

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

ACTING FIRE CHIEF GERARD MAHONEY

INTERIM POLICE COMMISSIONER BRENT B. LARRABEE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

AT: Michael J. Lombardi Building
Carmelia M. Vicente Conference Room
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

DATE: March 29, 2017

TIME: 3:07 p.m.

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P R O C E E D I N G S

March 29, 2017, 3:07 p.m.

CHAIR NICOLE MURATI FERRER: So just for the record, this is the License Commission hearing March 29, 2017, at 3 p.m. at 831 Massachusetts Avenue, Carmelia M. Vicente Conference Room.

Anyone that's here for the Paradise Cafe matters, both have been continued tentatively to April 12. We just have to confirm the parties and their availabilities on those days.

EXECUTIVE DIRECTOR ELIZABETH LINT: Mr. Rafferty is nodding his head.

ATTY JAMES RAFFERTY: I can't imagine that it is my schedule that's most controlling.

CHAIR NICOLE MURATI FERRER: Your schedule is important as is your clients, which is why today it got postponed, obviously, your

client being sick. We also have to confirm with the officers so tentatively for April 12.

ATTY JAMES RAFFERTY: I have no reason to think that Mr. McCarthy's health won't return by that time.

EXECUTIVE DIRECTOR ELIZABETH LINT: The meeting is being audio taped and videotaped.

CHAIR NICOLE MURATI FERRER: Ms. Lint will send a hearing notice.

ATTY JAMES RAFFERTY: Thank you.

CHAIR NICOLE MURATI FERRER: Shall we?

APPLICATION: HONEYCOMB COMPANIES LLC

D/B/A as HONEYCOMB CREAMERY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Honeycomb Companies, LLC, doing business as Honeycomb Creamery, holder of a common victualler license at 1702 Mass Ave, has applied for a change of hours from Tuesday

through Sunday from 12 p.m. to 10 p.m. to Monday
through Sunday from 10 a.m. to 11 p.m.

CHAIR NICOLE MURATI FERRER: Honeycomb,
come on up please. Please take a seat.

KRISTEN RUMMEL: I have my receipts, by
the way.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank
you.

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

KRISTEN RUMMEL: My name is Kristen
K-R-I-S-T-E-N, Rummel, R-U-M-M-E-L.

CHAIR NICOLE MURATI FERRER: Ms. Rummel,
so you would be now open on Mondays.

KRISTEN RUMMEL: Yes.

CHAIR NICOLE MURATI FERRER: Then you
would be open two hours earlier each day and then
an hour later.

KRISTEN RUMMEL: That's correct.

Although these would be more seasonal hours being open a little bit later and earlier in the spring, summer, and fall, and then, you know, close a little more in the winter.

And when I first applied for hours I knew we were opening in the fall and so I was, like, Oh, I'll put the later hours in first and instead of trying to like change them --

CHAIR NICOLE MURATI FERRER: Okay.

KRISTEN RUMMEL: -- a month after opening.

CHAIR NICOLE MURATI FERRER: So the need for change in hours at this time is to provide the service people that want other days?

KRISTEN RUMMEL: That's correct.

CHAIR NICOLE MURATI FERRER: And people are eating -- is it just ice cream?

KRISTEN RUMMEL: We do waffles as well,

and we do serve coffee, but we do get a lot of people coming knocking on the door at 9:00 or 10:00 a.m.

So after talking to several customers and asking them if they would be interested in that, then kind of going off of that.

People are definitely asking us to be open later.

CHAIR NICOLE MURATI FERRER: And other than the seasonal hours, you will not be a seasonal place, like you are not going to shut down in the winter?

KRISTEN RUMMEL: No.

CHAIR NICOLE MURATI FERRER: I only ask because I get very upset when I want ice cream in the winter and they are closed. It just happened to me very recently. It was very upsetting.

Any questions?

POLICE COMMISSIONER BRENT LARRABEE: No

thank you.

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

(No response.)

Anyone opposed to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER BRENT LARRABEE:
Grant.

CHAIR NICOLE MURATI FERRER: Granted.

KRISTEN RUMMEL: Any next steps?

CHAIR NICOLE MURATI FERRER: So you can -- .

KRISTEN RUMMEL: Start date, I guess, for this.

CHAIR NICOLE MURATI FERRER: If you could go -- if you can wait, I can give this to you and you can go upstairs and they can probably print

you a new license.

KRISTEN RUMMEL: Perfect.

CHAIR NICOLE MURATI FERRER: There you go. See someone at the counter.

APPEAL: MICHAEL GERVAIS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Appeal: Michael Gervais, holder of a Cambridge Hackney driver's license No. 29035 is appealing the denial of the renewal of the license.

CHAIR NICOLE MURATI FERRER: Mr. Gervais, prior to sitting down if you could raise your right hand so we can swear you in and Officer Szeto, the same thing.

(Mr. Gervais and Officer Szeto sworn.)

CHAIR NICOLE MURATI FERRER: Thank you. Please take a seat.

OFFICER BENNY SZETO: Good afternoon.

CHAIR NICOLE MURATI FERRER: Good
afternoon.

For the record, if you could both please
state and spell your names.

OFFICER BENNY SZETO: Officer Benny
Szeto, B-E-N-N-Y S-Z-E-T-O.

MICHAEL GERVAIS: Michael Gervais,
M-I-C-H-A-E-L. G-E-R-V, as in Victor, A-I-S.

CHAIR NICOLE MURATI FERRER: Thank you.

Office Szeto, why don't you start please.

OFFICER BENNY SZETO: Mr. Gervais was
denied his renewal for an open case for A&B. And
also a complaint that he had for spitting on a
customer.

On January 27th, I received a complaint
by email about cab No. 199, Ambassador Brattle.

The email states that she got the cab
at -- at the Marriott on Broadway, and she wanted

to go to 1035 Cambridge Street.

As the driver was driving down Broadway, he was going to make a right onto Cardinal Medeiros, that's when the complainant questioned the route.

The driver yelled at her saying "I'm -- this is my cab. I know where I'm going." So the driver continued onto Hampshire Street and pulled over and asked her to leave the cab.

After she was leaving the cab, she said the driver spit at her. She probably thinks because she wasn't getting out fast enough.

So I called Mr. Gervais and asked him what happened, and he said the customer was very difficult. The customer wanted him to make an illegal U-turn on Broadway heading towards Harvard Square. He did it, it was illegal, but he did it. So he was going to make a right onto Cardinal Medeiros and that's when she questioned

the route. She said -- she began to say that she wasn't going to pay him because he was -- she thought he was taking her the wrong way or the long way. I guess she wanted him to go further up and make a right on Columbia which would take her to the corner at 1035 Cambridge Street.

He said -- he decided to let her off on Hampshire Street because he didn't want to argue with her or deal with her because she said she wasn't going to pay him. But he denies spitting at her.

So after that, I got her side of the story and I called George Fiorenza, who is the medallion owner and told him what happened and he said the medallion was going to come off the road indefinitely.

So two weeks later, I was able to call the complainant and ask her about the spitting incident.

And after talking to her, she wanted to pursue it, so that's when I set up a clerk's hearing over at the Cambridge District Court for March 22.

So on March 22, on that date, the victim never showed so it was dismissed.

CHAIR NICOLE MURATI FERRER: So I know that we have the email that she sent you. When you spoke with her, did she come -- I mean, in her email she mentions words that Mr. Gervais allegedly said calling her a certain expletive in terms of her race. Did she confirm --

OFFICER BENNY SZETO: In the email, yes, do you want me to --

CHAIR NICOLE MURATI FERRER: I mean, we have it. I don't need to hear it.

POLICE COMMISSIONER BRENT LARRABEE: Does he have a copy of it?

MICHAEL GERVAIS: I read it. I have it

in front of me here.

CHAIR NICOLE MURATI FERRER: Okay.

MICHAEL GERVAIS: It's --

CHAIR NICOLE MURATI FERRER: Then the assault and battery case, do we have --

OFFICER BENNY SZETO: Yeah, I have the report here. I guess the officer that took the report --

CHAIR NICOLE MURATI FERRER: Is the alleged victim of that assault and battery here?

OFFICER BENNY SZETO: Yes.

MICHAEL GERVAIS: Am I going to get to comment on this?

CHAIR NICOLE MURATI FERRER: Yes. After the case is presented, it is your turn, Mr. Gervais.

Sir, please raise your right hand?

(Edward Linehan, sworn.)

CHAIR NICOLE MURATI FERRER: Thank you.
Please take a seat. And if you could state and
spell your name for the record.

EDWARD LINEHAN, JR.: Edward E-D-W-A-R-D.
Linehan, L-I-N-E-H-A-N, Jr.

CHAIR NICOLE MURATI FERRER: Thank you,
Mr. Linehan.

And Mr. Linehan, can you tell us what
happened?

EDWARD LINEHAN, JR.: Well it started
off, he threw coffee -- hot coffee in my face as
he was driving by me.

And I got out of -- he got out of his car
and I got out of my car and he was in his cab and
I was approaching him to find out why he did that
and he spit in my face.

And then when he spit in my face, he
grabbed me and he broke my glasses, and then I

had to pay \$340 for them. He gouged my face and pulled me by my jacket into his cab and started to punch me on the side of the head, so I started hitting him back, and when I did, he grabbed me by my left -- he grabbed my left hand, put it in his mouth and he bit me.

And my hand was bleeding so bad, I went to the police station to report it, and they called the ambulance and they bandaged me up. They cleaned my wound up and bandaged it up. It was bleeding pretty good. They said get a tetanus shot right away. And so I went up to the clinic in Melrose and got a tetanus shot right away.

CHAIR NICOLE MURATI FERRER: Mr. Szeto, you are not involved in the -- in the case on this matter?

OFFICER BENNY SZETO: No.

CHAIR NICOLE MURATI FERRER: Do you know

the status of the case?

OFFICER BENNY SZETO: (No response.)

POLICE COMMISSIONER BRENT LARRABEE: I do. He was arraigned on 3-3-17. There's a trial date set, arraigned on the A&B and malicious destruction of property over \$250.

CHAIR NICOLE MURATI FERRER: Do you guys have any questions?

POLICE COMMISSIONER BRENT LARRABEE: Where did -- what time of day was this and where did it take place?

EDWARD LINEHAN, JR.: It took place just beyond on Sixth Street, just beyond Bent and I'll say about 12:00. Noontime.

POLICE COMMISSIONER BRENT LARRABEE: And the reason for the dispute?

EDWARD LINEHAN, JR.: Well. He owed me some money. He owed me \$14 and he got mad because he had to pay me and he called me a

faggot.

And he kept it up. So he left, and went up Fulkerson and took a right on Charles and my car was facing towards Bent and Fulkerson. And so I took a left on Bent. I went home after he left. I went up and then I took a left on Sixth.

And when I took a left on Sixth, he approached me and threw the hot cup of coffee in my face and he slowed down and he was yelling at me, something. I don't know what it was. Calling me a faggot or something.

And I rolled down my window and he come by and he threw the hot cup of coffee and I went like this and something hit me in the lip and something hit me in the chin and burnt me and that's how it started.

POLICE COMMISSIONER BRENT LARRABEE: At some point this spilled over into the police

station?

EDWARD LINEHAN, JR.: I went -- I was going to go home, but my hand was bleeding so bad and I said "Why should I let him get away with biting me and throwing a hot cup of coffee in my face and spitting in my face." And I says "I'm going down to the police station to report him."

I walked into the police station to report him and he -- the woman sergeant right away seen my hand bleeding and she says "Come here" and took me into the other room.

And said "What happened?" And I was telling her and he comes running in the police station yelling and screaming at all the police officers, "I know my rights." And everything.

I heard him outside. She said "Just stay here. Don't get involved."

I says "I'm not going nowhere."

Then she said "Do you want to go to the

hospital?"

I said "No."

And she says "We are going to call an ambulance and have them fix up your hand."

So they cleaned it and they bandaged it and I went home.

And then Mike Taylor, who was the detective handling the case, called me and he -- somebody gave me a police report. I have it here.

POLICE COMMISSIONER BRENT LARRABEE: We have a copy.

CHAIR NICOLE MURATI FERRER: We have the police report.

EDWARD LINEHAN, JR.: So that's all I heard so far except I heard from Mike Taylor. I told him, I said "I just want my \$340 for my glasses" and I got the bill of sale here.

POLICE COMMISSIONER BRENT LARRABEE: I

know that.

EDWARD LINEHAN, JR.: It was \$340, and we went before a clerk magistrate and he refused to pay it.

And then he calls me wanting to pay \$50 a week. And I says "No. I want my \$340. That's what I paid for them out of my pocket. I want \$340, not \$50 a week." I couldn't trust him for 14 bucks. I'm going to trust him for \$50 a week? I said "No." And that's where it is now. Now it is in the hands of the DA.

POLICE COMMISSIONER BRENT LARRABEE:
Correct.

ACTING FIRE CHIEF GERARD MAHONEY: How long have you known each other?

EDWARD LINEHAN, JR.: 30, 40 years.

CHAIR NICOLE MURATI FERRER: Any questions?

(No response.)

CHAIR NICOLE MURATI FERRER: Mr. Gervais?

MICHAEL GERVAIS: What am I supposed to say? I am not here to debate what they said but let me start with Officer Szeto.

Officer Szeto's report -- this is in the License Commission. You have this on file. It is in my record. I don't know why they didn't bring my record down here.

The cab 199 on the second charge that he's talking about wasn't on the road and I wasn't driving.

When Officer Szeto called me the first time and we were talking about this, in the advent of the new ride shares, and when it has been starting, I get a lot of people who jumped, a lot of people jump in the Cambridge Square area. When he started talking about -- about a person that did that, I called so many times about people jumping and stuff. And I wasn't

quite sure what he was talking about when he was talking to me about that, and when he called me once and then he called me again two weeks later, telling me about January the 28, how he had something on a Tuesday night and then he was telling me about the charge on January 28, I said "That's impossible." He goes "Oh, no, no, no, no. She sent me and -- the girl's email on the charges, she sent it in. It happened on that morning."

Totally impossible because this letter from George Fiorenza, the owner of Brattle Cab, on the 11th of January when the first incident happened, I took the medallion plate off that morning. That's why I was doing. And I started over and I had to see Wally because it was about meetings that we were having with the upcoming city manager about a whole bunch of things whether it -- the taxi business. You guys don't

want to listen to me going into that. I'm kind of involved with a lot of different stuff that goes on with the cab business.

POLICE COMMISSIONER BRENT LARRABEE: Can I bring you into focus here a little bit?

Can you tell me about the incident on January 27 between 8:30 -- 8:03 a.m. and --

MICHAEL GERVAIS: That's what I'm talking about. I don't understand why --

POLICE COMMISSIONER BRENT LARRABEE: I'm not following you.

MICHAEL GERVAIS: What do you mean you don't follow?

I just told you I wasn't driving a cab then. And this is in my file. And I don't know why they didn't bring it down to you.

You are over here talking about that, it got dismissed, but I don't know why it was even brought out, and why I even went to a clerk

magistrate's hearing because I wasn't driving a cab and that cab was off the road and I gave them probable cause for that.

That was a malicious charge that it shouldn't have never even brought down to me. Here, can you please hand that down to him?

CHAIR NICOLE MURATI FERRER: Mr. Gervais, are you saying on January 27, you did not give Nakia (phonetic) Chamber a ride?

MICHAEL GERVAIS: No. I don't even know who she is. I never met her.

That's why I approached you, the Chair, and I kept trying to talk to people at License Commission and you told me that if I thought it was a malicious charge to talk to IA but in 30, 40 years I never dealt that way with the police and I have never done that.

I wasn't in a cab. I never drove this woman. So I couldn't have spit at her. I

couldn't have swore at her. I done nothing.

POLICE COMMISSIONER BRENT LARRABEE: This doesn't say that.

MICHAEL GERVAIS: This says that because --

POLICE COMMISSIONER BRENT LARRABEE: It just says that as of -- as of the 12-th.

MICHAEL GERVAIS: The cab wasn't on the road. So if the cab is not on the road. It can't be driven.

POLICE COMMISSIONER BRENT LARRABEE: How do we know the medallion wasn't put back on?

MICHAEL GERVAIS: No. No. That's what it means. As of then, medallion is off. The bank took the car. The bank took the medallion. That's what it means. It is off the road. I'm sorry. That's what it means. Once it is off the road, it means the medallion is off, the car is that, it is parked and the meter is ripped off.

That's what it means when a cab is off the road.
It is not put back on.

The bank took 14 of his cars. They are
all off the road, a whole slew of them.

I couldn't have been driving. I was out
of a job for almost a month. I gave them -- and
I gave them that. Now, coming --

POLICE COMMISSIONER BRENT LARRABEE: Do
we have a copy of that?

MICHAEL GERVAIS: They have it. It is in
my file, my file upstairs. It is in my file
upstairs. I gave it to Elizabeth Lint. And --

CHAIR NICOLE MURATI FERRER: I'm sorry.
Mr. Gervais, hold on one second.

Did you get a copy from Mr. Gervais of
that letter?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: I'm sorry.
I'm asking her, Mr. Gervais. Please.

MICHAEL GERVAIS: I'm sorry. I'm sorry.

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: Officer Szeto, before Mr. Gervais continues, if I may interrupt, Mr. Gervais, for a moment. You said you did reach out to Mr. Fiorenza?

OFFICER BENNY SZETO: Yes.

And he told me -- after I told him about the complaint, he said he's gonna take it off the road like -- but not on that date.

CHAIR NICOLE MURATI FERRER: Did Mr. Fiorenza tell you who was driving the cab 199?

Because the woman just talks about cab 199. She doesn't identify the driver, is that correct?

OFFICER BENNY SZETO: I identified the driver as Mr. Gervais on that same day that I got the email. I spoke to him about the incident and he told me it was the customer that was being

very difficult.

So once I got his side of the story, then I contacted George Fiorenza, the medallion owner, and told him about the incident and that's why he said he was taking it off the road indefinite.

CHAIR NICOLE MURATI FERRER: So Mr. Gervais knew what you were talking about when you called him?

OFFICER BENNY SZETO: Yes. I mean, yes.

CHAIR NICOLE MURATI FERRER: Had you seen that letter, then, Mr. Gervais showed us before?

OFFICER BENNY SZETO: No, I don't believe I saw it.

CHAIR NICOLE MURATI FERRER: Ms. Lint, could you have someone bring down his file, please?

POLICE COMMISSIONER BRENT LARRABEE: May I ask a question?

During your conversation with Mr.

Gervais, did he ever say he wasn't driving that cab on that day?

OFFICER BENNY SZETO: Did he say he wasn't driving?

POLICE COMMISSIONER BRENT LARRABEE: Did he say he wasn't driving?

OFFICER BENNY SZETO: No. He told me his side of the story.

POLICE COMMISSIONER BRENT LARRABEE: His testimony recall changes tonight as opposed to when you talked to him directly?

OFFICER BENNY SZETO: Yes. He told me his side of the story and that's in the report.

MICHAEL GERVAIS: No. Can I speak?

CHAIR NICOLE MURATI FERRER: I'm sorry. I think the Commissioner has a question.

ACTING FIRE CHIEF GERARD MAHONEY:
Because in Officer Szeto's report he states he "spoke with the driver of medallion 199 later

identified as Michael Gervais, about the complaint. Gervais said that the complainant was the one that was rude and discourteous."

MICHAEL GERVAIS: What Officer Szeto has in his report is not my words and I had -- and I had seen this only when I went to the hearing and gotten a copy of this.

I didn't know anything about this.

ACTING FIRE CHIEF GERARD MAHONEY: Are you saying that Officer Szeto did not speak with you?

MICHAEL GERVAIS: Officer Szeto called me up and was talking to me about this on a Tuesday night. And he told me that a woman sent him an email complaining about a person who was -- who had jumped from my cab -- no, no, not jumped from my cab.

Officer Szeto said to me that a person came and called him and told me that I spit at

him. And it was on the 28th.

I told him that was impossible because the cab -- I didn't drive a cab or anything else. He said "Oh, no, no, no. It couldn't have been. Remember I was telling you about this, Mike? And I was talking to you about a person that jumped?"

I talked to him a whole bunch of times about that and then he started filling me about going down Hampshire Street and stuff like that.

I did not drive the cab and take anybody on the 28th, and I'm telling you that. I didn't say those words.

ACTING FIRE CHIEF GERARD MAHONEY: The date in question is the 27th.

MICHAEL GERVAIS: What?

ACTING FIRE CHIEF GERARD MAHONEY: The date in question is the 27.

MICHAEL GERVAIS: That's right. And I am telling you, I didn't drive a cab on the 27th. I

was home on the 27th. I never drove the 199 on the 27th.

POLICE COMMISSIONER BRENT LARRABEE: So it is your testimony that he's --

MICHAEL GERVAIS: I couldn't drive the 199 on the 27th. It was off the road since the 12th of January, okay, and that's a fact. You can call the bank.

CHAIR NICOLE MURATI FERRER: According to your letter, it says the 11th of January.

MICHAEL GERVAIS: Well, no.

According to my letter it says since the 12th of January, okay?

I know what my facts are, and my facts are straight.

I didn't drive the cab then. That's why I came to you before in a hearing and everything and you got in a shouting with me.

I kept telling you, it was a malicious

complaint and I knew what my rights were.

Because I have a right to have a hearing before this three commission hearing. And I had no right to be sent -- there was no probable cause for that charge. And I had seen a lawyer ahead of time because if, in fact, it did go to any type of court, I could have sued this city for a malicious prosecution.

POLICE COMMISSIONER BRENT LARRABEE: We can discuss that -- in some other forum you can talk to that.

But I'm thoroughly confused because you are telling me that you talked to Officer Szeto about an event in which he detailed the event, the date, the time, the woman, her name, what you called her, and that you spit on her and you talked to him about that.

MICHAEL GERVAIS: No, no, no, no, I didn't. No, I didn't.

See, you're elaborating and going into a whole bunch of big, big detail like this, and perhaps this is all your police training and all.

But let me tell you something, I talked to Officer Szeto for only a short couple minutes one day, and it was in early January and that's when I had a jumper one time very, very early January, okay? And then I talked to him and -- in February. And that's why I came.

POLICE COMMISSIONER BRENT LARRABEE: May I ask this question?

MICHAEL GERVAIS: Let me please finish.

Because on this report, on this report, if you -- if you are looking at the report, Officer Szeto's even got the time that it happened. What was it, on --

POLICE COMMISSIONER BRENT LARRABEE:
8:03.

MICHAEL GERVAIS: He's got that there.

But on the beginning of the report, he said it happened somewhere on -- somewhere on February.

POLICE COMMISSIONER BRENT LARRABEE: No, it doesn't.

MICHAEL GERVAIS: Oh, yeah, yeah, I got copy that says it does. I've got a copy at home that says it does because it said on February 7.

POLICE COMMISSIONER BRENT LARRABEE: May I ask you a question? You said this was a malicious complaint. Does this woman know you?

MICHAEL GERVAIS: I don't even know. I never met her.

Because how can someone go, say my name unless they were looking to -- looking just to say this. And it was odd -- it was odd because I want to say this, right after I had -- from the first complaint, and that's what we should have started with, with what the original complaint, the very first one. Because after the very first

complaint happened I --

CHAIR NICOLE MURATI FERRER: I'm sorry.
Just to clarify, the first complaint you are
talking about is the assault and battery?

MICHAEL GERVAIS: The first one of the
alleged assault and battery. Let's clarify
things. The allegedly assault and battery.

It is not an assault and battery until it
is proven. The first alleged assault and
battery.

And when I went down there, and in my
file, there's also this paper here too, if you
would like to look at this. It is a notarized
letter from a postal worker on a side street
explaining what happened and the events of that
day, and --

POLICE COMMISSIONER BRENT LARRABEE: This
is January 10?

MICHAEL GERVAIS: On or about January 10.

POLICE COMMISSIONER BRENT LARRABEE:

We're talking about January 27.

MICHAEL GERVAIS: No, no. I'm talking about the first complaint, okay?

POLICE COMMISSIONER BRENT LARRABEE:

Okay.

MICHAEL GERVAIS: And what -- and what had transpired. And this is a post office worker's thing.

And after -- and I had gotten a notarized letter from him, and that's in my file and then the same day that I copied that for Ms. Lint, I gave the other letter and they had copied that, that I showed you here, that day, and that's in my file at the License Commission.

Now, what I had done is, during the interview session, which they gave me a copy of the film in the lobby where they said my behavior was tumultuous, I was interviewed by Office Chu,

who also was perhaps a little misconduct by Office Chu.

And what had happened is that this -- because I had been choked, I had been attacked, and I was upset myself and I was a little unruly because I wanted someone to go up the street and get this post office guy and see this witness.

And I was very upset. I told Officer Wells what happened, and everything else.

And afterwards, I had explained to several people that I felt there was misconduct by the officers.

I went down to the station. They had given me some papers from IA, and they said -- and I had contemplated about filling out a complaint.

When I had done that, Benny came up to me, or Officer Szeto, and said "Oh, I heard you went down to the police station and what were you

doing there for?" And all of a sudden, this other complaint comes up to surface and everything else.

CHAIR NICOLE MURATI FERRER: May I interrupt for a second, Mr. Gervais.

Can I have that other letter that you showed us before? Kara, do you mind taking these upstairs and can you make five copies?

MICHAEL GERVAIS: They have copies of both of them.

CHAIR NICOLE MURATI FERRER: I have your file here. We do not have copies. Do you have any other documents?

MICHAEL GERVAIS: Elizabeth, I made a letter when you were there.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have seen that.

CHAIR NICOLE MURATI FERRER: We haven't and we don't have it in the file. They will be

right back down. Thank you.

MICHAEL GERVAIS: So in -- all of a sudden this surfaces. I did not have the conversation that's in this file. This is a police report.

The thing is, the police report states on here and also this thing with Mike Taylor is not an accurate description of not only what was in the police station because I told people about what happened then. And it is not a true, accurate event of what happened that day.

I don't believe that I am here to be tried about those events. I'm supposed to be here for my behavior and the renewal of my license.

POLICE COMMISSIONER BRENT LARRABEE:
Right.

MICHAEL GERVAIS: I served this city for a long time. Safety's been a pretty strong

issue.

I've -- I've been pretty much on the forefront. I have been through a lot of different commissioners. I have been here fighting for safety, fighting for drivers' rights, fighting for the school, whatever.

And I -- I don't know why I'm being denied.

I didn't spit in anybody's face.

I wanted to see this woman, whoever this woman was, or is or, even if she exists. I would like to see her because I didn't spit in anyone's face. I never spit in anybody's face.

And -- and because they are nothing but malicious slander. And my reputation means something to me.

I have never been denied my Hackney license and I've been driving for almost two decades.

I've got a dual BA degree and a masters degree and I like driving a cab because I feel like I can make a difference. It is not much money. And I'm not perfect. I get excited sometimes but I like helping people.

I got regular people I've been taking to dialysis for almost 30 years and I enjoy doing it. And, you know, and this -- if I have to go to court to get my license, I will.

POLICE COMMISSIONER BRENT LARRABEE: Do you have any more to say that's germane to either of these cases?

MICHAEL GERVAIS: Well, I want to know what I need to say to prove to you. I haven't done anything that's wrong.

POLICE COMMISSIONER BRENT LARRABEE: The problem for me personally is that you are currently the subject of a criminal complaint for your behavior related to your taxi.

MICHAEL GERVAIS: It is pending.

That's pending. And they are nothing but allegations and I've also got a letter here from a witness.

POLICE COMMISSIONER BRENT LARRABEE:

That's going to be evidence that you will enter into in the court case.

MICHAEL GERVAIS: And it is pending.

POLICE COMMISSIONER BRENT LARRABEE:

That's right. And for me that's enough. I'm not going to vote to renew your license until that issue is completed and finished.

MICHAEL GERVAIS: Well, the State of Massachusetts says I have a right to work. It has nothing to do with my driving ability.

And so you are going to say that you don't believe that I'm going to safely be able to drive someone around because of a pending allegation?

POLICE COMMISSIONER BRENT LARRABEE:

That's my personal feeling, yes.

MICHAEL GERVAIS: That's your personal feeling? What about your --

POLICE COMMISSIONER BRENT LARRABEE: I don't know the feelings of the other two people but I'm being candid with you.

CHAIR NICOLE MURATI FERRER: Mr. Gervais.
Mr. Gervais.

MICHAEL GERVAIS: I have a right to ask him a question.

CHAIR NICOLE MURATI FERRER: No, you don't. This is not a question and answer of you asking the board questions.

MICHAEL GERVAIS: It is a hearing. I have a right to ask questions.

CHAIR NICOLE MURATI FERRER: Mr. Gervais, during our hearing, you do not have the right to ask questions of the commissioners.

Now I have a question for you.

Is cab 199 a handicap cab? No, correct?

MICHAEL GERVAIS: Is it a handicap cab?

CHAIR NICOLE MURATI FERRER: It is not an accessible cab, correct?

MICHAEL GERVAIS: No. It is off the road.

CHAIR NICOLE MURATI FERRER: I know.

Mr. Linehan, is the cab you drive, is that a handicapped accessible cab?

EDWARD LINEHAN, JR.: No, but I wasn't in a cab. I was in a private car.

CHAIR NICOLE MURATI FERRER: Does your car have accessible handicap plates?

EDWARD LINEHAN, JR.: No.

CHAIR NICOLE MURATI FERRER: Thank you.

Based on those responses, I concur with your vote, and I will not renew the license.

ACTING FIRE CHIEF GERARD MAHONEY: I

would concur.

CHAIR NICOLE MURATI FERRER: Okay.

Renewal of the license is denied.

MICHAEL GERVAIS: Can I get a form --
I'll take this to court.

APPEAL: LOUIS PHILLIPE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Appeal: Louis Phillipe, holder of a Cambridge
Hackney driver's license No. 28374 is appealing
the denial of the renewal of the license.

CHAIR NICOLE MURATI FERRER: Next matter.
Please raise your right hand.

(Louis Phillipe, sworn.)

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

A. Louis Phillipe.

CHAIR NICOLE MURATI FERRER: Thank you.

Officer Szeto?

OFFICER BENNY SZETO: Louis Phillipe, he was denied his renewal for having four or more moving violations in the last seven years. One, two, three, four, five, I counted seven in the last seven years. I have his driving record if you guys need that.

CHAIR NICOLE MURATI FERRER: We have that with the application. Thank you.

Mr. Phillipe?

LOUIS PHILLIPE: Yeah, I don't think that the --

CHAIR NICOLE MURATI FERRER: I'm sorry. You don't think what?

ACTING FIRE CHIEF GERARD MAHONEY: Speak up.

LOUIS PHILLIPE: I don't think that if I have a point on my license, like a violation,

yeah -- because the company I work for, a company can say, okay, you got a violation, because my license is good. It is not cancelled.

CHAIR NICOLE MURATI FERRER: But your driver's license -- it is not about the points on your driver's license.

It is about the fact that you have seven moving violations on your driving record.

LOUIS PHILLIPE: Yeah, I don't think it will affect --

CHAIR NICOLE MURATI FERRER: Well, I'm sorry. I beg to differ.

You are providing rides to people and we are supposed to make sure that we have drivers that can ensure public safety. That's our job.

Our job is to ensure public safety. And if we are licensing people that have moving violations, as many as yours in a period like this, then I concur with Officer Szeto's denial.

LOUIS PHILLIPE: I remember last year -- last year I was here and I explained that to -- do you remember that? And I say sometimes they give me violations for nothing.

CHAIR NICOLE MURATI FERRER: Sometimes police officers give you violations for nothing?

LOUIS PHILLIPE: Yeah. Because, you know, last two years ago.

CHAIR NICOLE MURATI FERRER: Did you appeal those violations?

LOUIS PHILLIPE: Yes. Yes, I did. Yeah.

CHAIR NICOLE MURATI FERRER: And then you lost them because they are still on your record.

LOUIS PHILLIPE: The police go to the -- they won't make me pay it. And then last three years ago, Cambridge police stopped me at Harvard Square and then he told me "Why you don't stop for these two pedestrians?" I said, "Officer, I don't see any pedestrian crossing." I said even

if I see them crossing, I would stop for them, and he said "Why don't you stop for these two people?" I said "I don't see these people over there. If I see these people, I stop for them." And he keep talking, talking, talking to me like this. And then after that he come to me and say -- well, say "Okay," and I say "I'm sorry, sir, I'm very sorry. I apologize." And after that, people cross behind me. The officer said "That's three people crossing," and then he asked me for my license and he give me a ticket for \$205. And then I went to court with that. And then when I went, the guy asked me "Do you know the police officer that give you that violation?" I said "No. I know I used to see him in Cambridge but I don't know him." And he said "Okay, you have to pay" then he make me pay.

ACTING FIRE CHIEF GERARD MAHONEY: Are you aware of the fact that your license to

operate a motor vehicle has suspended in the past?

LOUIS PHILLIPE: Never.

ACTING FIRE CHIEF GERARD MAHONEY: Are you sure about that?

LOUIS PHILLIPE: Never. I'm sure about that. Never suspended. Never cancelled.

POLICE COMMISSIONER BRENT LARRABEE: Sir, the problem for me is that you have a very extensive driving record, long, long, long, driving record probably more violations than all of us put together, and you have a history of accidents, all kinds of things, so I'm in a quandary. I don't want to put you out of business, but I am not sure that in good faith I can say, give you your license. I don't know if I can say that. I have to think about it for a minute because whether you are right or wrong on your view of those violations, they are still

there. It is evidence we have to look at.

CHAIR NICOLE MURATI FERRER: I think based on your record, my vote is concurring with Officer Szeto and I would vote to deny the renewal.

ACTING FIRE CHIEF GERARD MAHONEY: May I ask Officer Szeto. Officer Szeto, do you have his driving record there?

OFFICER BENNY SZETO: Yes.

ACTING FIRE CHIEF GERARD MAHONEY: Would you confirm for me what I am seeing dated December 23, 2015, what I'm seeing December 17, 2014, what I am seeing on November 7, 2014, September 30, 2014, could you confirm what those state?

OFFICER BENNY SZETO: I'm sorry, what was the last one? December?

ACTING FIRE CHIEF GERARD MAHONEY:
September 30, 2014.

OFFICER BENNY SZETO: Suspension. Three chargeable events.

ACTING FIRE CHIEF GERARD MAHONEY: On November 7, 2014?

OFFICER BENNY SZETO: I guess he completed a class, it says here. Oh, no. Yes, suspension. Three surchargeable events.

ACTING FIRE CHIEF GERARD MAHONEY: On December 17, 2014?

OFFICER BENNY SZETO: Suspension. Three surchargeable events.

ACTING FIRE CHIEF GERARD MAHONEY: December 23, 2015?

OFFICER BENNY SZETO: Suspension. Three chargeable events.

ACTING FIRE CHIEF GERARD MAHONEY: Thank you.

CHAIR NICOLE MURATI FERRER: It is up to you. I've already voted.

ACTING FIRE CHIEF GERARD MAHONEY: I can not in good conscious reinstate the license based on the driving record and his failure to admit to the facts, failure to speak the truth when I asked you previously if your license had ever been suspended and you stated emphatically it was not when, in fact, just since --

LOUIS PHILLIPE: I never received any letter say my license suspension.

ACTING FIRE CHIEF GERARD MAHONEY: You have never been notified that your license was suspended?

LOUIS PHILLIPE: No.

ACTING FIRE CHIEF GERARD MAHONEY: Four times since 2015 it was suspended and you were never notified?

LOUIS PHILLIPE: No. Because we got three violations they send you to school. They say if you didn't go to the school, your license

will be suspended.

OFFICER BENNY SZETO: It is just saying
-- I believe what that meant is, those events --

ACTING FIRE CHIEF GERARD MAHONEY: Were a
suspension?

OFFICER BENNY SZETO: They are not
suspension. They are counted against him, that's
what that means, yes. The stuff that he was
found responsible --

ACTING FIRE CHIEF GERARD MAHONEY:
Because on March 7, 2016 it says his license was
reinstated, correct?

OFFICER BENNY SZETO: What year?

ACTING FIRE CHIEF GERARD MAHONEY: Very
top on the right. March 7, 2016, reinstated,
three surchargeable events.

OFFICER BENNY SZETO: I guess it says he
completed some class here, just below that, I
think. I think that's what that means. I guess

he completed a class and I guess they didn't suspend his license. I think that's what it means, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is my understanding that they reinstated you. They reinstate your suspended license after you completed the class.

ACTING FIRE CHIEF GERARD MAHONEY: So it was, in fact, suspended. I vote no.

POLICE COMMISSIONER BRENT LARRABEE: I'm sympathetic to the fact that this is your livelihood. I vote to give it to him.

CHAIR NICOLE MURATI FERRER: You vote to give it to him?

POLICE COMMISSIONER BRENT LARRABEE: I would put a caveat on it. If you --

CHAIR NICOLE MURATI FERRER: I vote to deny.

ACTING FIRE CHIEF GERARD MAHONEY: I vote

to deny.

CHAIR NICOLE MURATI FERRER: License
renewal denied. Thank you.

APPEAL: RANJIT SINGH

EXECUTIVE DIRECTOR ELIZABETH LINT:

Appeal: Ranjit Singh, holder of a Cambridge
Hackney drivers license No. 29430 is appealing
the denial of the renewal of the license.

CHAIR NICOLE MURATI FERRER: Please raise
your right hand.

(Ranjit Singh, sworn.)

CHAIR NICOLE MURATI FERRER: Thank you.
You may be seated.

OFFICER BENNY SZETO: Mr. Ranjit Singh
was denied his Hackney renewal for having four or
more moving violations within the last seven

years.

He has seven within the last seven years,
so he was denied on his driving record.

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

RANJIT SINGH: R-A-N-J-I-T. Last name
S-I-N-G-H.

CHAIR NICOLE MURATI FERRER: Thank you.
Go ahead, Mr. Singh.

RANJIT SINGH: This was mostly in the
beginning when I started driving in 2010.

But after that, I took the classes, and
from the last two years I have been driving the
handicap van, and I'm the sole driver, and I
don't have for two years no ticket, and plus I'm
also helping the City of Cambridge for Baby U
Program. That's a program.

CHAIR NICOLE MURATI FERRER: What is the
program?

RANJIT SINGH: Like we bring the families to the Peabody School every year, every Saturday, so like three families, then we pick them and then drop them home.

ACTING FIRE CHIEF GERARD MAHONEY: Has your license ever been suspended?

RANJIT SINGH: Not suspended.

When I got the tickets, I had to take the classes. So I took the classes after that and my record is okay.

CHAIR NICOLE MURATI FERRER: And these classes are classes to --

RANJIT SINGH: Regarding the -- what they say for your driving. You have to take a class. So after that, I'm driving, like, for two years handicap van, and I'm more responsible now.

ACTING FIRE CHIEF GERARD MAHONEY:
There's an entry on your driving record dated July 15, 2015 for a warrant at Boston Municipal

Court.

Can you explain what that is for?

RANJIT SINGH: That was when I took the classes, sir. Then you have to pay the fees for the history and the classes.

POLICE COMMISSIONER BRENT LARRABEE: Are the violations more recent and there's more of them?

ACTING FIRE CHIEF GERARD MAHONEY: Huh?

POLICE COMMISSIONER BRENT LARRABEE: His violations are more recent and there are more of them?

CHAIR NICOLE MURATI FERRER: Yeah, and they are all failure to stop.

RANJIT SINGH: Because when I started at that time, it was busy. We didn't know that we have to pick up the customer on time, so I have been -- so it was the yellow light, so ...

CHAIR NICOLE MURATI FERRER: I concur

with Officer Szeto and will deny this renewal.

POLICE COMMISSIONER BRENT LARRABEE: I
concur.

CHAIR NICOLE MURATI FERRER: Renewal
denied.

APPLICATION: LEGAL SEAFOODS, LLC

D/B/A LEGAL SEAFOODS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Legal Seafoods, LLC, doing business
as Legal Seafoods, holder of a common victualler
all alcoholic beverages license at 355 Main
Street, has applied to alter its premises.

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

ATTY JAMES RAFFERTY: Surely. Good
afternoon, Madam Chair, Commissioner Larrabee,
and Chief Mahoney, my name is James Rafferty,

R-A-F-F-E-R-T-Y. I'm an attorney with offices at
675 Massachusetts Avenue in Cambridge.

WILLIAM MCALLISTER: William McAllister,
W-I-L-L-I-A-M M-C-A-L-L-I-S-T-E-R.

EDWARD MITCHELL: Edward Mitchell,
E-D-W-A-R-D M-I-T-C-H-E-L-L.

ATTY JAMES RAFFERTY: For the record,
Madam Chair, Mr. McAllister is the manager of
record at this location and Mr. Mitchell is the
director of construction for Legal Seafoods.

I'm appearing here today on behalf of
Attorney Richard Heller. He deeply regrets a
change in his schedule preventing him from
appearing.

I went to visit him this week and
impressed upon him the need to have all the
aspects of his application in order, within the
appropriate level of scrutiny, and he informed me
that he had many exchanges in Boston with the

Chair and he was deeply disappointed he would miss her and he said I have to say any time there was something incorrect, the Chair was right and I was wrong.

I said "We have a very similar experience," so on that case I would take -- although I must confess I feel like someone being asked to pinch hit for David Ortiz. Mr. Heller is a very accomplished attorney. You should see the office he has overlooking Boston Harbor.

But, nonetheless, this is a rather modest change. A change of premise to the location. Currently there's a private dining room at the end of the lounge.

And the proposal is to convert the private dining room into a fast casual area.

The dining room has a door that has direct access onto the sidewalk on Main Street, so patrons could access this area through the

existing restaurant or come in directly.

And the offerings would be slightly different, at a slightly lower price point, and would really serve, it is estimated, a lunch crowd that may be able to come in get something and leave.

In addition to the change in that private dining room, there's a removal of some banquets that are in the lounge area now and replacing them with more communal-style tables.

The plan depicts the table change in the lounge, and the modification to be occurring in the private dining room -- excuse me, in the former private dining room. That's proposed to have a standing counter that would accommodate ten patrons in two different counters in the area.

CHAIR NICOLE MURATI FERRER: So because you didn't fill it out, I will not point them

out, but I do have a question only because in terms of City of Cambridge, it does trigger a few things.

Can you explain to us, and for the record, clear up what the fast casual will mean in terms -- this is not going to be, like, a fast food. It is still going to be kind of sit down. It will be, like, a shorter in-and-out kind of 45-minute meal turnaround?

ATTY JAMES RAFFERTY: No.

It would be somewhat akin -- there used to be, many years ago, at this location, and actually also I recall in Charles Square years ago, there was an area where people could go in and it is more of a dedicated place to take-out. So this room will definitely facilitate take-out.

So currently if you take-out and they have a fair bit of take-out business in Kendall, you have to wait at the hostess station for your

order, you phone it in.

This would give it its own area and the food offerings are slightly different.

But it also will accommodate people inside, standing for 10, and it remains part of the licensing premises.

So if someone were to be in the lounge and decided they would like to go over and get something, they could do that in there. So it is not a fast food, as we use that term in zoning, but --

CHAIR NICOLE MURATI FERRER: That's what I wanted.

Because I don't have anything here from ISD. And I want to make sure I know that there's that wrinkle in the zoning here.

ATTY JAMES RAFFERTY: In zoning, the question is what's the principal use of the activity.

So this remains, capacity of the restaurant is unchanged. It is 371 interior seating and outdoor patio seating. It is very much a sit-down dining experience.

It is just in that area, you could get a quicker item, you could stay there and eat it, you may go out to the patio and eat it or you might take it back to your office.

It is definitely not a fast food within the concept of the zoning definition of that term.

CHAIR NICOLE MURATI FERRER: But with that application, we are increasing some of the capacity --

ATTY JAMES RAFFERTY: Absolutely.

CHAIR NICOLE MURATI FERRER: -- the way that this -- at least the way it is written here, the application that was filed by Mr. Heller.

ATTY JAMES RAFFERTY: I'm not sure. What

aspect of the application --

CHAIR NICOLE MURATI FERRER: Right now he says they are changing the private dining room containing 42 seats to fast casual with ten patrons. Also renovate and replace seating for 26 with table seating for 42. So 52 instead of 42, if I'm doing my math right. 42 plus 10 is --

EDWARD MITCHELL: The private dining room had a capacity of, I think, it was 40, 42.

ATTY JAMES RAFFERTY: It is 42.

EDWARD MITCHELL: In the lounge area there are tables. The banquette had a capacity of 26.

So what we have done is taken the 26 seats that were existing, 40 seats that were existing and changed the furniture to a different type of furniture and now there are 42 seats in the bar area, plus the ten stand-ups.

ATTY JAMES RAFFERTY: So -- another way to say it, there's a reduction -- the net is no change because the reduction in the private dining room is from 42 to 10.

But in the lounge next to it, there's a corresponding increase in capacity, so the lounge seating is going up by the number of seats that the private dining went down.

So private dining is down 32.

And the lounge seating gets reconfigured and those 32 are recaptured in the lounge. But it is no net change in capacity.

CHAIR NICOLE MURATI FERRER: So the private dining will now have ten seats.

ATTY JAMES RAFFERTY: Ten at a counter.

CHAIR NICOLE MURATI FERRER: Ten seats.

And then the lounge, which had 26 is now adding 32 seats, which would make it to 58, so it is an up. It is slight up, but I want to make it

very clear, it is an up.

EDWARD MITCHELL: We got a bar with 20 seats on it.

And adjacent to the bar is a banquette that had 26 seats. Those 26 seats are now 42 seats.

CHAIR NICOLE MURATI FERRER: Okay.

EDWARD MITCHELL: Plus the 20 that were at the bar all along. So the net increase in that bar lounge area went from 26 to 42. So that's --

ACTING FIRE CHIEF GERARD MAHONEY: 16.

EDWARD MITCHELL: And the private dining room went from the 40 to 10. A reduction there of 30.

CHAIR NICOLE MURATI FERRER: I think we are all saying the same thing. It is an increase but it is a moving around -- the private dining room -- let's just make it very clear. The

private dining room will have ten seats.

ATTY JAMES RAFFERTY: Correct.

CHAIR NICOLE MURATI FERRER: This lounge area is going to have -- are the other 20 seats that you are talking about still there? Plus the 42.

EDWARD MITCHELL: And then 42 seats where there used to be 26.

CHAIR NICOLE MURATI FERRER: Now we have 62.

ATTY JAMES RAFFERTY: No. 26 becomes 42.

26 goes out to replace by 42. So it is 20 and 42, it is now 62.

CHAIR NICOLE MURATI FERRER: Yeah, that's what I said.

ATTY JAMES RAFFERTY: 62.

ACTING FIRE CHIEF GERARD MAHONEY: Plus ten in the counter.

ATTY JAMES RAFFERTY: So what was 46 and

42 is now going to be --

ACTING FIRE CHIEF GERARD MAHONEY: 72.

ATTY JAMES RAFFERTY: Right. So --

CHAIR NICOLE MURATI FERRER: Okay.

ATTY JAMES RAFFERTY: What's the 46 is
now --

CHAIR NICOLE MURATI FERRER: Okay.

ATTY JAMES RAFFERTY: I have this all
written down.

So the new --

CHAIR NICOLE MURATI FERRER: Because you
know we have those capacity, like, signs that we
need to make sure we are right.

ATTY JAMES RAFFERTY: I spent a long time
there the other day.

Confirm with me, if you would, so we are
clear, to the Chair's point, so the information I
have is it will be 38 now in the lounge seated,
38 seated in the lounge, plus 20 on the stools,

and --

CHAIR NICOLE MURATI FERRER: No. 42.

See, you are the one that is wrong, Mr. Rafferty.

ATTY JAMES RAFFERTY: That is the first time that's ever happened.

EDWARD MITCHELL: The bar hasn't changed. It still has 20 seats at the bar.

The lounge seating that used to be 26 seats --

CHAIR NICOLE MURATI FERRER: 42.

EDWARD MITCHELL: Right.

ACTING FIRE CHIEF GERARD MAHONEY: 42 and 20 is 62.

EDWARD MITCHELL: It went from 26 to 42. Not 42 plus the 26.

CHAIR NICOLE MURATI FERRER: I know. That's exactly what I said.

EDWARD MITCHELL: And then we have the ten positions in the private dining room.

ACTING FIRE CHIEF GERARD MAHONEY:

Standing room.

CHAIR NICOLE MURATI FERRER: Yeah, so you have -- because this is the thing. We have these signs to assist our public safety personnel when they walk into your premises that say "capacity in this room" which is exactly what I'm getting to.

So I'm counting these 20 seats at the bar and I'm counting your new 42 seats and that's why I'm saying now this area has a 62 capacity. Yes?

ATTY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: And then the function room, or the private dining room, will only have 10.

ATTY JAMES RAFFERTY: Correct.

EDWARD MITCHELL: Yes.

CHAIR NICOLE MURATI FERRER: So the total will be 72, the total change here in capacity is

72? Yes?

(No response.)

CHAIR NICOLE MURATI FERRER: Not a
change. Let's make it easier Mr. Rafferty. 62
in one room and ten in the other, are we in
agreement?

ATTY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: Okay.
Perfect. Done.

ATTY JAMES RAFFERTY: No net change. Is
that agreed.

CHAIR NICOLE MURATI FERRER: No.

ATTY JAMES RAFFERTY: Because we are down
or up. Aren't we still even?

EDWARD MITCHELL: Yeah.

CHAIR NICOLE MURATI FERRER: Because I
don't actually have the certificate with me, so,
no, I cannot agree with it.

ATTY JAMES RAFFERTY: Okay.

EDWARD MITCHELL: The difference is the balance of the restaurant.

ATTY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: Any other questions?

POLICE COMMISSIONER BRENT LARRABEE: No.

ACTING FIRE CHIEF GERARD MAHONEY: I have none.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to grant.

POLICE COMMISSIONER BRENT LARRABEE: Grant.

ACTING FIRE CHIEF GERARD MAHONEY: Yes.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY JAMES RAFFERTY: Thank you very much.

EDWARD MITCHELL: Thank you very much.

POLICE COMMISSIONER BRENT LARRABEE:
Attorney Rafferty, has anyone, DA, ever pinch hit for David Ortiz?

ATTY JAMES RAFFERTY: That's a good point. I guess when you're a DA --

POLICE COMMISSIONER BRENT LARRABEE:
That's a question --

ATTORNEY JAMES RAFFERTY: Yeah, I will ponder that. So when he doesn't hit, he's out of the line up.

EDWARD MITCHELL: I think it happened once.

ATTY JAMES RAFFERTY: The Commissioner's suggesting when that occurs, it's not pinch hitting. It is --

POLICE COMMISSIONER BRENT LARRABEE: I don't know if it's pinch hitting. You're the DH. If you are the DH, are you pinch hitting?

ATTY JAMES RAFFERTY: Yeah. I think it is. I think you're right. I could report back on that issue.

POLICE COMMISSIONER BRENT LARRABEE: I will probably see you in the next week or so.

ATTY JAMES RAFFERTY: Thank you very much. Always a pleasure to be at the License Commission.

APPLICATION: URBAN-SRP, 1971 MASS AVE, LLC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Urban-SRP, 1971 Mass Ave, LLC, has applied for a garage license at 1975 Mass Ave for 20 spaces and 200 gallons of gasoline in the tanks of autos only.

CHAIR NICOLE MURATI FERRER: Good

afternoon. Could you please state and spell your name for the record?

JEFF HIRSCH: H-I-R-S-C-H, Jeff.

CHAIR NICOLE MURATI FERRER: That was too fast for me.

JEFF HIRSCH: Hi. Jeff Hirsch
H-I-R-S-C-H.

CHAIR NICOLE MURATI FERRER: Thank you Mr. Hirsch.

POLICE COMMISSIONER BRENT LARRABEE: Is Jeff with a G or J.

JEFF HIRSCH: With a J. I'll be pinch hitting for Mr. Rafferty today.

CHAIR NICOLE MURATI FERRER: To confirm, these 20 spaces are for residential uses only.

JEFF HIRSCH: Correct.

CHAIR NICOLE MURATI FERRER: There will be no charge.

JEFF HIRSCH: No charge.

ACTING FIRE CHIEF GERARD MAHONEY: His is what building?

JEFF HIRSCH: 1975 Mass Ave. The new building where the -- Bob Slate's bookstore, and there was a toy store there at one point also.

ACTING FIRE CHIEF GERARD MAHONEY: The garage access is off of Allen Street.

JEFF HIRSCH: Correct.

ACTING FIRE CHIEF GERARD MAHONEY: And the garage is on grade level under residential.

JEFF HIRSCH: Yes, sir.

ACTING FIRE CHIEF GERARD MAHONEY: Is the garage sprinklered?

JEFF HIRSCH: It is sprinklered. It is a dry system.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER BRENT LARRABEE: No.

CHAIR NICOLE MURATI FERRER: Anyone in

favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to approve.

POLICE COMMISSIONER BRENT LARRABEE:
Approve.

ACTING FIRE CHIEF GERARD MAHONEY:
Approve.

CHAIR NICOLE MURATI FERRER: Granted.

JEFF HIRSCH: Okay. Thank you.

ACTING FIRE CHIEF GERARD MAHONEY:
Painless.

CHAIR NICOLE MURATI FERRER: And if you wait, I will take it up -- you can take it upstairs and they can help you with your next steps.

JEFF HIRSCH: Awesome.

EXECUTIVE DIRECTOR ELIZABETH LINT: See
Chris.

APPLICATION: THE MEI MEI GROUP

D/B/A MEI MEI STREET KITCHEN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The Mei Mei Group, doing business
as Mei Mei Street Kitchen, has applied for a
Hawker/Peddler license to sell food at the corner
of Third and Binney Street on Wednesday from 10
a.m. to 3 p.m. starting on April 3, 2017 through
November 24, 2017.

CHAIR NICOLE MURATI FERRER: Good
afternoon. Could you please state your name for
the record.

IRENE LI: Irene I-R-E-N-E. Last name is
L-I.

CHAIR NICOLE MURATI FERRER: Thank you.

Ms. Li, the only thing I'm missing from you, and I just noticed it, I apologize, otherwise I would have asked Ms. Lint to give you a heads up, is, I need your workers' comp. The one that I have is kind of blank. It is not signed -- it seems to be like a draft and I need proof you have workers' comp.

IRENE LI: Sure. I understand. Can I take a look at what I provided to you? Thank you.

CHAIR NICOLE MURATI FERRER: Other than that, this truck has been inspected already, correct?

IRENE LI: Yes, it has.

CHAIR NICOLE MURATI FERRER: I would vote to grant but to issue the license once we have the workers' compensation.

Anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Granted.
Pending the workers' comp. So once you submit that to them, they will be able to issue you the license upstairs.

IRENE LI: The best way to submit that?

CHAIR NICOLE MURATI FERRER: By email.

IRENE LI: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: You have my email.

IRENE LI: I do. Thank you.

ADMINISTRATIVE MATTERS

SMART GOURMET, LLC

D/B/A MOMOGOOSE.COM

EXECUTIVE DIRECTOR ELIZABETH LINT: Smart Gourmet, LLC, doing business as Momogoose.com,

holder of a peddler license, has applied for a change of location from Carleton Street to Building 57 MIT to change its d/b/a to Sate.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: We did ask MIT if they could give us a better address than that but that's what it is.

CHAIR NICOLE MURATI FERRER: Yeah. Granted.

COMPLIMENTS FOOD CO.

EXECUTIVE DIRECTOR ELIZABETH LINT: Compliments Food Co, holder of a peddler license, has applied to change the day it operates from 150 Cambridge Park Drive from Wednesday to Tuesday during the hours of 11 a.m. to 2:30 p.m. through August 31, 2017.

CHAIR NICOLE MURATI FERRER: Granted.

29 CHARLES STREET, LLC**D/B/A CHARLES STREET CAMBRIDGE**

EXECUTIVE DIRECTOR ELIZABETH LINT: 29

Charles Street, LLC, 29 Charles Street,
Cambridge, holder of an open air parking license
at 111 First Street has applied to change the
name of its business to US Parcel C, LLC.

CHAIR NICOLE MURATI FERRER: Granted.

CARL HOWARD (Newport Construction)

EXECUTIVE DIRECTOR ELIZABETH LINT: Carl

Howard, on behalf of Newport Construction, has
applied for a special noise variance from April
24, 2017 to May 12, 2017 for the hours of 7 p.m.
to 7 a.m. for the overnight milling and paving
operation of Mass Ave between Upland and Prentiss
Streets.

CHAIR NICOLE MURATI FERRER: Granted.

POLICE COMMISSIONER BRENT LARRABEE: Can

we talk about that for a minute for my own edification. Are these apartments around there?

ACTING FIRE CHIEF GERARD MAHONEY:

Upland, yes, there are.

POLICE COMMISSIONER BRENT LARRABEE:

That's a pretty long period of time overnight.

ACTING FIRE CHIEF GERARD MAHONEY: I think it's --

POLICE COMMISSIONER BRENT LARRABEE: If it is necessary.

CHAIR NICOLE MURATI FERRER: They are saying overnight milling and paving operation. Work will take place over the course of three to five nights, start and stop, to provide an adequate window of time. So I think they gave themselves sort of that time frame just in case, rain dates.

POLICE COMMISSIONER BRENT LARRABEE: I'm concerned doing it overnight.

ACTING FIRE CHIEF GERARD MAHONEY: They won't be going through the middle of the night. When does it start? 7? They will probably knock off the noise part of it. But I think it will die because the bus routes and everything else.

CHAIR NICOLE MURATI FERRER: Specifically the buses, that's why they can't do it. So it says in generating -- noise generating equipment, they will use dump trucks, milling machines, bobcats, sweepers, rollers, backhoe, saws, and compactors.

POLICE COMMISSIONER BRENT LARRABEE: Do the neighbors get notified of this?

CHAIR NICOLE MURATI FERRER: Yep.

POLICE COMMISSIONER BRENT LARRABEE: Prospectively?

CHAIR NICOLE MURATI FERRER: No, no. They get notified and also CPD, ISD, DPW, TNT also contact them.

I would vote to grant.

ACTING FIRE CHIEF GERARD MAHONEY: Yes.

CHAIR NICOLE MURATI FERRER: Granted.

NEWPORT ROAD, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Newport Road, LLC, holder of a garage license at 43 Newport Road, has applied to reduce the number of parking spaces for which it is licensed from 45 to 41.

CHAIR NICOLE MURATI FERRER: Vote to grant.

MALT & WINE LICENSES WITH OR WITHOUT

ENTERTAINMENT

EXECUTIVE DIRECTOR ELIZABETH LINT: Malt and wine license.

CHAIR NICOLE MURATI FERRER: Hold on. Because the renewals are attached.

Do you want me to do the one-day licenses until you stop coughing.

EXECUTIVE DIRECTOR ELIZABETH LINT: I am going to cough whether I do them or not.

CHAIR NICOLE MURATI FERRER: I will do them.

SANDRA RAND (Workbar)

CHAIR NICOLE MURATI FERRER: We have Sandra Rand to be exercised at Workbar, 45 Prospect Street on April 12 from 5 to 8:30 p.m. for a networking event. Expected attendance of 50 people.

Granted.

BEN PERTLER (MIT)

CHAIR NICOLE MURATI FERRER: Ben Pertler of Aramark has applied for on March 30, 2017, just malt and wine at MIT for 45 people between

4:30 and 5:30 p.m.

Granted.

ADAM AVELAR (Sinclair)

CHAIR NICOLE MURATI FERRER:

Adam Avelar from the Sinclair at 52 Church Street -- the location of the event will be 50 Church Street, which is the atrium, which is not covered by the liquor license.

EXECUTIVE DIRECTOR ELIZABETH LINT: Not covered.

CHAIR NICOLE MURATI FERRER: That they have for a cocktail party for the Congress of the New Urbanism on March 30, 2017 from 5:00 to 8:00 for 100 people. Malt and wine.

I have a letter as well.

Permission to use the atrium space, granted.

FRANK EPSTEIN (Longy School of Music)

CHAIR NICOLE MURATI FERRER:

Frank Epstein on behalf of the Longy School of Music has applied for a concert and malt and wine license at the Longy School of Music on April 2, from 7:00 to 11:00 for 100 people.

Granted.

MUNEHIRO NOMURA (MIT Media Lab)

CHAIR NICOLE MURATI FERRER: Munehiro

Nomura has applied for a malt and wine license at 30 Memorial Drive for the annual MIT conference on April 22 from 1600 hours to 1900 hours for 100 people.

Granted. Police detail required.

PETER DIMURO (MIT Media Lab)

CHAIR NICOLE MURATI FERRER: Peter Dimuro

has applied for a -- on behalf of The New Dance Complex for malt and wine licenses for March 31, April 1, April 2. Fridays and Saturdays from 7 p.m. to 10:30 p.m. and the Sunday event from 6 p.m. to 9:30 p.m.

They are expecting 100 people or less.

They also applied for April 7 and April 8 from 7 p.m. to 10:30 p.m.

Again, for April 14 and April 15, same hours.

April 21 and 22, same hours.

April 28, 29 and 30, same hours for the Fridays and Saturdays, 7 p.m. to 1:00, Sunday 6:00 to 9:30.

And May 5, 6, and 7, same hours, the Friday and Saturday and then the Sundays, same hours.

And then June 2 and June 3, same hours.
June 16 and June 18, same hours.

Granted.

AMY PATACCHIOLA (MIT Media Lab)

CHAIR NICOLE MURATI FERRER: Amy Patacchiola. She has applied for a fundraiser -- to have a fundraiser with malt and wine and performers and entertainers, dancing and amplification system at MIT on May 4 from 6:00 to 9:00 p.m., 150 people expected.

Granted. Police detail required.

ENTERTAINMENT LICENSES ONLY

CAROLINE KERWIN (Student Organization Center at Hilles)

CHAIR NICOLE MURATI FERRER: And then we have an application for a one-day license from Caroline Kerwin for the Leverett House Library Theatre for a concert and they are asking for

performers and entertainers, dancing, recorded
and live music and amplification system and
theatrical exhibition, play, moving picture show,
May 22, 40 people expected.

Granted.

SCOTT SIMMONS

CHAIR NICOLE MURATI FERRER: We have
Scott Simmons (phonetic) on behalf of the Mather
House Committee for a party at Mather House
Dining Hall on April 7 from 10 p.m. to 2 a.m.,
500 people expected. Patrons dancing,
amplification, recorded, live music, theatrical
show no -- and light show, yes.

Granted, police detail required.

VENDORS:

**ALICE TANG (Vendor selling apparel, stickers,
water bottles and mugs)**

CHAIR NICOLE MURATI FERRER: And then we have a vendor -- peddler/vendor license for Alice Tang, Harvard student, at the Sanders Theatre, that's on March 31 from 7:30 p.m. to 11:00 p.m. Granted.

That's all we have.

Do we have minutes?

EXECUTIVE DIRECTOR ELIZABETH LINT: March 1.

CHAIR NICOLE MURATI FERRER: March 1 minutes to approve.

POLICE COMMISSIONER BRENT LARRABEE: Approved.

CHAIR NICOLE MURATI FERRER: Approved.

ACTING FIRE CHIEF GERARD MAHONEY: Second.

CHAIR NICOLE MURATI FERRER: Thank you.

Sir, are you here for something?

UNIDENTIFIED AUDIENCE MEMBER: No.

CHAIR NICOLE MURATI FERRER: Thank you.

(Hearing adjourned.)

ERRATA SHEET

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

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

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 3rd day of April 2017.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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