

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

INTERIM POLICE COMMISSIONER BRENT B. LARRABEE

ACTING FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: June 7, 2017

TIME: 3:03 p.m.

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P R O C E E D I N G S

June 7, 2017, 3:03 p.m.

EXECUTIVE DIRECTOR ELIZABETH LINT: This is the License Commission hearing, Wednesday, June 7, 2017. It is 3:03 p.m.

We are in the Michael J. Lombardi Building, at 831 Massachusetts Ave, basement conference room.

Before you are the commissioners Chair Nicole Murati Ferrer, Interim Police Commissioner Brent Larrabee and Acting Fire Chief Gerard Mahoney.

We are going slightly out of order.

Page 3, reconsideration, Archange Toussaint, Hackney.

RECONSIDERATION: ARCHANGE TOUSSAINT.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Reconsideration: Archange Toussaint, Hackney
license #25676, for the denial of the renewal of
his Hackney license.

CHAIR NICOLE MURATI FERRER: We are being
audio and tape recorded.

So Commissioner Larabee, as you may
recall, we voted to not renew this license until
such time as Mr. Toussaint's open case was
resolved and that if it was resolved in his
favor, that we would reconsider. He has applied
for his request for reconsideration. We have
confirmed that the matter has been dismissed and
in his favor so I would vote to renew the license
at this time.

INTERIM POLICE COMMISSIONER BRENT

LARRABEE: I concur.

CHAIR NICOLE MURATI FERRER: Just as an

administrative matter as well for everyone out in the audience, Commissioner Larabee will be leaving a little bit earlier today, so if he steps out, do not take it personally. Thank you.

And we'll go back to our hearing agenda, first matter.

DISCIPLINARY: CHAZUMBA, LLC

D/B/A FELIPE'S TAQUEIRA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary: Chazumba, LLC, doing business as Felipe's Taqueria, holder of a common victualler all alcohol license at 21 Brattle Street for alleged violations of (1) overcrowding on May 19, 2017, in violation of General Law Chapter 138, Sections 23 and 64, Special Acts of 1991. Chapter 551, License Commission Rules and Regulations 2,3, 2.5 and 9.

(2) Overcrowding, no crowd manager.

Documentation, blocked exits and other violations of the state fire code on May 20, 2017 in violation of General Law Chapter 138, Sections 23 and 64, Special Acts of 1991, Chapter 551, License Commission Rules and Regulations 2.3, 2.5, 5.7, 8.3 and 9.

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

ATTY KEVIN CRANE: Attorney Kevin Crane C-R-A-N-E. I represent the licensee.

TOM BRUSH: Tom Brush, B-R-U-S-H.

CHAIR NICOLE MURATI FERRER: Thank you. And then, I'm sorry, city personnel if you want to grab some chairs so that you can sit around that would be great, otherwise you can stand.

Anybody who is going to be testifying if you can stand up and raise your right hand and

Ms. Lint can swear you in.

(Parties sworn)

CHAIR NICOLE MURATI FERRER: Thank you.
And city personnel, I'm sorry your names for the
record.

DEPUTY CHIEF: Deputy Chief Peter
Donovan, D-O-N-O-V-A-N.

THE REPORTER: I need the first name.

DEPUTY CHIEF PETER DONOVAN: Peter
P-E-T-E-R.

OFFICER BENNY SZETO: Benny Szeto,
S-Z-E-T-O, Cambridge PD.

CAPTAIN PHILIP ARSENAULT: Captain Philip
Arsenault, Cambridge Fire Department.

CHAIR NICOLE MURATI FERRER: Captain, can
you spell your last name?

CAPTAIN PHILIP ARSENAULT: It's

A-R-S-E-N-A-U-L-T. Philip, one L.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R,
licensing investigator, City of Cambridge.

CHAIR NICOLE MURATI FERRER: Let's take
them in order. Let's talk about May 19, who
wants to start that.

DEPUTY CHIEF PETER DONOVAN: Sure, I
will.

My name is Deputy Chief Peter Donovan.
And on May 19, I was leading the Cambridge Task
Force, the License Commission Task Force.

Just to advise you what we do, we go into
establishments with the License Commission, the
Police Department and Fire Department and the
ISD.

On the evening in question, we went in
Felipe's Taqueria and immediately met Mr. Brush
at the front door, informed Mr. Brush what we
were doing.

Some of the things that we do, is we check -- the License Commission checks the license, I check the hoods, the occupancy, the ansul system and extinguishing system and the exits. Officer Szeto assists with checking the occupancy.

ISD was not present that night but they also check certain items there, emergency lighting, occupancy, the hood system, ansul system, and other things.

So on the night of the 19th, I immediately came into the occupancy and met Mr. Brush and introduced ourselves and told him what we were doing.

I continued on to check the ansul system. And I checked the extinguishing system and checked the exits and we proceeded up to the second floor and I noticed a large crowd of people awaiting to go on the roof deck. Officer

Szeto was with me at that time.

I spoke to the bouncer going up to the third floor and asked him how he was keeping count of the people on the roof deck. And he said that he had an app on his phone but it wasn't working.

So I asked him how he was keeping track. He said "by head count."

And so I continued up to the roof deck and I saw basically a large amount of people up there shoulder to shoulder.

Immediately feeling that it was overcrowded, I returned back down to Mr. Brush who was still at the front door.

I asked him what his occupancy for the roof deck was, and I also noticed before Mr. Brush was there, it was posted 170 occupancy total for the building.

Mr. Brush, I believe, informed me it was

around 90 people that were for the roof. I said I felt it was approximately over 200 people up there. Or close to 200 people.

He said he didn't believe that so I asked him to accompany me to the roof deck. We went to the roof deck and we proceeded to do a count with Mr. Brush in attendance.

CHAIR NICOLE MURATI FERRER: Deputy, I'm sorry to interrupt. How did you do that count? With a clicker?

DEPUTY CHIEF PETER DONOVAN: I did not have a clicker. I did a head count. We started at one end of the deck and proceeded orderly through the crowd to the other end of the deck.

Officer Szeto also accompanied me with the head count.

So through the head count, we came to the figure of 176 people on the roof deck.

I immediately informed Mr. Brush that

this was way over what it should be allowed up here. I asked him to please notify his patrons that they had to leave the roof deck to bring it to the correct amount of occupancy.

We did not -- I did not shut down the occupancy. I felt that in order to -- you know, not to ruin the business established for that evening, that we asked him to have the patrons move towards to the correct occupancy.

We stayed up on the roof deck until we believed the numbers said 70 people on the roof deck -- excuse me, 60 people on the roof deck.

So as soon as that 60 number was established, we went down to the next floor, and there was still a large amount of people in line. I counted 89 people on the mezzanine, which is considered the second floor.

So after that, I immediately went down to the front door, and I stopped the occupants from

coming in further, people from entering the establishment. There was no one at the front door at this time to stop anyone from coming into the establishment.

So I stopped the amount of people coming in and we had people leave until the correct occupancy was -- for the building was achieved.

I also took a count of the first floor. At that time I had 111 people on the first floor, so as a total we had 176 on the roof.

89 on the second floor.

111 people on the first floor for 376 people. And a capacity of the building -- total capacity of all floors on the CI was 170. So as soon as the occupancy limit -- excuse me, occupancy was achieved at correct occupancy, I informed Mr. Brush that through our field report that I have given to you, that there were other items as well that needed to be addressed.

His hood cleaning system was expired. It expired on 5-3-17.

And the date of the inspection was 5-19.

His extinguishing system was due in January of 2017 to be serviced. It was last serviced in July. It is due every six months, so that was over four months overdue.

The extinguishers for the -- were not in compliance. Those were supposed to be inspected in January of 2017.

I also asked Mr. Brush for his crowd manager paperwork, and he advised me that he is a crowd manager and there's a crowd manager there but he doesn't do the daily checklist.

So I informed Mr. Brush that -- gave him a copy of the field report and had him sign a copy of the field report, advised him that we'll check back in seven days for the ansul system, the hood system, the extinguishers and we would

be in further contact with him concerning the overcrowding issue.

Also called in an incident -- have an incident report as well that I submitted to verify that we were there for a fire inspection.

CHAIR NICOLE MURATI FERRER: Thank you.

DEPUTY CHIEF PETER DONOVAN: The next day I called the Division 2 Deputy Chief --

CHAIR NICOLE MURATI FERRER: Hold on. Before we move to the next day, Officer Szeto or Ms. Boyer, were -- both of you were there as well that night?

OFFICER BENNY SZETO: Yes.

CHAIR NICOLE MURATI FERRER: Do you have anything to add in terms of your observations?

ANDREA BOYER: When we first entered the establishment that evening, Deputy Chief and Officer Szeto had gone to do different

inspections, so the first thing that I do is go and check the licenses to make sure that they are posting conspicuously.

And I noted that the CI stated that there should be 62 on the first floor, 48 on the second floor, and 60 on the roof when I turned around --

CHAIR NICOLE MURATI FERRER: Hold on.

62 on the first floor?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: 48 on the second?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: And 60 on the roof deck?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: This is what gets us to the 170 total?

DEPUTY CHIEF PETER DONOVAN: I have a copy the CI.

CHAIR NICOLE MURATI FERRER: Do you have a copy, Counselor?

ATTY KEVIN CRANE: No, I don't.

CHAIR NICOLE MURATI FERRER: I think I have it.

ATTY KEVIN CRANE: Okay, that's fine. Thank you.

CHAIR NICOLE MURATI FERRER: Go ahead, Ms. Boyer.

ANDREA BOYER: Thank you.

When I turned around, it seemed as if there was a long line and people sitting and so forth, so I did just kind of a quick count to see if they were within capacity.

And there were 72 on the first floor when I counted.

I went to the second floor and I noted that there were 89 people standing and sitting.

A lot of people were in line to get to

the roof deck. At this time, I realized that they were over capacity on the second floor and then first floor, and then I went to the roof, and when I saw all the people up there, I did see the Deputy Chief and the police officer and I stated -- they said "They are overcapacity" and I said "They are overcapacity on every single floor."

Our counts are different than Deputy Chief and myself because I counted on the way up whereas he counted second floor and first floor on the way out. Again, Mr. Brush was with the Deputy Chief on the roof. At that time no one was at the door.

So we are thinking the discrepancy was based on the fact that people were entering without anybody being at the door while we were trying to clear the rest of the establishment.

CHAIR NICOLE MURATI FERRER: Thank you.

Officer Szeto?

OFFICER BENNY SZETO: The only thing I have to add is the roof deck. I was doing the count with the clicker.

CHAIR NICOLE MURATI FERRER: And your count on the --

OFFICER BENNY SZETO: 176.

CHAIR NICOLE MURATI FERRER: Okay.
Captain, were you there that night?

CAPTAIN PHILIP ARSENAULT: I was not there.

CHAIR NICOLE MURATI FERRER: Okay.
Counselor, do you want to put on 5-20 as well now or do you want to ask questions now for 5-19?

ATTY KEVIN CRANE: I would like to ask questions for 5-19, if I could.

EXAMINATION BY ATTY KEVIN CRANE:

Q. Deputy Chief Donovan, I'm Kevin Crane.

I'm the attorney for the licensee. Just so you know who I am, I'm not off the street.

A. Okay.

Q. As a result of the violations that you cited regarding the hood cleaning, and the ansul extinguishing system and the fire extinguishers, do you know if they had been remedied since May 19?

A. Yes. I have a follow-up inspection.

They did a follow-up inspection on the 25th.

The extinguishing system was still noncompliant on the 25th. We talked to Mr. Brush and he had a problem with -- it was still tagged noncompliant.

He had someone come in and do a repair. And he had supplied us with some papers two days later.

As regarding the cleaning of the hood,

that was in compliance and the extinguishers were in compliance.

But they also noted on that inspection on the 25th, I submitted here, a copy of a changed certificate of occupancy that was.

CHAIR NICOLE MURATI FERRER: Have you seen that?

ATTY KEVIN CRANE: I have seen that. Big mistake.

CHAIR NICOLE MURATI FERRER: Okay. Go ahead.

A. So the inspector wasn't myself.

It was Captain Marinelli and Firefighter Gonzalez. Took a picture of that, and they informed me and I immediately informed my superior and I informed the License Commission of a change in the CI.

CHAIR NICOLE MURATI FERRER: Counselor, can we stipulate that this was your client that

did this?

ATTY KEVIN CRANE: That he did it and then he took it down immediately after he received an email from you, I believe, to take it down.

CHAIR NICOLE MURATI FERRER: Okay.

BY ATTY KEVIN CRANE:

Q. Deputy Chief, the fire extinguishers were -- as of now, they have been made compliant, is that right?

A. As of now, everything is compliant but the -- when we followed up on the 25th, the only thing that was not compliant was the ansul system was tagged noncompliant, and that means they came in and did an inspection and the inspection company would not put the system into compliance until it was repaired and they tagged it noncompliant.

Q. But it has been complied with now?

A. Yes.

ATTY KEVIN CRANE: I have a couple documents regarding the inspections that were done there.

BY ATTY KEVIN CRANE:

Q. And, Deputy Chief Donovan, you also in your report recited that there was no crowd manager paperwork present. Do you know if now there is crowd manager paperwork present?

A. Yes. He has complied with the crowd management paperwork.

Q. And just finally, Deputy Chief Donovan, that night did Mr. Brush cooperate with you totally?

DEPUTY CHIEF PETER DONOVAN: Yes.

Q. Thank you.

CHAIR NICOLE MURATI FERRER: Do you have any other questions regarding the 19th?

EXAMINATION BY ATTY KEVIN CRANE:

Q. Inspector Boyer, on that evening did you have any contact with Mr. Brush?

A. I did.

Q. Did he cooperate with you fully?

A. Yes, he did.

Q. Thank you.

CHAIR NICOLE MURATI FERRER: Is that it?

ATTY KEVIN CRANE: That's it.

CHAIR NICOLE MURATI FERRER: That's it.

Let's go to 5-20.

And just for the record, your client will speak to us about 5-19 after they finish?

ATTY KEVIN CRANE: Yes.

DEPUTY CHIEF PETER DONOVAN: When I left the 19th, I expressed to Mr. Brush that, you know, how important -- the severity of the overcrowding and it can't happen again. Knowing it was a busy weekend due to the commencement,

the next day I called the Division 2 Deputy Chief, Deputy Chief Leonard, and asked that fire company go by at night, Saturday the 20th, to check occupancy again.

And then I referred to Captain Arsenault. He was the officer on duty at that time.

CHAIR NICOLE MURATI FERRER: Go ahead, Captain.

CAPTAIN PHILIP ARSENAULT: I got a call about 11:00 in the morning from Deputy Chief Leonard to investigate sometime around 11:00 that night.

We stopped by with Engine 1. Three members. Firefighter Kennedy, Firefighter Stewart, and I just told them "We're just here to take an occupancy count to find out how many people on each floor." So I walked on the floor and asked for the occupancy permit, which was on the wall.

CHAIR NICOLE MURATI FERRER: I'm sorry, Captain, I don't think I got it. What time did you go?

CAPTAIN PHILIP ARSENAULT: About 11:00.

CHAIR NICOLE MURATI FERRER: P.m.?

CAPTAIN PHILIP ARSENAULT: P.m., yes.

And I asked for the occupancy permit. It was on the front door. It said 62 seating, first floor.

48 seating second floor.

And 38 seating third floor -- 60 seats on the third floor. And then it said on the side 80 people for assembly or standing, which I wasn't really familiar with reading the occupancy permit.

CHAIR NICOLE MURATI FERRER: Where did that come from? Where did the 80 come from?

CAPTAIN PHILIP ARSENAULT: It said 80 assembly or standing on that occupancy permit.

CHAIR NICOLE MURATI FERRER: On the ISD

occupancy permit?

ACTING FIRE CHIEF GERARD MAHONEY: I wonder if it's the one --

CAPTAIN PHILIP ARSENAULT: It is the original one you have.

ACTING FIRE CHIEF GERARD MAHONEY: Was it this? Was it this or that?

CHAIR NICOLE MURATI FERRER: Was it this?

CAPTAIN PHILIP ARSENAULT: Yeah, this didn't have -- didn't have the total capacity.

CHAIR NICOLE MURATI FERRER: But it's not the --

CAPTAIN PHILIP ARSENAULT: This one right here with the total capacity.

ACTING FIRE CHIEF GERARD MAHONEY: Where did you observe that?

CAPTAIN PHILIP ARSENAULT: In the front door.

ACTING FIRE CHIEF GERARD MAHONEY: In the

front door?

CAPTAIN PHILIP ARSENAULT: Yeah.

ACTING FIRE CHIEF GERARD MAHONEY: So
this is --

CHAIR NICOLE MURATI FERRER: I guess my
question -- if you want to step back, that's
fine.

My question is: Did you see it on a
piece of paper that had --

CAPTAIN PHILIP ARSENAULT: Like that.

CHAIR NICOLE MURATI FERRER: -- that had a
city seal?

CAPTAIN PHILIP ARSENAULT: Yes, like
that.

CHAIR NICOLE MURATI FERRER: Okay. Go
ahead, Captain.

CAPTAIN PHILIP ARSENAULT: So we decided
to do a head count. Each member took a head
count on the first floor, and I had every member

do a head count on the second floor.

I thought it was his son. He was taking me around -- was really crowded on the first floor and you had to push people aside just to get through the first floor. It was that crowded.

So I explained -- while I was going along I explained to him how overcapacity because I can't even get to an exit and how an exit has to be clear if you want to use the exit.

So we proceeded up there. On the first floor, we averaged a head count between the three of us minus ten. And on the first floor we got 75 people seating, 65 people standing.

We proceeded up to the second floor and there were people all the way up on the second floor stairway from the first floor up to the second floor and going up the second floor waiting to go up to the third floor.

And then there was a person standing there with a head count -- with a counter.

We counted on the second floor 24 people seated, 17 people standing. And the people standing were waiting to go up to the third floor.

On the third floor we had 55 people seated and 34 people standing.

And so there was some confusion on the occupancy permit about how you account for the assembly and the standing because he had 80 people for assembly and standing. I didn't know how that was accounted for.

I told him overcrowded on all floors. And I explained to him if there was a fire on the third floor, you would have 20 people at the bottom of the stairway because the stairway was completely crowded from the second to the first. Where the bar is, the exit next to it was

completely, like, shoulder to shoulder with people.

And so he understood. And even then, I thought the capacity was adding them two together, but I was wrong on that and I told him.

I told him I needed to clear it out, so he cleared it out, and we went to each floor and I discussed with him how he needed the exits -- too many people on the third floor. He had almost 150 -- total people was 140 people on the floor, it was overcrowded. People were coming down from the third floor and they couldn't've gone out on the first floor. It was that crowded.

I explained it and he cleared out people. By the time we left, the first floor passageway was clear from the first floor all the way to the exit and the back stairways, the stairway was clear.

And I explained to him about the occupancy permit and how the assembly -- you have 80 people assembly but you have to account for the whole building, so you have a head count of 62 for the seating, I told him, I'm telling him at the time. And even if he took the assembly and added it, you are still overcrowded on the first floor.

So he said he would look into it and he was going to check with his lawyer to make sure on the -- he could've sworn when he applied for the license, he applied for 250 people.

So I told him we'll be back another night. I just have to give a report and I filed the report. I filed the report on -- four citizens complained before I filed that.

And then my next tour, I went there when I -- I talked to Captain Donovan -- Deputy Donovan, next tour, and he explained to me how

the assembly and the standing worked, how that was 80 but you could only take on the floor, if you have seating for 60, you take the lower number out of the two.

I went there as a courtesy to talk to Mr. Brush about it to tell him I made a mistake and this is the exact -- what it is, how you do it.

CHAIR NICOLE MURATI FERRER: Let me interrupt you for a second because I may be a little confused.

CAPTAIN PHILIP ARSENAULT: No problem.

CHAIR NICOLE MURATI FERRER: Mr. Brush, when did you put this up, this -- this one, did you put this up on 5-20?

TOM BRUSH: I believe it was put up on 5-20, that's correct.

CHAIR NICOLE MURATI FERRER: Is this what was up when you got inspected on 5-20?

Was it still up on 5-20?

TOM BRUSH: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

Now --

TOM BRUSH: I don't know that it was --
as soon as you sent me that letter, which I
believe was on -- whatever day you sent me the
letter.

CHAIR NICOLE MURATI FERRER: 5-21.

TOM BRUSH: As soon as you sent me the
letter, I took it down.

CHAIR NICOLE MURATI FERRER: That's fine.

I am looking at four different
certificate of inspections for Felipe's Taqueria
and none of them I see 80 standing.

Do you have any city permit or document
telling you that you have 80 standing.

TOM BRUSH: No, I do not.

CHAIR NICOLE MURATI FERRER: Okay.

I just want to clarify that, so when these all come in, they mesh in my head.

TOM BRUSH: The document that I have that shows that seating is on the plan that was submitted and the building permit was approved for, that's the document that I have that shows the seating, but it is not on anything from the licensing department, only from the building department.

CHAIR NICOLE MURATI FERRER: Okay.
Thank you.

ATTY KEVIN CRANE: Madam Chair, he does now have a certificate of inspection, which was issued today showing the standing, the occupancy issue. And I'm going to introduce it later on but I just wanted you to be aware of that.

CHAIR NICOLE MURATI FERRER: But on 5-19 and 5-20 there was nothing on any license or certificate of inspection saying that you could

have 80 standing as well, correct?

ATTY KEVIN CRANE: Other than what Captain Arsenault testified to.

CHAIR NICOLE MURATI FERRER: I know.

That's why I asked your client because -- I mean, if the captain is talking about this, this is not a city-issued permit.

ATTY KEVIN CRANE: I understand that.

But he said there was a city seal on the one he saw.

CHAIR NICOLE MURATI FERRER: I know.

That's why I'm asking, that's why I'm asking your client whether or not he has one --

ATTY KEVIN CRANE: Uh-huh.

CHAIR NICOLE MURATI FERRER: -- because I see all other people from the city shaking their heads "no" which is why I wanted to get it from your client. If there's one, then I want to see it. If there's none, then -- there's none?

TOM BRUSH: No.

CHAIR NICOLE MURATI FERRER: Anything
else to add as to 5-20?

CAPTAIN PHILIP ARSENAULT: No.

CHAIR NICOLE MURATI FERRER: Okay,
counselor?

EXAMINATION BY ATTY KEVIN CRANE:

Q. Captain Arsenault, in your report -- and
I'm just going to focus really on the first floor
numbers -- you have recited that there was 75
seated and the License Commission plan has 62
seats that's been approved.

How did you get to 75 seating? What was
the method of counting that?

A. We counted like walking around, the three
of us.

Q. Could there been some people that were
standing at one point in time and then seated

during the movement of going around counting?

A. No, I don't think so because it was pretty much -- most of the people were standing. It was so crowded you couldn't really move. Actually, it was 85 seated. We subtracted ten for error. We did a count, all three of us, and we come back with 85 and we subtracted ten just for error.

Q. And did you say that the occupancy you thought for the first floor would have been 62 plus 80?

A. No. I told him I thought if we took the 80 as assembly, which I remember reading the book, you take the 80 assembly and the 62, you could use, I thought, the higher one, but it's the lower one. Even if you used that, you could only have 80 people on the first floor, I explained to him and you would have 170. So even if you used the assembly for the first floor, you

still could only have 80 on the first floor. It would still be overcapacity.

Q. What book did you read that in?

A. That was in a Deputy Chief's book.

Q. And it was mentioned that it was 62 to 80 and you take the lowest number?

A. Take the lowest number. So if you had an assembly of 80 for a building and a seating capacity of 62, you always take the lower number for the exit purposes. You take the lower number and that's what you have for occupancy on that floor.

Q. What is the source of that?

A. NFPA rules.

CHAIR NICOLE MURATI FERRER: What does that stand for?

CAPTAIN PHILIP ARSENAULT: National Fire Protection Association.

CHAIR NICOLE MURATI FERRER: Thank you.

BY ATTY KEVIN CRANE:

Q. Captain Arsenault, when you were on the premises, did you have contact with Mr. Brush?

A. Yes.

Q. Was he fully cooperative with you?

A. Fully cooperative.

Q. I have no other questions.

CHAIR NICOLE MURATI FERRER: Thank you.

Before we move on, for the 5-19, I know that, Deputy Chief, you testified that the gentleman that was doing the count was on the second floor.

DEPUTY CHIEF PETER DONOVAN: He was at the bottom of the stairs, mezzanine second floor, the stairway that led to the roof to the third floor.

CHAIR NICOLE MURATI FERRER: Then he said he was just doing it in his head because his

phone app didn't work.

DEPUTY CHIEF PETER DONOVAN: I asked him how was he accounting for the people upstairs before I even entered the third floor because I saw a large line of people and it immediately raised concern and I said "How are you keeping a count? Do you have a clicker?"

He said "No. I have my cell phone."

And I said "Well...."

Officer Szeto was there.

I said "Show me how are you doing this."

He said, "I'm not doing it. I count it in my head."

CHAIR NICOLE MURATI FERRER: Did he tell you how many people he thought were upstairs?

DEPUTY CHIEF PETER DONOVAN: He said he thought there was -- there wasn't too many people upstairs or it wasn't overcrowded. He really wasn't --

OFFICER BENNY SZETO: He didn't give a number.

CHAIR NICOLE MURATI FERRER: So he didn't give you a number?

OFFICER BENNY SZETO: No.

CHAIR NICOLE MURATI FERRER: And Ms. Boyer, did you ask -- were there any persons taking a count on the second or the first floor?

ANDREA BOYER: Mr. Brush was at the front door when we first entered.

DEPUTY CHIEF PETER DONOVAN: I also --

CHAIR NICOLE MURATI FERRER: I'm sorry. Mr. Brush was on -- was he taking a count?

ANDREA BOYER: He was at the door. I did not note he was taking a count.

CHAIR NICOLE MURATI FERRER: Did you ask him?

ANDREA BOYER: No.

CHAIR NICOLE MURATI FERRER: Go ahead.

Sorry.

DEPUTY CHIEF PETER DONOVAN: I asked later in the evening if anybody had a clicker or a counter or anyone was doing any counting and I was told "no."

ACTING FIRE CHIEF GERARD MAHONEY: Deputy, when you were there on the 19th, were people congregating on either stairway?

DEPUTY CHIEF PETER DONOVAN: No. The 19th, they had the bouncer at the bottom of the stairs but there was a large amount of people, we counted later to be 89 people, awaiting to go to the third floor.

ACTING FIRE CHIEF GERARD MAHONEY: But people were not standing still on the stairway?

DEPUTY CHIEF PETER DONOVAN: No.

ACTING FIRE CHIEF GERARD MAHONEY: How about when you were?

CAPTAIN PHILIP ARSENAULT: There were a

few people standing on the stairway from first and second and the second floor landing, there was a total of 17 people in that stairway.

CHAIR NICOLE MURATI FERRER: Thank you.
Any other questions?

Go ahead, counselor.

ATTY KEVIN CRANE: I have no other questions of the city personnel.

EXAMINATION BY ATTY KEVIN CRANE:

Q. Could you please state your name for the record.

A. Tom Brush.

Q. What is your relationship with Chazumba, LLC?

A. I'm the managing member of the LLC.

Q. And are you the manager of record?

A. Yes.

Q. With the License Commission?

A. Yes, I am.

Q. And you were -- were you at the licensed premises on May 19 and May 20?

A. Yes, I was.

Q. And since May 19, have any of your employees been certified as crowd managers?

A. Yes, they have.

Q. How many?

A. Eight.

Q. And if you recite their names for us please?

A. Robert Brush, Trevor Ballantyne (phonetic), Trevor Cambridge, Fernando Marquez, Fabian Gil, Felipe Herrera, Sam Crowley, and Fernando Marques.

CHAIR NICOLE MURATI FERRER: Counselor, did I hear your question properly, did you say since the 19th?

ATTY KEVIN CRANE: Since the 19th.

CHAIR NICOLE MURATI FERRER: Prior to the 19th.

Q. Prior to the 19th were there any certified crowd managers.

A. No.

ATTY KEVIN CRANE: I would like to submit the certificates of completion and certification regarding the eight individuals for crowd managers.

CHAIR NICOLE MURATI FERRER: Thank you.

BY ATTY KEVIN CRANE:

Q. Since the 19th, Mr. Brush, has there been any system installed as far as completing the daily sheets required by the crowd manager regulations?

A. Yes.

Q. And where are those sheets kept?

A. Those are kept at the podium right at the

front door as you come in the front door.

There's copies of the licenses and -- of each individual and the daily sheets.

Q. And, Mr. Brush, you heard the testimony earlier regarding the number of seats that were being occupied on May 20th on the first floor, is that right?

A. Yes.

Q. And the testimony was by Captain Arsenault, 75 seats, is that correct?

A. That is his testimony, yes.

Q. Now, have there ever been 75 seats on the first floor?

A. No.

Q. What is the number of seats that are located on the first floor?

A. 62.

Q. And would that have been the number on May 20 as far as the seats are concerned?

A. Yes.

There have been situations where someone will pull -- bring seats, carry them and bring them down to the first floor. It has happened. We return them to the second floor, but that's the only time that one or two chairs someone brings them downstairs. I don't believe there were any that night but that has happened.

Q. Since May 19, have there been any other changes in your procedures at the restaurant as far as controlling the number of people entering the premises?

A. Yes. In fact, right after the 20th, I completely removed all seating in the front half of the restaurant.

So we pulled out around, let's see, 24 seats were pulled out from the front of the restaurant in order to remove the opportunity for people to sit down and impact our capacity, which

at that time I was told was 62.

Q. Now, has there been any changes to the counting process?

A. Yes.

Q. What are those?

A. We purchased electronic counters up and down and now any time we have -- we're even approaching capacity, we have someone posted at the front door and also at the base of the stairs leading up to the roof deck to keep track of the number of people on all three levels.

Q. Is there someone posted at the front door all the time?

A. No, they are not there all the time.

Q. When is that triggered?

A. It's generally triggered around 4:00 in the afternoon. As soon as the capacity starts -- as soon as we see that we have approached that point where we are nearing capacity, we start it

immediately, but we don't have someone posted there from 11:00 in the morning and there are no issues during those early hours.

Q. Now, as of May 19, what was your understanding of the legal capacity at the premises?

A. It was my understanding that the legal occupancy of premises was 170 seats, which was on my CI, but that the assembly component, which was not indicated on the CI but was on my stamped and approved plans that I submitted to the builder that I was -- that I legally had assembly in my space based on the building codes and the submission by the architect, the stamped drawings from the architect.

CHAIR NICOLE MURATI FERRER: Mr. Brush, the CI has always broken down the capacity for a second and roof deck?

TOM BRUSH: Correct.

CHAIR NICOLE MURATI FERRER: So you mentioned the 170, but if we add all those numbers, it gets you to 270?

TOM BRUSH: Correct.

CHAIR NICOLE MURATI FERRER: You never had a CI that just said 170?

TOM BRUSH: No, not to my knowledge.

BY ATTY KEVIN CRANE:

Q. Can you explain to the board what your understanding of the term "assembly" is?

A. "Assembly" would account for people in the que for the food line coming in.

It would account for people standing at or near the bar areas.

For traffic going in and out of the building, up and down the stairs.

Because it is a quick-serve restaurant there's a lot of movement with people that pick

up their food and then sit down and they might sit downstairs or they might sit upstairs, so we can't specifically position people and hold them in those positions while they are in the restaurant. They may move from time to time.

Q. As of May 19, I think we have pretty much confirmed that your seating capacity was 170?

A. That's correct.

Q. And what was the additional assembly component that you thought was approved?

A. The additional assembly component was documented on code, consulted, stamped by the senior partner at the architectural law firm and -- the architectural firm, and completely compliant with bathrooms, fire exits. It was totally compliant for this additional 80, 90 seats. Roughly 90 seats extra that are approved.

Q. We are not talking about seats. I'm

talking about assembly now.

A. The assembly, the space was designed and code qualified to hold these additional -- the additional people in assembly.

Q. And I'm going to hand you a plan, which is from David Selinsky (phonetic), architects for Felipe's Taqueria, do you see that?

A. Yes.

Q. Are you familiar with it?

A. Yes.

Q. And was this plan submitted when the initial certificate of inspection was sought from Inspectional Services Department?

A. Yes.

Q. Okay.

CHAIR NICOLE MURATI FERRER: When the "additional one," you mean the one that you told me earlier today that you have today?

ATTY KEVIN CRANE: It was submitted, I

believe on both occasions when it was initially -- when he initially opened up for business two-and-a-half years ago and also resubmitted in conjunction with applying for the temporary certificate of inspection within the last couple days.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

ATTY KEVIN CRANE: Madam Chair, I would like to submit the temporary certificate of inspection, which the Inspectional Services Department issued. It was signed off on June 2, except for the Fire Department, but there's now been, this afternoon, I believe, the actual permit and certificate of inspection that's been issued.

And it would show the capacity -- the seating we have been talking about, plus the additional assembly of -- the additional 101. 38

on the deck, two on the mezzanine and additional 61 on the first floor. So I would like to submit that. The permanent one, which was issued, as I said this afternoon, I believe has a mistake in it.

The individual number breakdown are accurate but the total tables and chairs says 207 but the math would be the 270. And we'll be going upstairs after the hearing to see if we can get that corrected.

I submit this just -- it is a permanent one and we would like to post it today, so if I had a copy of it, I would give you the copy.

ACTING FIRE CHIEF GERARD MAHONEY: Mr. Brush, on this plan, which has been submitted, I want to bring to your attention, I don't know how familiar are you with it, so for the seasonal roof deck, the assembly is stated as tables and chairs, standing and employees, 60 seats, 3HC

what is "HC"?

A. Handicapped seats.

ACTING FIRE CHIEF GERARD MAHONEY: For the mezzanine the assembly is tables and chairs 48 occupancy. The ground floor level, the assembly is tables and chairs, standing and employee, 61 seats, four handicap, total of 122 occupancy.

Does that sound right?

TOM BRUSH: The first floor sounds right but the roof deck I show is 60 seats and 38 standing. But you show only the 60 seats?

ACTING FIRE CHIEF GERARD MAHONEY: That's what your architect has on the plan here.

TOM BRUSH: If you would like, I can show where it shows 94 occupants, I think, plus the two at the bar and one in the -- there's a storage room, they show another four occupants on top of the 94, and all the calculations are done

for, I believe, 94. If you look in the center of the plan, up in the box where it totals everything, that's where it shows the occupancy.

ACTING FIRE CHIEF GERARD MAHONEY: A2 coming out of Chapter 3 of the building code, total 170 occupants. Not seats. Occupants.

TOM BRUSH: I don't have a copy.

ACTING FIRE CHIEF GERARD MAHONEY:
(Handing document.)

TOM BRUSH: So right here --

ACTING FIRE CHIEF GERARD MAHONEY: 170 occupants. Is that what it says?

TOM BRUSH: But then if you add up this here, you got 94. 1, 12, 48 and 122, so it would be -- it just don't add. It shows you each level, the total number of occupants 270. So seating is correct. 170 is correct. But the total occupancy, if you add up those, it comes to 270.

INTERIM POLICE COMMISSIONER BRENT

LARRABEE: Madam Chair, is there a way we can clarify these numbers?

CHAIR NICOLE MURATI FERRER: I think, quite frankly, we need to sit down and look at everything that has been given.

INTERIM POLICE COMMISSIONER BRENT

LARRABEE: I would ask that we maybe table this and see if we can come to a consensus on what the numbers are, when they were the numbers, what you knew, so we just don't kind of guess, so we have a real solid number that we can work with because I think it is crucial for Mr. Brush and his business. I would -- as a friendly amendment, I would ask that we table this for further consideration and maybe come back and talk about -- have some more investigation about the numbers.

CHAIR NICOLE MURATI FERRER: I do know

that the Chief --

ACTING FIRE CHIEF GERARD MAHONEY: I just have one more question, not about the crowding.

The Deputy noted on the inspection on the 19th of May, your extinguisher system was four months overdue for service, the portable fire extinguishing were overdue, and your hood was tagged being out of compliance, is that correct?

TOM BRUSH: The hood wasn't tagged until the 25th of -- at the time they came in, there were no tags on anything.

DEPUTY CHIEF PETER DONOVAN: The sticker was out of date.

ACTING FIRE CHIEF GERARD MAHONEY: It was expired.

TOM BRUSH: They were expired but nothing was tagged but it was out of date, correct?

ACTING FIRE CHIEF GERARD MAHONEY: Were you aware of that prior to the Deputy pointing it

out to you?

TOM BRUSH: I was not aware prior to that, no, I was not.

ACTING FIRE CHIEF GERARD MAHONEY: So your extinguisher system had been out -- was four months overdue for inspection and you weren't aware of it?

TOM BRUSH: I was not aware of it. It is something -- currently now, with the crowd control, every single date we are documenting, there's no possibility of getting it out of date in the future.

ACTING FIRE CHIEF GERARD MAHONEY: Okay. Thank you.

CHAIR NICOLE MURATI FERRER: Counselor, anything else?

ATTY KEVIN CRANE: I have nothing else to add. And I can still make an argument at some point in time?

CHAIR NICOLE MURATI FERRER: If you want to make it now, you can make it now.

INTERIM POLICE COMMISSIONER BRENT LARRABEE: I would suggest you make it in the future so we all have --

ATTY KEVIN CRANE: Yes.

CHAIR NICOLE MURATI FERRER: But regardless of whether you get a CI today with a different capacity, you have to adhere to the ones that are in your liquor license.

ATTY KEVIN CRANE: I understand that there were two different systems at work here and in the meantime my client --

CHAIR NICOLE MURATI FERRER: Only one pursuant to the special acts.

ATTY KEVIN CRANE: I'm sorry?

CHAIR NICOLE MURATI FERRER: Only one pursuant to the special acts.

ATTY KEVIN CRANE: Of 1991?

CHAIR NICOLE MURATI FERRER: I can't remember the number but I can certainly get them for you.

Right now, you can still operate, but under the premise that your numbers are 62 on the first floor, 48 on the second floor and 60 on the roof deck.

ATTY KEVIN CRANE: He had the full intention of applying as quickly as possible to have it amended when we have a set number based on a plan.

CHAIR NICOLE MURATI FERRER: Yeah.

So we take it under advisement, we'll review it and sit down and actually go through these numbers and everything else.

CHAIR NICOLE MURATI FERRER: Sir?

UNIDENTIFIED AUDIENCE MEMBER: If this is a public hearing, would you like to hear from the public?

CHAIR NICOLE MURATI FERRER: If you are here -- if you were there on May 19 or May 20 yes. Otherwise, no.

UNIDENTIFIED AUDIENCE MEMBER: It's to clarify what Commissioner Larrabee said.

CHAIR NICOLE MURATI FERRER: No thank you. Okay. Thank you.

ATTY KEVIN CRANE: Thank you.

(Commissioner Larrabee leaves hearing.)

APPEAL: CARMELO BENJAMIN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Appeal: Carmelo Benjamin, holder of a Cambridge Hackney driver's license #24588 due to the nonrenewal status of his Hackney driver's license.

CHAIR NICOLE MURATI FERRER: If you can please stand up and raise your right hand.

(Party sworn.)

CHAIR NICOLE MURATI FERRER: You are still sworn in, Officer Szeto.

You may take a seat, sir.

Please state and spell your name for the record.

CARMELO BENJAMIN: Carmelo Benjamin
C-A-R-M-E-L-O B-E-N-J-A-M-I-N.

CHAIR NICOLE MURATI FERRER: Thank you.

OFFICER BENNY SZETO: Benjamin was denied renewal of his Hackney license for having five moving violations in the last seven years.

The breakdown is as follows. One violation in 2010 for failure stop.

One violation in 2013 for failure to stop.

Two violations in 2014 for failure to stop and failure to use safety.

And one violation in 2017 for failure to stop.

CHAIR NICOLE MURATI FERRER: Officer Szeto, quick question. I did have a question that the failure to use safety, that's not a moving violation, is it?

OFFICER BENNY SZETO: I believe it is, failure to use safety.

CHAIR NICOLE MURATI FERRER: I thought that was the seatbelt one. This is not -- something different. What is it then?

OFFICER BENNY SZETO: Whatever while he was operating whatever, maybe turn, whatever move he made. I guess he didn't use caution.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

OFFICER BENNY SZETO: And Benjamin has not been found responsible for any moving violations from 8-7-14 to 3-7-17.

I recommend one-year probation.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

Mr. Benjamin?

CARMELO BENJAMIN: Yes. Since '85 I was issued the license to drive in Cambridge. And my record can show for that.

CHAIR NICOLE MURATI FERRER: You have been driving since 1985?

CARMELO BENJAMIN: Yes.

CHAIR NICOLE MURATI FERRER: Here in Cambridge?

CARMELO BENJAMIN: Yes.

CHAIR NICOLE MURATI FERRER: Have you held any other Hackney licenses?

CARMELO BENJAMIN: No.

CHAIR NICOLE MURATI FERRER: Is there anything else you want us to consider?

CARMELO BENJAMIN: Because one of the

violation, I can't say is my mistake because I didn't protest that because the safety issue, I didn't know what it was about. I always wear the seatbelt. That's it. At the time, it expired and I had to pay the fine.

CHAIR NICOLE MURATI FERRER: Questions?

ACTING FIRE CHIEF GERARD MAHONEY: No.

CHAIR NICOLE MURATI FERRER: So if we -- I think looking at what we have been doing and considering that if we move towards what we have hinted we were going to do in terms of shortening the years of consideration, he would be fine to renew.

So I would accept Officer Szeto's recommendation and renew one-year probation.

ACTING FIRE CHIEF GERARD MAHONEY: I would as well.

CHAIR NICOLE MURATI FERRER: So we are going to renew your license with a one-year

probation period. That means no more moving violations within this one year. If you receive any moving violations in that one year, your license will not be renewed again.

CARMELO BENJAMIN: I understand.

APPEAL: SCHNEIDER SABIN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Schneider Sabin, holder of a Cambridge Hackney driver's license #29990, due to the nonrenewal status of his Hackney driver's license.

(Party sworn)

CHAIR NICOLE MURATI FERRER: Thank you.

Good afternoon. Please state and spell your name for the record.

SCHNEIDER SABIN: My name is Schneider Sabin.

CHAIR NICOLE MURATI FERRER: Can you spell your name for the record, please?

SCHNEIDER SABIN: S-C-H-N-E-I-D-E-R
S-A-B-I-N.

CHAIR NICOLE MURATI FERRER: Thank you.
Officer Szeto?

OFFICER BENNY SZETO: Sabin was denied renewal of his Hackney license for having four or more moving violations within the last seven years. He was found responsible for six moving violations.

The breakdown is as follows: One violation in 2012 for a lane violation.

Three violations in 2013, surchargeable accident, Improper turn and failure to stop.

One violation 2004 for speeding.

And one violation in 2006 for failure.

He has not been found responsible for any moving violations since 3-12-16.

He's the only driver for medallion 225 so
I recommend giving him a one-year probation.

CHAIR NICOLE MURATI FERRER: Is that
medallion a handicap medallion?

OFFICER BENNY SZETO: No. Regular
medallion.

CHAIR NICOLE MURATI FERRER: Are you the
owner of that medallion?

SCHNEIDER SABIN: I lease it.

CHAIR NICOLE MURATI FERRER: Mr. Sabin,
why should we renew your license?

SCHNEIDER SABIN: Huh?

CHAIR NICOLE MURATI FERRER: Why should
we renew your license?

SCHNEIDER SABIN: This is the only job I
have full-time and I have two kids and a wife. I
need my --

CHAIR NICOLE MURATI FERRER: I can't hear
you.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have all these fans. Speak up.

SCHNEIDER SABIN: That's the only job I have, so I have two kids and wife to take care of. And I really need my license to continue to work for Cambridge, for the city. No more violations.

CHAIR NICOLE MURATI FERRER: How long have you been a taxi driver?

SCHNEIDER SABIN: 2013.

CHAIR NICOLE MURATI FERRER: You have been a driver since 2013?

SCHNEIDER SABIN: 2013.

CHAIR NICOLE MURATI FERRER: Have you had a Hackney license for any other municipal? Have you driven a taxi in any other city?

SCHNEIDER SABIN: Only for Cambridge.

CHAIR NICOLE MURATI FERRER: Any questions?

ACTING FIRE CHIEF GERARD MAHONEY: Nope.

CHAIR NICOLE MURATI FERRER: Anything
else?

OFFICER BENNY SZETO: No.

ACTING FIRE CHIEF GERARD MAHONEY: I
recommend the probation.

CHAIR NICOLE MURATI FERRER: I think you
know, I -- considering the way we have been
voting and also since he's only been a driver
since 2013 I'm not going to take into account the
2012 incident, and I will concur with you and
adopt Officer Szeto's recommendation.

Your license will be renewed for one year
on probationary period. That means no moving
violations during that year. If you have any
more moving violations, your license will not be
renewed, okay?

SCHNEIDER SABIN: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

And Officer Szeto will take you upstairs so you can get your license.

CONSIDERATION: JOSE PEREZ CHEVEZ

EXECUTIVE DIRECTOR ELIZABETH LINT:

Consideration: Jose Perez Chevez, holder of a Cambridge Hackney driver's license #29593, due to the nonrenewal status of the Hackney driver's license.

CHAIR NICOLE MURATI FERRER: Thank you. If you could please tell us and state your name for the record?

JOSE PEREZ CHEVEZ: Jose Perez Chevez.

ACTING FIRE CHIEF GERARD MAHONEY: You have to speak up.

CHAIR NICOLE MURATI FERRER: Jose Perez Chevez.

JOSE PEREZ CHEVEZ: Chevez.

CHAIR NICOLE MURATI FERRER: Chevez, I'm

sorry.

And Mr. Chevez, have you ever lived in Florida.

JOSE PEREZ CHEVEZ: No.

CHAIR NICOLE MURATI FERRER: Have you ever lived in California?

JOSE PEREZ CHEVEZ: No.

CHAIR NICOLE MURATI FERRER: Have you ever lived in Illinois?

JOSE PEREZ CHEVEZ: No.

CHAIR NICOLE MURATI FERRER: Do you know why in your driving record there are matters from California, Florida, or Illinois.

JOSE PEREZ CHEVEZ: I don't know. Always when I renew my license.

CHAIR NICOLE MURATI FERRER: Your Massachusetts license?

JOSE PEREZ CHEVEZ: I had the same problem, but the last time is in Florida. I have

to call there and send paper and they send this letter to me.

CHAIR NICOLE MURATI FERRER: Can I see it, please. Thank you.

JOSE PEREZ CHEVEZ: (Complying.)

CHAIR NICOLE MURATI FERRER: Okay, the Florida one is recent. So, okay. It is because in his record, it comes up like his license was revoked.

JOSE PEREZ CHEVEZ: I don't have any problems with my license.

CHAIR NICOLE MURATI FERRER: And I will note for the record nothing came up in terms of your criminal history background, okay.

Any questions?

ACTING FIRE CHIEF GERARD MAHONEY: No.

CHAIR NICOLE MURATI FERRER: Okay. So I would recommend we renew. Your license is renewed and if you take this upstairs they can

give it to you.

Do me a favor, Mr. Chevez, have them make a photocopy of this upstairs so we can put it in your file. Thank you. Appreciate it.

Ms. Boyer, do you mind taking him upstairs?

CONSIDERATION: PHILIPPE BRUTUS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Philippe Brutus, holder of Cambridge Hackney driver's license #29657 due to a police incident report of May 18, 2016.

CHAIR NICOLE MURATI FERRER: Thank you.

Please raise your right hands?

(Parties sworn.)

CHAIR NICOLE MURATI FERRER: Thank you.

If you could please sit down and tell us your

names, please.

PHILIPPE BRUTUS: Philippe Brutus.

CHAIR NICOLE MURATI FERRER: Thank you.

B-R-U-T-U-S?

PHILIPPE BRUTUS: Yes.

OFFICER DINATALE: Officer DiNatale, D-I
capital N-A-T-A-L-E.

CHAIR NICOLE MURATI FERRER: Thank you.

And Mr. Brutus, you are here because
there's something that shows up on your driving
history regarding a hit and run.

Officer, were you the one that responded
to that hit and run?

OFFICER DINATALE: Yes.

CHAIR NICOLE MURATI FERRER: Tell us what
information you have.

OFFICER DINATALE: On May 18, 2016, I was
assigned to day operations as a uniformed patrol
officer for the Cambridge Police Department.

At approximately 9:57 a.m., I was dispatched to the area of Broadway and Moore Street for a pedestrian that was struck by a motor vehicle.

Emergency communications gave a plate number of 6, November, Lema, 990. And they also conducted a query of that license plate and it came back to Mr. Philippe Brutus, 18 Newtowne Court, Apartment No. 214 of the city.

Units conducted a search of the area for a vehicle after it fled the accident and was unable to be located.

I then responded to the area to speak with the victim and he was being treated by Cambridge Fire Department and Professional Ambulance. He refused treatment at that time. The victim stated that he was in the marked crosswalk crossing Broadway and he observed the vehicle coming up Moore Street making a left turn

onto Broadway. He stated that the operator was looking to his right as he was making the turn and struck him in the middle of the -- while he was in the middle of the crosswalk.

The victim stated that he tried to get the attention of the driver. He spoke with him, and he said then the operator of the vehicle threw his hands up and then drove away.

And there was also a witness to the accident who basically corroborated the victim's statement, saying that he did not -- he didn't actually see the victim get struck by the vehicle but he judged from the conversation that's what had happened.

I asked the victim how certain he was of the plate number and he said he had written it down on a card. He produced a card from his pocket and showed me the plate number, which is what our Emergency Communications Center had

broadcast.

And I then was able to pull up that plate number on my cruiser's laptop and I showed the victim a picture of the registered owner of the vehicle and he identified the operator as the person he saw on my laptop.

CHAIR NICOLE MURATI FERRER: Was that operator the gentleman next to you?

OFFICER DINATALE: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

OFFICER DINATALE: And then based on witness and victim statements, I issued him a citation for leaving the scene of a personal injury accident, operating to endanger, and failure to yield to a pedestrian in a crosswalk.

CHAIR NICOLE MURATI FERRER: Thank you.

And do you know if this case has proceeded at all?

OFFICER DINATALE: It is in the court

system. It hasn't been adjudicated yet.

CHAIR NICOLE MURATI FERRER: Thank you.
Mr. Brutus?

PHILIPPE BRUTUS: Yes.

CHAIR NICOLE MURATI FERRER: Were you
involved in this? I mean, what is your position
on this?

PHILIPPE BRUTUS: My position on it is
the fact I didn't know it was happening with my
car because when I'm driving I have no issue with
nobody.

When I went to the mailbox and I see the
paper, I didn't even know what this was.

Since I am living with someone else who
used to drive my car, I went inside and asked
him, Do you know anything about the car?
Anything about the car while driving it?"

He said "No."

Since he said "no" and I didn't know

anything myself, I take the paper with me and go to the Cambridge Police station and asked them "What is that?"

And they explained to me that "On May 18, it seemed you hit someone and run."

I said "May 18, what time?"

They said "About 9:30."

Usually I work from -- my position at night. And every morning I come from Alewife by Concord -- from Concord onto Garden Street from Garden Street I go on Cambridge. From Cambridge I go onto Broadway. Where I live is in Newtowne Court. There's no way to go all the way through Broadway to get onto Washington Street because that's a -- that's a one-way.

Usually I go on Broadway and get onto Windsor Street to get onto Washington.

But since he told me that he went to go to the bank, he used to use my car, I let him use

it, but he didn't tell me if anything happened.

When I went to the police station in Cambridge and they told me about the incident, I said that someone else used to use my car and on this date he was using my car to go to the bank.

They asked me for his name and I give his name, and the police officer who I talked, he told me "Don't go to the court appointment until you receive a new citation."

I was waiting and I see nothing come.

I went back to the police station. I say "You asked me to wait. Until now I don't see anything."

He said "Don't do anymore until you receive something else."

I was waiting and finally I get a court hearing to go to Mystic Ave.

But when I went there -- no. Before that, when I get home, I told him "Now they tell

me you hit someone and you didn't stay."

He said "I didn't hit anybody but someone coming into contact of the car."

I said "Why you didn't tell me?"

If he tell me the same day, I would go to the police station and report it.

And at this time he told me effectively someone was crossing and texting at the same time and that person come into the car but he didn't hit that person. I say "what was the conversation between you and him?"

He say "He look at me and after that, he tell me something bad" and he threw the pen at the door and he say he would call police and I said "He said that to you and you still doesn't stop?"

He said "I didn't think this was something I have to stop because he has nothing. He walk to his way and go to that store.

CHAIR NICOLE MURATI FERRER: So you are saying that you weren't driving the car when the car was involved in this alleged accident?

PHILIPPE BRUTUS: I was not driving.

CHAIR NICOLE MURATI FERRER: And you were served with a criminal complaint?

(No response.)

CHAIR NICOLE MURATI FERRER: Have you been served with a criminal complaint?

PHILIPPE BRUTUS: Have I been served with a criminal complaint?

CHAIR NICOLE MURATI FERRER: Yes.

PHILIPPE BRUTUS: On the ticket, on the citation?

CHAIR NICOLE MURATI FERRER: Yes.

PHILIPPE BRUTUS: Yes.

CHAIR NICOLE MURATI FERRER: And that's -- officer, that's what you say is still pending?

OFFICER DINATALE: Yes.

CHAIR NICOLE MURATI FERRER: You said you went to court already?

PHILIPPE BRUTUS: About four times already.

CHAIR NICOLE MURATI FERRER: But the case is still open?

PHILIPPE BRUTUS: It is still open.

CHAIR NICOLE MURATI FERRER: Does anyone have the docket number?

OFFICER DINATALE: I don't have a docket number, no, ma'am.

CHAIR NICOLE MURATI FERRER: And it is still -- but we don't know why it is still open? Have you gone to testify at all, Officer?

OFFICER DINATALE: No, ma'am. It's probably a hearing is what I'm assuming.

PHILIPPE BRUTUS: They said I have to get back into the courthouse the 11th of July.

CHAIR NICOLE MURATI FERRER: Until when?

PHILIPPE BRUTUS: 11th of July.

CHAIR NICOLE MURATI FERRER: Of this year?

PHILIPPE BRUTUS: Yes.

CHAIR NICOLE MURATI FERRER: Anything else?

PHILIPPE BRUTUS: What I would say, driving, I use it to do my living. If I am careless driver, I won't be on the road. I used to bring distinguished people to work.

I do know that I am the kind of driver that people can trust because I respect other people. Even though I'm not on the crossing lane, I yield to people. Sometime driver behind me horn me, but I don't look at them. I care for that person who try to cross the street.

For me, I would be responsible for action I'm doing, but for the action of someone else, even though the car is mine, I don't think it is

fair to put that on me because, you know, this is what I not want in my life.

CHAIR NICOLE MURATI FERRER: Anything else?

PHILIPPE BRUTUS: This is what I have to say. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you. Officer?

OFFICER DINATALE: Just one more thing, Madam Chair.

After clearing the accident scene, I did attempt to go by Newtowne Court 18 Newtowne Court, Apartment 214, to locate the vehicle and the driver to get their side of the story but nobody answered the door and the vehicle was not located.

CHAIR NICOLE MURATI FERRER: Thank you. Any questions?

ACTING FIRE CHIEF GERARD MAHONEY: Do you

still own that vehicle?

PHILIPPE BRUTUS: Yes, sir.

ACTING FIRE CHIEF GERARD MAHONEY: Is that individual that you allege was driving the vehicle still driving that vehicle?

PHILIPPE BRUTUS: But now he's in the hospital, so I don't think he will be able to drive that vehicle anymore.

CHAIR NICOLE MURATI FERRER: Thank you.

I think considering that this matter is still open and the way that we are voting on everything else, I would not renew his license until the matter is resolved and if it is resolved in Mr. Brutus's favor, then he can reapply to be reconsidered.

ACTING FIRE CHIEF GERARD MAHONEY: I would agree with that.

CHAIR NICOLE MURATI FERRER: Your license renewal is denied.

You will get a statement of reasons that will explain the reasons but if this case is dismissed in your favor, you can resubmit your application and we will reconsider it at that time. Thank you.

VIOLATION: E.C. HATHAWAY & ASSOCIATES

EXECUTIVE DIRECTOR ELIZABETH LINT: E.C. Hathaway & Associates, due to alleged violations of Cambridge Municipal Code 8.16.081.2(A), operating during a prohibited period on March 9, 2017 at the corner of Brattle Street and Channing Street and Cambridge Municipal Code 8.16.081.2(C), operating without a leaf blower permit on March 9, 2017, at the corner of Brattle Street and Channing Street of April 10, 2017 at 167 Brattle Street, and April 11, 2017 in front of 3 Channing Street.

CHAIR NICOLE MURATI FERRER: Ms. Boyer,

you are still under oath.

ANDREA BOYER: Thank you.

CHAIR NICOLE MURATI FERRER: Anyone here for E.C. Hathaway? Mr. Eric Hathaway?

Do I have what? Do you want your file?

ANDREA BOYER: Yes, please. Thank you.

CHAIR NICOLE MURATI FERRER: Go ahead, Ms. Boyer.

ANDREA BOYER: This is a case that's been pending with the Law Department, E.C. Hathaway has other violations with us as well.

CHAIR NICOLE MURATI FERRER: But these matters are not currently pending at the Law Department?

ANDREA BOYER: No, they are not.

CHAIR NICOLE MURATI FERRER: Okay.

ANDREA BOYER: Which are the March 9, using leaf blowers at the corner of Brattle and Channing.

April 10, using leaf blowers at 167
Brattle Street.

And April 11 at 4:53 in front of Channing
Street, all in violation of not being permitted
by the City of Cambridge Licence Commission.

CHAIR NICOLE MURATI FERRER: They have
the March 9, April 10 and April 11 operating
without a permit, and then in addition on March 9
operating prior to the season?

ANDREA BOYER: That's correct.

CHAIR NICOLE MURATI FERRER: And what is
the evidence that we have to support those?

ANDREA BOYER: This was a called-in
complaint from a Ms. Mary Greer (phonetic) who
lives in close vicinity of where all three
alleged incidents took place.

ACTING FIRE CHIEF GERARD MAHONEY: Is she
the caller of all three incidents?

ANDREA BOYER: Yes, sir.

CHAIR NICOLE MURATI FERRER: Have we received any correspondence or anything from E.C. Hathaway?

ANDREA BOYER: No, we have not.

CHAIR NICOLE MURATI FERRER: Ms. Greer is not here today because? Do we know why she's not here?

ANDREA BOYER: She was notified. She stated she would be out of town.

CHAIR NICOLE MURATI FERRER: Okay, they have refused to get a permit anyway. I would vote a violation on all four and issue a \$300 fine for the violations.

ACTING FIRE CHIEF GERARD MAHONEY: I would agree.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

APPLICATION: MIYU, INC.

D/B/A SUSHI CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Miyu, Inc., d/b/a Sushi Cafe, has applied for a common victualler license at 100 Cambridgeside #K8. Wei Da Wu as proposed manager of a premise described as 200-square-feet of space within the Cambridgeside Galleria Mall Food Court.

CHAIR NICOLE MURATI FERRER: Yes. Please sit down. Please state your names for the record.

WEI DA WU: Wei Da Wu.

CHAIR NICOLE MURATI FERRER: And how we spell that?

WEI DA WU: W-E-I D-A. Last name W-U.

FANG TIA TANG: Fang, F-A-N-G T-I-A
T-A-N-G.

CHAIR NICOLE MURATI FERRER: Okay, and

Sushi Cafe, are you replacing a place there?

FANG TIA TANG: Yes.

CHAIR NICOLE MURATI FERRER: Who are you replacing?

FANG TIA TANG: Before, I think, it's the sushi.

CHAIR NICOLE MURATI FERRER: The same sushi spot?

FANG TIA TANG: Yes. Just take over.

CHAIR NICOLE MURATI FERRER: Is this the one in the middle or --

FANG TIA TANG: Yes.

CHAIR NICOLE MURATI FERRER: You are doing mall hours 12 to 7 on Sunday and then 10 to 9 the rest of the days?

FANG TIA TANG: Yes.

CHAIR NICOLE MURATI FERRER: I assume you are serving sushi?

FANG TIA TANG: Yes.

ACTING FIRE CHIEF GERARD MAHONEY: Are you operating a restaurant currently or --

FANG TIA TANG: I have a couple stores around Massachusetts with the same name. One in Burlington, one in Peabody and another in Rhode Island.

ACTING FIRE CHIEF GERARD MAHONEY: Are they all in malls?

FANG TIA TANG: Yes.

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: Okay. Vote to grant.

Granted.

CANCELLATION: AMANDEEP, INC.

D/B/A SHALIMAR RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation: Amandeep, Inc., doing business as
Shalimar Restaurant, holder of a common
victualler all alcohol license at 546
Massachusetts Avenue, pursuant to Mass General
Law Chapter 138, Section 77 for nonuse of said
license.

CHAIR NICOLE MURATI FERRER: Good
afternoon.

Please state and spell your names for the
record. You can sit down.

I'm sorry, your name again?

RAMESH KAUR-SINGH: Ramesh Kaur-Singh.

CHAIR NICOLE MURATI FERRER: R-M-A
(sic) --

RAMESH KAUR-SINGH: E-S-H.

THE REPORTER: Is that the first name?

RAMESH KAUR-SINGH: Yes.

THE REPORTER: Spell your last name,
please.

RAMESH KAUR-SINGH: K-A-U-R - S-I-N-G-H.

CHAIR NICOLE MURATI FERRER:

K-A-U-R hypen?

RAMESH KAUR-SINGH: S-I-N-G-H.

CHAIR NICOLE MURATI FERRER: Sir?

AVTER SINGH: A-V-T-E-R S-I-N-G-H.

CHAIR NICOLE MURATI FERRER: Counselor?

ATTY ETHAN SCHAFF: Attorney Ethan
Schaff.

Do you want "Ethan" or do you want
"Schaff".

THE REPORTER: Both, please.

ATTY ETHAN SCHAFF: E-T-H-A-N
S-C-H-A-F-F.

CHAIR NICOLE MURATI FERRER: Now to catch
up, we were last here -- you were last here in

March. We were informed by Mr. Gurwinder Singh that a settlement had been reached but there were still some things that were kind of loose.

Can you bring us up to speed,
Attorney Schaff?

ATTY ETHAN SCHAFF: So this has some good news to it.

They finally got a settlement on May 2.
You have been paid the settlement money?

AVTER SINGH: Yes.

ATTY ETHAN SCHAFF: They used a public adjustor. I find that they are sometimes worse, not better, but for better or worse, they received a settlement.

And what they did, and I think they acted pretty quickly, they hired me to get a deal done so that this license can go back into circulation.

So what they have --

CHAIR NICOLE MURATI FERRER: Back into circulation at this location?

ATTY ETHAN SCHAFF: At this location. At no other locations. At this location.

CHAIR NICOLE MURATI FERRER: To use it at this location?

ATTY ETHAN SCHAFF: Yes. However, he opened up -- how many years ago?

AVTER SINGH: 30 years ago.

ATTY ETHAN SCHAFF: 30 years ago, so he does not have the strength or the desire to open up again. So what we are going to do, and I know who the attorney who is opposite me on the deal actually, we're gonna sell the license, and because it is a friendly landlord we are going to sublet the premises.

So my client will remain in the deal, and we'll sell the license and I'm gonna hand that to you as well, and this is about to be executed.

And I can tell you how eminently in a second.

So he's gonna sell the license to a person named Yang Ming Woo (phonetic). And he's going to apply to you to transfer that license and we are going to remain in the deal as a sublandlord.

There will be -- Mr. Ming Woo will be a subtenant. And here is the sublease that's been drafted.

He will become the new owner of the license. He will apply to you to transfer the license from us. It is a lengthy sublease. We have gone over it many times, my client and myself.

And Mr. Ming Woo is using Margaret Soohoo, who is someone known to me. I have done several deals with her. Maybe you know Margaret as well. And Margaret's been swamped.

And I would have executed documents for

you today to show you how seriously we're moving along but for the fact that Margaret sent me this, and I'll share that with you as well. And that she says she's swamped otherwise -- in fact, she called me as I was walking in and I said, "Margaret, will tell them we're close," and I anticipate finalizing a deal in the next week and I'll have executed documents for you so you can see that there will an application coming your way to transfer the license.

And as I said, my client will remain in the deal as a sublandlord to the owner and there will be a subtenant in the way of Mr. Woo.

And I can answer some questions or my clients can answer any questions you may have.

CHAIR NICOLE MURATI FERRER: One of the big issues here have been the water damage and some kind of dispute between whose responsibility it was to fix certain stuff.

ATTY ETHAN SCHAFF: The sublease settles that. The sublease puts it on Mr. Woo, all repairs will be made by him. In fact, he's not only going to do that, he's going to upgrade the HVAC as well. He's gonna put a new HVAC in.

And it is very clear, painstakingly clear, in the sublease exactly how the repairs are gonna get made, how they're gonna be made with insurance, how he's gonna apply to the City of Cambridge for a permit.

We're going to give him, I want to say, is it two months, Kindee? We're gonna give him two months of free rent so he could build it out. Because how you gonna pay us if you're trying to do a build-out. We're giving him two months of free rent. And we're even willing to prorate rent in September if there's still an issue because there's some sidewalk construction there. But it is very clear that the subtenant is gonna

build-out premises and take care of the damage.

CHAIR NICOLE MURATI FERRER: This sublease is a draft that's not executed but it looks like it is ready to be executed.

ATTY ETHAN SCHAFF: Utterly ready to be executed.

CHAIR NICOLE MURATI FERRER: It says it starts on June 2017 so --

ATTY ETHAN SCHAFF: It's gonna be executed.

I know Margaret well. We have done deals together. And she said "Do me a favor, give me a week." I think she's buried. That's all she says so in that email.

CHAIR NICOLE MURATI FERRER: Do you think three months is sufficient to get everything squared away and at least have the transfer application in?

ATTY ETHAN SCHAFF: Yes.

CHAIR NICOLE MURATI FERRER: I would propose doing a hearing in three months unless a transfer application has already come in, is that good?

ACTING FIRE CHIEF GERARD MAHONEY:
Agreed.

ATTY ETHAN SCHAFF: I think if we do it, the transfer -- so there will be no need for another hearing as long as the transfer application comes in?

CHAIR NICOLE MURATI FERRER: That's right.

ATTY ETHAN SCHAFF: So move it three months forward. So can I ask what date that is, please?

CHAIR NICOLE MURATI FERRER: Move it three months forward.

So today's the 7th, so sometime after September 7th.

ATTY ETHAN SCHAFF: Maybe sort of middle to end.

CHAIR NICOLE MURATI FERRER: I don't know off the top of my head when our hearings are in September but if you go upstairs, it will probably be the second hearing in September, which will be September 18th.

ATTY ETHAN SCHAFF: And we'll get it in before then so there would be no need.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY ETHAN SCHAFF: Have a nice rest of the day, good seeing you.

CHAIR NICOLE MURATI FERRER: You as well.

INFORMATIONAL: SHALIMAR, INC.

D/B/A DOSA FACTORY

EXECUTIVE DIRECTOR ELIZABETH LINT: Informational matter. Shalimar Incorporated doing business as Dosa Factory, holder of a common victualler wine

and malt license at 571-573 Mass Ave pursuant to
Mass General Law Chapter 138, Section 77 for
nonuse of said license.

CHAIR NICOLE MURATI FERRER: Weren't they
the same people? Do you want to get them?

EXECUTIVE DIRECTOR ELIZABETH LINT: They
are the ones that are across the street.

CHAIR NICOLE MURATI FERRER: Isn't --

EXECUTIVE DIRECTOR ELIZABETH LINT: No.
It's Pavon (phonetic).

CHAIR NICOLE MURATI FERRER: That's
right. Second call.

CANCELLATION: GUGGY, LLC

D/B/A STUDIO MANTRA

EXECUTIVE DIRECTOR ELIZABETH LINT:
Cancellation: Guggy, LLC, doing business as
Studio Mantra, rehearing of the approval of the
license renewal of the common victualler all

alcohol license at 577 Massachusetts Avenue,
pursuant to Mass General Law Chapter 138, Section
77, and Mass General Law Chapter 140, Section 9
for nonuse of said licenses.

CHAIR NICOLE MURATI FERRER: Second call.

CANCELLATION: KAYA-KA, INC.

D/B/A PORTERHOUSE GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation: Kaya-Ka, Inc., doing business as
Porter House Grill, holder of a common victualler
all alcohol license at 1924 Massachusetts Avenue
pursuant to Massachusetts General Law Chapter
138, Section 77 and Massachusetts General Law
Chapter 140, Section 9 for nonuse of said
licenses.

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

ATTY JAMES RAFFERTY: James Raffery,
R-A-F-F-E-R-T-Y. I'm an attorney with offices at
675 Massachusetts Avenue in Cambridge appearing
this afternoon on behalf of the licensee,
Kaya-Ka, Inc.

Seated to my left is the president of the
corporation and manager of record, Mr. Meehn Su
Gim, M-E-E-H-N, separate word Su S-U, and Gim
spelled G-I-M.

ATTY KAREN SIMAO: Good afternoon,
Madam Chair and Commissioner. I'm Karen Simao,
K-A-R-E-N S-I-M-A-O. I'm with McDermott, Quilty
& Miller at 28 State Street in Boston,
Massachusetts.

And I am here on behalf of Porter Square
Hotel, LLC, which currently operates at the 1924
Mass Ave address.

KEVIN SHEEHAN: My name is Kevin Sheehan
S-H-E-E-H-A-N. And I'm here also on behalf of

Porter Square LLC as the director of operations.

CHAIR NICOLE MURATI FERRER: Thank you.

Can someone explain to me what is going on, please.

ATTY JAMES RAFFERTY: Well, I would be happy to begin.

My client, Mr. Gim is the 100 percent shareholder of the corporation that owns the current license.

The license has -- was in operation for 20 years at the location. As the Commission is aware, Mr. Gim entered into a business relationship to construct a hotel at the location, and he's a one-half owner or member of Porter Square Hotel LLC and what is contemplated, has long been contemplated, as part of the hotel operation is that this license would be transferred to the hotel.

And I have provided Ms. Simao today with

a copy of an executed petition to transfer the license.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY JAMES RAFFERTY: We wish to proceed with a transfer.

I have been speaking with Ms. Simao, and I believe we can proceed diligently in that effort and I have agreed to cooperate on behalf of the transferor, and I would anticipate I'll give it to Attorney Simao to make a prediction on when the application might be filed but by my sense it wouldn't be that long.

CHAIR NICOLE MURATI FERRER: Now I guess my question and my confusion lies in that when this was approved, when the hotel was approved, there was an understanding that the restaurant would remain separate from the hotel. And then at some point in December, we were told that the hold up was that someone was looking for a check.

And then I have an email from, I want to say Vincent --

ATTY JAMES RAFFERTY: Mr. Panico.

CHAIR NICOLE MURATI FERRER: It might be him.

ATTY JAMES RAFFERTY: Vincent Panico, he represents --

CHAIR NICOLE MURATI FERRER: No. Actually, from David Palliotti (phonetic) about some issue regarding the transfer of the license and then an issue with the pledge and everything else. I just -- this all smells very fishy to me right now, so I need to know what is going on.

MEEHN SU GIM: (Speaking inaudibly)

ATTY JAMES RAFFERTY: No, let me.

I just want to -- my knowledge of the history is largely contained in documents I reviewed, including the transcript from the hearing in October when this commission granted

the innkeeper's license.

With all due respect, Madam Chair, in that change Ms. St. Germain, Attorney St. Germain, a colleague, then colleague of Attorney Simao, she made it clear that the --

CHAIR NICOLE MURATI FERRER: They were going to transfer the license and then incorporate it into the hotel.

ATTY JAMES RAFFERTY: Yes. And the question on Page 144 from you said "And Porter Square Hotel LLC will be the owner of that?" And Ms. St. Germain answers "yes."

So this is just what was contemplated and addressed.

CHAIR NICOLE MURATI FERRER: Okay. Fine.

But what is the issue with the pledge and the delay with the transfer?

ATTY JAMES RAFFERTY: Well, there was a delay in the construction of the restaurant and

I'm not -- Ms. Simao can speak on behalf of the LLC.

CHAIR NICOLE MURATI FERRER: But the hotel has been open.

ATTY JAMES RAFFERTY: It has been open since October, that's correct.

ATTY KAREN SIMAO: If I can provide some history, Madam Chair, and although I'm very happy that Attorney Rafferty has been engaged, and that, I think, came to our attention this afternoon, so we were able to chat a bit about it.

I think that there is a lot of history here that I would like to give a summary to the board because I do think it is important for the board to understand not only what is happening with this particular license, but where you may be hearing a slightly different request from the hotel, than from Mr. Rafferty, and there's no

question that we will absolutely cooperate with Attorney Rafferty.

But as the board knows, this license has not been used for an extensive period of time, and as Attorney Rafferty accurately represented, there was a deal which is Mr. Gim was absolutely 50 percent member of the LLC for the Porter Square Hotel.

And part of the operating agreement, and those agreements of which I will tell you, with full transparency, I did not prepare, but the transaction always contemplated, from my understanding, and our firm has been involved in this now for at least a few years, and "this" being licensing transaction, the contemplation always was that different parties bring different things to an LLC and the "thing" in this case was to be the license to come in as part of the consideration for the LLC.

CHAIR NICOLE MURATI FERRER: As part of the 50 percent consideration for the LLC membership in the hotel?

ATTY KAREN SIMAO: Correct. Capital contributions.

ATTY JAMES RAFFERTY: Not to mention the ownership of the real estate.

Not to be overlooked.

My client owns the property that the hotel was built upon. I wouldn't want to characterize his contribution merely to isolate it to the license.

ATTY KAREN SIMAO: I'm only limiting my comments here as it relates to --

ATTY JAMES RAFFERTY: No, but I share your desire to give some background so I wouldn't say any more. I think it is highly relevant.

CHAIR NICOLE MURATI FERRER: Go ahead.

ATTY KAREN SIMAO: I can only speak, and

without -- you know, there's no confidentiality issues here. Our firm has worked to prepare transfer applications and we were engaged to represent, again, to be clear, the hotel LLC.

We have no individual relationship or retention with individual members or the owners of the real estate.

Our charge was, prepare these applications, which have been in process for a couple of times, including when Attorney St. Germain was here in the fall, the plan was that this was being done in two phases, which was -- the hotel desperately needs to open with rooms for rent and it has always been contemplated and is a critical part of the hotel operation that there be a full-service restaurant, room service, meeting rooms, function space.

That is 100 percent sure the plan as envisioned and continues to be the plan.

Due to what I believe are some underlying disagreements between the partners, there's been a delay in the process of that license transfer. Because, of course, I can't submit for a transfer application without approval from the current licensee.

CHAIR NICOLE MURATI FERRER: Between the LLC partners of the hotel?

ATTY KAREN SIMAO: Of which Mr. Gim is 50 percent owner.

CHAIR NICOLE MURATI FERRER: Not the -- and let me see if I understand this correctly. The Kaya-Ka, Inc., even though there are other beneficial interest holders --

ATTY JAMES RAFFERTY: There are none.

CHAIR NICOLE MURATI FERRER: Let me finish.

-- listed, the only person with a bulk or the -- all the 1,000 shares is Mr. Gim.

ATTY JAMES RAFFERTY: That's correct.

CHAIR NICOLE MURATI FERRER: Okay. So the issue is really between the LLC members of the hotel?

ATTY JAMES RAFFERTY: Correct. Of which there are two.

ACTING FIRE CHIEF GERARD MAHONEY: May I ask for clarification?

You state your firm represents strictly the LLC?

ATTY KAREN SIMAO: Correct.

ACTING FIRE CHIEF GERARD MAHONEY: My understanding this afternoon is that the LLC is comprised of these two gentlemen?

ATTY JAMES RAFFERTY: No.

KEVIN SHEEHAN: Peter Lee is 50 percent owner and Mr. Gim is 50 percent owner. And I also represent Porter Square LLC.

ATTY KAREN SIMAO: He's the director of

operations there, an employee.

ATTY JAMES RAFFERTY: You are an employee at the LLC. I don't think you represent 'em.

KEVIN SHEEHAN: No. Karen represents the LLC. I'm an employee of the LLC.

ATTY JAMES RAFFERTY: It is also through this, Ms. Simao's firm wisely is handling the license issue. And I am handling the license issue for the current licensee.

Perhaps, not surprisingly, Mr. Gim has counsel involving the disputes referred to by Ms. Simao, for which there's separate counsel of the LLC, but that -- I think I would concur with Ms. Simao's recounting of there was a delay.

CHAIR NICOLE MURATI FERRER: What are the disputes?

ATTY JAMES RAFFERTY: Well, the condensed version would center around operational issues and certain financial issues involving the

construction of the hotel.

CHAIR NICOLE MURATI FERRER: Is there supposed to be additional consideration provided to you, Mr. Gim, as a result of this transfer or was this -- this was all squared away, supposedly, or is this part of one of the issues being raised now?

ATTY JAMES RAFFERTY: It is not an issue raised now.

I think the transfer documents will address that, but there's not an expectation on the part of the transferor of additional consideration.

CHAIR NICOLE MURATI FERRER: What is the hold up now, today, as of --

ATTY JAMES RAFFERTY: There's none.

CHAIR NICOLE MURATI FERRER: -- as of 4:42 p.m. for the submission of a transfer application?

ATTY JAMES RAFFERTY: Ms. Simao's had the document for an hour. I don't know why she hasn't managed to file an application at this time.

Since 5:00 last evening there's none, Madam Chair.

We have now executed the document.

I have now been retained by Mr. Gim to work with Ms. Simao to fill out his information with regard to his ownership interest in the LLC and the types of information that Ms. Simao will need to file her transfer application of this license.

ATTY KAREN SIMAO: So the documentation that is being referenced, which was handed to me today, was on our prior attempt to pull this together.

Even though it was no longer required, our office, given some of the conflict, had

suggested it would be in everyone's best interest to have that old transfer petition executed so that it is clear that we are all on the same page.

That was previously circulated, and again, there was the delay due to not having all the information.

This, to show some good faith, is what Attorney Rafferty submitted to me this afternoon and my office will, tomorrow, send over the request to him for the information for the new ABCC beneficial interest forms, so that we can submit to the board.

CHAIR NICOLE MURATI FERRER: And this is the one -- I think this is the one that we got attached to this email from David Palliotti (phonetic) to give to Lee and Gim.

So the relationship is not so fractured that you will continue to be this 50/50

situation?

ATTY JAMES RAFFERTY: That's correct.

And I wanted to state that from Mr. Gim's perspective -- -

CHAIR NICOLE MURATI FERRER: Is it Kim or Gim? Because every document I have says Gim.

ATTY JAMES RAFFERTY: It is spelled with a "G" but it is pronounced as if it were a "K."

CHAIR NICOLE MURATI FERRER: Mr. Gim, I apologize.

MEEHN SU GIM: It doesn't matter Gim or Kim.

CHAIR NICOLE MURATI FERRER: No, it matters. I apologize.

ATTY JAMES RAFFERTY: He's very amenable to being called either, but I asked specifically "What is the pronunciation?" And he said "It's Kim but it's spelled with a 'G.'"

So Mr. Gim, and I pause every time I say

it, because I have to remind myself.

From Mr. Gim's perspective there's nothing about his dispute with Mr. Lee that he believes will prevent the transfer of the license and his continued association with the hotel.

He's optimistic that it is a matter of sorting out -- it is about sharing some information. There have been demands about accountings and wanting to see how money has been spent. Not uncommon financial requests that occur between partners in a business transaction.

But none of that, frankly, is standing in the way. Both -- I have been retained by Mr. Gim to facilitate and assist Attorney Simao in anything she needs to process the transfer.

ATTY KAREN SIMAO: To close out the challenge that we have also had here, and again, we will move in full force to expedite and are hopeful that there would be cooperation in this

respect. However, we, "we" being the Porter Square, and McDermott, Quilty and Miller will be doing a disservice if we ignored the history here.

And what I mean by that is to say, at different times throughout this process, we have said "Well, we'll go and file for a new application" and of course we can't do that when there's a license at this address.

So that has created a different challenge from an operational standpoint. Meaning, we, of course, don't want to go ahead and build-out a full kitchen and not be able to use it because we don't have a license.

So my respectful request, and as I had indicated to Attorney Rafferty before we came in, is that our position on this is we absolutely will cooperate, we'll get the requests to him tomorrow, and are happy to be moving forward with

that transfer process. However, would request that from the statutory licensing perspective, there was a notice for a hearing today of a cancellation hearing that complies under the requirements of the Board of Selectmen of Saugus case at which point the six-month time frame would begin to tick.

What I'm hoping does not happen, and again, with Attorney Rafferty being involved, I'm hopeful this isn't the case, but I would hate for us then, now it's renewal season and there's still nothing open here, we are still having a debate, do we transfer, do we apply for a new license. Wait a minute we can't apply for a new license because one is still there.

CHAIR NICOLE MURATI FERRER: Mr. Gim, do you foresee any issues with this transfer?

MEEHN SU GIM: Can I explain something?
Why the delay and the --

CHAIR NICOLE MURATI FERRER: I'm happy to hear you unless your counsel clobbers you not to speak.

MEEHN SU GIM: Last July hearing when I come here, you ask "Do you have a Kaya liquor license under the hotel?" When hotel construction begin, 2013, or was it 2015, my old Kaya asset including again -- the hotel, the hotel posses all the properties. Only license under the Kaya name, but after -- it means when I come last July you ask here, "Can you use our Kaya liquor license for the Porter House Grill?" You approved it. That's why no problem at all. You could use it. But when I come here, I ask my partner "When you going to complete the building?" We have 50/50. I have in charge, I have restaurant table and chairs and station. He's in charge of kitchen equipment and the fixtures. My responsibilities is all set. Come

everything. Table, chairs, station. Everything all set. When I come here. I'm ready to roll. I said "When you complete that?" "A couple months." "Couple months, okay." That's why I have to come here. Okay, I'm ready for the -- kitchen, kitchen fixture. Maybe you remember or not. Okay, you allowed us. Okay, thanks.

And then time goes. Last year we didn't open it. January, I have to come again, the hearing. So at the time I ask him again "When you gonna open it?" "Okay, you find the share. I open it soon." That's why I come in January. Okay. I come in okay. At the time I'm almost ready to -- beginning of February, I find our share. I'm ready. But turns out kitchen not done yet. And then at the time, Palliotti, he said Palliotti brought email here, email, send to me, certified mail, because you don't give liquor license to hotel, you cannot do any business but

it is not fact. My liquor license I can use it.
Every time inspection is done you can use it
right away. That's why, you know, but now, no
matter what, now I'm ready to transfer the hotel.

ATTY JAMES RAFFERTY: I think what Mr.
Gim is --

CHAIR NICOLE MURATI FERRER: Mr. Gim,
were you represented by counsel when you entered
into the agreement with the hotel?

MEEHN SU GIM: Yes.

CHAIR NICOLE MURATI FERRER: Okay.
You were not his counsel, correct,
Attorney Rafferty?

ATTY JAMES RAFFERTY: No.

CHAIR NICOLE MURATI FERRER: You have
spoken to Mr. Gim? Have you seen the documents
and everything?

ATTY JAMES RAFFERTY: I have seen --

CHAIR NICOLE MURATI FERRER: Is it

crystal clear it was agreed he was to transfer this license to Porter House Hotel?

ATTY JAMES RAFFERTY: Not only is it not crystal clear, the operating agreement to the LLC makes no mention of that fact.

I didn't want to contradict Ms. -- Attorney Simao, but that really is not a matter of dispute, the way that agreement was structured.

What you heard from Mr. Gim was an illustration of the one of the issues. A little chicken and egg situation.

"When are you going to transfer?"

"Well, when are you going to build-out the kitchen?"

Mr. Lee, the other member of the LLC, has a construction company that Mr. Lee built the hotel. So he was paid through his construction company with the proceeds of a construction loan

and as a member of the LLC, the hotel has been delayed in its construction and expenses and --

CHAIR NICOLE MURATI FERRER: And Mr. Gim has been paid because of the lease and he's the owner of the real estate and everybody makes money. Fantastic.

I guess my question is, my question is, the only hold up that I can see, is if Mr. Gim does not agree that he signed some kind of agreement saying that he was going to transfer this license into the hotel LLC, which he would be 50 percent, he would now be just 50 percent owner.

ATTY JAMES RAFFERTY: He doesn't dispute that -- the fact that the transfer. He has willingly signed the transfer petition. He is representing to the Commission and me that he will execute the other background forms needed to complete the transfer application, and he's

prepared and willing to do that.

CHAIR NICOLE MURATI FERRER: You know, we have terminals that we installed so people can fill out their applications on-line. You could go upstairs right after this and fill out your personal information form and your CORI form today.

ATTY JAMES RAFFERTY: Well, I mean, I think -- I don't want to speak to Attorney Simao.

I would think there would be some benefit to getting that information gathered in a more orderly fashion.

I would say if we wanted to set a commitment for the end of the week, it would seem to me -- we can certainly provide our information, I would think, by that time.

CHAIR NICOLE MURATI FERRER: That's what I'm worried about because it seems like -- I understand what Mr. Gim is saying and some

internal disputes, but in theory, no transfer application can be filed until Mr. Gim -- I mean, he needs to be signing the papers before anyone else.

ATTY JAMES RAFFERTY: Well he signed the petition, right?

ATTY KAREN SIMAO: Our -- we, again, just to -- and I don't want to -- I'm not a litigator and I'm not representing the disputes at hand.

Mr. Sheehan can certainly clarify the other side of comments that were made by Mr. Gim on the record should the board want to hear those things, but what is being stated on the record is not -- I want to be clear that we would object to the veracity, or at least the opinion, the other side of much of that, which, again, I'm not involved in.

And I would also be very respectful saying that I have seen different documents about

the transfer of the license absolutely being part of the transaction and I know, Attorney Rafferty was recently retained, may not have the whole package. Again, may not impact from a licensing perspective, but for the issue that the Chair has raised, which is, you know, this is the potential hold-up in the transfer, and to be very frank, something we are concerned about because we have been down this road now a couple times with different counsel and we weren't able to get there.

So if we are able to get there, as I said, our office will send to Attorney Rafferty what we need from Mr. Gim tomorrow. If he can have it back to us by Friday, we will have this filed the beginning of next week at the latest to move it forward.

However, our concern is again making sure -- of course operating within the law, that we

would like to see the board take whatever action it needs to take to start that six-month timeline so that we don't find ourselves again in this position, and I sincerely hope we don't.

CHAIR NICOLE MURATI FERRER: The legal disputes or the disputes that are going, are these disputes that are now -- is there a case, or is there just dispute and people are being represented? There's no civil matter here?

KEVIN SHEEHAN: It's not in front of the courts.

ATTY KAREN SIMAO: No complaint has been filed.

CHAIR NICOLE MURATI FERRER: No injunction that's going to be filed?

ATTY KAREN SIMAO: That we know of. Today, there is not.

KEVIN SHEEHAN: Not as of today.

ATTY JAMES RAFFERTY: Madam Chair, with

all due respect, the one thing that there's consensus on, even with my limited history in the case, there are disputes, and there are disputes between two partners that have a 50 percent interest in a business.

And one of the --

CHAIR NICOLE MURATI FERRER: Which is why there should be 51 and 49.

ATTY JAMES RAFFERTY: Well, you know, there's a lot of wisdom.

CHAIR NICOLE MURATI FERRER: I just want to make sure there's not a court right now involved because I'm not getting the full picture and I understand that these disputes may --

ATTY KAREN SIMAO: Today there's no complaint that I'm aware of that has been filed and there's no injunction or other --

CHAIR NICOLE MURATI FERRER: And I think my fellow Commissioner had a question.

ATTY JAMES RAFFERTY: And there is no reluctance on the part of Mr. Gim to proceed with the transfer.

There was a concern, which was voiced earlier, that Mr. Lee had not built-out the kitchen and he had not done his end of the bargain.

That was Mr. Gim's position for many months.

Notwithstanding the equipment being in the kitchen, Mr. Kim no longer is allowing that issue to be an impediment from his cooperating in the transfer of the license.

So that can be litigated and found out who is responsible for the equipment, but that issue, while unresolved, is no longer an issue being relied upon by Mr. Gim not to go forward with the transfer, so --

ATTY KAREN SIMAO: And we appreciate

that, and hope that that's, in part, some of the result of Attorney Rafferty's wisdom because as this board well knows, in 99.9 percent of the cases, people come to the board before investing in the build-out whether it is hotel or restaurant or anything else, knowing that they have secured a license for the location and that was the position here as well.

ACTING FIRE CHIEF GERARD MAHONEY: The hotel is open?

KEVIN SHEEHAN: Yes.

ACTING FIRE CHIEF GERARD MAHONEY: Is there currently food and beverage service?

KEVIN SHEEHAN: No.

ACTING FIRE CHIEF GERARD MAHONEY: None?

KEVIN SHEEHAN: None.

ACTING FIRE CHIEF GERARD MAHONEY: What is the status of the kitchen?

KEVIN SHEEHAN: The kitchen is empty.

ACTING FIRE CHIEF GERARD MAHONEY: Empty?
There's no equipment?

KEVIN SHEEHAN: There's no equipment.
There's nothing. The plans have been drawn up
and we are awaiting approval of an all premise
license because, as of this point, if we use just
the Kaya-Ka license, we cannot serve alcohol
anywhere in the restaurant.

ATTY KAREN SIMAO: And we can't use the
Kaya-Ka license because it is not in the Porter
Square entity name.

ACTING FIRE CHIEF GERARD MAHONEY: If you
got today everything you needed, what is the
timeline for completion of the build-out for the
kitchen to be ready?

KEVIN SHEEHAN: That I would have to talk
to Peter about to find out what the timeline is.

ACTING FIRE CHIEF GERARD MAHONEY: I mean
has a contractor been retained?

KEVIN SHEEHAN: Mr. Lee is a contractor.

ACTING FIRE CHIEF GERARD MAHONEY:

Architect drawings are ready to go?

KEVIN SHEEHAN: Everything is done. I even hired a chef.

ATTY KAREN SIMAO: We had a chef hired for the space and we lost the chef.

CHAIR NICOLE MURATI FERRER: One of the concerns, and since you seem to have the transcript right in front of you, we had raised in the hearing was that a hotel has to have food for its guests.

KEVIN SHEEHAN: Yes.

CHAIR NICOLE MURATI FERRER: So whether it is a vending machine or some stuff, you need to have food for your guests under Chapter 140.

I don't know exactly how that's going to be resolved.

ATTY KAREN SIMAO: We'll look into that.

CHAIR NICOLE MURATI FERRER: Because even though this -- even if you get to file this application, the build-out is one thing but --

ATTY KAREN SIMAO: And at the initial application again, it was at that point represented in good faith that we believed that the transfer application was imminently being filed at that time.

CHAIR NICOLE MURATI FERRER: And Mr. Lee's a contractor and you know, summer months are coming, so this needs to be a priority.

ACTING FIRE CHIEF GERARD MAHONEY: Is Mr. Lee also --

ATTY KAREN SIMAO: Since it was approved, it is absolutely a priority.

ACTING FIRE CHIEF GERARD MAHONEY: Is he building a building at the corner of Mass. Ave and Upland Road.

ATTY JAMES RAFFERTY: He's constructing

another hotel there.

It is another source of dispute between his partner and this hotel to learn that his partner is building a competing hotel 50 yards away.

ACTING FIRE CHIEF GERARD MAHONEY: Are you currently -- Mr. Gim, can you currently be involved with the operation of this hotel at 1924 Mass Ave?

MEEHN SU GIM: I am. My position is businessman too, and then my partner is (unintelligible speech). She has the right -- combined it, so --

ACTING FIRE CHIEF GERARD MAHONEY: Are you involved in the day-to-day operations of the hotel?

MEEHN SU GIM: Yes.

ACTING FIRE CHIEF GERARD MAHONEY: Thank you.

MEEHN SU GIM: But we hired company.

ATTY KAREN SIMAO: I think Mr. Sheehan, would like to say something.

KEVIN SHEEHAN: We have -- Ms. Lint has documents on file regarding all the operational -- the most recent operational agreements between the partners.

David Palliotti (phonetic) is a partner.

CHAIR NICOLE MURATI FERRER: Anything else?

ATTY JAMES RAFFERTY: No.

ACTING FIRE CHIEF GERARD MAHONEY: I have nothing further.

CHAIR NICOLE MURATI FERRER: This is what I propose: I would propose having a cancellation hearing for nonuse in three months.

I would also propose that by the end of next week, we have something from the Porter House, LLC with regard to how they are going to

comply with General Law Chapter 140 until such time as this application goes through.

ACTING FIRE CHIEF GERARD MAHONEY: I would agree.

CHAIR NICOLE MURATI FERRER: Thank you.

MICHAEL BRANDON: Can the public address you?

CHAIR NICOLE MURATI FERRER: Yes, sir.

MICHAEL BRANDON: Shall I come up?

CHAIR NICOLE MURATI FERRER: Yes. Please.

Please state and spell your name for the record.

MICHAEL BRANDON: My name is Michael Brandon B-R-A-N-D-O-N. And my address is 27, 7 Pines Avenue.

I'm the clerk for the North Cambridge Stabilization Committee, which has been involved in the redevelopment of Kaya-Ka into the hotel

going back at least a decade.

And there have been controversy and disputes all along the way having to do with the original architect.

They are seeking a bunch of zoning variances that were denied, changing through the City Council the zoning to allow this hotel to be constructed partly in a residential zone behind the Mass. Ave portion of the property.

Lawsuits between Mr. Gim and the architect over nonpayment of fees.

The history is very complicated, much more complicated than the brief background that you've heard.

I believe Mr. Gim initially -- or Mr. Lee initially provided mortgages to Mr. Gim when he fell into arrears on taxes.

ATTY JAMES RAFFERTY: Excuse me. Madam Chair, is there a relevance requirement to the

public testimony?

There's all types of assertions being made here that are going to compel me to respond or at least acknowledge that the Commission doesn't accept on face value what is being stated about the business relationship between the parties.

MICHAEL BRANDON: I would appreciate a chance to finish.

CHAIR NICOLE MURATI FERRER: Let's have him finish and then I'll give you an opportunity to speak.

MICHAEL BRANDON: Certainly if the Commissioners don't want me to go into such detail, that's fine and I would agree some of this is old news but it is just responding to the sense that you have been given, that, yeah, there's a past history here.

And I basically wanted to -- one thing is

to correct an email I sent earlier that referred to the Shalimar license that apparently will be transferred being --

CHAIR NICOLE MURATI FERRER: Let's just limit it to this hearing.

MICHAEL BRANDON: The point is, in your agenda the Shalimar address was what's listed on your agenda, so I wasn't sure whether you would be hearing this today.

CHAIR NICOLE MURATI FERRER: No.

So we're here -- this particular hearing is about the Kaya-Ka, Inc. at 1924 Mass Ave.

MICHAEL BRANDON: And I haven't had a chance to review the file, but my recollection is, is that at one point after the Kaya-Ka restaurant closed and stopped being operated, at one point along the way, Mr. Gim, through his attorney, Mr. Panico, indicated that the license would be transferred to 1868 Mass Ave, a hotel at

the corner of Upland and Mr. Lee is building, that's questionable whether that was ever really intended, but he was granted probably a six-month extension then.

. Others have been granted along the way because there was no premises at 1924 Mass Ave because the building was under construction.

I guess what I would suggest is that you not -- from what was just said, it sounds like there would be a six-month period before the license could be cancelled, before the board could cancel it.

I would urge you to decide to in order to fulfill the public need for a license at this premises, which is probably greater now because there's a hotel there, in view of the long delay, you know, at least three years that it hasn't been exercised, in terms of protecting the public good, which is the other criterion, that I

believe the board needs to consider is that it would not be in the public good to continue this ongoing lack of exercise of the license.

CHAIR NICOLE MURATI FERRER: Thank you.

MICHAEL BRANDON: Because there's going to continue to be disputes.

The garden, the public garden, that was to be installed as an amenity to the public, the patio seating none of that has been done.

So, yes, the rooms are open but it is not serving the public in the way that it was intended when the city permitted this project, and I think you know if you just say "no, you haven't exercised the license, it is cancelled," that would give the opportunity for the hotel, the LLC, to apply for a license and presumably that would be for the whole thing.

As I understand it, and I know the laws have changed, and I'm winding up, but Mr. Gim's

license is a CV license, all alcohol pouring license, and even if that's transferred, presumably it would have to be amended or changed to a general premises license or an innkeeper license and you would know much better, Madam Chair.

CHAIR NICOLE MURATI FERRER: I think we understand your position. Thank you.

MICHAEL BRANDON: That's the point. I'm sorry for going on.

CHAIR NICOLE MURATI FERRER: No problem. Thank you.

Well, I think our vote is clear. We will have a cancellation for nonuse in three months unless the transfer application is filed before then and we expect a letter from the hotel by next Friday.

ATTY KAREN SIMAO: And filed and approved by the ABCC before then as well this board?

CHAIR NICOLE MURATI FERRER: The
cancellation hearing?

ATTY KAREN SIMAO: No. We want to make
sure to your question that -- we want to make
sure that we get a -- a final approval, ABCC
approval. So, as you know, sometimes in
disputes, at some point in the future injunctions
could be filed, I would like to keep the hearing
on the record with the board even --

CHAIR NICOLE MURATI FERRER: I see.

ATTY KAREN SIMAO: --even after we have
our initial meeting, if I can impose? I
apologize. I just wanted to --

CHAIR NICOLE MURATI FERRER: The ABCC is
taking four to eight weeks, so if you file it
soon, we won't need it.

ATTY KAREN SIMAO: I'm confident that it
won't get done.

ATTY JAMES RAFFERTY: The inactive

license is extended until December. The building only opened in October, so --

CHAIR NICOLE MURATI FERRER: I understand.

ATTY JAMES RAFFERTY: So what we're talking about here now is he's five months, a little more than five months behind the time he was given.

There's been a history and a little bit of an exchange.

We're gonna move forward now. It feels a bit punitive for my sister to continually talking about keeping this over.

I think the Commission's approach is a sound one here. We'll get the transfer filed. If we do everything that's required of us and it takes longer at the ABCC than anyone anticipated for what reason, including the financial status and tax status of Porter Square Hotel LLC, my

client --

CHAIR NICOLE MURATI FERRER: Well, do not tell me that one of the issues we're gonna deal with is DOR clearances?

ATTY JAMES RAFFERTY: I have no idea. I don't present Porter Square Hotel, LLC.

ATTY KAREN SIMAO: You represent the licensee, which is the entity responsible for their DOR and DUA clearances, and with respect to my brother, the delay of the construction did not need to delay the transfer.

CHAIR NICOLE MURATI FERRER: In three months we will have a cancellation hearing for nonuse.

ATTY JAMES RAFFERTY: Nothing personal. I hope not to be here at that time.

ATTY KAREN SIMAO: We can all agree to that.

CHAIR NICOLE MURATI FERRER: Yes. Thank

you .

CANCELLATION: UNO'S RESTAURANTS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Uno's Restaurants, LLC, holder of a common victualler all alcohol license at 22 JFK Street pursuant to Massachusetts General Law Chapter 138, Section 77 and Massachusetts General Law Chapter 140, Section 9 for nonuse of said licenses.

ATTY GEORGE HERZ: Good afternoon.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

ATTY GEORGE HERZ: George Herz, H-E-R-Z. I'm senior vice president and general counsel of Uno's Restaurant LLC.

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

So last time -- the last information that I had received was that there had been some kind of preliminary agreement reached but we haven't seen a transfer.

ATTY GEORGE HERZ: No, we were not able to at this point consummate the sale of a license.

However, since then, since I appeared before Madam Chair last time, which was, I believe, in late October, we had renewed the license and paid the fee, and the licensee is in a dispute with the landlord, which has not been settled.

Potential final resolutions of any settlement may include the replacement of our restaurant, which, you know, operated there for approximately 36 years, I believe, with another tenant requiring a license and/or a possibility of even the licensee having to reopen at the

premises.

CHAIR NICOLE MURATI FERRER: Okay.

ACTING FIRE CHIEF GERARD MAHONEY: Who is the landlord?

ATTY GEORGE HERZ: The actual name is Allayre, Inc. I may have them.

CHAIR NICOLE MURATI FERRER: I'm sure I have it somewhere here in the --

ATTY GEORGE HERZ: I think it is A-L -- A-L-L-A-Y-R-E, I believe. The spelling is suspect.

CHAIR NICOLE MURATI FERRER: So this is still ongoing with the landlord?

ATTY GEORGE HERZ: Yes. And I was speaking to -- we were represented by outside counsel in that matter, and what I would propose is, or suggest, that since the license has been paid, the renewal goes to the 31st, that we see if resolution can be completed with the landlord

prior to that date.

CHAIR NICOLE MURATI FERRER: Okay.

We just had an informational hearing, which is when you last appeared and then this would be the first hearing after that, correct?

ATTY GEORGE HERZ: Correct.

CHAIR NICOLE MURATI FERRER: So I would propose a six month -- we'll have a cancellation hearing for nonuse in six months.

ATTY GEORGE HERZ: Thank you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY GEORGE HERZ: Have a pleasant evening.

ACTING FIRE CHIEF GERARD MAHONEY: Thank you. You too.

GUGGY, LLC

D/B/A STUDIO MANTRA

CHAIR NICOLE MURATI FERRER: Guggy or Shalimar here? Dosa Factory?

ATTY JAMES RAFFERTY: They are not here, we don't believe, so may I approach?

CHAIR NICOLE MURATI FERRER: Which one are you talking to me about, Studio Mantra or --

ATTY JAMES RAFFERTY: The one he has a pledge on.

CHAIR NICOLE MURATI FERRER: Or Dosa Factory?

ATTY JAMES RAFFERTY: Dosa Factory. Shalimar, is that the one?

DONALD HOLLAND: Guggy.

EXECUTIVE DIRECTOR ELIZABETH LINT: Guggy LLC.

CHAIR NICOLE MURATI FERRER: Guggy, that's Studio Mantra. I called both.

ATTY JAMES RAFFERTY: So this is Donald Holland, F&B Restaurant. He was the long-time

holder of the license and he transferred the license to this entity.

He has a pledge approved by the commission acting as a security interest on a promissory note.

He has begun an action based on a default on the note, so his interest is that -- that asset is all he has left.

It was a significantly leveraged sale, so he's asking the Commission to withhold any action on the revocation until he can obtain the judicial order allowing him to seek an involuntary transfer of the license under his pledge.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

I want to take it under advisement.

Because I think it is odd they didn't show up for these two hearings and so I want to

confirm that they received notice, but I will certainly keep that in my notes.

ATTY JAMES RAFFERTY: I thought the earlier case was with the gentleman here, Attorney Schaff.

DONALD HOLLAND: Shalimar, that wasn't me.

ATTY JAMES RAFFERTY: I thought that was it. I was mistaken.

CHAIR NICOLE MURATI FERRER: Thank you.

ADMINISTRATIVE MATTERS

FROZEN HOAGIES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Frozen Hoagies, holder of license number PED 10058, has notified the License Commission that they are no longer vending in Cambridge.

CHAIR NICOLE MURATI FERRER: Board acknowledges, license will be cancelled.

TORETA CAR SERVICE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Toreta Car Service, holder of license number LLS10005 has notified the License Commission that they are no longer in business.

Board acknowledges, license cancelled.

GREAT EASTERN TRADING CO.

CHAIR NICOLE MURATI FERRER: Great

Eastern Trading company, 49 River Street, is asking to change an officer from Marlene Clauss to Nephtalien McCrory.

I think this is the flammables license.

Although, I can't really tell.

ACTING FIRE CHIEF GERARD MAHONEY: That's

adjacent to, I think it is, it is adjacent to Enterprise Rent-a-Car.

CHAIR NICOLE MURATI FERRER: That's a

flammables then.

Granted.

FLYING TOAD, INC.

CHAIR NICOLE MURATI FERRER: Flying Toad, Inc., holder of license number ACH01704 and ENT00344, has applied for a one-day extension to their existing license on June 11, 2017 from 12 p.m. until 6 p.m. in their parking lot for their annual Backyard Brew BBQ.

EXECUTIVE DIRECTOR ELIZABETH LINT: You were waiting for the floor plan. That's attached.

CHAIR NICOLE MURATI FERRER: Okay. Vote to grant.

APPLICATION: SUNSET CAFE RESTAURANT

D/B/A SUNSET CAFE

CHAIR NICOLE MURATI FERRER: Sunset Cafe they submitted a lease today but at 2:40 p.m. so

I haven't reviewed it so I'm going to ask to defer that unless the Commissioner wants to vote on that.

I would like to defer until we review the lease since there were issues with the lease originally.

EXECUTIVE DIRECTOR ELIZABETH LINT: The applicant is actually here.

SONIA CUNHA: I thought everything was submitted to you.

CHAIR NICOLE MURATI FERRER: Submitted to us at 2:40 p.m. today, so, quite frankly, I did not have time to review it and there were so many --

EXECUTIVE DIRECTOR ELIZABETH LINT: She submitted it yesterday but we were at a conference yesterday, so we were not able to see it until today.

CHAIR NICOLE MURATI FERRER: I didn't

receive it until 2:40 today.

I have not reviewed it and there were major issues with the lease.

SONIA CUNHA: We are due to open the 12th because I have been told all through this time that everything was all set and we would be able to open the 12th.

ACTING FIRE CHIEF GERARD MAHONEY: Hold on.

THE REPORTER: Would you kindly identify yourself for the record?

SONIA CUNHA: Sonia Cunha, S-O-N-I-A C-U-N-H-A.

CHAIR NICOLE MURATI FERRER: Let's take a 15-minute break while we review the lease.

(Short Recess Taken)

CHAIR NICOLE MURATI FERRER: There had been an issue with the way that the -- let's see. Three months.

EXECUTIVE DIRECTOR ELIZABETH LINT: 17B
was one of the paragraphs.

CHAIR NICOLE MURATI FERRER: The lease
terminates, it says it had to go back, so the
extra, the addendum, is no longer a part of it?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is
no longer part of it.

CHAIR NICOLE MURATI FERRER: Is that what
she said?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Do you have
an email that actually says that?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: Then, I'm
sorry, maybe they just didn't submit the last two
pages we had issues with.

ACTING FIRE CHIEF GERARD MAHONEY: That
letter is from this woman or from her counsel?

CHAIR NICOLE MURATI FERRER: I mean, from

her counsel. I mean, we'll ask her when she comes back but --

ACTING FIRE CHIEF GERARD MAHONEY: That's the woman attorney that was here two weeks ago.

EXECUTIVE DIRECTOR ELIZABETH LINT: Caroline Conway, yeah. Hang on. I'll pull up the email.

Paragraph 17B has been amended to acknowledge --

CHAIR NICOLE MURATI FERRER: Hold on.

Let me look through these first.

So in the original lease in paragraph 15, the surrender of the license had an additional paragraph saying that the license and everything reverts back to the lessor, so that's gone.

Then 17A that they need to get the license but the issue of getting -- that it was contingent upon the liquor license is gone. No. It's still here.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's still there.

CHAIR NICOLE MURATI FERRER: But it is an all alcohol, which they changed.

But it is just in terms of the lessee. It gives the lessee an out if they can't get the license. Reverts back to the City of Cambridge.

Do you mind coming up?

Right there. Thank you. And you are Sonia Manuela Cunha?

SONIA CUNHA: Yes.

CHAIR NICOLE MURATI FERRER: Ms. Cunha, do you have a stock pledge agreement?

SONIA CUNHA: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: That was also removed.

CHAIR NICOLE MURATI FERRER: No, it was not.

"No. 22 lessee's obligations hereunder

secured by a stock pledge agreement of even date."

EXECUTIVE DIRECTOR ELIZABETH LINT: So what the email says in reference -- so she referred to the line of credit was deleted as it is personal loan.

CHAIR NICOLE MURATI FERRER: Which one do you want to see?

ACTING FIRE CHIEF GERARD MAHONEY: Whatever you want to give me.

CHAIR NICOLE MURATI FERRER: This is the most recent one.

SONIA CUNHA: Explain to me what the stock pledge means.

CHAIR NICOLE MURATI FERRER: I don't know because I don't see it. Have you seen that document?

SONIA CUNHA: I read this document up on the top. I thought this was a normal thing

because Mr. Pereria is helping us open up the restaurant but only as a --

ACTING FIRE CHIEF GERARD MAHONEY: He's the landlord?

SONIA CUNHA: He's the landlord and he's financing because his mother-in-law and wife want to see the place up and running again.

He has no business in my business. I have nothing to do with what is going on with the building.

He's just strictly my landlord and the person that helped us finance all the remodeling that we have done and all the equipment we put in there and things like that.

CHAIR NICOLE MURATI FERRER: I mean, this document is giving him a power of attorney to effectuate the liquor license transfer.

SONIA CUNHA: That's been taken out, correct, of the newer one?

CHAIR NICOLE MURATI FERRER: So this doesn't belong in the new one, that's what I want to ask you.

SONIA CUNHA: No.

CHAIR NICOLE MURATI FERRER: This doesn't belong there?

SONIA CUNHA: No. I have the newer one on my --

CHAIR NICOLE MURATI FERRER: It is not.

SONIA CUNHA: No.

CHAIR NICOLE MURATI FERRER: This was attached to the old one and I didn't know that it was removed.

SONIA CUNHA: It was removed completely.

The newer one is the one you received yesterday or two days ago, whatever it was. So it has been removed completely. I'm sorry.

CHAIR NICOLE MURATI FERRER: Okay. No, no, that's --

SONIA CUNHA: That's the reason you were asking.

So as of right now if anything happens, the license goes back to the City of Cambridge and Mr. Pereria has no control over that.

We have been trying to comply with everything that the City of Cambridge has asked to change. Actually, we have been behind schedule two weeks now since -- because we were supposed to open this week and we have been delayed for another week.

ACTING FIRE CHIEF GERARD MAHONEY:
Everything else with the city is in order, inspections and so forth?

SONIA CUNHA: I actually had the sanitary inspector go there today and I had to tell her to come by tomorrow. There was no way I would be there because I had to be here at 3:00. She was coming back tomorrow to look at everything.

CHAIR NICOLE MURATI FERRER: I'm sorry, Ms. Lint, you were going to say something from the email. Go ahead.

EXECUTIVE DIRECTOR ELIZABETH LINT: "Find the final executed lease. Paragraph 17B has been amended to acknowledge that the license reverts to the City of Cambridge and the reference to the line of credit has been deleted as it is a personal loan to Ms. Cunha and her husband."

CHAIR NICOLE MURATI FERRER: Because there's no pledge as of right now?

SONIA CUNHA: Correct.

CHAIR NICOLE MURATI FERRER: Ms. Cunha, if you don't mind coming here.

So this is the document that you told me that's been removed?

SONIA CUNHA: Yes.

CHAIR NICOLE MURATI FERRER: I put per Ms. Cunha this has been removed and is no longer

in effect and I put my initials and can you please initial it as well.

SONIA CUNHA: Sure can. (Complying.)

CHAIR NICOLE MURATI FERRER: And date it.

SONIA CUNHA: Sure. (Complying.)

CHAIR NICOLE MURATI FERRER: Thank you.

SONIA CUNHA: Sorry.

CHAIR NICOLE MURATI FERRER: That's okay.

Now, with that, I have no issues with the lease in its current form and I note that everything else is in order, so I would vote to grant.

ACTING FIRE CHIEF GERARD MAHONEY:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

SONIA CUNHA: Thank you.

ACTING FIRE CHIEF GERARD MAHONEY: Best of luck.

MALT & WINE LICENSES WITH OR WITHOUT ENTERTAINMENT

EXECUTIVE DIRECTOR ELIZABETH LINT: Malt
and wine licenses with or without entertainment.

CHERAYNA COLLINS

EXECUTIVE DIRECTOR ELIZABETH LINT:
Cherayna Collins on behalf of Zimmer Etex has
applied for a malt and wine, University Park
Quadrangle, 38 Sidney, July 21 from 1:30 to 4
for a luncheon with 60 expected.

CHAIR NICOLE MURATI FERRER: Granted.

SCOTT FRASER

EXECUTIVE DIRECTOR ELIZABETH LINT: Scott
Fraser, malt and entertainment license at 1151
Mass Ave, June 10 from 12 to 6 for an outdoor
festival with patrons, performers, entertainers,
dancing, amplification music. 20,000 expected.

CHAIR NICOLE MURATI FERRER: Where is

1151 Mass Ave?

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that the Baptist Church?

ACTING FIRE CHIEF GERARD MAHONEY: What number?

CHAIR NICOLE MURATI FERRER: 1151 Mass Ave.

ACTING FIRE CHIEF GERARD MAHONEY: Mass Ave behind Harvard.

CHAIR NICOLE MURATI FERRER: That's not public property, that area?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah, it is.

CHAIR NICOLE MURATI FERRER: Did this go through Special Events.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

CHAIR NICOLE MURATI FERRER: I don't see it there.

ACTING FIRE CHIEF GERARD MAHONEY: 1151?

EXECUTIVE DIRECTOR ELIZABETH LINT: 1151.

It is the Jose Mateo Dance Company.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben
Pertler at 100 Main Street, June 19 from -- okay,
so there are two events, one 5:30 to 6:30 and one
from 6:30 to 9, same location.

CHAIR NICOLE MURATI FERRER: Granted as
to both.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben
Pertler, June 22 from 6:30 to 9 for a reception
with 25 expected.

CHAIR NICOLE MURATI FERRER: Granted.

MEREDITH SANDIFORD (WORKBAR)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Meredith Sandiford at Workbar, 45 Prospect Street, July 19 from 5 to 9, panel discussion and networking.

CHAIR NICOLE MURATI FERRER: As

requested, I'm going to grant it and if alcohol served, in compliance with happy hour regs.

PAUL PARRAVANO (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Paul

Parravano, MIT Morss Hall, 142 Memorial Drive, June 15, 5:30 to 9:30 for a fundraiser for 250.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

SARAH MURPHY (WORKBAR)

EXECUTIVE DIRECTOR ELIZABETH LINT: Sarah

Murphy, Workbar, 45 Prospect Street, June 14 from

5 to 10 for a networking panel event.

CHAIR NICOLE MURATI FERRER: Denied as requested. Granted only if alcohol is served in compliance.

ARLYN DEPAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter, MIT Barker Reading Room, 222 Memorial Drive, June 9 from 1:30 to 3:30 a post commencement luncheon for 100.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler, 100 Main Street, June 12 from 5 to 7 for a reception with 59 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ERIKA GAUTHIER (NOVARTIS)

EXECUTIVE DIRECTOR ELIZABETH LINT: Erika Gauthier at Novartis of 181 Mass. Ave, June 15 from 4 to 5:30 for a reception.

CHAIR NICOLE MURATI FERRER: Granted.

ENTERTAINMENT LICENSES ONLY

SARAH RUND

EXECUTIVE DIRECTOR ELIZABETH LINT: Sarah Rund -- these are just entertainment licenses -- live music and dancing event at West Cambridge Youth Center, 680 Huron Avenue, August 4 through 6 from 6:30 p.m. to 12 a.m. -- August 4 through August 6. I'm sorry. With amplified music and dancing for 200.

CHAIR NICOLE MURATI FERRER: Granted.

MICHAEL MONESTIME

EXECUTIVE DIRECTOR ELIZABETH LINT: Michael Monestime for a market at parking lot at

95 Prospect Street on June 25 from 11 a.m. to 5 p.m. with an amplified music system, 3,000.

CHAIR NICOLE MURATI FERRER: Oh, it is a street fair. Okay. Granted police detail required.

ANDREA CAMPBELL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Andrea Campbell, MIT, Kresge Auditorium, 48 Mass Ave, June 17 from 6 to 10 p.m. with recorded or live music for 400.

CHAIR NICOLE MURATI FERRER: Granted.

CONSUELO ISAACSON

EXECUTIVE DIRECTOR ELIZABETH LINT:

Consuelo Isaacson has applied for a reception/fundraiser, 81 Washington Ave on June 11 from 4 to 7 with recorded or live music for 100.

CHAIR NICOLE MURATI FERRER: Granted.

ROBERT COLANTONI

EXECUTIVE DIRECTOR ELIZABETH LINT:

Robert Colantoni has applied for a fundraiser at Museum of Science garage rooftop, One Science Park on July 4 from 4 to 12 a.m. with recorded or live music for 1,500. That's their annual 4th of July celebration.

CHAIR NICOLE MURATI FERRER: Granted.

VENDORS

SARAH SPINELLA

EXECUTIVE DIRECTOR ELIZABETH LINT: Sarah

Spinella has applied for a vendor's license to sell t-shirts, hoodies and stickers at Sanders Theatre, 45 Quincy Street from 1 p.m. to 5 p.m. She did not put the date.

CHAIR NICOLE MURATI FERRER: Granted.

LATE SUBMISSIONS

EXECUTIVE DIRECTOR ELIZABETH LINT: Late submissions.

JASON ANTHONY CORP

EXECUTIVE DIRECTOR ELIZABETH LINT: Jason Anthony Corporation has applied for a special noise variance to be exercised on June 7 from 11 p.m. until June 8 at 6 a.m. at 44 Brattle Street for installation of a new valve on the city water main which involves the use of saws and equipment after hours.

CHAIR NICOLE MURATI FERRER: Granted.

JEFFREY WEINGAST

EXECUTIVE DIRECTOR ELIZABETH LINT: Jeffrey Weingast owner of Emma's Pizza is requesting a waiver of payment of his second half license fee as they have been closed since

December and this presents a financial hardship.

ACTING FIRE CHIEF GERARD MAHONEY: What pizza?

EXECUTIVE DIRECTOR ELIZABETH LINT: Emma's.

CHAIR NICOLE MURATI FERRER: I don't know that we do this for anyone.

ACTING FIRE CHIEF GERARD MAHONEY: Why are they -- why are they closed? Because of lack of business? Are they selling the business?

EXECUTIVE DIRECTOR ELIZABETH LINT: He's hoping to sell his license but hasn't had an opportunity. I think it was a lease issue.

CHAIR NICOLE MURATI FERRER: I would vote to reject this.

ACTING FIRE CHIEF GERARD MAHONEY: Yeah, I would.

CHAIR NICOLE MURATI FERRER: Rejected.

CARRIE SEARES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Carrie Seares has applied for a one-day
entertainment license to be exercised on June 17
from 4 to midnight at 388 Norfolk Street for a
private party with amplified music for 75 people.

CHAIR NICOLE MURATI FERRER: Which one
are you talking about?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Carrie Seares.

CHAIR NICOLE MURATI FERRER: Okay.

Granted.

SAINTS CONSTANTINE AND HELEN CHURCH

EXECUTIVE DIRECTOR ELIZABETH LINT:

Saints Constantine and Helen Church have applied
for a one-day wine and malt license and
entertainment license on June 16 --

CHAIR NICOLE MURATI FERRER: You know

what, stop. They are not in order and I'm gonna go crazy. I'm gonna say you find them and you mark them off.

MOLLY CANYES (MIT)

CHAIR NICOLE MURATI FERRER: Molly Canyes for MIT is applying for a malt and wine license on June 9 from 10:30 p.m. to 12:30 a.m. for 100 people.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's one of the MITs.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail.

MOLLY CAYNES (MIT)

CHAIR NICOLE MURATI FERRER: The same woman, also for MIT, for a malt and wine license for June 9, 10:30 to 12:30. This is at 75 Amherst Street. The other one was 222 Memorial

Drive. For 150 people. Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Detail?

CHAIR NICOLE MURATI FERRER: No. The MIT didn't request one there.

ERIC THEORIOUS

CHAIR NICOLE MURATI FERRER: Eric Theorious (phonetic) from Saints Constantine and Helen Greek Orthodox Church has applied for a wine and malt license and entertainment license for patrons dancing, recorded and live music and amplification system for June 16, 17, and 18 for the Greek Festival. June 16 and 17 from 11 a.m. to 11 p.m. and June 18 from 11 a.m. to 9 p.m. 400 people expected.

Granted. Police detail required.

B. GOOD

CHAIR NICOLE MURATI FERRER: Aubrey Giararoso (phonetic) from B. Good is asking for an entertainment -- a one-time entertainment license for recorded live music for their grand opening for June 13 from 11:30 a.m. to 1:30 p.m and 5:30 to 7:30 just, recorded live music. Granted.

ANDREA SAVISKY

CHAIR NICOLE MURATI FERRER: Andrea Savisky from the Arthritis Foundation is asking for an entertainment license for their walk on June 10 from 9 a.m. to noon for recorded live music and amplification system.

EXECUTIVE DIRECTOR ELIZABETH LINT: That went through Special Events. That's at Canal Park.

CHAIR NICOLE MURATI FERRER: Granted.

STEVE KURLAND

CHAIR NICOLE MURATI FERRER: Steve

Kurland from Zavoo is asking for a one-time live music, entertainment license, patrons dancing, performer, amplification system on June 14 with a rain date of June 21. It says on their patio. The hours 4 p.m. to 9 p.m.

Granted.

Where are you at?

EXECUTIVE DIRECTOR ELIZABETH LINT:

UpperWest.

UPPERWEST

CHAIR NICOLE MURATI FERRER: UpperWest

has requested that they -- a temporary waiver of the payment of the half alcohol fee, the remainder of the fee, so that they can address it with the City Manager's office. Again, I would vote to reject this, as we did with the other

one. Rejected. Denied.

AMERICAN REPERTORY THEATER

EXECUTIVE DIRECTOR ELIZABETH LINT: Then you have American Rep. One-day all alcohol license, June 12, 4:30 to 6:30 for a company gathering for up to 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

HARVARD SQUARE BUSINESS ASSOCIATION

EXECUTIVE DIRECTOR ELIZABETH LINT: Harvard Square Business Association, one-day entertainment license on June 17 from 2 to 10, 18 Brattle Street for dancing and amplified music with 50,000 expected. That's Make Music, Harvard Square.

ACTING FIRE CHIEF GERARD MAHONEY: What is the date?

EXECUTIVE DIRECTOR ELIZABETH LINT: June

17.

CHAIR NICOLE MURATI FERRER: This went through Special Events.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah. It is an annual event.

CHAIR NICOLE MURATI FERRER: Granted.

JOHN MORIARITY AND ASSOCIATES

EXECUTIVE DIRECTOR ELIZABETH LINT: John Moriarity and Associates, special noise variance, One Broadway on June 16 through June 17 from 6 p.m. to 2 p.m. (sic) for a forklift, screw guns and dumpster load out.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's it.

CHAIR NICOLE MURATI FERRER: Any minutes to approve?

EXECUTIVE DIRECTOR ELIZABETH LINT: May

10th.

CHAIR NICOLE MURATI FERRER: I vote to approve. Did you read those?

ACTING FIRE CHIEF GERARD MAHONEY: Yes.

CHAIR NICOLE MURATI FERRER: Approved. Did you read May 17th?

ACTING FIRE CHIEF GERARD MAHONEY: I believe so.

CHAIR NICOLE MURATI FERRER: I sent out May 17.

May 17th was the Hackney. May 17th, approved?

ACTING FIRE CHIEF GERARD MAHONEY: Uh-huh.

CHAIR NICOLE MURATI FERRER: Approved.

For the record, Shalimar Restaurant and Studio Mantra, not here. Second call.

I would say we take no action on these. I just want to verify that they got notice

because last time we had an issue with the notice as well with them.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just to remind you, I know I said it before, I did leave them a telephone message and they didn't get back to me.

CHAIR NICOLE MURATI FERRER: I know. You said that.

(Meeting 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 11th day of June 2017.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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