main Street. He then witnessed the suspect throw an item under a black car parked on Mass Ave and run down Columbia Street.

He stated that him and his friends went over to the car to see what was thrown, and saw a gun under the front passenger tire. He then told police officers the location of the gun.

Second witness was identified with a New Jersey driver's license as (redacted). He stated he was at Monroe tonight. When the bar closed, he had exited and was standing in front of CCTV. He said that to his left, a group of people were arguing and yelling at one another.

He witnessed a black male in his 20s wearing a white tee shirt and dark pants, with a close haircut and dark shoes cross Mass Ave toward the fight. He then witnessed the suspect in white punch another male.

As soon as the male who got punched hit the ground, the suspect in white pulled a gun from his waistband and began to shoot.

After the first shot, he ran to his right

where he heard the gunshots getting louder. He crossed Mass Ave and headed towards 425 Mass Ave to his friends. He stated he witnessed the suspect male run down Mass Ave and take a left onto Columbia Street.

The third witness was identified by a Mass driver's license (redacted), stated he was at Monroe tonight. When the bar closed, he had crossed the street and was talking to some friends and females in front of 425 Mass Ave. He stated he did not witness the altercation out front because he was occupied. He stated he heard gunshots.

He also stated he saw black male in his 20s and also saw another black male wearing a black hoodie running with the suspect in the white tee shirt.

The suspect in white was then observed throwing an object under a black car parked on

Mass Ave and running down Columbia Street.

All witnesses' statements were collected and all witnesses were cleared to leave.

Officer Schroeder of MIT Police was the first officer told of the location of the firearm and secured the scene until he was cleared by detectives.

State Trooper Thomas Janeczak and State Trooper Tim Blackwell with K9 Klass arrived on scene, and with the help of Officer Nacotra, tried to track the suspect using the scent from the gun. The K9 got as far as Columbia Terrace before it lost the scent.

Crime scene cleared the scene and the black MV was driven away by its owner (redacted).

OFFICER PADGETT: The next will be my supplement report.

On 6/12/16 at approximately 2:08 a.m., I, Officer Padgett, while assigned to Car 3 with

Officer C. McNeill were on directed patrol in front of Lafayette Square for the bar closings when we heard consecutive gunshots coming from the direction of Monroe (450 Massachusetts Avenue). I activated the blue lights and drove up a few feet from where we were parked.

Myself and Officer C. McNeill exited the cruiser and went towards Monroe. I was flagged down by a female party later identified as (redacted) who stated to me that she needed my help. She directed me to a female victim later identified as (redacted) who appeared to have a gunshot wound in the inside of her foot. I immediately asked an MIT Officer to get me a first-aid kit.

Myself and Officer C. McNeill wrapped her foot and applied pressure until Fire Squad 2 arrived to assist.

I asked (redacted) what happened and she

stated to me that she had just left from Monroe and was standing in front of the glass window adjacent to Monroe (CCTV) when she heard shots fired. She stated to me that she began to run away and fell over the bike rack and hit her head. She stated to me that she felt light-headed and realized she had been shot in the foot. She had what appeared to be a bullet in her left shoe.

She stated to me that she was not involved in any altercations and she did not see who was shooting. She was transported by Professional Ambulance to MGH for further evaluation.

Myself and Officer C. McNeill searched the vicinity of which we heard the gunshots and found six shell casings which were photographed by CID.

CHAIR NICOLE MURATI FERRER: I assume you have no questions as to the reports?

ATTY TIMOTHY FLAHERTY: Well, the reports are the reports. No ability to cross-examine them.

EXAMINATION OF DETECTIVE MICHAEL SCHWARTZ

BY CHAIR NICOLE MURATI FERRER:

Q. Detective Schwartz, I asked you a question earlier about the incident on the taser situation?

A. Yes.

Q. Can you look through those reports and tell me as to the taser situation was -- I have two hours there. The one you -- you said 2300 hours and there's a call at 2:22 a.m. Can you look for that? Have you seen those reports before?

A. Yeah. I originally read what was on the front versus what was in the actual narrative. That was my mistake.

Q. No, no. That's fine. I am wondering are

these the reports with regard to the taser? I know you didn't write them.

A. Yes.

Q. Can you tell us in the body of the report when it says the calls came in?

A. It says this was written by Sergeant Mike Conany. This was on 6/10/16 at 0222 hours. Officer Jones called over the radio that there was a fight outside Monroe. So that would be 2:22 in the morning.

CHAIR NICOLE MURATI FERRER: Is there anyone else here from the Police Department to testify as to any matters relating to Monroe?

Are there any victims or alleged victims with regard to the Monroe incidents that would like to testify at this point? Also, if you want to continue with your case?

ATTY TIMOTHY FLAHERTY: I would like to ask Mr. Brig Dauber, the manager of record, to

testify.

EXAMINATION OF BRIG DAUBER

BY ATTY TIMOTHY FLAHERTY:

Q. State your full name, spelling your last name for the record.

A. Brig, B-R-I-G, Dauber, D-A-U-B-E-R.

Q. Mr. Dauber, how are you employed?

A. I'm the manager of record for the establishment known as Monroe.

Q. How long have you been so employed?

A. For a little less than a year.

Q. And what is your experience in the entertainment industry?

A. I have about over 15 years' experience related mainly to nightclubs.

Q. Have you worked in nightclubs located in Boston, Massachusetts?

A. I have.

Q. And have you interacted with members of

the Boston Police Department relative to your earlier employment with nightclubs in Boston?

A. I have quite often.

Q. Did you or do you maintain a good working relationship with the Boston Police Department?

A. I do.

Q. What is your educational and military professional background beyond entertainment, if you could tell us?

A. I attended some college in Norwich University in Vermont, and prior to that, I was in the Marine Corps.

Q. And directing your attention to the security measures taken at Monroe, could you explain to us how many staff members are normally employed, just specifically for security on an average Thursday, Friday or Saturday night?

A. It varies a little, but eight to ten on the high end usually upwards of -- a couple on

Saturdays which would be 15.

CHAIR NICOLE MURATI FERRER: Mr. Dauber,
you need to raise your voice.

Q. Do you have police details there as well?

A. We do.

Q. Do you know Officer Jones?

A. I do.

Q. Is he an individual that works there
regularly?

A. Yes, yes.

Q. And do you have any mechanism for
checking persons when they first arrive at the
club, checking their ID and counting how many
people enter the club?

A. We do. Individuals first enter the club,
they walk down about a ten- or 12-foot space so
we can see them approaching. They're first ID'd.
We have stacks of identification, falsified
identification that people tried to use fake IDs

and things like that we have on record. They're first ID'd. If they're ID is great, they go in and they're immediately patted down before they can enter the establishment.

Q. What do you mean by "patted down"?

A. There's a hand frisk pat-down. We don't use wands. We go through pockets and go through pocketbooks of females, and we have a security person put hands on every individual walking through.

Q. And do you have surveillance cameras at Monroe?

A. Yes.

Q. Where are they located?

A. The primary ones are located in the lounge which faces the entranceway. We have one that is in the dining area. And we also have one that's in the club space.

Q. Do they all record?

A. Those record. There's a whole set of other cameras specifically facing registers from overhead that are obviously aimed at watching over staff and bartenders.

CHAIR NICOLE MURATI FERRER: Does that mean they record one at lounge, one at dining and one at club space?

BRIG DAUBER: Yes, ma'am.

EXAMINATION OF BRIG DAUBER

BY FIRE CHIEF GERALD REARDON:

Q. So the one facing the registers, one for financial transactions, you lead me to believe those are not recorded?

A. No, sir.

Q. If I monitor it and see it happening it's good and not looking at the monitor everything is good, right?

A. At this point it's actually broken, but typically what we would do is our computer system

-- the way our system is set up, you can watch a bartender and you can watch a transaction. So the idea is from the office space you would be able to say if they put a drink on the bar and then watched the computer screen via a central hub whether they would ring it in or not ring it in.

Q. I'm having a little trouble understanding. If there was some sort of issue where you thought the bartender was not doing what they were supposed to, that when you brought them after the fact, there would be no recording of that to uphold what you saw, it would be --

A. There was a DVR set up for that. It has been broken. We have just been watching in the manner which I described to you.

Q. So they were capable of recording, but --

A. To my knowledge, they initially worked.

Q. The two main cameras on a separate

system?

A. Yes.

Q. Only those two cameras on a separate system right now?

A. Yes, sir. They're -- like I say they monitor basically the --

Q. Right. You're indicating they're recording. Obviously, they're still recording, but the others are not. Am I to believe the other ten cameras are on a different system?

A. Yes. Totally different system.

EXAMINATION OF BRIG DAUBER

BY ATTY TIMOTHY FLAHERTY:

Q. How many entrances and exits are there?

A. Typically four.

Q. Where are they located?

A. Front, side lounge, one in the back of the club space and one in the side that leads out to the kitchen.

Q. Are they always clear of any obstructions?

A. They are.

Q. What is the capacity of Monroe, the entire capacity?

A. 480.

Q. Does that go up from 480 at any time?

A. It does when we have the patio open.

Q. Were you present on May 1, 2016 for the event regarding the individual who suffered a punch to the eye?

A. I was.

Q. And were you within your capacity that evening?

A. Yes.

Q. Were police summonsed to that incident?

A. Yes.

Q. How were they summoned?

A. They were summoned via the detail at the

front door.

Q. So staff members communicated to the detail to call police officers because of an assault that happened within the premises?

A. To my knowledge, yes.

Q. Did you assist the police that night? Did you speak with anybody?

A. I did not personally speak to them or knowledge of. I'm sure I did, I just don't remember the exact conversation.

Q. And is it your understanding that police were led directly to the fellow that was injured and he received medical attention?

A. Absolutely.

Q. And was transported?

A. Yes, absolutely.

Q. Were you also present for the taser incident?

A. I was.

Q. With respect to that, where were you when that occurred?

A. I was not in the street, I was in the side. I didn't witness it.

Q. Were you directed to what transpired? At some point did you learn what happened?

A. Yes.

Q. Was that person who was injured brought within the club and given medical attention?

A. They were.

Q. And did medical personnel arrive on scene and police personnel arrival on scene?

A. Yes.

Q. As far as you can tell, as manager of record, were all staff cooperative and helpful?

A. Yes.

Q. Were you with present when there was a shooting that occurred outside of Massachusetts Avenue?

A. Yes, I was.

Q. And when that occurred, do you know whether or not or how police were summonsed?

A. I'm not sure exactly how they were summonsed. I believe there was a police officer close to the front door, the detail heard the shot and immediately went outside.

Q. And in that respect, was everybody cooperative to the police, all the staff people cooperative to the police?

A. Yes.

Q. Now, is it fair to say -- what time is closing time at Monroe?

A. 2:00 a.m.

Q. And at what time do you begin to instruct staff to ask people to leave?

A. Roughly before 2:00 a.m.

Q. About how roughly before 2:00 a.m.?

A. 15 minutes.

Q. How is it that the club is emptied by staff people? What are staff instructed to do?

A. Typically the music goes off and all the lights will be turned on, all the televisions off. The crowd naturally makes its way to the front door. At that point, we don't encourage them verbally to exit. So, we naturally -- 90 percent of the crowd does leave naturally. They walk out towards the front. We have half the security staff at the front door and the other portions throughout the club, of course, but we have another bulk of them in the club space.

As the crowd is leaving, once the majority of the crowd is out, the staff outside will then verbally go up to groups of people that are immediately outside the door and ask them to disperse. The detail officers are helping doing so. We had an immediate scope of our front door and about maybe 30 to 40 feet in either direction

and not across the street. We have since changed that to widen our scope, to ask people within a block of -- in each direction and across the street to disperse. So any parties we see, five or more standing around, we ask them to please disperse. And if there's any parties at that point that cause any friction, we immediately tell the detail officer at that point that this party doesn't want to go anywhere, they're hanging out.

We had a valet zone out front that was two spaces in which a lot -- which did attract a lot of traffic, which we have since suspended. And just to make a note on that, we --

CHAIR NICOLE MURATI FERRER: You suspended the valet, you said?

BRIG DAUBER: We have not given our license up on the valet. We have suspended for weekend nights in order to make an effort to get

traffic moving quickly after 2:00 a.m.

We basically told them to hold off particularly on Saturday nights, Friday nights and that has helped in retrospect. Some of that backup created blockage on Mass Ave. There's naturally Uber drivers that stop as well, and we do our best to have security staff move cars along that are taxis or licensed passengers.

Q. Does Monroe use promoters to have events?

A. Depending on the night, occasionally.

Q. How do you vet those people?

A. Typically promoters are people that have worked for the venue and have a longstanding history of producing events we have had and that management had no issue with.

Q. Have you had any communications with the Cambridge Police Department about events that they have identified as potentially a problem?

A. We have. Specifically in the last month

we've had two events that came across that were potentially problem events that were communicated to us and we cancelled them to be proactive.

Q. And that was a voluntary cancellation, that was something you discussed with Cambridge Police Department?

A. Yep.

CHAIR NICOLE MURATI FERRER: Does this include the one that you cancelled before you received the information from the Police Department?

BRIG DAUBER: On both accounts, ma'am, we cancelled. On the two events I'm speaking of, both of them were cancelled before knowledge -- or before it being brought to our attention by the Police Department.

CHAIR NICOLE MURATI FERRER: By the Cambridge Police Department?

BRIG DAUBER: Yes, ma'am.

CHAIR NICOLE MURATI FERRER: So it's not fair to say that you cancelled them after you spoke to the police? You had cancelled them prior to receiving information?

BRIG DAUBER: Well, I'm sorry. To make a correct statement we received knowledge, not directly from the Police Department, but we received knowledge there might be problem events and we did cancel them.

But we did not receive -- we did not cancel them as a result of the Police Department telling us to cancel them. It was something that was going to happen anyway. So whether the Police Department contacted us a day after or an hour after, we would have said, yes, they're already cancelled. We were on the same page, I can say, as the Police Department.

CHAIR NICOLE MURATI FERRER: Thank you.

EXAMINATION OF BRIG DAUBER**BY ATTY TIMOTHY FLAHERTY:**

Q. Were you present at the front door of Monroe when Detective Schwartz arrived?

A. Yes.

Q. Did you know that he was a Cambridge police officer?

A. I did not.

Q. Did it become clear to you after some conversation with him that he was, in fact, a Cambridge police officer?

A. It did. We had a quick conversation and it was clear at that point that he was an officer.

Q. Is it fair to say that once you became aware that Detective Schwartz was, in fact, a Cambridge police officer that you were fully cooperative with every request posed to you?

A. A hundred percent.

Q. What was the reason why you didn't immediately respond to his request "where is Travis"?

A. Typically when someone approaches the door in that manner, we vet them, as I stated before, and we didn't know why he was there. Travis, an example, is he's actually a local guy. You know, we didn't know why the gentleman that was looking for him whether it was a private matter or something of that nature.

Basically we didn't know who he was and what he wanted, and we were playing it safe and giving buffer space and time.

Q. Is it fair to say this was a misunderstanding?

A. A hundred percent.

Q. Did you ever, at any time, intentionally attempt to obstruct Detective Schwartz or be evasive or deceptive to him?

A. No.

Q. And you heard testimony from Detective Halloran about the conversation?

A. I did.

Q. Regarding the video footage?

A. Yes.

Q. Did you have a telephone conversation with Detective Halloran?

A. Yes.

Q. Had you ever met her in person or talked to her previously?

A. Not to my knowledge.

Q. Did you provide the requested information of video footage?

A. Yes, the day after, absolutely.

Q. And you heard her make reference to a portion of the conversation where you were requesting or saying to her that this event happened in Asgard, not in front of Monroe, is

that how the conversation went, or what is your memory how the conversation went?

A. Basically my remarks were if we're -- we were looking for more video footage. The information I received was it was at the front door and down the street with the shooting coming this way towards Mass Ave, if you can imagine. So what I meant was and I was cut off while I was making -- what I was inquiring was, if you're looking for video footage, it would be behoove me to get video footage up to the Asgard because the only intel that I had from talking to staff or closer to the door is that the incident happened outside and to the right. The parties involved ran east, I would assume, towards MIT from our knowledge.

So that was my only comment. In no time did I mean to misconstrue the conversation in that direction at all. I asked about the victim,

if she had any knowledge about the female that was shot, if she had an update, if she was okay. She was a patron of ours, so, naturally, we were concerned. And she let me know there was an ongoing investigation and she could not give me any information. And at that point, we stopped the conversation. We set up a meeting for the following day between, I believe, the hours of 3:00 and 5:00.

The detective did not show, so I called the office and they said she was busy with another investigation and to drop the tape off at the Cambridge Police desk, which I did.

Q. That was the following day?

A. Yes.

Q. The day following the telephone conversation?

A. Yes. I -- it takes a while to record from the DVRs. We recorded the cameras we had

from opening to well past closing, put that on a flash drive -- went out and got a flash drive, put it on the flash drive and walked it over myself and made sure it was hand-delivered.

Q. What is the policy or practice of Monroe of requesting police detail?

A. We request a detail every time that we have an event in the club space.

Q. Is that typically on the weekends?

A. Yes.

Q. Is it always filled?

A. I would say 90 percent of the time it's filed.

Q. I have no further questions.

EXAMINATION OF BRIG DAUBER

BY CHAIR NICOLE MURATI FERRER:

Q. Mr. Dauber, do you write incident reports at Monroe?

A. We do.

Q. Do you have any incident reports for the events that were discussed here today?

A. We do, ma'am.

Q. Could you please provide those to the License Commission?

A. I will. They're mixed in with a bunch of things, but I will collect them.

EXAMINATION OF BRIG DAUBER

BY FIRE CHIEF GERALD REARDON:

Q. Mr. Dauber, you have been the manager of record?

A. Yes, sir.

Q. So you're familiar with the crowd control law in the state?

A. I am.

Q. Crowd manager?

A. Yes.

Q. So you wouldn't have any problem providing us for the past 30 days your crowd

manager record log?

A. We have those for you, sir.

Q. Who was the crowd manager of record that night.

A. I believe it was Charlene for the night --

Q. Actually the night of the shooting.

A. I believe it was Charlene as she's been consistent and we --

Q. According to your records, they're using actually hand counters of people coming and going?

A. Yes, sir. We do have a counter, one that clicks in and clicks out at the front door and at the club space we have another.

Q. What is your record for the amount of people contained in the club maximum at the time of --

A. I wouldn't know offhand.

Q. But that would be available from the records?

A. It should be.

EXAMINATION OF BRIG DAUBER

BY CHAIR NICOLE MURATI FERRER:

Q. What is the capacity of the front room?

A. The front room, I believe, is --

SOLMON CHOWDHURY: We have three. The front room is 120, the middle room is, I believe, 72.

CHAIR NICOLE MURATI FERRER: The middle room is what?

SOLMON CHOWDHURY: 80. Then the back room goes to 350, I believe. I'm not exactly right on the number. Between 320 and 350. We stop letting people in the back room as soon as it hits 300. We always want to save room.

EXAMINATION OF BRIG DAUBER

BY FIRE CHIEF GERALD REARDON:

Q. So during that night when you have up to the 450 how, you determine the maximum crowd of 120 in the front room is being maintained or not because you obviously don't allow --

A. Naturally most of the crowd would be like to be club space. However, we have another set of clickers at the club space. So if that does hit its capacity, we tell people you have to wait for people to leave. Typically, we don't charge. We charge for the club space. Typically those people that paid we click that in. Once that hits a capacity, we don't charge unless anyone leaves.

If you walked into the venue, you can walk in without paying a cover up until the lounge or dining area. If you were there for the club event, you would want to pay the cover and go into the club event. If you weren't allowed to do that, you probably would hang out in the

lounge or restaurant.

Once we hit capacity in that room, for lack of a better term, the other two turn into ante (phonetic) rooms. So that's typically how it operates. We know what we have capacity-wise for the club space. The other two rooms don't have any capacity really. There's not really a lot of people there once it turns into the club space.

Q. But there's a capacity?

A. Yes, of course.

Q. But you're saying it doesn't get to that point?

A. It rarely gets to the point where we have a -- we actually have to look at the actual capacity.

EXAMINATION OF BRIG DAUBER

BY CHAIR NICOLE MURATI FERRER:

Q. Was there a club event on May 1?

A. I believe so, yes.

Q. You said that you were there?

A. I was, ma'am.

Q. Was that in the front room, or was that in the club room?

A. The event in which the parties were there for was in the club space.

CHAIR NICOLE MURATI FERRER: Anything else, counselor?

EXAMINATION OF BRIG DAUBER

BY POLICE COMMISSIONER CHRIS BURKE:

Q. You indicated in your earlier testimony that you have stacks of IDs at the front door? Do you collect phony IDs?

A. In our history, yes, we have had -- the security staff will take the IDs, collect them to an extent and we turn them into the Police Department.

Q. How often?

A. I'm sorry, to the License Commission.

Q. So if somebody comes in with a phony ID, you seize it?

A. That's a practice. Typically, if somebody walks in with an ID that's not their own, we direct them to the detail officers and let them make a decision as to whether they want to prosecute them or let them go.

But, typically, if one's there, we take the IDs and they don't walk down the street and use it at the Middle East, it has been practice to take it.

Q. On every occasion are they turned over to the police officer, or do you keep them on the premises?

A. I have seen some on the premises, but I'm not sure when they're from, sir.

Q. Now, in the course of your duties as manager, do you go all over the club, the front

of the building, the middle?

A. Yes.

Q. And the rear?

A. Yes.

Q. Have you smelled marijuana in the club?

A. Not to my knowledge.

Q. You heard the testimony of Officer Jones?

A. Yes.

Q. You heard the testimony of Sergeant
Gedaminsky?

A. Yes.

Q. Do you know what marijuana smells like?

A. I don't smoke myself, sir. I never
smoked, but I have recognized it.

Q. Are you telling me you never smelled
marijuana in the club before, is that what you're
telling me?

A. Not to my knowledge. That's not been in
the club. I smelled people walked past the door

and smelled it there.

Q. You heard the testimony of Sergeant Gedaminsky and Officer Jones?

A. Yes.

Q. Do you dispute their testimony?

A. I don't.

Q. So you don't dispute their testimony, but you just -- you can't tell me whether or not you've ever smelled marijuana?

A. I couldn't tell you something I smelled was something else if I hadn't seen it, sir.

Q. Have you ever smelled any unusual odors in the club?

A. It's a nightclub, so, of course.

Q. Like what?

A. We have a full kitchen and we have a fog machine which creates a distinct odor. There's people in a room dancing, so, yes, of course, I smelled lots of different smells. There's

E-cigarettes that people have or flavored tobacco and flavored oils and things of that nature so hundreds of smells, I'm sure.

CHAIR NICOLE MURATI FERRER: You don't allow people to smoke the E-cigarettes, do you?

BRIG DAUBER: No, ma'am. We discourage all smoking.

EXAMINATION OF BRIG DAUBER

BY FIRE CHIEF GERALD REARDON:

Q. I have to tell you, Mr. Dauber, you're the manager of record?

A. I am, sir.

Q. That's your testimony? I have serious issues of you being the manager of record there.

A. Okay. I just can't testify to something I haven't seen.

Q. It's bizarre.

EXAMINATION OF BRIG DAUBER

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Well, you did hear Officer Jones testify that on multiple occasions that he's smelled an aroma of marijuana in the club?

A. Absolutely.

Q. Is that correct?

A. Absolutely.

Q. And you can't tell me if -- you're telling me you never smelled marijuana in the club?

A. I said that I smelled lots of things and that I don't know what -- I can't pinpoint what the origins of those smells are.

Q. You indicated also that the promoters are vetted?

A. They are, sir.

Q. And you look for promoters that have a longstanding history of events?

A. We typically work with promoters who have been in the business for a while and have nights

throughout the city. We don't work with anyone that is far off the par from anyone else that's doing like type nights throughout the city.

Q. So how do you account for the two events that you had to cancel because -- were those longstanding promoters you worked with in the past?

A. No. Typically what happened in those two situations were almost identical where a promoter used another promoter's name or used -- used them as a resource to get a booking, and we didn't -- or they called up and said, "We would like to do a booking for an event." And when we learned the full scope of the event is when we cancelled it. So if they called and said, "Hey, I would like to book the room for Sunday afternoon." We say, "Okay, no problem."

And we only have one contact person. We never talked to this person before. You know,

it's not a promoted night that's going to happen all the time, it's a one off even.

They say "We want to do this." And we ask them who the artist involved is. "What you would like to do?" And as we get more information, the two events were actually starting to be promoted without our authorization and that was the main reason we cancelled them. Later we learned, obviously, that the artists or artists that we all deemed and got intelligence on, that they were not desirable.

Q. Where do you get your intelligence from?

A. Mainly from our promoters that we work with and people in the night life industry that had experiences and some directly from people that have connections with law enforcement that said these -- this promoter or act had an issue or something of that nature in the past.

Q. Wouldn't that be incorporated in your

vetting process?

A. On some level, of course. It's hard to say either way. To vet every single event is very difficult. We do the best possible job we have vetting each event we have.

Q. Is it your practice to book an event and make a determination of what the full scope of the event is?

A. No. In those two situations, all they had was a contact at the venue, and the knowledge that the date was available. So it wasn't booked, it wasn't advertised on the venue side at all. It hadn't gone that far down the road. So if someone called up and says "Is this available? It's available. I'm this person that wants to do an event. Can you send me more information?"

In the meantime, they said, "Well, the date is available, so I'm going to start promoting it because they would like to sell

tickets to get what they expended on the act, and before we got any of that information, all they had from us is a date.

Q. What is the status of your broken DVR? Is that in the process of being fixed or...?

A. As far as the one that would record the staff, sir?

Q. Sure. You have broken equipment, how long does it remain broken?

A. That one in particular, I'm sure we're looking into getting it fixed.

Q. Is it a special DVR that is expensive?

A. I'm not a hundred percent what exactly needs to be fixed. But all I know is the system --

Q. Is it a \$10,000 DVR? Is it something difficult to replace?

A. I'm unaware of the cost. But, naturally, we would get it fixed.

Q. How long has it been broken?

A. I'm not sure.

Q. So it was broken when the detective called for information regarding it?

A. Yes, sir.

Q. And how long ago was that?

A. This was in mid-June.

Q. So mid-June. I'm just confused. Is it a special DVR that requires some kind of special hookup or system or...?

A. Not that I know of, sir.

Q. It's just a regular DVR?

A. To my knowledge, yes.

Q. I'm all set.

EXAMINATION OF BRIG DAUBER

BY FIRE CHIEF GERALD REARDON:

Q. So when you're doing a booking, when you're doing the vetting, obviously, the club is in business to make money and you're trying to

get popular acts in there. What is the balance that you try to strike in order to try to have a financially good act, but at the same time, one that balances the public safety issues you have? Obviously, if you book Frankie Valley, you probably won't need ten security staff, so the venue drives the crowd. Who you pick for the venue --

A. Sure.

Q. -- obviously has a direct correlation on the crowd you get?

A. Sure. I think that's true with any venue.

Q. It is. It has to be a balance here. You want to get -- you're in the business of making -- it's a commercial entity. But at the same time what is the checks and balances when you're vetting this thing as to "Well, it's a good venue, but it's going to be a dangerous venue,

we're going to fill the place?"

A. I think we do the best possible job.

Q. Do you look at where they placed previously? I mean --

A. A lot of the times, yes. It's a very complex process to figure out whether an act is worth doing. Will it sell?

Q. Correct.

A. Everyone that has a one off event has to go through that same vetting processing.

Q. It was a successful venue and it was a 1,000 seat location, then maybe it's going to be an over crowd on a 480 seat venue this time?

A. Not necessarily this time. A lot of the times, depending on the location, there are certain acts. If you book the Drop Kick Murphys anywhere in Boston, they're going to sell out, you know, Lansdowne Street, Avalon four days in a row. If you book them in Florida, no one cares.

Not to say they're not great, just to say that depending on where they are --

Q. It's fair to say most of the venues here are fairly local groups in New England?

A. Most of the venues here, my point is that there's a lot of different variables that go into booking and you were saying if they book 1,000 seated they should book 1,000 seats everywhere. It depends on each different act. They might be popular in a different part of the country.

Q. That's all part of your vetting --

A. Of course.

Q. -- to find out if it's worth it to take it on?

A. Absolutely. We would not book someone that would bring in over a thousand people to a venue. It wouldn't make sense. And that artist wouldn't want to play our venue, they'd want to go play a thousand-person venue, because they had

the capability of selling those tickets.

EXAMINATION OF BRIG DAUBER

BY POLICE COMMISSIONER CHRIS BURKE:

Q. Just one other question. Do individual acts come in with their own security?

A. Not to my knowledge.

Q. Do they typically travel with a particular group of persons? Do they have a following, I guess, is what I want to say?

A. Travel with the actual act?

Q. Yes.

A. It depends on the act, but not to my knowledge. If there is more than just the artist that's coming for a particular event, they're vetted just as any other occasion would be.

EXAMINATION OF BRIG DAUBER

BY CHAIR NICOLE MURATI FERRER:

Q. I think I'm not understanding the

question or the answer. Are you talking about a posse?

A. Yes, ma'am.

Q. I wasn't going to say that. I want to figure out what you're talking about.

A. An entourage or posse, any artist that would show up with any type of friends or anything of that nature is vetted similarly, even the artist themselves are vetted.

Q. So the reports say that you're going to give us the incident reports. Are they a specific date to the present or the specific dates we talked about today?

A. The specific dates pertaining to today.

ATTY TIMOTHY FLAHERTY: To be clear, all reports from May 1, is that right?

CHAIR NICOLE MURATI FERRER: Well, I would like to see if you have them, any reports from January 1 of this year to the present.

ATTY TIMOTHY FLAHERTY: Okay. I'll make sure that's submitted in the next 48 hours or so. Is that all right?

CHAIR NICOLE MURATI FERRER: That's fine. Thank you.

Counselor, anything else?

ATTY TIMOTHY FLAHERTY: Solmon Chowdhury.

EXAMINATION OF SOLMON CHOWDHURY

BY ATTY TIMOTHY FLAHERTY:

Q. Please spell your name and spell your last name for the record.

A. Solmon Chowdhury, C-H-O-W-D-H-U-R-Y.

THE REPORTER: Your first name?

SOLMON CHOWDHURY: S-O-L-M-O-N.

Q. Mr. Chowdhury, what do you do for a living?

A. I own a few restaurants and also Monroe in Central Square.

Q. How long have you had Monroe?

A. A little over five years.

Q. And prior to opening Monroe, did you appear before the License Commission?

A. Yes.

Q. And during that process, was an arrangement regarding police details between Monroe and Middle East?

A. Well, that came to agreement, I think, about two-and-a-half years ago. Let me just, if I may, go back to how it all came about.

I planned to open a lounge restaurant in Central Square. I actually did grow up in Central Square. I spent 25 years of my life in Central Square. I have been mugged in Central Square. I have been part of a hate crime or I spent a day unconscious in the hospital, I have been robbed at gun point at Radio Shack managing that store. So I know Central Square probably a lot better than a lot of people in this room because I lived and grew up in Pearl Street which

is right in the middle of Central Square.

So about 2010 when we planned to open a restaurant, lounge, it all happened because there was a regimen committee report that came about that that part of Central Square is dark and how to activate that area. The whole point was to bring a high-end restaurant lounge to that area. That's how we came about opening it and the capacity in the -- I invested over 3 million dollars opening that restaurant building from scratch. Everything was fine. If you look at our five-year period to have a 480 people capacity within our space there's not many incident. Most of the incident that happens it's outside.

Last time we came here was also related to incident that happened outside in May and June. We worked with Central Square Business Association with the Police Department, and the

finding was that in Central Square there's about 8 to ten entertainment establishment at 2:00 in the morning. There's about 3,000 people that gets out on the street on Mass Ave.

There's not enough police officers. And one -- between Central Square Business Association and we came to agreement that everybody with an entertainment license would pay for a detail and the city will also match that detail.

So not many of the entertainment establishments agreed to it. The only people that agreed to it was us and Middle East. We agreed to pay for two details. The city was to match that on top of whoever -- other officers that's already in Central Square. We were going to eventually have six to eight police officers in Central Square paid by us also. The future plan was if there's any other new establishment

that comes into Central Square, one of the requirements will be that they also contribute to this detail fund.

We realized that we have establishment that's high end, we -- I spend a lot of money on security and police details. We do everything in our power to make sure everything is controlled inside the establishment, but we know there's issue outside.

We met with Police Department. We want to be part of the solution there and figure out how we can make it work.

We also need help in terms of what needs to be done there. And any suggestion we are always listening.

In term of the promoters, it's not -- the promoters that we use, our Saturday night promoter, it's literally over two weeks, has been working with us, our Thursday night promoter is

there for the year. Friday night we do it ourselves. The promoters we use work in other establishments within the city. Our Thursday night promoter works on Saturdays at Middle East. One of other night promoter works at Fire & Ice in Harvard Square. So it's -- there's a lot of shows that comes to Cambridge because of our venue is not big enough. Some go to Middle East or go to Sinclair. But most of the events that happen we all go through -- basically through the promoters, same booking.

Q. How is it that you think you can improve on the business at Monroe?

A. In terms of the --

Q. Crowd management outside of the building.

A. We have about -- on busy night we have 15 security guys and we decided from now on we're actually having our security go outside, not only clear the sidewalk, but also walk-through parking

lot. Walk towards maybe as far as -- on this side on the corner of Brookline and Mass Ave and the other side go as far as where the Mariposa Cafe or even Salvation Army. So our security guys clearing not only our sidewalk, but the whole area.

Just to point it out, you know, in terms of three weeks ago, our security guys was threatened by two guys from Salvation Army with a knife. We called the police. As the Police Department was dealing with that, Central Square Convenience was getting robbed. The owner of the Central Square Convenience comes running to our security to come and help them. And I remember I think -- it actually happened the night before that same kid and there was an arrest made.

Last night at 3:00 in the morning our securities were cleaning up the sidewalk and stuff, and an employee of Asgard comes in and

assaults police officers and two of our security guards. These are the things we go through in Central Square on a regular basis, putting all the blame on us. And there's dealing with homeless issues, people passing out on the benches right in front of our establishment.

We want to work together. We also need help in terms of what we can do to be a better business owner in Central Square.

EXAMINATION OF SOLMON CHOWDHURY

BY FIRE CHIEF GERALD REARDON:

Q. Mr. Chowdhury, I would say your venue draws a certain crowd. And we don't have the same issues at Sinclair, we don't have the same issues at Middle East, we don't have the issues at any other venue in Cambridge.

I understand about Central Square. I grew up here my whole life. I have a few more years on you in terms of being on the street.

To that end, we understand all that. But your venue is in here more than any other establishment in the city. And you have a different record than every other establishment in the city. And I am convinced it's the venue. The type of venues you run draw a certain crowd. That lends itself to this. That's the bottom line.

A. In terms of the -- we can be really -- we can't tell a certain crowd "You can't come to our establishment. The only thing we can do is be selective on who we book and stuff. And we're doing those things. We have a lot of different events that happens to our -- in our establishment. It's a minority crowd or we have gay and lesbians come there and different crowds that come to our establishment.

On a weekly basis, we go through about 2000 people on late night. So it's all kind of

crowds.

Q. I don't disagree that you provide security, but I think the venue you draw is an inherently dangerous crowd, and you seem to draw a lot more of this crowd and have a lot more problems than anyone else.

CHAIR NICOLE MURATI FERRER: I want to make it clear for the record, and I don't want to speak over the chief or speak for him, but I don't think this Commission or anyone in the City of Cambridge is telling you not to allow a certain type of crowd into your establishment. I think you have to be really careful when you do have events, that you have a proper securities, that you're running a safe place and thinking of public safety. And if you think you're going to have rowdy people, then you don't book a 420 event. You book a 200-something event. Something you can manage. Because I understand

what you're saying that you want and you expected help, but at the same time the Cambridge Police Department does not work for Monroe, they work for the entire City of Cambridge, and they can't be there 24/7 holding your hand and your employees' hands to make sure things are happening.

And you also can't have people sitting in the bench in front of you vomiting and passed out and say it's Central Square, because as the chief said, we understand it's Central Square, but when they tell Pro-Am, they were just at Monroe drinking shots, that's another thing.

So you understand this, Mr. Dauber, I know the entire history of your past in this industry, and you know this doesn't matter if you have 2000 people coming out from 700 different clubs, when everyone in that crowd is saying they're coming from Club Monroe, they're coming

from Club Monroe because what does a patron have to lose by saying they were coming from Monroe or Middle East unless they're the sister or whatever from Middle East, or, you know, Nacho Taco or Asgard or whatever it is?

I'm saying this information is not coming because the police are saying they're coming from here. This is information coming directly from the people they're interviewing or directly from your employees or directly from the surveillance or directly from the shell casings.

So, I can tell you that I do not have as many years as the chief here, but what concerns me, just even on today, is that we have May 1, 6/10 and 6/12, two days after and all of these at closing time.

You're asking for a suggestion. I would say my suggestion is lower capacity and roll back your hours, but I will be more than happy to look

at those reports and see what you have and take all that under advisement.

FIRE CHIEF GERALD REARDON: And the point is you're taking such resources and it's just fortunate that there wasn't something else serious elsewhere, a car accident or some other things going on.

The fact that we get away with this doesn't mean it's acceptable, that the city has to augment and take away services that other people expect to be in their neighborhoods to go augment, you know, when the clubs are getting out.

CHAIR NICOLE MURATI FERRER: Counselor?

ATTY TIMOTHY FLAHERTY: I have no further evidence to present.

CHAIR NICOLE MURATI FERRER: Do you have any other questions?

POLICE COMMISSIONER CHRIS BURKE: No.

FIRE CHIEF GERALD REARDON: I'm all set.

CHAIR NICOLE MURATI FERRER: If we could have those reports. I would like to take this all under advisement and go through everything. I don't want to vote on this right now.

POLICE COMMISSIONER CHRIS BURKE: I agree. I would like to review the reports as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you want to pick a date?

CHAIR NICOLE MURATI FERRER: They have to give us the reports. I think our next hearing is next Monday, but I'm not quite sure if we will be ready to vote then, but we can defer to next Monday, and if we're ready to go next Monday, we will give it on another date, say next Monday.

ATTY TIMOTHY FLAHERTY: So we get some sort of a sense prior to the hearing whether we're required to attend next Monday or should we

schedule for next Monday?

CHAIR NICOLE MURATI FERRER: Maybe we would want answers. It would be a -- yes, we'll definitely let you know. The sooner you get us those reports, the better.

ATTY TIMOTHY FLAHERTY: Thank you very much.

CHAIR NICOLE MURATI FERRER: No. 1, please.

**INFORMATIONAL MATTER:
CDM INTERNATIONAL ENTERPRISES D/B/A
O SUSHI RESTAURANT AND BAR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational matter: CDM International Enterprises doing business as O Sushi Restaurant and Bar, holder of a common victualler all alcohol license at 104 Mount Auburn Street regarding non-use of license pursuant to General Laws Chapter 138, Section 77.

CHAIR NICOLE MURATI FERRER: Good

evening. Please state and spell your name for the record.

CHRISTOPHE MULLER: Christophe,
C-H-R-I-S-T-O-P-H-E. Last name Muller,
M-U-L-L-E-R.

CHAIR NICOLE MURATI FERRER: Thank you Mr. Muller. So we heard you closed?

CHRISTOPHE MULLER: Yes.

CHAIR NICOLE MURATI FERRER: As of when?

CHRISTOPHE MULLER: As of June 1. I couldn't pay the bill.

CHAIR NICOLE MURATI FERRER: What is the plan for this license?

CHRISTOPHE MULLER: Right now, we're negotiating the landlord who has a lien on the license and also looking at a potential third party.

CHAIR NICOLE MURATI FERRER: So this is -- this started last month?

CHRISTOPHE MULLER: That's correct.

CHAIR NICOLE MURATI FERRER: You don't plan to reopen in that space, or you don't know? Is that part --

CHRISTOPHE MULLER: In that space, that will not happen.

CHAIR NICOLE MURATI FERRER: Okay.

Any questions?

POLICE COMMISSIONER CHRIS BURKE: No questions.

FIRE CHIEF GERALD REARDON: No.

CHAIR NICOLE MURATI FERRER: I say we have a hearing in six months.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Six months.

**APPLICATION:
KHF, LLC D/B/A THE DINING CAR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: KHF, LLC doing business as The

Dining Car, has applied for a new Vendor/Peddler License to operate a mobile food truck at the corner of 3rd Street and Binney every day, except Thursdays, from 7:00 a.m. to 9:00 p.m.

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

DAVID HARNIK: My name is David Harnik, H-A-R-N-I-K.

CHAIR NICOLE MURATI FERRER: Mr. Harnik, you're the owner of KHF? I wanted to say KFC.

DAVID HARNIK: A dining car.

CHAIR NICOLE MURATI FERRER: I extend my condolences to your family. To confirm, this is Monday, Tuesday, Thursday and Friday?

DAVID HARNIK: That's correct.

CHAIR NICOLE MURATI FERRER: Is it 11:00 a.m. to 2:00 p.m.?

DAVID HARNIK: That's primarily when

we'll be there. But they -- the Redevelopment Authority asked us to be open later.

CHAIR NICOLE MURATI FERRER: That's why you're going from 7:00 a.m. to 9:00 p.m.?

DAVID HARNIK: Yes.

CHAIR NICOLE MURATI FERRER: That's your range?

DAVID HARNIK: Yes.

CHAIR NICOLE MURATI FERRER: You have your state peddler's license, is that correct?

DAVID HARNIK: That's correct.

CHAIR NICOLE MURATI FERRER: Yes, sir?

POLICE COMMISSIONER CHRIS BURKE: 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 would vote to grant.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Granted for
Monday, Tuesday, Thursday and Friday from 7:00
a.m. to 9:00 p.m.

DAVID HARNIK: Thank you.

**APPLICATION:
FROZEN HOAGIES, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Frozen Hoagies, LLC has applied for
a new vendor/peddler license to operate a mobile
food truck at the corner of 3rd Street and Binney
on Tuesdays and 21 First Street on Thursdays.

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

MARY McCARTLAND: My name is Mary
McCartland, M-C-capital C-A-R-T-L-A-N-D.

CHAIR NICOLE MURATI FERRER: This would
be Thursday at 11:30 to 2:00 p.m. at 25 First

Street, not 21, correct? Is it 25 or 21?

MARY McCARTLAND: I think it's 21.

CHAIR NICOLE MURATI FERRER: The letter I think it says 25. That's okay. Their authorization letter. Then the other one, the one on Binney?

MARY McCARTLAND: Is Tuesdays.

CHAIR NICOLE MURATI FERRER: What are the hours on the one at Binney.

MARY McCARTLAND: They do want us to stay later. I put down 11:00 to 1:00 or 11:00 to 3:00.

CHAIR NICOLE MURATI FERRER: You didn't put any hours which is why I'm asking. And I didn't see the information for Binney Street.

MARY McCARTLAND: So I would put 11:00 to 9:00.

CHAIR NICOLE MURATI FERRER: Do you have the stuff from them?

MARY McCARTLAND: I did not bring it with me. I sent it.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's the CRA?

MARY McCARTLAND: Yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: They want them to have the flexibility. They're trying to invigorate that whole area.

CHAIR NICOLE MURATI FERRER: 7:00 a.m. to 9:00 p.m., the same contract, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Is that what you're seeking, 7:00 a.m. to 9:00 p.m.?

MARY McCARTLAND: Yes.

CHAIR NICOLE MURATI FERRER: On both of them?

MARY McCARTLAND: No. First Street is only at lunchtime. It would be 11:00 to 2:00, 2:30.

CHAIR NICOLE MURATI FERRER: Okay.

Questions?

POLICE COMMISSIONER CHRIS BURKE: What is a frozen hoagy?

MARY McCARTLAND: It's a handmade ice cream sandwich with homemade cookies and homemade ice cream. It's good.

CHAIR NICOLE MURATI FERRER: Any other questions?

FIRE CHIEF GERALD REARDON: No.

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

Anyone in opposition to this position?

I would vote to grant 21 First from 11:30 to 3:00 and Binney from 7:00 a.m. to 9:00 p.m.

MARY McCARTLAND: Thank you.

CHAIR NICOLE MURATI FERRER: Granted.

**VIOLATION:
JOHN'S LANDSCAPING OF ARLINGTON**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: John's Landscaping of Arlington due to alleged violation of Cambridge Municipal Code 8.16.081(a) and 2016 Leaf Blower Permit.

CHAIR NICOLE MURATI FERRER: Did you get an email from him?

EXECUTIVE DIRECTOR ELIZABETH LINT: I did not hear back.

CHAIR NICOLE MURATI FERRER: We did get an email from Mr. -- how do you say his last name?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Mr. Tight.

CHAIR NICOLE MURATI FERRER: Mr. Tight from John's Landscaping, the Commissioners have reviewed it, and it's in response to the complaint. There's no -- basically, it doesn't say neither here nor there.

Ms. Boyer, do you want to come up here?

ANDREA BOYER: I thought it would be placed on a different date, so I don't have my folder with me.

CHAIR NICOLE MURATI FERRER: Would you please raise your right hand?

(ANDREA BOYER, SWORN.)

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R, investigator for the City of Cambridge License Commission.

CHAIR NICOLE MURATI FERRER: Ms. Boyer?

ANDREA BOYER: So John's Landscaping was not on our annual list to send a letter to for them to reapply for their annual permit.

A complaint was made against John's Landscaping on April 15, 2016. At that time we were instructed to cease and desist the use of a leaf blower until properly submitted. An application was submitted and approved on April 27, 2016.

On June 17, 2017, a complaint was made stating John's Landscaping was using a leaf blower at 57 Park Street after the allowable usage date.

On June 28, 2016, an additional complaint was made stating that John's Landscaping was using a leaf blower at Buckingham Condo Association which has two addresses, 56 Concord Avenue and 86 Buckingham Place.

The complainant sent a picture of the truck and three videos. One of the three videos was of mechanical sound. Two of the videos showed the gentleman using a leaf blower on premise.

On previous history on April 15, 2016 a complaint of two leaf blowers operating simultaneously at 7 Park Street before 8:00 a.m. which prompted the cease and desist letter to be sent.

CHAIR NICOLE MURATI FERRER: It's two different dates, June 27 and June 28?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: In the letter he says that he enters the plea of nolo contendere and asking for a warning. Consistent with the other violations -- you said they were permitted in April?

ANDREA BOYER: April 17.

CHAIR NICOLE MURATI FERRER: They provided an email address to us, is that correct, in the application?

ANDREA BOYER: I would think so.

CHAIR NICOLE MURATI FERRER: Considering the information on the application and the permit, the permits specifies the dates they can use?

ANDREA BOYER: Yes, ma'am.

CHAIR NICOLE MURATI FERRER: I would

issue the same as we have for the other ones, a violation on both of them, 300 on each violation.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

VIOLATION:

SEZ, INC D/B/A DOWNSTAIRS CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter: Sez, Inc doing business as Downstairs Café, holder of a common victualler License at 222 Third Street for allegations of identity fraud and credit card fraud by merchant under \$250, and violations of General Laws Chapter 140, Section 9, and Rule 1 of the License Commission's Rules and Regulations.

ATTY ANGELA SULLIVAN: Good evening.

Welcome. Good evening, Commissioner. Good evening, Fire Chief.

Angela M. Sullivan, A-N-G-E-L-A, M, as in Mary, Sullivan, S-U-L-L-I-V-A-N, for Sez Corporation Inc, doing business as the Downstairs

Cafe at 222 Third Street in Cambridge.

On my right is Christos, C-H-R-I-S-T-O-S.
Last name Soillis, S-O-I-L-L-I-S, and he's the
president of the corporation.

And to my left is his daughter, Elaine,
E-L-A-I-N-E, Zanetas, Z-A-N-E-T-A-S. She's the
manager of record.

And we're here to address and resolve
allegations of the criminal law, and I believe
there's an officer here. Mr. Zanetas is not at
this table because he no longer represents the
corporation in a fiduciary capacity. He's the
person named in the allegations, and I don't know
if the detective would like to give his report or
how would you like to handle that?

CHAIR NICOLE MURATI FERRER: First of
all, Ms. Sullivan, are you the attorney?

ATTY ANGELA SULLIVAN: I'm the attorney
for the corporation.

CHAIR NICOLE MURATI FERRER: Sir, if you want to come up and step over here so that picks up your information.

DETECTIVE BRIAN O'CONNOR: Detective Brian O'Connor, O-'-C-O-N-N-O-R, with the Cambridge Police Department. B-R-I-A-N.

CHAIR NICOLE MURATI FERRER: Go ahead, Detective.

DETECTIVE BRIAN O'CONNOR: The beginning of June I became aware of a situation that happened at what is known as the Downstairs Cafe located at 222 Third Street in Cambridge. I was notified that an individual had gone into the Downstairs Cafe, purchased lunch -- and this was on June 6 of 2016 -- used their Citizens Bank card to pay for their lunch, at which point he doesn't remember if the card was given back to him or he left it on the counter, so they filed the report with us.

Two days later upon checking the Citizens Bank account, they observed that there were numerous charges made to that Citizens Bank card which they did not authorize, nor did they make themselves. Those charges included -- there were two charges for SEZ, Incorporated, and upon conducting a search through the Secretary of State's Office revealed that's the actual business name for the Downstairs Cafe.

So there were two charges that went through on the 6th of June. On the 7th, there was an additional charge at the Downstairs Cafe. And there was also a charge at the Home Depot located in Somerville.

On June 8th, there was also an approved charge at Sez, Incorporated which is the Downstairs Cafe.

On -- later on that afternoon, there was an attempt to use the card at a business called

Cadotte, C-A-D-O-T-T-E, Enterprise. Upon conducting a search of that corporation's name, that revealed that's the Mobil Station at Mass Ave and Alewife Brook Parkway. And that charge was declined because it was after the account holder had realized there were charges made on the card.

Again, on June 9, at 9:27 in the morning, there was an attempt to charge at Sez, Incorporated otherwise known as the Downstairs Cafe.

On June 13th, I requested information on the fraudulent purchase from Home Depot in Somerville to include a surveillance photograph.

Later that day I was provided with the transaction information which the purchase was for \$141.72. I was also provided with a surveillance video from the store which included a surveillance image taken by the Home Depot

investigator. I personally have gone into the Downstairs Cafe. I'm familiar with the individuals who work in the Downstairs Cafe. Immediately when I saw the surveillance image, I did recognize that as one of the individuals that did work there.

The following day, myself and Detective Bill Phillips visited the Downstairs Cafe, identified ourselves as Cambridge police detectives. Behind the counter was the individual I recognized from the surveillance photo who was identified as Starvos Zanetas. I asked him if he would come outside to speak with us because there were people in the restaurant at the time. He says he will just speak to us there. He was on the other side of the counter. I asked him if he used a credit card that didn't belong to him at a Home Depot and he said he did not.

I showed him the surveillance photo, and he kind've gave me a shocked look.

I asked him where this card was. He said that he didn't know where the card was and he offered to pay money back at that point for the charges that were made on the card. I asked him where the card was numerous times.

He didn't know where the card was. I showed him the picture. He did say that was him in the surveillance photo which I do have the surveillance photo from Home Depot.

ATTY ANGELA SULLIVAN: I will add for the record that we admit to sufficient facts in this case. We're not contesting the facts.

CHAIR NICOLE MURATI FERRER: Thank you.

POLICE COMMISSIONER CHRIS BURKE: So what is the role of Stavros Zanetas?

ATTY ANGELA SULLIVAN: Excuse me, sir? Stavros, yeah. So I would like to do is describe

who the actors are at the business and then the corporation, I thought that would be helpful.

Christos Soillis, on my right, is the president of the corporation, and he helped to set up the business for the benefit of his daughter Elaine, on my left, who is the manager of record. Mr. Soillis is also the sole proprietor of Felix's Shoe Repair in Harvard Square where he worked and owned a business for nearly 50 years. He was the recipient of a recent award from the Harvard Business Association for his contributions to the business life in Harvard Square. He has a reputation for honesty and honor.

His daughter Elaine is the manager of record and she's also a very conscious person that's very hands on in the business of the corporation. The Downstairs Cafe has been in existence for 20 years. And in all of those

years, there's not been one incident of any kind.

There's absolutely no disciplinary record. There's no history of any violation of any kind. Mr. Zanetas has been removed as treasurer from the corporation. And you have pending before you a request for a change of any officer. He has been warned very aggressively by Mr. Soillis and by the manager who is also his wife. So it's a family close corporation, a family run business.

If this should ever, ever happen again, it he will be permanently separated from the establishment.

CHAIR NICOLE MURATI FERRER: He still works at the establishment?

ATTY ANGELA SULLIVAN: He does because he's very popular with the customers. I mean, I have reviews on Yelp which say Stavros has a heart of gold. Stavros is the best in customer

service. Stavros, all I have to do is call, he knows my voice and when I come in, my order is ready. The place is dependent upon the roughly 300 employees that work at 222 Third Street.

It's very popular with the construction workers at the building sites near by, it's very popular with courthouse employees, police officers.

CHAIR NICOLE MURATI FERRER: I'm sorry to interrupt you, Ms. Sullivan.

You're saying that you're not contesting --

ATTY ANGELA SULLIVAN: Correct. As a rule, correct.

CHAIR NICOLE MURATI FERRER: Hold on.

The detective's report? It's your conclusion that Mr. Stavros (sic-Zanetas) took the card and fraudulently used it?

DETECTIVE BRIAN O'CONNOR: Yes.

CHAIR NICOLE MURATI FERRER: Are you

contesting that?

ATTY ANGELA SULLIVAN: Mr. Zanetas.

We're not contesting that.

CHAIR NICOLE MURATI FERRER: You're not contesting that?

ATTY ANGELA SULLIVAN: No.

CHAIR NICOLE MURATI FERRER: So even though you're not contesting that, you're expecting us to be okay with him being in the premises and able to access credit cards of numerous people regardless of the situation?

ATTY ANGELA SULLIVAN: What I'm expecting is to finish my presentation so you have a full context in which to make a decision.

As I mentioned, the business has been operating for 20 years, and during that time, Mr. Zanetas has worked there and he's never done anything like this in the past. He's beautiful. He's known to have a beautiful reputation with

the customers. Both his father-in-law and his wife, the manager and president of the business, have never seen anything like this from him before. He has taken full responsibility. He's acknowledged his wrongs. He told the complaining witness in the magistrate's hearing at the District Court that he was very, very sorry and he promised it would never happen again.

Everyone here at that table pledges and promises it will never happen again. It's an isolated occurrence. It's a one-time incident in what, a 20-year history of being in good standing.

I think that -- I understand from defense counsel Amaroso (phonetic) at the magistrate hearing that there was an idea that they wanted a message to be sent, and the message was sent, and he was warned, and the case is opened for six months and will stay open for that time. And pending the satisfaction of several conditions,

the case will be terminated.

One of the conditions is he stays out of trouble.

The other is along the lines he makes full restitution.

He was very, very sorry. And he, along the lines of a charitable contribution, Attorney Amaroso (phonetic) so informed me again there was a message needs to be sent, but they didn't want anyone to be hurt, including Mr. Zanetas, in the context of his not having a record, this being a misdemeanor being under \$250, he returns the items to Home Depot. He made as much amends that he can make. They haven't fired him because he's pretty much the heart of the business as far as the customers are concerned.

And they have taken corporate action. He has been removed as treasurer. He's presently an employee and part shareholder. I think that we

need to put it in context. I think there's no rhyme or reason as to what happened.

I haven't been able to figure it out myself, except to say good people sometimes do wrong things. And another conclusion I had is that, you know, personal development sometimes it takes place by the age of 18 or 21. Sometimes you're 40 before you learn a very difficult lesson.

And everyone concerned, including the complaining witness, is satisfied with the full amends with the apology, the very remorse that Mr. Zanetas feels. The complaining witness is a very, very high level law enforcement officer in the Commonwealth, and he had a very benevolent approach, an approach that I thought was very just, proportionate and appropriate.

CHAIR NICOLE MURATI FERRER: Detective, the two charges on June 6, those were at the

Downstairs Cafe, those were appropriate charges to the lunch that the gentleman had?

DETECTIVE BRIAN O'CONNOR: Those charges followed the lunch he had paid for.

CHAIR NICOLE MURATI FERRER: They were -- the two June 6 charges that are there --

DETECTIVE BRIAN O'CONNOR: Those are fraudulent.

CHAIR NICOLE MURATI FERRER: Those are fraudulent as well. So, I'm sorry. This is not an isolated event. This is a one, two, three, four, five, six --

ATTY ANGELA SULLIVAN: Well, a series of transactions.

EXAMINATION BY DETECTIVE BRIAN O'CONNOR

BY COMMISSIONER CHRIS BURKE:

Q. Can I, just for clarification, Detective, could you tell me what the investigative effort was to follow up on this? It sounds like you did

a lot of work in contacting Home Depot, the security staff, obtaining surveillance photos.

What would you -- to the extent of the investigation, what would that add?

A. First of all, it was contacting Citizens Bank to get all of the times and the authorizations, as well as the attempted authorizations which were on the 8th and 9th, the two declined charges which the card holder was not aware of.

Once I obtained that information, I reached out to my contact with Home Depot Corporate Loss Prevention and requested them to go through their records and locate the transactional receipt, locate the store surveillance video and send a copy of video as well as the surveillance image and follow up at the location to get an identification on the individual who made the purchase at Home Depot.

Q. Is this the only case you worked on that week?

A. It's not.

Q. It's not. What are the other cases that you were working on that week?

A. I handle primarily pretty much most of the larger financial cases that come into the city dealing with banks, credit cards, identity theft. I have specialized training in financial crimes, and I handle anything from a simple credit card fraud where someone would go out and use and make one charge to handling very complex financial cases which I investigate on a daily basis.

Q. Do you conduct investigations related to homicides?

A. Yes.

CHAIR NICOLE MURATI FERRER: Ms. Zanetas, are you at the business?

ELAINE ZANETAS: I am.

CHAIR NICOLE MURATI FERRER: What exactly is Mr. Zanetas' role at the business right now after you gave him the stern warning?

ELAINE ZANETAS: Count transfer help. He takes orders with the customers. Rings in the orders, and if it's a credit card, swipe, and give every customer a regular receipt and a credit card receipt.

POLICE COMMISSIONER CHRIS BURKE: Were those duties similar to what his duties were before this incident occurred?

ELAINE ZANETAS: Yes, sir.

POLICE COMMISSIONER CHRIS BURKE: He's basically doing the same job?

ELAINE ZANETAS: Yes, sir.

ATTY ANGELA SULLIVAN: No one contests that he did wrong. He will tell you that himself. He did very, very wrong and he's been

warned, and he's been disciplined, and he has been removed as treasurer and he's been held accountable in the magistrate's proceedings, and everyone felt, you know, a fair just American sense of justice would not shoot someone down because he did wrong over a course of three or four days. He has made full amends, full restitution and he has said he's very, very sorry, and this is in the context, as I mentioned of 20 years of impeccable blemish-free sterling years of successful operation and management.

POLICE COMMISSIONER CHRIS BURKE: Well --

ATTY ANGELA SULLIVAN: It won't happen again.

POLICE COMMISSIONER CHRIS BURKE: I mean, my concern stems around the investigative effort that this detective had to take away from more pressing duties related to major financial investigations and homicide investigations.

And the level, or the lack of trust that this person showed in taking something that didn't belong to him, and violating the trust of a customer, the duties before the event, during the event and after the event are the same. Saying you're sorry, I didn't mean it, and I'm 40 years old and it's a youthful indiscretion doesn't cut it.

ATTY ANGELA SULLIVAN: Not that it's a youthful indiscretion, I meant that what I reflected upon it and I dug into matter, I came to the conclusion, perhaps that personal development happens for different people at different times. I mean, you and I may have learned the lesson that we don't steal from people by the time we were ten or sooner. Some people get to be 40 before apparently learn that lesson.

He has learned a very, very important

lesson. And that is it's illegal, it's wrong, and it will never happen again.

CHAIR NICOLE MURATI FERRER: Do you have any further testimony?

ATTY ANGELA SULLIVAN: I would only like to conclude by saying that I think that the result in this forum should mirror and reflect the result of the District Court where you had a warning and you had the matter placed on file for six months.

This is a person who has no record at all. It's a misdemeanor. It's not putting safety or the safety of police officers at risk or the --

CHAIR NICOLE MURATI FERRER: I disagree. I disagree. What if someone steals -- what if he steals the card of someone that is volatile that is not policeman or policewoman, but if they come back and shoot? I'm sorry, but this is not

small, and --

ATTY ANGELA SULLIVAN: That doesn't --

CHAIR NICOLE MURATI FERRER: I'm sorry.
I'm talking.

-- and the District Court issue was with
regard to him. This is with regard to S-E --
Sez, Inc, I'm sorry.

ATTY ANGELA SULLIVAN: This has never
happened before to Sez, Inc. It's an isolated
occurrence. There's absolutely no evidence --

CHAIR NICOLE MURATI FERRER: I will allow
you to finish your closing remark, but I'm ready
to vote on this.

ATTY ANGELA SULLIVAN: I would like to
say I think a fair proportionate and just result
would reflect the outcome in the District Court
proceedings where a warning was given for a
corporation that's been in existence for 7,300
days and has never ever had an incident like this

occur before, I think that's appropriate, that that was just and that that was proportionate. The complaining witness was very satisfied with that, and I submit respectfully for your consideration that would be a just proportionate result in this matter as well.

CHAIR NICOLE MURATI FERRER: Detective, was the criminal complaint against Mr. Zanetas or against the corporation?

DETECTIVE BRIAN O'CONNOR: Against Mr. Zanetas.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY ANGELA SULLIVAN: Especially where this matter came to the License Commission from the Police Department, in fact, the original notice in Commission issued to him individually and not as the manager of record.

CHAIR NICOLE MURATI FERRER: Any other questions?

POLICE COMMISSIONER CHRIS BURKE: No.

FIRE CHIEF GERALD REARDON: No further questions.

CHAIR NICOLE MURATI FERRER: I vote to revoke the license unless they fire Mr. Zanetas and make sure that he doesn't work in the establishment anymore.

POLICE COMMISSIONER CHRIS BURKE: I would agree.

FIRE CHIEF GERALD REARDON: I would also agree. It's unfortunate the corporation and the owners are exemplary, but the fact that someone has been caught five or six times is a breach of the trust. And our job is not the same as the District Court in terms of -- our job is to protect the interest of the public.

CHAIR NICOLE MURATI FERRER: So license revoked unless the corporation submits something in writing that Mr. Zanetas has been terminated

from employment and will not be allowed on the premises or access to the patrons.

ATTY ANGELA SULLIVAN: Thank you for your consideration and good night.

**VIOLATION:
FAIRFIELD INN AND SUITES**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Fairfield Inn and Suites, 215 Monsignor O'Brien Highway, License No. OAP10055, operating without a license in violation of General Laws Chapter 149, Section 56.

ATTY JAMES RAFFERTY: Good evening, Madam Chair and Members of the Commission. James Rafferty appearing on behalf the licensee, Colwen Management Group. I think the license referred to here is not the hotel innkeeper license.

CHAIR NICOLE MURATI FERRER: It's the -- it's the previous open air license that had been issued to the original Fairfield.

These are the ones that just changed,
isn't it?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Okay. So
this was the license that used to exist, is that
what you reference, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.
Well, it did. It was approved by the Board in
2014 or 2015. And then there was discussion that
perhaps they didn't necessarily need it, and you
were going to submit a request that it not issue
and that the -- that it be cancelled, and we
never got that, and it sort've floundered out in
the ocean for a while.

CHAIR NICOLE MURATI FERRER: I guess
we've received your letter now, Mr. Rafferty, and
I guess there was some discussion in 2015 that
the license was not required.

And, Ms. Lint, did they get some notice

after -- did they get some notice -- this license expired when, March? May?

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 31.

ATTY JAMES RAFFERTY: I don't think the license ever issued. The license was voted and approved, I believe, before it ever issued. I did have this communication both with the Traffic Department and with Ms. Lint. And I did receive an email, which I attached, in August of 2015, essentially acknowledging since it was parking, the open air license was required. It did instruct me to submit a letter to rescind the approval, so there's a paper trail. And I acknowledged that I neglected to send -- I admit it's kind've a funny situation. There's no conduct on the part of the licensee. The licensee didn't believe they have didn't have such a license, didn't need such a license and

never sought to renew such a license, and the first they learned of this, they got a notice saying they were in violation of not having a license.

CHAIR NICOLE MURATI FERRER: Did they receive notice before the hearing notice that they needed a license?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think so.

CHAIR NICOLE MURATI FERRER: That's our mistake. They should have received something.

EXECUTIVE DIRECTOR ELIZABETH LINT: They would have received a bill that would've gone out for the renewals.

FIRE CHIEF GERALD REARDON: Not if it wasn't issued, though.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah, it would because it was still active in our system.

CHAIR NICOLE MURATI FERRER: Either way.

ATTY JAMES RAFFERTY: The licensee has a long history -- not a long history, but they pay their fees. They're happy to pay the fees. The bigger question is whether it's now or not point, I think it's a policy question as to how the interpretation of that 169, 32 ordinance that says that for open parking lot licenses for business -- or for -- I'm paraphrasing -- but the operative phrase is, is it engaged in the operation of conducting the business of operating or maintaining a parking lot or selling motor vehicles.

CHAIR NICOLE MURATI FERRER: Anyone that operates or maintains, that's the language.

ATTY JAMES RAFFERTY: So like many businesses, they have a parking lot and their customers in this case, the hotel guests park in the parking lot. They're not in the business of

operating or maintaining the parking lot. They have a parking lot and it's accessory to the operation of the hotel.

CHAIR NICOLE MURATI FERRER: Do they plow it?

ATTY JAMES RAFFERTY: Sure they do.

CHAIR NICOLE MURATI FERRER: Isn't that maintaining?

ATTY JAMES RAFFERTY: Well, if that were the case, then why wouldn't every parking lot in the city be required to --

CHAIR NICOLE MURATI FERRER: I'm just asking.

ATTY JAMES RAFFERTY: Sure, they plane it, stripe it, put asphalt down. I guess I'm wondering what the relevance of that is.

CHAIR NICOLE MURATI FERRER: I think this goes -- this is what is in the fire code, the business operating and maintaining. I think it

would -- I would defer to the fire chief in terms of open air.

FIRE CHIEF GERALD REARDON: That comes under ISD basically. But the term "open air" gets into a number of settings whether it's to the clear sky is an open parking lot, and there's others partially enclosed and if they're less than 25 percent closed --

ATTY JAMES RAFFERTY: But the statute which the Commission has jurisdiction over involves people engaged in the operation of a parking lot. So there are facilities where they operate parking lots, and there are parking lot operators, and they're required to have licenses. And if you go to Fenway Park and you operate a parking lot, you have to have one of these licenses.

So those -- so the statute talks about the business of operating or maintaining a

parking lot or in the same phrase talking about leasing or letting automobiles -- selling automobiles. So it has to do with that.

But if the Commission's determination -- in good faith we relied upon an understanding it wasn't needed. If the conclusion tonight is it's needed, then the licensee is more than willing to pay the fee. I think it wasn't just an assumption on their part, frankly, they got some direction that I participated in over a year ago, and don't know what the Commission's position is on -- I don't know in what sense this parking lot apart from other businesses that have parking lots for their customers, their guests or their employees.

If I have an insurance office and I have a parking lot, I maintain it. Do I need a license if I -- it strikes me this is not what this statute is intended to do, and I don't

know -- my understanding that it has not been the practice of the Commission to require these licenses when people are providing accessory parking.

CHAIR NICOLE MURATI FERRER: So would your understanding be about that unless they're charging a fee for that parking, that then they wouldn't need a license? If you're charging a fee, you need a license; if you're not charging a fee, you don't need a license.

ATTY JAMES RAFFERTY: I'm not sure that's the distinction.

CHAIR NICOLE MURATI FERRER: How would you -- I'm trying to understand your point. I understand what you're saying and, quite frankly, I had different information than what you're giving me right now in terms of the hearing tonight. That's why I'm trying to ask your understanding of what was discussed as accessory

parking versus nonaccessory parking.

ATTY JAMES RAFFERTY: We have a term in the zoning ordinance involving commercial parking. So if a landlord has a building and charges his tenant for 15 parking spaces, it's a fee, and that's how many spaces you get depending how much you lease. That might be the distinction. It seems -- if you're a hotel with garage parking, you get a garage and gasoline license. That's because of the fuel in the vehicles. We get that. This license, I don't believe, is focused on that. I don't know if there's a Fire Department signoff on these licenses. Maybe there is. I'm not aware of it. I think they're different. I don't think they're under the fire marshal's style licenses that the storage of flammable fuels are, but I would defer here.

FIRE CHIEF GERALD REARDON: The interior

garage spaces come under the fire laws in terms of the sprinklers and suppression.

ATTY JAMES RAFFERTY: Understood. The interiors, but to the Chair's point, so the difference between the Fresh Pond Shopping Center that has a parking lot, but is engaged in the business of operating parking, that doesn't charge to park, but the hotel next door, probably would charge for parking since most hotels do, but that's an imperfect example.

FIRE CHIEF GERALD REARDON: One could draw the inference, counselor, the fact is I just can't do down and park in the parking lot unless I'm purchasing something or a guest of the hotel. I guess you don't break it down into I get a pillow case if I pay so much either.

ATTY JAMES RAFFERTY: Right. If you tried parking in the Porter Square parking lot and didn't buy a toothbrush in there, you would

get towed out of there, too.

As I said, I don't really have a strong view on this.

FIRE CHIEF GERALD REARDON: I'm just asking.

ATTY JAMES RAFFERTY: I guess it's a question whether -- I checked with the Traffic Department when this came up a year ago as to what their view was, and I spoke to Mr. Shulman, and I think it was a gray area, and as I said, they applied for it. If it's determined they need it, they had an understanding and I think there was a factual basis for reaching that understanding if the license wasn't necessary, and if the Commission's position is it's needed, it has already been approved, we can -- they can certainly --

FIRE CHIEF GERALD REARDON: Do we know whether or not some hotels charge per night per

parking?

ATTY JAMES RAFFERTY: They do charge. In fact, as part of there PTDM plan, they're required to have, they're encouraged to charge because the belief is if you charge for parking, people will consider not coming with a vehicle or rely upon taxis and the T and all that. So they have a requirement to charge for parking.

FIRE CHIEF GERALD REARDON: So it's a specific charge for use of the parking lot?

ATTY JAMES RAFFERTY: If I rent the room and you have a vehicle, you pay in addition to the room rate. Maybe that is the distinction they need such a license, but they most definitely charge to park.

As I -- I am here to say whatever the Commission deems to be the appropriate license, they're happy to pay. I would not want the Commission to reach a conclusion that they

operated here intentionally in disregard of the obligations imposed on them.

FIRE CHIEF GERALD REARDON: I can only speak for myself, but that's not my intention that there's some sort of chicanery going on here by your client. I think it's just a misunderstanding.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I could add to that?

ATTY JAMES RAFFERTY: It has nothing to do with personal investment.

EXECUTIVE DIRECTOR ELIZABETH LINT: I started looking up all the hotels. So the Hyatt has a garage and flammable license, they have an open air parking license. The Marriott on Memorial Drive has both licenses and that's about as far as I got before something else dragged me away.

FIRE CHIEF GERALD REARDON: Open air

parking lot versus --

ATTY JAMES RAFFERTY: You don't charge for -- the roof of the garage isn't included in the garage license?

FIRE CHIEF GERALD REARDON: Some places that's considered open air parking.

ATTY JAMES RAFFERTY: Okay. I have a client that's prepared to follow whatever direction he's given here. If that's a license, they would -- I think they would only --

FIRE CHIEF GERALD REARDON: I, for one, would not want to have your client pay for a license they don't need.

ATTY JAMES RAFFERTY: They probably paid more for me to sit here for the last three hours.

FIRE CHIEF GERALD REARDON: I'd probably agree with that.

ATTY JAMES RAFFERTY: It goes with the business.

CHAIR NICOLE MURATI FERRER: So I would be ready to vote on the violation. I would vote a "no" violation. Like I said, there was, at least, from my behalf, there was different information in terms of what your client knew or didn't know before this hearing, and then I would say that we'd decide by next Monday whether or not an open air, although it sounds like they may need one --

ATTY JAMES RAFFERTY: I can certainly understand if that were the case and so -- I -- as I said, perhaps I -- I would only offer by way of suggestion that it might -- if the policy created that distinction, it might be helpful advising people in the future.

CHAIR NICOLE MURATI FERRER: I think it would be helpful to everyone.

ATTY JAMES RAFFERTY: If you charge for parking, you fall in the open air parking lot

because on some level -- you're charging money for a parking space, you fall within that. That's a logical conclusion, as opposed to I open a retail grocery store and I don't charge for parking.

FIRE CHIEF GERALD REARDON: I think there are a number of places around their parking lot that don't charge.

CHAIR NICOLE MURATI FERRER: Yeah.

ATTY JAMES RAFFERTY: The vast majority of businesses certainly on the retail side.

FIRE CHIEF GERALD REARDON: We have a number of places that have small lots that are the purposes of -- busy areas down the courthouses, a number of places that have lots.

ATTY JAMES RAFFERTY: There's that lot on Church Street in Harvard Square that's an open air parking lot license run by a parking operating company, and I presume they must have

the license.

FIRE CHIEF GERALD REARDON: And when the courthouse was involved, there was a number of lots.

CHAIR NICOLE MURATI FERRER: I would vote a "no" violation and submit to make a determination by July 25 whether they need an open air parking lot license.

FIRE CHIEF GERALD REARDON: Agreed.

**VIOLATION:
CLINTON APARTMENTS C/O
WINGATE MANAGEMENT CO.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Clinton Apartments, care of Wingate Management Co., 260 and 264 Harvard Street, License No. OAP10063 and OAP10064, operating without a license in violation of General Laws Chapter 149, Section 56.

CHAIR NICOLE MURATI FERRER: No one is here from Clinton Apartments.

Ms. Boyer, can you come up?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: I remind you that you're still under oath.

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, did you visit that area?

ANDREA BOYER: I did.

CHAIR NICOLE MURATI FERRER: Tell us your findings.

ANDREA BOYER: Wingate Management, so on the door they have a different address. I'm not sure if the letter was sent to them at the new address. It says Clinton Apartments, it doesn't say Wingate on them.

CHAIR NICOLE MURATI FERRER: I guess my question is: Were they operating? Does it exist?

ANDREA BOYER: Yes. 260 and 264 do

exist.

CHAIR NICOLE MURATI FERRER: Are the open air parking lots still there?

ANDREA BOYER: There are parking lots there, yes.

CHAIR NICOLE MURATI FERRER: Ms. Lint, have you received any information from them at all?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have not.

CHAIR NICOLE MURATI FERRER: So I would vote that we send a cease and desist letter until such time it's stated that they're permitted.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

**VIOLATION:
WALDEN PARK APARTMENTS**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Walden Park Apartments, 205 and 225 Walden Street, License No. OAP10086, operating

without a license in violation of General Laws Chapter 149, Section 56.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, for the record, neither for the last one or this one anyone was present here.

Go ahead, Ms. Boyer.

ANDREA BOYER: For Walden Park Apartments. Yes, those are still in existence and they say they have preliminary parking only, so...

CHAIR NICOLE MURATI FERRER: Have we heard anything, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have not.

CHAIR NICOLE MURATI FERRER: Cease and desist until they're permitted.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

VIOLATION: HERTZ

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Hertz, 24 Eliot Street, License No. MVL10005, operating without a license in violation of the Special Acts of 1930.

So I was advised by Ms. Watson this morning that they have paid and filed their paperwork, but I have not seen a waiver anywhere, but they did pay.

CHAIR NICOLE MURATI FERRER: They did pay and they're still operating?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Vote for a violation and a one-day held in abeyance for a year.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

KIMBERLY COURTNEY: MAY I ask what type of license this is?

CHAIR NICOLE MURATI FERRER: This is a letting, motor vehicle letting.

KIMBERLY COURTNEY: Like leasing?

CHAIR NICOLE MURATI FERRER: Uh-huh.

KIMBERLY COURTNEY: Thank you.

CHAIR NICOLE MURATI FERRER: You're
welcome.

VIOLATION: IFIXYOURI.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Ifixyouri, 100 Cambridgeside Place,
License No. SHG10006, operating without a license
in violation of General Laws Chapter 140, Section
55.

ANDREA BOYER: Still in operation.

EXECUTIVE DIRECTOR ELIZABETH LINT: I did
hear from the owner of the company who lives in
Florida. She gave me her new contact
information. Said somebody would be in during
the week, and I think that was two weeks ago, to
pay all the fees and sign the waiver and I have
not heard anything since.

CHAIR NICOLE MURATI FERRER: I would say

cease and desist until permitted.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

FIRE CHIEF GERALD REARDON: Agreed.

VIOLATION: W.B. HINT, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: W.B. Hint, Co., Inc, 99 Mt. Auburn St., License No. SHG10009, operating without a license in violation of General Laws Chapter 140, Section 55.

And, again, Ms. Watson said this morning that they paid and filed the necessary paperwork, but I have not seen the waiver.

CHAIR NICOLE MURATI FERRER: I would say violation one day held in abeyance for a year.

ANDREA BOYER: For the record, it's Hunt, not Hint.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: To further

clarify the record, the hearing notice was sent to Hunt.

**VIOLATION:
CRYSTAL GEORGE D/B/A
PORT SQUARE PSYCHIC STUDIO**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Crystal George doing business as Porter Square Psychic Studio, License No. PAR10001, operating without a license in violation of General Laws Chapter 140, Section 185I.

ANDREA BOYER: There was signage and a light and a blinking light, but it was not on.

CHAIR NICOLE MURATI FERRER: Ms. Lint, have we heard anything?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have not.

CHAIR NICOLE MURATI FERRER: I note for the record that this has been inactive in our system in the sense they have not repaid the

renewal for a few years, it seems if they're still in operation. So I would say we send a cease and desist and maybe have Ms. Boyer sit outside until someone opens the door.

POLICE COMMISSIONER CHRIS BURKE: I would think they would know she was there.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Exactly.

CHAIR NICOLE MURATI FERRER: Yes.

ANDREA BOYER: That's why they weren't open when I went. They knew I was coming.

CHAIR NICOLE MURATI FERRER: Cease and desist.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Ms. Sullivan.

ATTY ANGELA SULLIVAN: Respectfully, we would like to submit a motion for reconsideration

given that the corporation is their life blood.

CHAIR NICOLE MURATI FERRER: I'm sorry, if that's what you're here for. Please submit it in writing and submit it to Ms. Lint, and the Board will take it under advisement at the next meeting.

ATTY ANGELA SULLIVAN: But the corporation wanted me to do it in person.

CHAIR NICOLE MURATI FERRER: In writing. Thank you.

ATTY ANGELA SULLIVAN: In writing, okay.

**MALT AND WINE LICENSES
(WITH/WITHOUT ENTERTAINMENT)
ONE-DAY LICENSES**

JULIA ELHAUGE

EXECUTIVE DIRECTOR ELIZABETH LINT: Malt and wine licenses with and without entertainment. Julia Elhauge on behalf of Harvard Law School, has applied for a malt and wine license to be exercised at Harvard Law School, Wasserstein

Hall, Milstein Suites, 1585 Massachusetts Avenue,
Cambridge, on 10/19/16 from 5:30 p.m. to 9:00
p.m. for a fundraiser. Expected attendance: 320
people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detailed required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

POLICE COMMISSIONER CHRIS BURKE: I

agree.

ERIN PAREDES

EXECUTIVE DIRECTOR ELIZABETH LINT: Erin

Paredes has applied for a malt and wine with
entertainment (recorded/live music) license to be
exercised at Alexandria Real Estate, courtyard
between 300/500 Technology Square, Cambridge, on
7/21/16, 8/4/16 and 8/18/16 from 4:30 p.m. to
7:45 p.m. for a concert. Expected attendance:
150 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detailed required.

ARLYN dePAGTER

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT, 100 Main Street, Cambridge, on 7/25/16 and 8/1/16 from 6:00 p.m. to 7:00 p.m. for a reception. Expected attendance: 47 people.

CHAIR NICOLE MURATI FERRER: Granted as to both.

ALIX PAGLIARINI

EXECUTIVE DIRECTOR ELIZABETH LINT: Alix Pagliarini, has applied for a malt and wine license to be exercised at Urban Outfitters, 11 JFK Street, Cambridge, on 7/22/16 from 8:00 p.m. to 11:00 p.m. for a music event. Expected attendance: 75 people.

CHAIR NICOLE MURATI FERRER: They asked for an entertainment license as well, some music

event. Do we know?

FIRE CHIEF GERALD REARDON: It says music event.

CHAIR NICOLE MURATI FERRER: Yeah. Do you have an issue with it?

FIRE CHIEF GERALD REARDON: I don't.

POLICE COMMISSIONER CHRIS BURKE: No.

CHAIR NICOLE MURATI FERRER: Granted.

DIANA MUNN

EXECUTIVE DIRECTOR ELIZABETH LINT: Diana Munn, on behalf of the Harvard Museum of Science and Culture, has applied for a one-day wine and malt license to be exercised at the museum at 26 Oxford Street on July 22, 2016 from 7:00 p.m. until 10:00 p.m. for a social event with 350 people expected.

CHAIR NICOLE MURATI FERRER: Granted.
Police detail required.

TONY JEFFREY

EXECUTIVE DIRECTOR ELIZABETH LINT: Tony Jeffrey has applied for a one-day wine and malt license to be exercised at 22 Water Street, Zinc Apartments, on July 20, 2016 from 4:00 p.m. until 10:00 p.m. for a condo meeting with 75 people expected.

CHAIR NICOLE MURATI FERRER: Grant.

ENTERTAINMENT LICENSES:

PIERRE PAUL ARTHUR FILS-AIME

EXECUTIVE DIRECTOR ELIZABETH LINT:

Pierre Paul Arthur Fils-Aime has applied for an entertainment license for performers/entertainers dancing, recorded/live music and amplification system for a barbecue. Also, dunk tank, moon bounce and pony rides at Linwood Court Parking lot, 40 Market Street, Cambridge, on 8/6/16 from 1:00 p.m. to 4:00 p.m. Expected attendance: 300 people.

This went through special events. I had

a call from a resident at Lynnwood Court that promotes the event, the DJ gets too loud.

Perhaps we can have someone monitor it.

CHAIR NICOLE MURATI FERRER: Okay.

Granted and monitor noise.

CHERYL MAYNARD

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cheryl Maynard has applied for an entertainment license for recorded/live music and amplification system for a church event at Green Rose Park, Harvard Street, Cambridge, on 7/31/16 from 12:00 p.m. to 3:00 p.m. Expected attendance: 200 people.

CHAIR NICOLE MURATI FERRER: Granted.

DEOG SIG KUNG

EXECUTIVE DIRECTOR ELIZABETH LINT: Deog

Sig Kung has applied for an entertainment license for patrons dancing at a Taekwondo Performance at Harvard Square, Cambridge, on 7/25/16 from 2:00

p.m. to 5:00 p.m. Expected attendance: 15 people.

CHAIR NICOLE MURATI FERRER: Granted.

PHILIP AREVALO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Philip Arevalo has applied for an entertainment license for recorded/live music, amplification system and theatrical exhibition/play/moving picture show for a performance at Little Kresge Theater, 48 Massachusetts Avenue, Cambridge, on 8/12/16 and 8/13/16 from 7:30 p.m. to 11:30 p.m. and 8/14/16 from 1:30 p.m. to 5:30 p.m. Expected attendance: 170 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail is required by MIT police.

JULIE BARRY

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie

Barry has applied for an entertainment license for recorded/live music, amplification system and

theatrical exhibition/play/moving picture show
for a Harvard Square Business Association Harry
Potter Block party at Palmer Street, Cambridge,
on 7/30/16 from 10:00 a.m. to 11:59 p.m.

Expected attendance: 200 people.

CHAIR NICOLE MURATI FERRER: Granted.

JULIE BARRY

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie
Barry has applied for an entertainment license
for recorded/live music and amplification system
for a summer camp student showcase for charity at
Winthrop Park, Cambridge, on 7/15/16 and 7/29/16
from 10:00 a.m. to 1:30 p.m. Expected
attendance: 200 people.

CHAIR NICOLE MURATI FERRER: Granted.

JULIE BARRY

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie
Barry has applied for an entertainment license
for patrons, performers/entertainers dancing,

recorded/live music, amplification system and
Theatrical exhibition/play/moving picture show
for a summer in the city performance series at
various locations from July 5 to September 4,
10:00 a.m. to 7:00 p.m. Expected attendance:
200 people.

CHAIR NICOLE MURATI FERRER: Granted

VENDOR LICENSES:

JEFF BAIL

EXECUTIVE DIRECTOR ELIZABETH LINT: Jeff
Bail has applied for a vendor's license to sell
event tickets and tee shirts at Isotope, Inc, 60
Hampshire Street, Cambridge on 7/27/16 from 6:00
p.m. to 10:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

ADMINISTRATIVE MATTERS:

SEZ, INC D/B/A DOWNSTAIRS CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT: SEZ,
Inc doing business as Downstairs Café, 222 Third

Street, common victualler License No. VIC00381 has requested to make changes to the corporation, to wit, change the Treasurer from Stavros Zanetas to Elaine Zanetas and change of directors from Christos Soillis and Stavros Zanetas to Christos Soillis and Elaine Zanetas.

CHAIR NICOLE MURATI FERRER: I think it's moot at this point unless they fire Mr. Zanetas. I would deny it at this point, and if they do submit something and the Board does something, we can grant this. This is how I would go on this at that point. Either we take no -- we say no action or something. But it's moot at this point, I think, based on our previous discussion.

FIRE CHIEF GERALD REARDON: Why don't we do no action, and if they send it back to us, we can just deal with it?

CHAIR NICOLE MURATI FERRER: Okay. No action.

BRIAN'S SNACK TIME

EXECUTIVE DIRECTOR ELIZABETH LINT:

Brian's Snack Time, peddlers License No.

PED10004, license expired and non-renewal.

CHAIR NICOLE MURATI FERRER: This is one that's not getting renewed. So we're just cancelling. So just cancel.

EXECUTIVE DIRECTOR ELIZABETH LINT: Vote on application heard on July 11, 2016: AM American International, Inc doing business as Beauty's Pizza, for a common victualler license at 187 Hampshire Street with a seating capacity of 20 inside and 10 with take-out, dine-in, and delivery, seasonal patio seats on private property with proposed hours of 6:00 a.m. to 3:00 a.m. seven days per week, Nader Michael as proposed manager of record.

CHAIR NICOLE MURATI FERRER: So they gave us their green cards back and they were delivered

according to the stamp here on July 9. We haven't received any concerns of the neighbors. I would say based on the hearing, and what they testified in front of us and the hours that they were representing, I would do a closing hour of 12:00 a.m. for the patio. And in terms of the 3:00 a.m., I know they said it would be delivery and takeout only. I didn't know if we wanted to do a 2:00 a.m. closing and 3:00 a.m. just for delivery and takeout or what. I would defer to the public safety officers on that one.

FIRE CHIEF GERALD REARDON: I think gas station is failure active right next to it, so I think they close at 3:00, the gas station. I think I'm inclined to do it and just do a review if there's any issues.

CHAIR NICOLE MURATI FERRER: Okay.

POLICE COMMISSIONER CHRIS BURKE: I agree with that assessment.

CHAIR NICOLE MURATI FERRER: Do we do a 12:00 a.m. for the patio or 3:00 a.m. as well as for the patio?

FIRE CHIEF GERALD REARDON: I think I would go with the 12:00 a.m.

CHAIR NICOLE MURATI FERRER: Yeah. And also based on what they testified, I would be more comfortable with a 12:00 a.m. for the patio.

POLICE COMMISSIONER CHRIS BURKE: Right.

CHAIR NICOLE MURATI FERRER: 3:00 a.m. closing -- 6:00 a.m. to 3:00 a.m. hours of operation and 6:00 a.m. to 12:00 a.m. on the patio.

FIRE CHIEF GERALD REARDON: Yeah.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Do you want 8:00 a.m. to 12:00 p.m. on the patio? They're asking to open at 6:00 a.m.

FIRE CHIEF GERALD REARDON: For

breakfast? I don't see it a problem down that location if they're going to do breakfast and coffee.

CHAIR NICOLE MURATI FERRER: Okay. So granted with hours of 6:00 a.m. to 3:00 a.m. inside, and then 6:00 a.m. to midnight outside, yes?

POLICE COMMISSIONER CHRIS BURKE: Uh-huh.

EXECUTIVE DIRECTOR ELIZABETH LINT: First Cambridge Realty Corp.'s request for reconsideration as to fines imposed by the Board of License Commissioners on July 11, 2016 for violations of Cambridge Municipal Code 8.16.

CHAIR NICOLE MURATI FERRER: Yeah, I think my vote stands. I mean, they received the notice, you know, they have the permit, the permit says when they can operate. They operated beyond the date twice. So I would vote to reject the reconsideration and have the \$600 fine stand.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Landscape Collaborative of NE confirmed it did not obtain a leaf blower permit for the 2016 calendar year. Board to vote on Landscape Collaborative of NE's alleged violations of Cambridge Municipal Code 8.16 which were heard on July 11, 2016.

So the Board has to vote on their alleged violations of 8.16 which was heard on July 11. They did send in the check since then.

CHAIR NICOLE MURATI FERRER: They sent the check. These are the ones that testified that they were for sure they had been permitted, but she did submit an email, she was mistaken that they did not, in fact, do it.

They have been permitted in the past and they have always filed for the permit. This is

consistent with another one that we heard that day, and I think consistent with how we voted on that, I would vote for a violation warning on the permit and a violation of \$300 on the violation of after the allowable use time.

EXECUTIVE DIRECTOR ELIZABETH LINT: They did allegedly have two more violations today.

CHAIR NICOLE MURATI FERRER: But we don't know the basis of those.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just saying.

CHAIR NICOLE MURATI FERRER: That's not before us today.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Violation warning on the permit and \$300 fine for the June 27 event.

DAN GRIFFIN

EXECUTIVE DIRECTOR ELIZABETH LINT: There are two add-ons. Dan Griffin on behalf of MIT has requested an extension to the existing special noise variance permit for the MIT utilities project at the intersection of Mass Ave and Vassar Street. The schedule was changed due to coordination between Cambridge Public Works and MIT. The current permit expires August 31 and they're requesting it be extended to September 30.

CHAIR NICOLE MURATI FERRER: Granted.

POLICE COMMISSIONER CHRIS BURKE: Agreed.

NICOLE PHILLIPS

EXECUTIVE DIRECTOR ELIZABETH LINT:
Nicole Phillips on behalf of Bartending Services of New England has applied for a one-day wine & malt license to be exercised on July 22, 2016 from 7:00 p.m. until 10:00 p.m. at the Harvard Museum of Natural History for a reception with

350 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail requested.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's all I have.

CHAIR NICOLE MURATI FERRER: We had some minutes, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: I sent you some today.

POLICE COMMISSIONER CHRIS BURKE: I haven't reviewed those yet.

CHAIR NICOLE MURATI FERRER: So we're done.

(Hearing concluded.)

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.

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 26th day of July, 2016.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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