

CAMBRIDGE LICENSE COMMISSION HEARING
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

POLICE COMMISSIONER CHRIS BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

AT: Cambridge Police Headquarters
Robert W. Healy Public Safety Building
125 Sixth Street
Cambridge, Massachusetts 02139

DATE: Tuesday, May 24, 2016

TIME: 5:00 p.m. to 7:32 p.m.

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P R O C E E D I N G S

May 24, 2016

EXECUTIVE DIRECTOR ELIZABETH LINT: This is the License Commission General Hearing Tuesday, May 24, 2016. It's five o'clock. We're in the Robert W. Healy Public Safety Building, Community Room, 125 Sixth Street.

First matter -- we're going a little out of order tonight.

CHAIR NICOLE MURATI FERRER: Just for the record, we're being audio -- video and audio recorded.

DISCIPLINARY:
CLUBE DESPORTIVO FAIALENSE, INC.
and
APPLICATION:
CLUBE DESPORTIVO FAIALENSE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: Two matters. Disciplinary: Clube Desportivo Faialense, Incorporated holder of all alcoholic

beverages club license at 1121 Cambridge Street for failure to timely apply for a change of manager and change of officers/directors as well as an application for a change of manager to Lawrence Coelho and a change of officers and directors.

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

ATTY KAREN SIMAO: Madam Chair and Commissioners, Karen Simao with McDermott Quilty & Miller. S-as in Sam-I-A-M-O. First name Karen, K-A-R-E-N.

To my left, I have the proposed manager of record, who is not the manager of record currently for the violation hearing, which is Laurence Coelho, L-A-U-R-E-N-C-E, Coelho, C-O-E-L-H-O.

And to my right is the proposed president

of the organization, Mr. Carlos Gomes,
C-A-R-L-O-S, G-O-M-E-S.

CHAIR NICOLE MURATI FERRER: Thank you.
Good evening. Okay. Let's start with the
discipline issue that I'm assuming fueled the
fire to get the application, is that correct?

ATTY KAREN SIMAO: That's correct, Madam
Chair.

It's interesting, our office has seen a
huge influx across the state of several
organizations similar to Clube Desportivo
Faialense, which is these are volunteer
organizations. And every year or every couple of
years, depending on the organization, we see that
there's a change.

It's very often some of the same players,
people who have time to volunteer in these
locations. And across the state what we're
seeing is a confusion with licensees in terms of

because there is a piece of the statute that says you have to file with the Secretary of State's Office, they're neglecting to reconcile that with the rest of Chapter 138. And so, that's a similar case here. They should have known, but didn't know that there was the additional requirement of coming before the Board.

They are very well informed now, both as it relates to managers of record, but also the officers and directors when they are replaced.

And so, going forward, we anticipate that it will not be a problem, and we wanted to make sure that we got in an application as quickly as possible, and appreciate the Board's patience in letting the licensee pull that together.

CHAIR NICOLE MURATI FERRER: Now, counselor, one of the issues in reviewing the file that I observed was that the last correspondence in terms of what was going on was

from a December of 2014.

ATTY KAREN SIMAO: Uh-huh.

CHAIR NICOLE MURATI FERRER: And there was an expression here from the Commission that they were basically concerned about the club's policy regarding unpaid members, as well as that anyone could come into the club.

I'm assuming that you have spoken to your clients and advised them of the limitations of having this license?

ATTY KAREN SIMAO: Yes. That is correct. Yes, we have. And it is members or accompanied by a member.

CHAIR NICOLE MURATI FERRER: All of the filings have been completed with the Secretary of State's Office and everything to date?

ATTY KAREN SIMAO: In compliance with what is before you, yes.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY KAREN SIMAO: There's consistency now in all of the different filings.

CHAIR NICOLE MURATI FERRER: I'm also assuming that you will now know also with regard to when this license will be renewed in November, what you need to do to make sure that the license is renewed properly so that we're not here back again?

CARLOS GOMES: Yes.

CHAIR NICOLE MURATI FERRER: And I'm sorry. Can you tell me again how you pronounce your last name?

LAURENCE COELHO: QWEL-0

CHAIR NICOLE MURATI FERRER: QWEL-0.

Please tell me, you have never been the manager of record on a liquor license before, is that correct?

LAURENCE COELHO: No.

CHAIR NICOLE MURATI FERRER: And can you

tell us what has been your experience with this club?

LAURENCE COELHO: Well, I have been a member for the last 35 years.

ATTY KAREN SIMAO: Have you volunteered over the years?

LAURENCE COELHO: Over the years.

CHAIR NICOLE MURATI FERRER: And are you familiar with the rules and regulations of this Board, the ABCC and the laws of the Commonwealth of Massachusetts with regards to the sale and service of alcohol?

LAURENCE COELHO: Yes.

CHAIR NICOLE MURATI FERRER: Do you understand we expect you to stay up to date with those rules, laws and regulations?

LAURENCE COELHO: Yes.

CHAIR NICOLE MURATI FERRER: You can confirm that you now understand the requirements

of 138 with regard to the filing of the officers and directors and the changes of managers in the future?

LAURENCE COELHO: Yes, I do.

CHAIR NICOLE MURATI FERRER: Mr. Gomes, I know you won't be the manager of record, but as the president, you understand these as well?

CARLOS GOMES: Yes.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: Just a quick follow-up. This is the issue of members coming in and being active members or paid members, that- that has been reconciled the previous issues?

ATTY KAREN SIMAO: Yes, the previous issue. I know that's not what we're here before today, but, yes. I was not involved in the previous violation hearing, but, yes, there are

paid members of the organization, and there's a long membership list, and you're either one of those members, or I can accompany one of the members into --

FIRE CHIEF GERALD REARDON: And that has to be accompanied by an active paid member?

ATTY KAREN SIMAO: Yes.

LAURENCE COELHO: Yes, has to be.

FIRE CHIEF GERALD REARDON: We're just being a little proactive.

ATTY KAREN SIMAO: I appreciate it.

CHAIR NICOLE MURATI FERRER: For the record, let me clarify that what I referenced was actually not a previous disciplinary matter for that situation, but it was, it came up during the hearing, and so there was an issue and kind've -- it was kind've raised in the letter to your clients after the fact, so I wanted to make it very clear.

ATTY KAREN SIMAO: I appreciate that. Also, these gentlemen were not here for that prior conversation, and I will revisit all of that with them as well.

You know, I am very happy to be representing them as a first generation Portuguese person and spoke Portuguese before English, but I also find it's always helpful to have it reiterated in their native tongue.

FIRE CHIEF GERALD REARDON: And I know these gentlemen were not here for the previous one, but just to make them aware so that going forward they won't have an issue.

ATTY KAREN SIMAO: Thank you.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: I'm good.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: All set.

CHAIR NICOLE MURATI FERRER: So with regard to the change of manager issue, I did note it was the first time we brought them in for this issue, and even though it has been a long time, I would vote consistent with what we have done with the other ones which is a violation warning.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Would that be okay?

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: Yeah, I agree.

CHAIR NICOLE MURATI FERRER: So violation warning. And then with regard to the application for the change of managers and the change of officers and directors, anyone in favor of this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

I do note for the record that we did receive a letter from Councilor Toomey in support of your application.

I vote to grant the application.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: Agreed.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Granted.

Thank you.

ATTY KAREN SIMAO: Thank you very much for your time.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll go back to the top of the agenda.

ONE DAY ALCOHOLIC BEVERAGES, ENTERTAINMENT AND/OR ALCOHOLIC BEVERAGES WITH ENTERTAINMENT LICENSES:

ARLYN dEPAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license

to be exercised at MIT, 100 Main Street,
Cambridge, on 6/6/16 from 5:30 p.m. to 7:30 p.m.
for a reception with 64 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN dePAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn
dePagter has applied for a malt and wine license
to be exercised at MIT 100 Main Street on June 8
from 5:00 to 6:00 for a reception and dinner with
60 expected.

CHAIR NICOLE MURATI FERRER: Granted as
to one, but let's pause until we catch up over
here.

For the record, No. 2 on the agenda is
actually not supposed to be on the agenda because
it was already granted.

ARLYN dePAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT:
Arlyn dePagter applied for a malt and wine

license to be exercised at MIT Sala de Puerto Rico, 84 Mass Ave on June 2 from 4:45 to 7:00 for a reception with 520 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

ARLYN dePAGTER (MIT MUSEUM)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT Museum, 275 Mass Ave on June 3 from 6:00 to 8:00 for a reception with two 50 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

ARLYN dePAGTER (MIT-GRAY HOUSE)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT Gray House, 11 Memorial Drive on June 4 from 5:30 to 7:00 for a reception with 300 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

NICOLE PHILLIPS (HARVARD-PIERCE HALL TENT)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Nicole Phillips on behalf of The -- this one was approved today because the event is tonight.

CHAIR NICOLE MURATI FERRER: Bartending Service Center at 4:30. Granted.

NICOLE PHILLIPS (HARVARD-KNAFEL CENTER)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Nicole Phillips on behalf of The Bartending Service of New England, LLC has applied for a malt and wine license to be exercised at Harvard University, Knafel Center, on May 25 from 4:30 to 6:30 for a Rittgers-Harvard Business School graduation event with 150 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ANN HOLLAND (WORKBAR)

EXECUTIVE DIRECTOR ELIZABETH LINT: Ann Holland has applied for three malt and wine licenses to be exercised at Workbar, 45 Prospect Street on June 9, 29 and July 28 from 6:00 to 8:30 for a professional panel and networking event with 100 expected.

CHAIR NICOLE MURATI FERRER: Granted as to all three.

ARLYN dePAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT, 75 Amherst Street on June 6 from 5:00 to 6:30 for a reception with 55 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN dePAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT, 75 Amherst Street on

June 16 from 5:30 to 7:00 for a reception with 80 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN dePAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT, 100 Main Street on June 12 from 6:30 to 9:30 for a reception with 35 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN dePAGTER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a malt and wine license to be exercised at MIT, 100 Main Street on June 21 from 4:30 to 5:30 for a reception with 51 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Next one is already done.

ARLYN dePAGTER (MIT)

Arlyn dePagter has applied for a malt and wine license to be exercised at MIT, 100 Main Street on June 14 from 6:30 to 9:30 for a reception and dinner with 35 expected.

CHAIR NICOLE MURATI FERRER: Granted.

JILL SUSARREY (HARVARD-SCIENCE CENTER)

EXECUTIVE DIRECTOR ELIZABETH LINT: Jill Susarrey has applied for malt and wine license to be exercised at Harvard University Science Center Plaza tent, 1 Oxford Street on June 5 and 6 from 5:00 to 8:00 for science symposium receptions with 400 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

KAILEY WALSH (HARVARD)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kailey Walsh on behalf of Harvard University has applied for a malt and wine all alcohol with

entertainment licenses as follows.

CHAIR NICOLE MURATI FERRER: These are all from commencement issues but not issues events.

EXECUTIVE DIRECTOR ELIZABETH LINT: Commencement events.

On May 25 from 12:30 to 2:00 at Holden Chapel Courtyard with 300 people, 55th reunion.

CHAIR NICOLE MURATI FERRER: Granted. Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT: 5:30 to 10:00 at the Science Center tent with 300.

CHAIR NICOLE MURATI FERRER: Police detail required and granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think that's on twice.

CHAIR NICOLE MURATI FERRER: No. We have different times. We have 5/25 -- right now I have 5/25 at 5:30 to 8:00. Also granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: I
have 5/25 from 5:30 to 10:00 at the Science
Center. That's a duplicate. 5/25, 5:30 to 8:00
at the Holworthy Tent with 150.

CHAIR NICOLE MURATI FERRER: Granted with
detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT: 6:00
to 12:00 at the Malkin Athletic Center Quad tent
for 200.

CHAIR NICOLE MURATI FERRER: Granted.
Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:
May 25 from 3:00 to midnight, Phillips Brooks
House, 500 people.

CHAIR NICOLE MURATI FERRER: Granted.
Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:
May 25 from 10:00 to 11:30 at Dunster House, 945
Memorial with 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

may 25 from 5:00 p.m. to 8:00 p.m., Phillips
Brooks House with 550 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

People detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT: The

date is not on this one. The 25th or 26th?

CHAIR NICOLE MURATI FERRER: It's 5/26.

So from 7:00 to 11:00. Granted. Police detail
required.

EXECUTIVE DIRECTOR ELIZABETH LINT: Also

on the 26th, 11:30 a.m. to 1:15 p.m. Annenberg
Hall for 550 people.

CHAIR NICOLE MURATI FERRER: Police

detail required. Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Luncheon on May 26 from 11:30 p.m. to 3:00 p.m.

at Old Yard, 5,000 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Another luncheon on the 16th from 12:00 to 3:00

at Old Yard with 8,000 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT: On

the 26th from 6:30 to 9:00 at Annenberg Hall, 600
people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT: 5/26

from 7:00 to 11:00 at Harvard University of
Natural History for 350 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 26 from 11:00 a.m. to 1:00 a.m. at Dunster House for 150 people.

COMMISSIONER MICHAEL GARDNER: Detail required. Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:
May 26 from 9:00 to 11:00 at Phillips Brooks House, 500 people.

COMMISSIONER MICHAEL GARDNER: Granted.
Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:
May 26 from 11:45 to 2:00 p.m., Science Center Plaza tent for 600 people.

CHAIR NICOLE MURATI FERRER: Granted.
Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:
May 26 from 11:30 to 1:45 at the Harvard Faculty Club with 400 people.

CHAIR NICOLE MURATI FERRER: Granted.
Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 7:00 p.m. to 12:00 a.m. at Northwest Labs for 400 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 7:00 to 12:00 a.m. at Eliot House for 325 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 12:00 to 1:30 at Northwest Labs for 325 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 6:30 to 11:30 at Dunster House for 425 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 11:30 to 1:00 a.m. at Dunster House
for 200 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 12:45 to 1:45 at the Science Center
tent for 750 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 6:30 to 10:30 at Science Center tent
for 1150 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 10:00 to 12:00 a.m. at Phillips
Brooks House for 500 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from noon to 1:30 at Annenberg Hall with
500 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 7:00 a.m. to 12:00 a.m. at Annenberg
Hall for 600 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 27 from 5:00 to 6:30 p.m. at Barker Center
for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 12:00 to 1:15 p.m. at Science Center

tent for 350 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 7:00 to 1:30 p.m. at Annenberg Hall

for 400 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 10:30 to 1:00 a.m. at Dunster House

for 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 10:00 to 12:00 a.m. at Phillips

Brooks House for 600.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 12:00 to 2:30 p.m. at Holworthy tent
for 500 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 7:00 to 1:00 a.m., Dunster House, 525
people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 7:00 to 1:00 a.m., Kirkland House for
800 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

Anyone here to speak on the rules, if you
could sign up on the corner there that would be
great. Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 12:00 to 2:30 at the Malkin Athletic

Center for 600 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 7:00 to 1:00 a.m. the Science Center tent for 900 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 28 from 7:00 to 1:00 a.m. at 1201 Mass Ave, 360 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police Detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 29 from 9:30 to 11:30 at Dunster House for 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 29 from 9:30 to 12:00 at Annenberg Hall, 1100 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 29 from 11:00 to 1:00 p.m. at Eliot House, 101 Dunster Street for 200 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 29 from 11:00 a.m. to 1:00 p.m., Quincy House, 58 Plympton Street for 200 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 29, 11:00 to 1:00 p.m., Leverett House, 500 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

EXECUTIVE DIRECTOR ELIZABETH LINT:

May 29 from 11:00 to 1:00 p.m. at Kirkland House,
500 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

KEALYN GARNER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kealyn Garner on behalf of MIT has applied for a
malt and wine/all alcohol with or without
entertainment licenses to be exercised for the
following dates and times and locations.

CHAIR NICOLE MURATI FERRER: Whoa, stop.

I don't have them.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's the whole spreadsheet.

June 2 from 3:30 to 5:30 p.m. at 142

Memorial Drive, wine and malt beverages for 330
people.

CHAIR NICOLE MURATI FERRER: Granted.

For the record, they submitted this as a spreadsheet with all the attachments with regard to these events. They're all commencement events and all of them, the MIT police asked for police details, so police detail as to all of them. But we don't have the -- they were left on the desk, I guess. We'll just go through them and just take notes on the agenda. We did review these because they came in as a packet, so everything is in order in terms of sign-offs and everything else.

EXECUTIVE DIRECTOR ELIZABETH LINT: They were complete.

CHAIR NICOLE MURATI FERRER: So granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 2, 4:45 to 7:00 p.m., 84 Mass Ave, all alcoholic beverages for 520 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 2 from 5:00 to 7:00 at 305 Memorial Drive,
malt and wine for 60 item.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: It
put that in I dropped it.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Reception on June 3 from 4 to 6 at 142 Memorial
Drive for wine and malt for 60 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:
June 3 from 4:00 to 6:00 at BAMIT Center, wine
and malt beverages for 75 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:
June 3 from 6:00 to 8:00, 265 Mass Ave, wine and
malt beverages for 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 in 6:00 to 9:00, 305 Memorial Drive, wine and malt beverages for 85 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 from 6:00 to 10:00 at 75 Amherst Street, wine and malt beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 from 7:00 to 10:00 at 305 Memorial Drive, wine and malt beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 from 7:00 to 10:00 at 265 Mass Ave, all alcoholic beverages for 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 from 7:00 to 10:00 at 32 Vassar Street, all alcoholic beverages for 130 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 from 7:00 to 10:00 at 142 Memorial

Drive --

FIRE CHIEF GERALD REARDON: Memorial

Drive?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Memorial Drive.

All alcoholic beverages for 280 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 3 from 7:30 to 9:30 at 77 Mass Ave, wine and

malt beverages for 175 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 2:00 to 2:30 p.m. at 48 Mass Ave,

wine and malt beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: 5:00

to 8:30 p.m. -- June 4, I'm sorry, 5:00 to 8:30 p.m., 305 Memorial Drive, all alcoholic beverages for 50 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 5:00 to 7:00, 111 Memorial Drive for 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 5:30 to 7:00 at 77 Mass Ave, all alcoholic beverages for 45 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 6:30 to 9:30 at 305 Memorial Drive, all alcoholic beverages for 75 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: June

4 from 6:30 to 9:30 at 48 Mass Ave, all alcoholic beverages for 100 people.

COMMISSIONER MICHAEL GARDNER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 6:30 to 9:30 at 305 Memorial Drive,
all alcoholic beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 6:30 to 9:30 at 142 Memorial Drive,
wine and malt beverages for 175 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 7:00 to 9:00 at 48 Mass Ave, wine and
malt beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 7:00 to 9:30 at 305 Memorial Drive,
all alcoholic beverages for 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 7:00 to 9:30 at 305 Memorial Drive,

all alcoholic beverages for 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 7:00 to 9:30 p.m. at 32 Vassar

Street, all alcoholic beverages for 130 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 7:00 to 9:30 at 142 Memorial Drive,

all alcoholic beverages for 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 7:00 to 10:00 p.m. at 305 Memorial

Drive, wine and malt beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 4 from 9:00 to 12:00 a.m. at 474 -- that

doesn't make sense -- 474-160.

FIRE CHIEF GERALD REARDON: It should be.

CHAIR NICOLE MURATI FERRER: Let's put a

hold on that one.

EXECUTIVE DIRECTOR ELIZABETH LINT:

June 5 from 10:00 a.m. to 12:00 p.m. at 305 Memorial Drive, all alcoholic beverages for 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Michael Lewis applied for an all alcohol license to be exercised at Lowell House, 10 Holyoke Place, Cambridge, on May 26 from 5:00 to 10:00 for a reception and banquet dinner, 200 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

ENTERTAINMENT LICENSES ONLY:

ANDREA CAMPBELL (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Entertainment licenses only.

Andrea Campbell has applied for an entertainment license to provide performers, entertainers

dancing and recorded/live music for a concert at MIT Kresge Auditorium, 48 Mass Ave on June 18 from 8:00 a.m. to 10:00 p.m., 500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail.

JENNIFER SMITH (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Jennifer Smith has applied for an entertainment license to provide recorded/live music for a concert at Kresge, 48 Mass Ave on May 29 from 1:00 to 3:00 p.m. and 7:00 to 9:00 p.m. with 600 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

SARA RUND (RUSSELL YOUTH)

EXECUTIVE DIRECTOR ELIZABETH LINT: Sara

Rund has applied for an entertainment license to provide patrons dancing, recorded live music and amplification system for a dance at Russell Youth

and Community Center, 680 Huron Avenue on July 29 and July 31 from 8:00 to 12:00 a.m. with 200 expected.

CHAIR NICOLE MURATI FERRER: Granted.

CHRISTOPHER HOPE (MUSEUM OF SCIENCE)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Christopher Hope on behalf of the Pentecostal Tabernacle Church has applied for an entertainment license for a concert at City Hall lawn at 795 Mass Ave on June 10 from 5:00 p.m. to 9:00 p.m. with 250 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ROBERT COLANTONI (MUSEUM OF SCIENCE)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Robert Colantoni on behalf of Museum of Science has applied for an entertainment license for an amplification system for a fundraiser at the Museum on July 4 from 7:00 p.m. to 12:00 a.m. with 2,500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

KEALYN GARNER (MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kealyn Garner, on behalf of MIT, Class

Connections brunch on June 5 at 5:30 to 9:30 at

84 Mass Ave has applied for an entertainment

license -- for a jazz trio on July 5 at 10:00

a.m. at 84 Mass Ave.

CHAIR NICOLE MURATI FERRER: Hold on. I

don't have that.

EXECUTIVE DIRECTOR ELIZABETH LINT:

They're on --

CHAIR NICOLE MURATI FERRER: I don't have

the 7 or 8.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do

you have 6?

CHAIR NICOLE MURATI FERRER: Or that one.

Are these add-ons?

EXECUTIVE DIRECTOR ELIZABETH LINT: Those are add-ons.

MICHAEL MEDERIOS (ROYAL SONESTA)

CHAIR NICOLE MURATI FERRER: This is for June 2.

I have the Royal Sonesta, Michael Medeiros not on their property, they want to go to the space next door for a wedding reception on June 4 from 5:30 to 7:00 p.m., 175 people expected. It's a private event. Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: This is an add-on. It had come in and we could not print the MIT form.

DANIEL MUNOZ

CHAIR NICOLE MURATI FERRER: We have Daniel Munoz has applied for a malt and wine for a barbecue on 5/26 at 70 Pacific.

Granted.

ARISTEIDIS KARALIS (MIT)

Then Aristeidis Karalis has applied for a wine and malt at MIT on June 2.

Granted.

VENDORS:

**RICHARD CAMBRIELLO
d/b/a DADDY'S BONETOWN BURGER**

EXECUTIVE DIRECTOR ELIZABETH LINT: This is the vendor. Richard Cambriello doing business as Daddy's Bonetown Burger has applied to vend at Thorndike Street from May 24 from 11:30 to 2:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

ADMINISTRATIVE MATTERS:

RULE PROPOSAL

CHAIR NICOLE MURATI FERRER: Let's get to the hearings and we'll do administrative last so we don't have people waiting.

Anybody here to speak on the rules?

We're gonna start with that now.

If you haven't already signed up, if you could sign up so that we have your contact info, that would be great. And then whoever wants to start. If you want -- if anyone is here to talk about the rules or --

DENISE JILLSON: Sure. Good evening.

CHAIR NICOLE MURATI FERRER: Good evening.

DENISE JILLSON: It's so lovely to be here.

ATTY JAMES RAFFERTY: This is a private table.

CHAIR NICOLE MURATI FERRER: No, it's not a private table.

If you could just please state and spell your name? Thank you.

DENISE JILLSON: Denise Jillson, Executive Director of the Harvard Square Business Association. Just to chat very briefly about the

-- rather than call it a cap policy because it's really more encompassing, I'm going say it's the alcohol license issuing policy, right, but we all know -- because when I say cap, then people think that you are for the cap or against the cap. But in any case, I'm really delighted to continue the conversation relative to the policy and would just, once again, implore the Commission to just give us a little more time.

We've been talking to many of our members, getting lots and lots of input.

I know there's going to be one more hearing, I think on the 24th, and we were looking maybe to have a date sometime in June.

We feel like if we could just spend a little more time talking about the policy, making sure that all of the stakeholders have an opportunity to express their concerns so that what we come up with is a really ironclad policy

that will prevent us from getting into trouble and be something that we can really be proud of and set an example for the rest of the Commonwealth.

I understand just from talking to the Commissioners as well as others that we may be in violation of the Massachusetts -- or at the ABCC policies and we're trying very hard to get everything into compliance, and we feel that probably 95 percent of what has been proposed to be changed is wonderful. It's administrative. It should be changed, but we also feel like the most important piece of that is the piece about the non-transferables, no values and how we can make sure that we're doing the right thing going forward, but have really good language and really think very long and hard and deep about ramifications in the future.

So, we submitted a letter to the

Commission asking for a little bit of a -- just a little more time so that we could confer with everybody, and also with our partners and colleagues at the various business associations and the Chamber of Commerce, and just thank you for taking that into consideration.

CHAIR NICOLE MURATI FERRER: Thank you. Ms. Jillson, just for the record, you can tell your members that we are taking public testimony as well on our June 7 meeting and our June 21 meeting.

DENISE JILLSON: Perfect. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else here to speak on the rules?

(No response.)

No. Okay. Lets proceed to Item No. 2.

INFORMATIONAL (FAWAZ ABU RUBAYAH)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational matter: Fawaz Abu Rubayah doing

business as Bab Al Amod. Clarification of the total number of seats at 148-150 Western Ave pursuant to BZA Case No. 9901.

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

FAWAZ ABU RUBAYAH: Fawaz, F-A-W-A-Z, A-B-U, R-U-B-A-Y-E-H.

CHAIR NICOLE MURATI FERRER: Thank you. So are you aware of the BZA's ruling limiting the amount of seats that you can have that location to 18?

FAWAZ ABU RUBAYAH: Sometime hot weather some customer they sit outside, when it's raining there everybody wants to be inside. We use the table just for summertime.

CHAIR NICOLE MURATI FERRER: Okay. Let me backtrack.

How many seats do you have in your

restaurant?

FAWAZ ABU RUBAYAH: I have around 25.

CHAIR NICOLE MURATI FERRER: Okay. But you're only allowed to have 18.

FAWAZ ABU RUBAYAH: 18 inside?

CHAIR NICOLE MURATI FERRER: 18 in total.

FAWAZ ABU RUBAYAH: But for the last five years or four years we have 24 inside and 18 outside. We have this license before.

CHAIR NICOLE MURATI FERRER: I know. Just because it has been happening doesn't mean it has been proper.

The thing is that the BZA's decision limits the amount of seats to 18.

Now, we can't really tell you to do more than what the BZA is allowing you to do.

So you could go to the BZA and try and change that and get a variance, but with regard to how many seats, unless you can show us that

you have something from the BZA saying that you can have these 25 seats, you need to narrow that down to 18 and that's 18 in total.

FAWAZ ABU RUBAYAH: 18 inside will be the chairs different inside. For outside, I have like small chair for outside. You know what I mean?

CHAIR NICOLE MURATI FERRER: Ms. Lint, didn't you go talk to the BZA people about this, about inside or outside?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. It was 18 total.

CHAIR NICOLE MURATI FERRER: So 18 including inside and outside?

EXECUTIVE DIRECTOR ELIZABETH LINT: Altogether.

CHAIR NICOLE MURATI FERRER: And you haven't gotten anything from the BZA telling you that you can consider the outside and the inside

separately?

FAWAZ ABU RUBAYAH: No. The Public Works, they come, they say that private outside, they told me you okay with this because we show him the license for when we open the business in five years ago we didn't have any problem.

Nobody complain from the neighbor. Nobody say anything. I didn't know what happens now.

CHAIR NICOLE MURATI FERRER: I'm going to suggest that you come into the office tomorrow, and sit down with Ms. Lint so you can kind've work this out because the way I see it right now, based on the BZA case that we have, and based on Ms. Lint's conversation with them with regard to what they, you know, if that expands to the inside or outside, it doesn't seem to be that way and I think you need some help navigating through what appears you might have to do to come into

compliance.

With that said, I would recommend to the Commission that we amend this license to make sure that it's clear that the capacity is 18 until such time as we get something from the city saying that the BZA has changed it. That would be my inclination. We can also take it under advisement and kind've figure it out, but...

EXECUTIVE DIRECTOR ELIZABETH LINT: They were very clear that based on the BZA decision that it was a total of 18.

CHAIR NICOLE MURATI FERRER: I mean, there's other conditions in that decision as well. You know, it says 8:00 a.m. to 10:00 p.m., no preparation of food on the premises.

Do you do prepare food on the premises?

FAWAZ ABU RUBAYAH: No, we do the other business.

CHAIR NICOLE MURATI FERRER: So, you

know, I just -- you know, my inclination would be to change right now that license to make sure, and then have you come into the office and maybe Ms. Lint can try and help you navigate the city's panel.

FAWAZ ABU RUBAYAH: Anything written about that for -- about the seating outside?

CHAIR NICOLE MURATI FERRER: Quite frankly, I don't even know how this got in front of us, but it's in front of us and we had to take action on it, unfortunately.

FIRE CHIEF GERALD REARDON: Could I -- I suggest we take it under advisement until we get some clarification. It doesn't even sound like -- have you received anything from the Board of Zoning Appeals?

FAWAZ ABU RUBAYAH: No.

CHAIR NICOLE MURATI FERRER: He received a decision. A decision is --

FAWAZ ABU RUBAYAH: Decision. Four years ago.

CHAIR NICOLE MURATI FERRER: Yeah. It's a four-year-old decision.

FIRE CHIEF GERALD REARDON: Okay. We can take it under advisement until such time as we find out whether or not that the patio area is excluded from that number.

CHAIR NICOLE MURATI FERRER: Did you talk to the BZA about this?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. I spoke with Sean and Ranjit.

FIRE CHIEF GERALD REARDON: Especially with the age on this, I think it wouldn't hurt to take under advisement and get some clarification, and then we can make a final decision once we have everything back --

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: -- and it's

clear.

I would suggest that you go to 18 chairs inside, though, to be compliant until such time as they -- if that's -- what do you have inside now, 24?

FAWAZ ABU RUBAYAH: I have 24. Yes, sir.

CHAIR NICOLE MURATI FERRER: How many seats do you have inside now?

FAWAZ ABU RUBAYAH: I have 25, everything outside and inside.

CHAIR NICOLE MURATI FERRER: Right now how many do you have inside, just inside?

FAWAZ ABU RUBAYAH: Inside, about 14.

FIRE CHIEF GERALD REARDON: My reading is they tonight address the issue about outside seating one way or the other. It looks like that inside you're restricted to 18 seats.

FAWAZ ABU RUBAYAH: Yes, sir. But after we come to the License Commission, we apply for

another 18 outside and they approve us for 18 outside.

CHAIR NICOLE MURATI FERRER: How about we take it under advisement and then please call Ms. Lint tomorrow?

FAWAZ ABU RUBAYAH: Okay.

CHAIR NICOLE MURATI FERRER: Thank you.

FIRE CHIEF GERALD REARDON: Thanks.

DISCIPLINARY:

GRAFTON, INC D/B/A PARK RESTAURANT & BAR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter: Grafton, Incorporated doing business as Park Restaurant and Bar, holder of a common victualer all alcohol license at 59 JFK Street for allegations of violations of General Laws Chapter 138, Sections 12, 23 and 64, serving alcohol/employees consuming alcohol beyond the closing hour on March 20, 2016.

CHAIR NICOLE MURATI FERRER: Good

evening. Please state your names for the record and spell them.

OFFICER GUTOSKI: Officer Gutoski,
G-U-T-O-S-K-I.

ATTY JAMES RAFFERTY: Good evening, Madam Chair and Members of the Commission.

For the record, my name is James Rafferty, Law Offices of Adams and Rafferty located at 675 Massachusetts Avenue in Cambridge.

Seated to my right is Patrick Lee, L-E-E. Mr. Lee is the general manager of the licensed premises.

CHAIR NICOLE MURATI FERRER: Go ahead, Officer, give your testimony.

OFFICER GUTOSKI: On the evening -- I'm sorry -- in the morning of March 20, I got a dispatch call for a person who had fallen inside Eliot Street.

CHAIR NICOLE MURATI FERRER: I'm sorry,

Officer. I am totally like getting ahead of myself.

Did you swear in the witnesses?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

(Witnesses sworn).

CHAIR NICOLE MURATI FERRER: Thank you.

Go ahead, Officer. Thank you.

OFFICER GUTOSKI: So it was the morning of March 20 I got a dispatch for a person down in the Eliot Street garage.

As I arrived on scene, there was one person lying on the ground bleeding from the head.

It turns out that he was an employee of Park Restaurant. He was the barback. The driver of the vehicle that night was the manager.

They were driving around in the garage. The barback decided it would be fun to ride physically on the trunk of the Honda Civic that

they were driving. He fell. It seems he hit his
on a bar. We couldn't confirm it, there were no
videotapes.

His skull was lacerated. He was bleeding
heavily. And we called Pro Ambulance. Pro
Ambulance took him to Beth Israel Deaconess.

And that's all that happened for me on
that evening.

I believe there was another officer that
followed up, but I was just a responding officer.

CHAIR NICOLE MURATI FERRER: Okay. Have
you seen the other officer's report?

OFFICER GUTOSKI: I have.

CHAIR NICOLE MURATI FERRER: Is that
Officer Kathleen Sullivan?

OFFICER GUTOSKI: Yes.

CHAIR NICOLE MURATI FERRER: Do you mind
taking a look at this and letting me know if
that's what you saw from her?

OFFICER GUTOSKI: Just her statement?

CHAIR NICOLE MURATI FERRER: Yeah. Is that what you saw from her?

OFFICER GUTOSKI: Yes.

CHAIR NICOLE MURATI FERRER: Would you mind reading that into the record?

OFFICER GUTOSKI: Sure. On March 22, 2016 I was assigned to follow up on an incident that occurred on March 20, 2016 at approximately 5:18 in the Harvard Square garage at 20 Eliot Street.

During my investigation (see File No. 16001837) it was established that the two parties involved in this incident were employees of Park Restaurant & Bar, 59 JFK Street.

The two parties, Alex Bolduc and Glenn Castillo, stated to responding officers that they had just left their place of employment.

It was also determined by responding

officers that they could smell the odor of alcohol from Bolduc when they spoke to him at the hospital.

I spoke with Tyler Titherington, general manager of Grafton Group, the owners of Park Restaurant & Bar.

He stated that Saturday was a busy night and the staff remained to clean up. He stated that 5:15 a.m. was late for employees to still be in the restaurant.

He sent me via email timecards for employees for March 19, 2016 into March 20, 2016 (see attached).

Note: Page 1, Glenn Castillo, involved party, punched out at 4:50 a.m.

Page 3, Jason Ouellette, not involved, punched out 5:00 a.m.

Titherington also notified me Alexander Bolduc, manager, does not use a punch card. He

further notified me that the alarm was turned on at 5:08 a.m.

I was able to get video from Trinity property management from Harvard Square garage of two males entering the garage by walking up the ramp at 5:12 a.m.

Alexander Bolduc refused to come in and speak with me. I have been unable to make contact with Glenn Castillo.

CHAIR NICOLE MURATI FERRER: Glenn Castillo, he's the injured party, right?

OFFICER GUTOSKI: Let me just confirm that. Glenn Castillo was the barback. I believe he's the one who was injured.

CHAIR NICOLE MURATI FERRER: Thank you.

OFFICER GUTOSKI: You're welcome.

CHAIR NICOLE MURATI FERRER:
Mr. Rafferty?

ATTY JAMES RAFFERTY: Thank you, Madam

Chair.

Officer, just with regard to your testimony as opposed to your recitation of another officer's report, you wrote a report yourself about the events that evening, correct?

OFFICER GUTOSKI: Yes, sir.

ATTY JAMES RAFFERTY: In that report you indicated that the information that you obtained regarding the individuals where they had been and who they were, came to you from Mr. Bolduc, is that correct?

OFFICER GUTOSKI: If he was the driver, correct, the manager.

ATTY JAMES RAFFERTY: So there were -- do you need to refresh your memory? Do you want to see your report? I think your report identifies the persons you spoke with. Did you want to see that?

OFFICER GUTOSKI: Sure.

ATTY JAMES RAFFERTY: I'm showing him a copy of a document that's been provided to me by the License Commission with the heading: "Officer Report 16001837, Francis Gutoski."

OFFICER GUTOSKI: Alexander Bolduc was the manager, he was the driver of the vehicle. Glenn Castillo was the injured party, the barback.

ATTY JAMES RAFFERTY: So the information that you learned that evening about the events came are from Mr. Bolduc, correct?

OFFICER GUTOSKI: Yes.

ATTY JAMES RAFFERTY: Is it fair to say that part of the reason that the case is that the other individual was not communicative?

OFFICER GUTOSKI: He was conscious, but he almost bled out on scene.

ATTY JAMES RAFFERTY: And you made an assessment at least of Mr. Bolduc's condition

that night, did you not?

OFFICER GUTOSKI: You have to be a little more specific.

ATTY JAMES RAFFERTY: With regard to -- let me ask you: Do you recall having a conversation with Officer Sullivan whose report you read from?

OFFICER GUTOSKI: Yes.

ATTY JAMES RAFFERTY: I have been provided a report that's more than lengthy than the one you just read from. It's a small typed report with a heading on the top of it. It just says "Narrative," but can you tell me whether that appears to be also a report of Officer Sullivan?

OFFICER GUTOSKI: Well, you just have the narrative here. Let me see if she mentions her name.

CHAIR NICOLE MURATI FERRER: Counselor,

is that a supplement to the police report?

ATTY JAMES RAFFERTY: I don't know what it is. I can show it to Ms. Lint.

OFFICER GUTOSKI: It looks like a supplement.

ATTY JAMES RAFFERTY: It was provided to me by your office. It would appear to be a report. But it contains a lot more information than the report that was read into the record.

CHAIR NICOLE MURATI FERRER: There's multiple, I mean -- there's multiple -- if you look at the police report --

ATTY JAMES RAFFERTY: I'm just asking the officer to authenticate that what I'm showing him is to his understanding a report of Officer Sullivan.

CHAIR NICOLE MURATI FERRER: I see what you're saying.

OFFICER GUTOSKI: I can't clarify with

those first one.

FIRE CHIEF GERALD REARDON: Look at the bottom of Page 2 with the heading of Officer Sullivan and it's followed by the narrative.

ATTY JAMES RAFFERTY: I would make the representation that was provided to me, and I'm going to ask the officer a couple questions based on that document.

CHAIR NICOLE MURATI FERRER: Yeah, that's fine. But if you show him the full police report, he might be able to answer your questions more fully.

ATTY JAMES RAFFERTY: Well, I'm going to ask the question first and then I'll decide whether he needs the report to refresh his memory. Okay?

Do you recall having a conversation with Officer Sullivan regarding Mr. Bolduc in particular?

OFFICER GUTOSKI: Yes.

ATTY JAMES RAFFERTY: Do you recall what you said with regard to your assessment of his -- whether or not he was impaired?

OFFICER GUTOSKI: He -- he --

ATTY JAMES RAFFERTY: My question is whether you recall what you told Officer Sullivan about his condition that night.

OFFICER GUTOSKI: Quote for quote, no. But I did indicate that he had been drinking, and that he smelled of liquor.

ATTY JAMES RAFFERTY: Would you mind reading what I've underlined here in the report that we -- I guess it's stipulating -- is Officer Sullivan's supplemental report, just the underlined section.

OFFICER GUTOSKI: "Spoke with Bolduc. He did notice the odor of alcohol from Bolduc, but didn't feel that Bolduc was impaired."

ATTY JAMES RAFFERTY: Would you say that Officer Sullivan's statement in her report is an accurate representation of the conversation you had with her?

OFFICER GUTOSKI: Sure. As I stated, he smelled of liquor, but I did not feel that he was impaired.

ATTY JAMES RAFFERTY: But you didn't say that until you read it.

OFFICER GUTOSKI: Thank you for refreshing my memory.

ATTY JAMES RAFFERTY: And then my second question is: Simply with regard to the overall information sharing was provided to you by Mr. Bolduc, did you find him to be cooperative in his dealing with you?

OFFICER GUTOSKI: Yes.

ATTY JAMES RAFFERTY: Nothing further.
Thank you.

CHAIR NICOLE MURATI FERRER: Go ahead,
counselor.

ATTY JAMES RAFFERTY: I'm sorry. Nothing
further. Thank you.

CHAIR NICOLE MURATI FERRER: I know not
of him, but do you have any questions to ask of
Mr. Lee or no, you're done?

ATTY JAMES RAFFERTY: Well, I'm done with
that witness.

CHAIR NICOLE MURATI FERRER: Yeah, I
know.

Are you going to present anything else to
the Commission before we ask your client
questions?

ATTY JAMES RAFFERTY: Oh okay. I didn't
know if you had other witnesses or if Officer
Sullivan is here.

CHAIR NICOLE MURATI FERRER: No. I mean,
I don't see her in the room.

EXECUTIVE DIRECTOR ELIZABETH LINT: She was not able to be here.

ATTY JAMES RAFFERTY: Okay. Well, okay, so if we're -- I would say in the context of an opening, the situation is detailed in the two police reports we received and the individuals involved in the accident were both, obviously, employees of the licensee. They both worked that evening, and as indicated in the reports of both Officer Sullivan and Officer Gutoski, information sought by the officer was provided by the licensee, and I would have Mr. Lee confirm what is already contained in the report, and that is a request for when the police contacted the licensee, requests for timecards, requests for alarm records, all of the information being requested by Officer Sullivan was provided by the licensee. And I would say that the facts as set forth in the report and the evidence we have

provided you, clearly show that the alarm shows that the -- the premises were secured close to 5:00 a.m. in the morning, which supports the fact that there were individuals, employees in the premises up until that time. And Mr. Lee will inform you who those individuals were. They were involved in the task of cleaning the premises. And what happened at 5:00 a.m. was a very regrettable incident, but they're grateful that Mr. Bolduc responded as responsibly as he did, what would appear to happen in our eyes here is that Mr. Castillo engaged in a very reckless act and jumped -- appears to have jumped on the hood of Mr. Bolduc's car as Mr. Bolduc was leaving the garage.

And that practice involved -- resulted in Mr. Bolduc -- I mean, excuse me -- Mr. Castillo falling off the hood of the car and sustaining significant injury.

And Mr. Castillo is an employee of the licensee. He has recovered from his injuries, has returned to work at the premises.

And Mr. Lee would be available to answer, obviously, whatever questions the Commission might have regarding the individuals and the company's policy.

The policy is that employees, and all those employees necessary to clean the premises are permitted to remain beyond the allowed time of one hour, and that there were three individuals. All three were engaged in cleaning of the premises. And it was a time in the -- the time here exceeded what Mr. Lee would, in his experience in operating several establishments, would see as typical. His estimation is that that time seems somewhat beyond the amount necessary to clean, and he could share with you his thinking as to what he thinks that exceeds

it. But those are the facts. As I said, Mr. Lee is available to answer questions.

CHAIR NICOLE MURATI FERRER: Thank you.

So, first of all, Mr. Lee, I want to thank you because I think as can be seen on the police reports and throughout, you were cooperative with the police, which is necessary and appreciated.

I guess my question to you is: Did you speak to these -- to Castillo, Ouellette, Williams, Wineguard and the people that kind've stayed longer? Because, I mean, I looked at the time sheets and some of these people left at times that kind've make sense for the job that they have in terms of cleaning up after the fact whereas others, you know, it's quite questionable that they're still there at the time that they're there.

So I am wondering what you did in terms

of your internal investigation with regard to what happened that night.

PATRICK LEE: So we did sit down with them all, and kind've walked through exactly what happened. And Mr. Rafferty said, in my estimation, and I think it's pretty clear, they were there too long.

I think after work if everyone is working diligently, you can be out of there significantly sooner than that.

And typically on a night like that, you would have three bartenders closing, you would have a closing manager and you'd have a closing server.

It looks as though the closing server wasn't there and they were the people who were remaining.

CHAIR NICOLE MURATI FERRER: I'm sorry. What time do you close on that particular night?

PATRICK LEE: We close at 2:00 a.m. on weekend nights.

ATTY JAMES RAFFERTY: If you could share with the Commission the night and the volume of activity and how Friday nights fall into terms of your business and why?

PATRICK LEE: Yeah. I mean generally as you would expect Friday nights are a busy night. And it wasn't a particularly busy Friday night, and to a certain extent towards the end of the night business tails off, but there's still a significant amount of work that needs to be done after to clean the place up.

We're open early the next day for brunch. There's significant cleaning that needs to get done behind the bar, in the kitchen, the dining room, and it's left upon these closing bartenders and servers to make sure that's done for the opening staff. So it's not an insubstantial

amount of work that these people have to do after, so it can get late quickly.

CHAIR NICOLE MURATI FERRER: But I'm assuming since some of them left kinda like at 1:20, 2:50, 2:00 a.m. like you said, it probably wasn't that busy and not all these people needed to be there.

PATRICK LEE: I think -- yeah. I mean, so you'd -- on a typical Friday night, you would have eight servers. Those servers are getting off at different times in the night, and there might be two or three closing servers, and one of those servers would be, you know, the person who is there until the end which might be that person that was there at 2:50. But there could have been a person leaving at 1:20, 2:20, 11:20, 10:20.

CHAIR NICOLE MURATI FERRER: Do you have cameras?

PATRICK LEE: We do not.

CHAIR NICOLE MURATI FERRER: Did any of them tell you whether or not they drank after 2:00 a.m. on the premises?

PATRICK LEE: Yes, they did. But specifically Mr. Bolduc said to me, who was the manager that evening and would have been the person who was in charge of everyone, his recollection was that he had one or two drinks and he wasn't impaired. He was very alert and luckily for Mr. Castillo, he was -- he probably saved his life or definitely saved his life.

CHAIR NICOLE MURATI FERRER: And Mr. Bolduc is the manager?

PATRICK LEE: Yeah.

CHAIR NICOLE MURATI FERRER: And --

ATTY JAMES RAFFERTY: Excuse me. Just to be clear, not the manager of record on the license, but serving as the operation manager,

person of authority that night. I just wondered if the witness could speak to the -- your policy with regard to consumption of alcohol.

CHAIR NICOLE MURATI FERRER: I was going there right after.

ATTY JAMES RAFFERTY: I apologize. I know.

CHAIR NICOLE MURATI FERRER: But that's okay. He's your client. Go ahead.

PATRICK LEE: It's a zero tolerance policy, and part of that is because with our experience in the business, we know that it gets late very quick, and as soon the place closes down, there's enough work to be done where you need to get it done and get out immediately.

I think here is where the lapse in judgment was, and it led to a terrible accident.

CHAIR NICOLE MURATI FERRER: So aside from him, from Mr. Bolduc admitting that he

consumed alcohol after 2:00 a.m. on the premises, did any of the other employees say that they did so as well?

PATRICK LEE: Yes. I think they all sort of basically said, "Yeah, we had a beer or two."

CHAIR NICOLE MURATI FERRER: Okay. So what action did you take with regard to these employees and -- I mean, they're not at home, so after 2:00 a.m. consuming alcohol on your premises is a problem.

PATRICK LEE: Yeah. And, you know, we spoke with them all. I think it was not lost on them, the severity of the situation, but I'll also say that they -- nothing I could've done would have created more of a punishment for them than what they were putting themselves through. They all felt, I mean, terrible about what's happening. They actually both still work there. They're roommates. So, you know, there was a

serious lesson learned here.

FIRE CHIEF GERALD REARDON: I guess it's quite clear the alarm was turned on at 5:08, and the video has them at 5:12. I guess there's no dispute that the alcohol was from your premise?

PATRICK LEE: Yeah. We're not...

ATTY JAMES RAFFERTY: No, I think that he's testified -- I mean, we would stipulate that based on the data we have, the video, as well as conversations, that they were on the premises until that time, at least two of them were, but I believe three might have been. And they acknowledged to Mr. Lee that they had something to drink.

On the issue of after premises, there's the rule, but there's also an exception for cleaning, and I think it's a question as to when is cleaning necessary and when does this become excessive, and, of course, it's in the judgment

of the Commission given these facts.

But the evidence of alcohol consumption, frankly, the Commission has a substantial evidence standard. I would say the only evidence of alcohol consumption is the candid testimony of the licensee who said he spoke to the employees and they acknowledged the fact that they had done so.

So, I would say, as the record stands now, yes, we have acknowledged that it has been determined and Mr. Lee --

FIRE CHIEF GERALD REARDON: I was just curious because your conversations with Officer Gutoski in terms of -- I don't think we're talking about impairment, but I believe from the testimony, evidence that someone consumes alcohol in that period.

ATTY JAMES RAFFERTY: My question to Officer Gutoski just had to do with the

expectation of cooperation on the part of the licensee and I do think it's a different standard.

I think it was highly relevant for the Commission to hear Officer Gutoski's assessment of the condition of Mr. Bolduc because I think if Mr. Bolduc was in the condition that he was impaired, it would suggest a higher level of alcohol intake, and I would think would be a source of greater concern.

But that's the purpose for which I wish to establish on the record that there was an assessment made by Officer Gutoski that he shared with Officer Sullivan regarding Mr. Bolduc, and I found it highly relevant for purposes of what the Commission might choose to be an appropriate --

FIRE CHIEF GERALD REARDON: Do we know if Mr. Bolduc made the call to 911?

OFFICER GUTOSKI: He did.

PATRICK LEE: I believe he did.

FIRE CHIEF GERALD REARDON: Thank you.

ACTING POLICE COMMISSIONER CHRISTOPHER
BURKE: Officer Gutoski, could you -- when you
responded, you had an interaction with
Mr. Bolduc?

OFFICER GUTOSKI: Initially, no. As I
stated, he was bleeding quite heavily. If he
went about another minute --

ATTY JAMES RAFFERTY: I think he --
you're talking about Castillo. I think the
question was about Bolduc.

OFFICER GUTOSKI: I was getting to that.
He was bleeding so heavily that my concern was
with the Pro Ambulance staff and stopping the
bleeding to secure him. So I -- on scene, I
asked Bolduc if that was his car he was driving,
and he pointed to me and said, "Yes." I went and
parked it as they got in the ambulance to leave.

I responded to Beth Israel and spoke with Mr. Bolduc, and that's when I could smell the liquor. I did not smell it on scene. I spoke with Pro Ambulance staff and they also confirmed that they could smell it in the ambulance as well.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: With your conversation with Bolduc, did he talk about the mechanics of the accident, how it happened?

OFFICER GUTOSKI: He said, quote/unquote, they were being knuckleheads and used poor judgment.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: So it was your understanding that he was operating the motor vehicle with the other person on top of the vehicle?

OFFICER GUTOSKI: Yes. On the rear of the trunk he was riding on.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: Did you have any understanding as to the distance he traveled before the accident?

OFFICER GUTOSKI: He didn't recall.

Again, my main priority, when I was there, was really just for safety and telling them that -- unfortunately, it happened, but I wanted him to make sure he knew that he did the right thing by calling us. He was quite emotionally upset, too. Because at the time at the hospital, we didn't know if he was going to survive, to be quite honest.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: Can you tell me the status of Mr. Bolduc, is he still the manager?

PATRICK LEE: He's still a manager, Glenn's still a barback and actually Glenn made a very quick recovery.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: What, if any, corrective action did you take internally?

PATRICK LEE: I think what we did not only at Park, but throughout the rest of our restaurants, was reinforce with all of the management teams, why this policy is in place and, you know, silly things happen late at night. Everyone's worked hard, let's clean up and go home. Tomorrow is another day. And I think that they have done a good job in reinforcing that with their teams.

And so, we have also changed our alarm policy. So, typically, the closing managers would put on the alarm at the end of the night, and we would be able to look at those records and see what time the alarm was put on.

Now we have a policy set in place since this incident where if the alarm is not put on by a certain time, the restaurant gets called and

after the restaurant gets called, we get called.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: I appreciate the silly, but silly ha-ha, but this is a reckless act that almost cost somebody their lives, and I question whether what part the alcohol consumption played in that. If not the person who was at least consumed alcohol, according to the officer, the injured party, I'm concerned about that.

I mean, clearly they set the alarm the 5:08, ten minutes later the police respond to the accident.

I think that the issue with the operator of the vehicle, driving for whatever distance, with somebody on top of the car is disturbing, and I'm really concerned about whether or not alcohol consumption played into that.

PATRICK LEE: Honestly, I think most of it was -- they're young, and I think that it was

late and he didn't -- he wasn't on the front of the car. He jumped on the back, so Alex wasn't aware. Like, it wasn't like he was on the front of the car and Alex was driving the car. He jumped from behind onto the back of the car is what I understand, and then it all could've happened very quickly is my point.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: They were commuting together, were they not?

PATRICK LEE: Yes.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: So wouldn't you know if the passenger got in the driver's seat? If I'm commuting with someone, I'm car pooling, I'm going to drive, they're going to be in the seat next to me.

PATRICK LEE: Right.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: I'm not going to pull away until they're

in the seat next to me.

ATTY JAMES RAFFERTY: Commissioner, I think there's a couple other things at work here. Officer Sullivan's report refers to a criminal application that's been made against Mr. Bolduc, and with all deference to that investigation, I don't think Mr. Lee is in a position to comment his understanding from his conversation with Mr. Bolduc, and I have no understanding the status of that is that, yes, while he was operating the vehicle, Mr. Castillo jumped on the back of the vehicle, and I imagine that's the reason that Mr. Castillo retained an attorney, and in one of his responses to Officer Sullivan, indicated that he was going to provide additional information through his attorney.

The reason I -- but what is evidence before the Commission is the assessment of Officer Gutoski regarding whether or not

Mr. Bolduc was impaired. Mr. Bolduc being the operator.

And his assessment is that he was not impaired, and that's the evidence before the Commission.

As to whether -- why Mr. -- I mean, the facts would seem to suggest that Mr. Castillo engaged in a reckless act jumping on the back of Mr. Bolduc's vehicle.

Beyond his motivation or his condition, I don't think that we have much evidence that we could add to that.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: Well, I get the impairment part, but I think the officer's testimony is that he formed an opinion based on conversation at the hospital that the employee consumed alcohol while he was on premises, and I think that the consumption of that alcohol led to this incident.

I mean, if you're car pooling with somebody, and you drive, you put the car in gear, the person is going to be right next to on the seat, not jumping on the car.

The manager plays a role in that incident and I'm concerned about that.

PATRICK LEE: I don't know that they were car pooling.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: I think they --

OFFICER GUTOSKI: They were. They were driving home. He confirmed it.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: So there may be standards with respect to level of impairment for the purposes of operating under the influence, but there's certainly conditions that would be pretty close to that that could also contribute to inappropriate behaviors that were caused while they were on

premises, ten minutes before the police were called to the scene. I'm concerned about that. I'm concerned about the reinforcing expectations. I think that runs a little bit on the weak side. You have somebody who's a manager, who has responsibility, who has a supervisory capacity and his -- I'm very concerned about that.

I'm very concerned that the individual still retains that capacity, and I'm not really convinced that this is going to be the last time.

ATTY JAMES RAFFERTY: Commissioner, I would only note that the licensee here operates several establishments in the city for a period of 20 years. And this is the first time anything of this anything like this has ever been cited.

I understand the caution and concern, but I would say that a relevant predictor might be the conduct of the licensee in the 20 years in this or other entities he has operated

establishments, and there's nothing to suggest that there's anything on this licensee's record. And I hear the concern about what -- I have known Mr. Lee a long time, and I know -- but I was concerned about the casualness of his testimony because when I met with him on this, he shared with me what they considered in terms of sanctions with the employees because the easy thing to do when we discussed it was to terminate the employees, so that he could stand in a more -- better position, perhaps, before the Commission that I'm so serious about this that I fired these two people.

He tells me that Mr. Bolduc was seriously traumatized by this and he rendered first aid at the scene for six minutes from the time it happened and made the call, and there was a tremendous amount of blood, and that, yes, this individual almost died.

And that he took significant time off from work before he returned. And that they worked with him and talked with him about the opportunity to continue to work there.

So he has not shared all that here, and perhaps, I was negligent in not eliciting more of that testimony about his exchange with Mr. Bolduc in the management decision they made about allowing him to return to work. But I can assure you an easy option and considered option was to terminate Mr. Bolduc.

He was the individual delegated by the general manager for responsibility.

And I think the licensee has come here today reported to you that, yes, he learned that there were violations of company policy, Commission rules and statutes, and he's acknowledged that.

And I would only say that there's no

casualness on the part of the licensee regarding the severity of the injury as well as the failure to comply with policy.

His business interests are significantly jeopardized by the conduct of these individuals putting aside the well-being of his employees. But candidly, that activity has caused him to appear here and face sanction discipline from this Board.

But, yet, with all due respect to Mr. Lee, he does not exhibit in his testimony the same fervor that he did when we met about his, because this is significant, and this is out of character for their organization. And there's no -- nothing in their history that would suggest that something like this would happen again.

CHAIR NICOLE MURATI FERRER: Mr. Lee, do you have any policies with regard to after-shift drinks?

PATRICK LEE: The only policy is it's not allowed.

CHAIR NICOLE MURATI FERRER: It's not allowed.

I know you said you that reinforced your policies or whatever, but did you also talk to your employees? And by "employees," I not only mean Bolduc and Castillo, I mean, all of the ones that were there, and the ones that are employed by you that consuming the alcohol thereafter 2:00 a.m. is a violation.

PATRICK LEE: Yes. As I said, I mean, we not only did it there, but we did it throughout our restaurants.

I think this change in alarm policy was something that was felt throughout the whole company, and I think the whole company felt like, wow, this is the direct result a serious incident that happened at Park, and, you know, yeah, the

easy thing would have been to fire them.

The easy thing would have been to fire Castillo. But they are both good employees, and I think if you were in that room, you would have done the same exact thing I did.

These guys -- he couldn't have acted -- he made the mistake, but he couldn't have acted the any better once he made that mistake.

He saved this kid's life, and the reason he saved his life is because he wasn't impaired, so...

CHAIR NICOLE MURATI FERRER: Any other questions?

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: I'm all set.

Thank you.

FIRE CHIEF GERALD REARDON: No. I would agree with a lot of licensees come in and the easy way out is to terminate somebody, and it

appears as though the problem is solved, but that is not always the case by terminating someone.

CHAIR NICOLE MURATI FERRER: We'll take it under advisement?

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: Agreed.

ATTY JAMES RAFFERTY: Do you have a scheduled decision hearing on this?

CHAIR NICOLE MURATI FERRER: No.

But what we're doing is we're combining hearings sometimes, so, you know, I mean, right now, our next hearing is -- what date is today, the 24th?

June 7th.

I don't know if we'll have a decision hearing before then, but it will definitely be on the agenda on June 7 if we haven't decided it before then.

ATTY JAMES RAFFERTY: I'm just curious

about the notice to the licensee as to when the next hearing will be on this.

CHAIR NICOLE MURATI FERRER: I will have Ms. Lint send you an email. Is that how you guys communicate with each other?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's what we have been doing.

ATTY JAMES RAFFERTY: I mean, the practice had been that there was a schedule and there were hearings and there were decision-making hearings. It appears that we're no longer following that model?

CHAIR NICOLE MURATI FERRER: Well, it's not that we're not following that model. We're dealing with very -- three different calendars right now based on all the changes that are happening, including a new police commissioner.

So right now, I can tell you for sure that our next scheduled hearing is June 7th. And

what I told you is that I don't know if we'll have a voting hearing before June 7th.

If we do not, this will be on the June 7th agenda. If we do, it will be on the agenda prior to that.

ATTY JAMES RAFFERTY: And my question is: How will I learn that you --

CHAIR NICOLE MURATI FERRER: I just told you Ms. Lint would email you if that's how you're communicating with each other, otherwise she could give you a call, whatever you prefer, counsel. That's something you can discuss with the executive director.

ATTY JAMES RAFFERTY: Okay. I think it's slightly bigger issue than -- I think the notice requirements around the hearings --

CHAIR NICOLE MURATI FERRER: I'm sorry. It wouldn't be a hearing. No more testimony would be elicited. We're talking it under

advisement so we can consider as the evidence of what Mr. Lee said.

ATTY JAMES RAFFERTY: Right. No, I just --

CHAIR NICOLE MURATI FERRER: Let me finish, counselor. I'm sorry.

So we could review everything and we can digest it.

I, frankly, do not like voting on disciplinary matters right off the bat because I like to consider everything that's before me.

ATTY JAMES RAFFERTY: Madam Chair, I couldn't agree more. And that's why taking matters under advisement and deliberation what -- I'm only noticing that, as you know, these hearings, where licensees place -- discipline has a higher requirement around notification than other types of hearings.

I'm just saying for the licensee -- and

they are public meetings, and they are -- I would respectfully suggest they are hearings, public testimony is not elicited, but when the Commission meets to deliberate and take a vote, I think the Commission is conducting a hearing, I'm not saying as a licensee, that hearing is something that should be a little more than an ad hoc communication from Ms. Lint. I would think that the licensee --

CHAIR NICOLE MURATI FERRER: What would you prefer, counselor? Would you prefer --

EXECUTIVE DIRECTOR ELIZABETH LINT: In the past, if it was our ordinary schedule of tonight's the hearing and May 31 is the decision making hearing, it would be said at this hearing that the matter's being continued to May 31st and that would be the end of it.

ATTY JAMES RAFFERTY: Because it feels at the moment what we have done, the Commission has

done is continued the hearing, but at the moment we don't know when it has been continued to and I understand that. I'm just saying that I --

CHAIR NICOLE MURATI FERRER: How about June 7, and regardless of whether we have a hearing before then, this matter will be on June 7.

ATTY JAMES RAFFERTY: I hate to think I advocated for June 7. I have no interest when it is.

CHAIR NICOLE MURATI FERRER: June 7, counselor. This will be on for June 7th.

ATTY JAMES RAFFERTY: For deliberations and decision?

CHAIR NICOLE MURATI FERRER: For deliberations and decision, no further testimony.

ATTY JAMES RAFFERTY: Thank you. In this room likely?

CHAIR NICOLE MURATI FERRER: Yes. June 7

the meeting is still here. Yes, they're still constructing at 831 Massachusetts Avenue.

Thank you.

APPLICATION:

**CINEMA BEVERAGES HOLDING COMPANY, LLC D/B/A
KENDALL SQUARE FOOD & BEVERAGE SERVICE**

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

6. Cinema Beverages Holding Company, LLC doing business as Kendall Square Food & Beverage Service, has applied for a new common victualler wine and malt beverages license to be exercised at One Kendall Square #1900 in: Whole of said theatre building, 22,500 square feet consisting of 3,600 square foot lobby, bar, and service area, nine theatre auditoriums, liquor storage in two locked and secured stockrooms. Howard Sandler, proposed manager. The hours are 10:00 a.m. to 1:00 a.m. Sunday through Thursday, and 10:00 a.m. to 2:00 a.m. Friday and Saturday.

CHAIR NICOLE MURATI FERRER: Good

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

ATTY ANDREW UPTON: Good evening, Madam Chair, Commissioners. Andrew Upton, U-P-T-O-N, for the applicant. With me is Howard Sandler, S-A-N-D-L-E-R, the proposed manager of record.

CHAIR NICOLE MURATI FERRER: Thank you. Good evening.

HOWARD SANDLER: Good evening.

ATTY ANDREW UPTON: Good evening. We're applying for a wine and malt license for the Kendall Square theater.

I can tell you that the trend in the theater industry is to increase amenities and services among those are better seats, better foods and better drinks, which include alcoholic drinks.

In Massachusetts right now, I can think of approximately 20 theaters that have alcohol

service.

Those include the Davis Square theater in Somerville, the Assembly Square theater in Somerville, the AMC theater at Boston College, the Regal Cinema in Boston, down by Fenway, as well as in Framingham, Methuen, Tyngsboro, Dartmouth, Dedham and many, many others.

CHAIR NICOLE MURATI FERRER: Chestnut Hill.

ATTY ANDREW UPTON: Chestnut Hill. I believe that the icon cinema is proposed to be built in the Seaport has been granted a liquor license although the theater itself has not yet been constructed.

Just to give you an overview of the Kendall and its unique status and history, I would like to turn this over to Howard in just a minute, just to sort've give you a flavor of what the place is all about.

HOWARD SANDLER: Good evening again.

Kendall has been around since 1995. I have been there myself since 2005, and having worked at other chains in the past, I can say that landmark in the Kendall specifically is quite a different theater than your run-of-the-mill movie house. From the design of it when you walk in, you have art over the concession. Just to the complete layout to the staff that works there, they're all movie buffs. We love our staff to spend time talking to the customers about the movie they just saw.

The food items that we have are different. We serve like Itamonte (phonetic) which you can't find in every theater.

The movies we play are what, I think, separates us from everyone else. We tend to play to an older crowd, someone might say to a more sophisticated crowd.

We have movies that you can't find at the big screens. People search us out with the movies that are playing as opposed to seeing a trailer on TV and saying, oh, I want to go see Captain America, you know, they know of a certain director in a movie that they have been working on and when it's going to be released, and they know that they can come to the Kendall to find that because it's the only place it's playing sometimes in the entire state. So I think the Kendall is very unique.

I think we've got a great audience, returning audience that comes to us.

Like I said, we do cater to an older crowd. We don't have many kid movies, maybe one every other year from a director over in Japan, but that's about it.

ATTY ANDREW UPTON: So that's the overview of what the Kendall is. I'm sure most

of you are familiar with it to begin it.

I did hand out the current menu. Some of that is the upgraded menu as well.

HOWARD SANDLER: Yeah. Yeah, just to speak on the menu. I mean, a lot of this is stuff that we have been adding over the years with a new cooking device that we have that allows us to do that. And I do know that I have been working with our concession director to bring in more hot food items and more snacks that certainly pair well, if we're lucky enough to be granted the license.

CHAIR NICOLE MURATI FERRER: Do you plan -- does your proposal for this plan, also the service into the theater, or will this be kind've how it is in Assembly, that you pick it up and then you take it yourself to the theater? How exactly is it going to work?

ATTY ANDREW UPTON: You'll pick it up and

you'll take it in. There will be no waiter or waitress service in there.

So, as the Board's aware, there's a heightened standard for granting a license in this type of application.

We need a consensus among the local residents and businesses that there's an extraordinary public need for this kind've public enterprise, and in order to show that we do that, we have circulated a petition among customers of the theater.

I am happy to say that we have, I think, over 900 people who have signed saying that they want beer and wine at the Kendall.

We have also met with the East Cambridge Business Association, and we have secured a letter of support from them as well as from Councillor Toomey.

We've also made outreach to the East

Cambridge Planning Team. They determined they did not want to have a meeting with us.

Although, one of them said they thought it was a good idea, and they told us, and I believe one or two members attended the East Cambridge Business Association.

In addition, we have been planning this application for, I would say, more than 18 months, and during that time, it took us awhile to get the landlord onboard, and then the property changed hands. That's why we didn't apply last year. But during that time Howie has made an extensive outreach to local residents and businesses.

He's on scene 50 plus hours every week, and he's probably talked to, I would say dozens, if not hundreds of local residents and local businesses.

And we would like to submit for the

record a couple of local businesses who took the time to publish letters.

CHAIR NICOLE MURATI FERRER: Do you want to give me the letters or the --

HOWARD SANDLER: They don't do good sitting there, do they?

CHAIR NICOLE MURATI FERRER: We do have the one for State Park. That was the only one that we had received.

ATTY ANDREW UPTON: They said they would email, so we brought the copy just in case that didn't happen.

In terms of the extraordinary public need, it's fairly clear that this is a unique theater in Cambridge and in the neighborhood. We think of it as a cultural center of Kendall Square.

Just to be clear, it will not be a bar scene or a gathering drinking place.

Our statistics show and market research shows -- first of all, 70 percent of national movie patrons are 21 plus.

I think it's fair to assume that the Kendall crowd given the movies that play is probably significantly older than that.

HOWARD SANDLER: I would agree.

ATTY ANDREW UPTON: Research also shows that one in ten people would consider having a drink.

And, typically, when someone has a drink at a movie theatre, only one in ten of those returns for a second drink.

And the main reason for that is the sort of the nature of the movie going experience. There's no intermission. There's no timeouts. There's no half times.

Once you sit in the movie, if you get up to get anything else, you will miss ten plus

minutes of the movie.

It's the structure of how movies work is the main reason hardly anyone gets a second drink. The only time we see people coming out of the theater is go to the bathroom. Most people are paying money for popcorn and a ticket, and they don't want to miss the theater.

So part of this is that -- it's a competitive environment for the entertainment dollar. Theaters have to innovate. They have to serve the customer, otherwise people will stay home and watch movies on their phone or their iPad, or their iWatch or whatever they have. We feel there's a need to support this theater as a community resource. One of the few stand-alone non-megaplexes in the area.

Cambridge residents have told us and told Howie that they want an alternative to Die Hard 5 and Mall Cop 3, those type of big budget films,

and the Kendall serves that need.

The Commissions looks us to show that there will be no unreasonable noise from within. I think that's pretty clear. It has been operating for many years.

There are never complaints about noise from what I can see. And I do not expect this to increase.

You also look to prevent patrons from filtering outside and making noise audible to residents, it hasn't been a problem.

We don't suspect that someone who has a drink two hours before they leave is going to be any rowdier than the current patrons.

So we have told you, it's a local theater, it's movies that you don't get in the Megaplex. We have an older crowd.

I can tell you that we met with Andrea Boyer to talk about the best practices and

alcohol services. We gave her a tour of the facilities. We described how we would operate the sale and service of alcohol.

She had a few minor suggestions, but overall, I would say she was relatively comfortable with the program we presented.

The Kendall parent company operates numerous theaters.

HOWARD SANDLER: We have 70 throughout the country right now.

ATTY ANDREW UPTON: Many of which serve alcohol, and I will submit a what we call the cinema bar and lounge operation plan. This is --

CHAIR NICOLE MURATI FERRER: This is what you just mentioned you presented to Ms. Boyer?

ATTY ANDREW UPTON: We discussed with her, yes. And when we talked about with her, we did tell her that, you know, this is an outline of a plan, it's the type of plan we typically

use.

There are some things in there that don't necessarily apply, and should we be approved, this would be the outline that we would fine-tune for our practices.

But, you know, it's our way of saying we have done this before, we understand the process. We take it seriously. And that's why it's written out.

Again, we're applying for wine and beer only, we don't see the need for spirits here.

We think there's a little bit of margin of safety having beer and wine only. We'll have local beers, craft brews. We have substantial food now, there's a limit, and the food will only expand. I think we have a good applicant. We have an experienced manager, we have the national experience, we have established policies. I told you there will be relatively low volume of

alcohol service, and I can also tell you our policy will be to card or ID every person that comes to the bar.

So if I were there with a guest or significant other, I could not pick up two beers and bring them in because I need to show two IDs and you'd see two people with it.

I think our policy of doing that is an added margin of safety, and it's probably considerably stricter than many establishments in the area.

CHAIR NICOLE MURATI FERRER: Counselor, I'm sorry. I did not see a floor plan. Did you submit one?

ATTY ANDREW UPTON: There is a floor plan attached to the application on No. 14, which I have tabbed, and can show you from mine, if it's somehow not in there.

CHAIR NICOLE MURATI FERRER: If you can

show it to me because I went through the file and I'm again going through it again as you're speaking.

ATTY ANDREW UPTON: After the corporate documents and before the proposed menu, but here it is, if it didn't make it into there.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY ANDREW UPTON: So as you come into the theater, you go through the doors, you buy your ticket, and there's the snack bar in sort of along the left-hand wall. Where it says "Bar" at the end there, we'll be where we store the alcoholic beverage.

We want it to be a little bit isolated so if someone comes to get candy or popcorn in case they're under age, you know, it's a little bit segmented. It will also keep -- make the ID'ing not slow other people down.

So we feel the public need for this is

extraordinarily strong, the character and fitness of the applicant are clear and we're certainly glad to answer any questions.

CHAIR NICOLE MURATI FERRER: The entertainment application that's currently held is held under Silver Cinemas Acquisition Company, are you guys changing that at all?

ATTY ANDREW UPTON: We probably won't change that.

This will be a concessionaire operation, so we will hire a subsidiary to hold the license and serve the beer and wine. And they have the right of occupancy through that concession agreement to be on premises.

CHAIR NICOLE MURATI FERRER: But that's not before us right now?

ATTY ANDREW UPTON: I think that's --

CHAIR NICOLE MURATI FERRER: Don't confuse me, Mr. Upton.

ATTY ANDREW UPTON: Okay, I will not.

CHAIR NICOLE MURATI FERRER: We have Cinema Beverages Holding Company, LLC before us as the proposed holder of the license, correct?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: And that is not the concessionaire? I mean, that's not like someone separate from who will be there with the alcohol, correct?

ATTY ANDREW UPTON: No, that is who will be there with the alcohol.

CHAIR NICOLE MURATI FERRER: Okay, okay. But the current entertainment license is held by Silver Cinemas Acquisition, that's not changing? That was my question.

ATTY ANDREW UPTON: That's not changing either, no.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: Quick

question, counselor.

I notice that the alcoholic beverage cups or containers will be different from the nonalcoholic to distinguish them. Is it your intention that all of these will be plastic whether it's wine or beer, there won't be glass going into the...?

HOWARD SANDLER: No glass. We don't allow glass in into the theatres.

FIRE CHIEF GERALD REARDON: I didn't think so, but I might've missed it in my reading, but I was just...

CHAIR NICOLE MURATI FERRER: There's not going to be any major renovations done for, you know, to make this work?

ATTY ANDREW UPTON: No. I mean, adjusting the bar, putting the tap lines in.

I believe that the revenue that we're expecting to generate from this from the

increased ticket sales, we're trying to use that to encourage the landlord to spiff up the lobby a bit, but it's not a big capital expense.

CHAIR NICOLE MURATI FERRER: And the bar area where you will be dispensing the alcohol from, there's no seats there or anything, it's just like a counter bar, correct, or do you expect to have seats there as well?

HOWARD SANDLER: Currently as is there's no seats, but there is right behind it to the left, there's an area where benches are. So I guess there are seats, but there are benches over there.

They might want to put in a couple stools and high tables while they're waiting to get into the show.

ATTY ANDREW UPTON: That would be more of a lounge area.

CHAIR NICOLE MURATI FERRER: Yeah, but

not really -- we're not creating a whole sit-down-type bar. I do know the theatre and I know -- yes.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: Now, you indicated that there was not going to be any wait service?

HOWARD SANDLER: Correct.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: What does this document represent?

ATTY ANDREW UPTON: That document represents the policy outline that the company uses nationwide. So should we be granted the license, we would use that as a template and adjust it based on our conversations with the Board, with you, with management to put in specific policies.

CHAIRMAN MICHAEL GARDNER: The hours, for example, this one has hours that are different from the current hours that you're applying for

and whatnot?

ATTY ANDREW UPTON: Right. That's an example policy.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: Okay.

CHAIR NICOLE MURATI FERRER:
Mr. Sandler, you have never been the manager on a liquor license before, correct?

HOWARD SANDLER: That's correct.

CHAIR NICOLE MURATI FERRER: How long have you been with the cinema?

HOWARD SANDLER: I have been with this company for 11 years.

I have been running theaters for close to 20 now.

CHAIR NICOLE MURATI FERRER: Are you familiar with the rules and regulations of this Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale and

service of alcohol?

HOWARD SANDLER: Yes.

ATTY ANDREW UPTON: Do you understand that we expect you to stay up to date with those rules, laws and regulations?

HOWARD SANDLER: Yes.

COMMISSIONER MICHAEL GARDNER: Are you a US citizen?

HOWARD SANDLER: Yes.

ATTY ANDREW UPTON: He has already inquired about 21 Proof.

CHAIR NICOLE MURATI FERRER: Any further questions?

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: None.

FIRE CHIEF GERALD REARDON: No.

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

(No response.)

Anyone in opposition to this petition?

(No response.)

Are you guys ready to vote?

I would vote to grant this application.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: I would approve.

FIRE CHIEF GERALD REARDON: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY ANDREW UPTON: Thank you very much.

I look forward to working with you.

CHAIR NICOLE MURATI FERRER: Counselor,

I'm keeping that copy of the floor plan because I don't have it. If you need a copy of it, can you have Chris email it to you?

ATTY ANDREW UPTON: Okay. Thank you.

Thank you very much.

APPLICATION:

MIT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: MIT 650 Main Street, LLC, holder of

a FLAMMABLES LICENSE at 610 Main Street for 10,062 gallons of Class 2 has applied to amend their flammables storage to 21,282 gallons of Class 2.

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

NAT WYSOR: Nat, N-A-T, Wysor, W-Y-S-O-R. I'm with Red Gate Real Estate Advisors. We're the project manager for the development of 610 Main Street which is the R&D facility and parking garage that's currently under construction that is the property where this license is currently located. And to my right is Bill Taber.

BILL TABER: Bill Taber. I'm an engineer with Vanasse Hangen Brustlin. We're at 101 Walnut Street in Watertown, Massachusetts.

We put together the license application. It's for an additional approximately 10,000 gallons of diesel fuel for new emergency

generators for the facility.

FIRE CHIEF GERALD REARDON: Is this for the proposed, what's being called 610 north?

NAT WYSOR: That's correct. There's two towers.

FIRE CHIEF GERALD REARDON: There's 610, 610 rear and 610 north is the proposed one?

NAT WYSOR: That's correct.

FIRE CHIEF GERALD REARDON: Do you know if you have had your final approval for the address? Is that still under --

NAT WYSOR: It's being kind've reopened, if you will. And there's a meeting next week with DPW.

FIRE CHIEF GERALD REARDON: Gets a little problematic with the same address with rears and north.

BILL TABER: When we went for the first time it was issued was 610 Main Street.

FIRE CHIEF GERALD REARDON: That's correct.

BILL TABER: With the additional tower they're going back in and making an adjustment to it.

FIRE CHIEF GERALD REARDON: That's fine. This is for, what? This is all for diesel for the generator?

BILL TABER: Yes.

FIRE CHIEF GERALD REARDON: You're holding tank is...?

BILL TABER: Located in the garage.

FIRE CHIEF GERALD REARDON: How big is that one?

BILL TABER: There's two tanks, two 5,000 gallons.

FIRE CHIEF GERALD REARDON: Is the generator upstairs or downstairs?

NAT WYSOR: They're both on the roof.

FIRE CHIEF GERALD REARDON: There's like what, two 60-gallon day tanks on the roof?

BILL TABER: Exactly, two 60s on the roof. They go with each generator and they're fed by two 5,000-gallon tanks in the basement.

NAT WYSOR: One generator is for the core shell emergency usage and then the other generator is for tenant stand-by use.

FIRE CHIEF GERALD REARDON: Does the core emergency generator cover all the elevators in the building, or is it just selected ones, or do you know?

NAT WYSOR: I believe it's just selected elevators.

FIRE CHIEF GERALD REARDON: Okay.

I have not seen it in awhile. The tank is grade level in the garage?

BILL TABER: Below grade level, and they're double-walled steel tanks with

interstitial monitors. There's the new monitoring system on each of the tanks.

There's obviously the filler -- the filler at grade level, and each is contained in a locked watertight box so when they hook up the fuel for fuel deliveries, unlock the box, hook it up directly and then you have a...

FIRE CHIEF GERALD REARDON: The interstitial is large enough to contain the maximum capacity of the tanks?

BILL TABER: Yeah. Approximately 110 percent.

FIRE CHIEF GERALD REARDON: All set.
Thank you.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: All set.

CHAIR NICOLE MURATI FERRER: I only have one question, but you already covered it.

Anyone in favor of this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

I would vote to grant unless you want to hold off because of the address.

FIRE CHIEF GERALD REARDON: No.

The address thing, it's still being done and adjudicated. I was curious if there was any updated information.

CHAIR NICOLE MURATI FERRER: Thank you.

FIRE CHIEF GERALD REARDON: You're all set.

INFORMATIONAL:
T.T. THE BEAR'S PLACE, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational: T.T. the Bear's Place, Inc., holder of a common victualler all alcohol license at 10-18 Brookline Street, informational hearing regarding non-use of license, General Laws

Chapter 138, Section 77.

I have an unpaid property tax bill. If you could pass that along and provide me proof it was taken care of, please.

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

ATTY ANDREW UPTON: Good evening, Madam Chair, Commissioners, Andrew Upton, U-P-T-O-N, for the applicant.

CHAIR NICOLE MURATI FERRER: Thank you. Do you want to give us an update, Mr. Upton, on what is going on?

ATTY ANDREW UPTON: I spoke with the applicant today, and she's a woman in her 70s who suffers from COPD which I learned from her stands for chronic obstructive pulmonary disease, and because of that, her doctor advises her not to go out in humid weather. That's why she can't be

here.

And for some reason if my presentation is insufficient, she's happy to come to the next meeting.

I can tell you that this place closed nine and a half months ago and she was in extensive negotiations with Holland, the owner of Man Ray and Mr. Sater, the owner of the building in the establishment next door, but it appears that those are not going to work out.

Mr. Holland does not have a place to put the license despite his enthusiasm for starting some type of new musical club, and apparently, the people around the corner feel that they can't afford to purchase the license.

So she's gone ahead and listed it with a broker, and I have a letter from the broker as well as a listings agreement to the Commission.

And I'm certainly glad to answer any

other questions, and also we would request that the Commission grant us six months to continue the process and dispose of the license.

EXECUTIVE DIRECTOR ELIZABETH LINT: For clarification, it's not a property tax bill, it's the second half of an alcohol payment under the license.

ATTY ANDREW UPTON: The six months payment?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ATTY ANDREW UPTON: That's good. Yeah.

CHAIR NICOLE MURATI FERRER: Just for the record, this license had been held an inactive status and approved in an inactive status from April 1, 2016. I wanted that clear on the record.

I would vote that we bring in for a six-month hearing, cancellation hearing in six months.

FIRE CHIEF GERALD REARDON: Agreed.

ACTING POLICE COMMISSIONER CHRISTOPHER
BURKE: Agree.

CHAIR NICOLE MURATI FERRER: So
cancellation non-use hearing in six months.

ATTY ANDREW UPTON: Thank you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

**APPLICATION:
FAVA BEAN D/B/A FAVA BEAN**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Fava Bean, LLC doing business as
Fava Bean, has applied for a common victualer
license at 100 Cambridgeside Place, Galleria Mall
Food Court, Ahmed Manmood, as proposed manager of
record. The hours will be consistent with the
mall operating hours. Premise is described as:
712 square feet of retail space inside the mall
food court.

CHAIR NICOLE MURATI FERRER: Please state

and spell your names for the record.

AHMED MANMOOD: Ahmed, A-H-M-E-D. Last name Manmood, M-A-N-M-O-O-D.

HAMZA ABDULHIMID: Hamza Abdulhimid, H-A-M-Z-A. Last name will be A-B-D-U-L-H-I-M-I-D.

ARHAB HASAN: I'm the proposed manager, Arhab Hasan, A-R-H-A-B, H-A-S-A-N.

CHAIR NICOLE MURATI FERRER: S-A --

ARHAB HASAN: H-A-S-A-N.

CHAIR NICOLE MURATI FERRER: Thank you. Can you tell us a little bit about Fava Bean?

AHMED MANMOOD: Actually Fava Bean is Mediterranean concept we're introducing here. It's our first location in the region. We had several restaurants overseas. This would be -- we're trying to get into the New England market.

This would serve as our flagship

location. It would be fast food. We're trying to focus on in the city of Middle Eastern food as well as fast and modern delivery of it.

We're trying to focus also on natural ingredients while keeping in mind the price to keep it in the mall.

CHAIR NICOLE MURATI FERRER: And this is in the food court, the one right -- the one downstairs?

AHMED MANMOOD: That's correct.

CHAIR NICOLE MURATI FERRER: The only food court.

FIRE CHIEF GERALD REARDON: Who was in that spot that you're looking to take?

AHMED MANMOOD: It's been closed two years, but possibly, if I can remember, it was Sapa1 (phonetic).

FIRE CHIEF GERALD REARDON: It's been that long that's been closed?

AHMED MANMOOD: Yeah.

CHAIR NICOLE MURATI FERRER: 11:00 a.m. to 10:00 p.m. is what I see on your application, the hours?

AHMED MANMOOD: That's correct. To 9:00 p.m.

CHAIR NICOLE MURATI FERRER: Any other questions?

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: No questions.

FIRE CHIEF GERALD REARDON: So did you have to do much of a build-out from the previous tenant?

AHMED MANMOOD: That's correct, yes.

FIRE CHIEF GERALD REARDON: Is it a complete build-out in there?

AHMED MANMOOD: Yes.

FIRE CHIEF GERALD REARDON: Okay. Are you using fryolators?

AHMED MANMOOD: That's correct.

FIRE CHIEF GERALD REARDON: You're tying into the hood system that's provided?

CHRISTOPHER SLOMIAK: That's correct.

FIRE CHIEF GERALD REARDON: And you understand the difficulty in getting the certificate on the hoods?

AHMED MANMOOD: I'm sorry, what?

FIRE CHIEF GERALD REARDON: You understand the complexity of making sure you get a certificate of compliance for the hood system because it vents -- it's a difficult vent in that type of building.

AHMED MANMOOD: That's correct.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: Do you have any idea what the expectation of opening would

be?

AHMED MANMOOD: We're shooting for
June 1st.

FIRE CHIEF GERALD REARDON: Okay.

AHMED MANMOOD: Assuming everything goes
well and finalizing everything.

CHAIR NICOLE MURATI FERRER: You mean
like in a week?

AHMED MANMOOD: Yeah, exactly.

CHAIR NICOLE MURATI FERRER: The 1st,
like what?

FIRE CHIEF GERALD REARDON: Let take a
wild guess, you've already started work?

ARHAB HASAN: It force us to change
everything there.

FIRE CHIEF GERALD REARDON: Okay.

AHMED MANMOOD: We're changing
everything, ready to start hopefully very soon,
yes.

FIRE CHIEF GERALD REARDON: Okay. All set.

CHAIR NICOLE MURATI FERRER: I vote to grant.

FIRE CHIEF GERALD REARDON: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

APPLICATION:

**TRIA CAMBRIDGE CONCESSIONS, LLC
D/B/A BEST WESTER PLUS HOTEL TRIA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tria Cambridge Concessions, LLC, doing business as Best Western plus Hotel Tria, holder of a common victualer all alcohol license at 220 Alewife Brook Parkway has applied for a change of manager to Jennifer Marie Kavanagh.

CHAIR NICOLE MURATI FERRER: Good evening.

ATTY ANDREW UPTON: Good evening, Madam Chair, Commissioners. Andrew Upton, U-P-T-0-N. With me is Jennifer Kavanagh with a K.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY ANDREW UPTON: As you may recall, this hotel changed hands a couple months ago. We brought in a transitional manager for the opening. That transition is now complete and we have installed Jennifer Kavanagh, a veteran of the hotel industry in Boston and the frequent supervisor of the sale and service of alcohol in many different capacities, and someone who happened to be on the phone with 21 Proof when I called her this morning, so she's focused on that as well. And with that, we would like to answer any questions.

CHAIR NICOLE MURATI FERRER: Thank you.

Ms. Kavanagh, you answered that you had not been the manager of record on a liquor license before?

JENNIFER KAVANAGH: That's correct.

CHAIR NICOLE MURATI FERRER: You have

been a manager of the hotel in which you worked at?

JENNIFER KAVANAGH: Yes, in different capacities.

CHAIR NICOLE MURATI FERRER: Mr. Upton, before I ask your client a few more questions, Ms. Kavanagh is only going to be the manager of record on the concessionaire -- on the liquor license, the CV all alcohol, but the hotel -- the innholder manager, she's not?

ATTY ANDREW UPTON: She will be both.

CHAIR NICOLE MURATI FERRER: So is that included here? Is that meant to be included today?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: Okay. I had sort've remembered in the original hearing you saying that the manager would be the same for both, so I just wanted to make sure.

ATTY ANDREW UPTON: Yep. It will be both.

CHAIR NICOLE MURATI FERRER:

Ms. Kavanagh, tell us about your concerns in this industry.

JENNIFER KAVANAGH: Sure. June 19 I will have been in the hospitality business for 20 years.

I started at the front desk, moved my way up, been the director of sales probably for the longest time of that, managed many events, bar mitzvahs, weddings, and probably the 15 years I have been a manager, every hotel I worked at we had manager-on-duty programs where four times a year you're required to stay over Friday to Sunday and you're on call, so if anything should happen, regardless if I'm not overseeing a particular part of the hotel, whether it's the restaurant, bar or function room, I'm still

required to be responsible for everything under that roof during those 48 hours.

CHAIR NICOLE MURATI FERRER: Are you familiar with the rules and regulations of this Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to sales and service of alcohol and the running of an innholder license?

JENNIFER KAVANAGH: Yes.

CHAIR NICOLE MURATI FERRER: We expect you to stay up to date with the rules and regulations.

JENNIFER KAVANAGH: Yes.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

JENNIFER KAVANAGH: Yes.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: None.

CHAIR NICOLE MURATI FERRER: I vote to grant the change of manager on the CV all alcohol and innholder license.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

**APPLICATION:
WAGAMAMA BOSTON 1, LLC
D/B/A WAGAMAMA**

EXECUTIVE DIRECTOR ELIZABETH LINT: We have one more. Wagamama Boston 1, LLC doing business as Wagamama has filed an application to transfer the common victualer wine and malt license of Fi-Hi Pizza, Incorporated doing business as HiFi Pizza, 496 Mass Ave, change of location to JFK Street and amendment to the premise description.

CHAIR NICOLE MURATI FERRER: Good evening.

Please state and spell your names for the record.

ATTY ANDREW UPTON: Good evening, Madam Chair and Commissioners. Andrew Upton for the applicant. With me is Daniel Calhoun, C-A-L-H-O-U-N, the proposed manager of record.

This is part of a three-part transaction. Wagamama has been in Harvard Square, operated for many years. They have determined that they no longer have a need for all alcohol, so they're attempting to do a three-way transfer where we would transfer the all alcohol license to Sumiao Chen, who you have previously heard and we will purchase the license from Hi-Fi Pizza, that's beer and wine.

So we believe the public need is met because the Board has already approved a license in this location that's been operated without incident, character and fitness of the applicant

is quite strong, they're a well-established popular establishment, and we have Mr. Calhoun here to talk about his experience and answer any questions as well.

CHAIR NICOLE MURATI FERRER: Mr. Calhoun, you're the current manager of record on the all alcohol here?

DANIEL CALHOUN: I don't think I'm on the current --

ATTY ANDREW UPTON: No, you're not.

DANIEL CALHOUN: Daniel Druggee (phonetic).

ATTY ANDREW UPTON: Daniel Druggee has moved on. So we're taking the opportunity to qualify the new manager while we do the transfer.

CHAIR NICOLE MURATI FERRER: But we have been the manager of record on a liquor license before?

DANIEL CALHOUN: I don't recall. I have

been at this property before --

CHAIR NICOLE MURATI FERRER: Okay -

DANIEL CALHOUN: -- as general manager, roughly, like 2011, '9, '10, '11. I don't remember ever coming to a hearing like this. So I'm leading to believe, no.

CHAIR NICOLE MURATI FERRER: So, Mr. Upton, I don't want to advise you or your client, but we have him as "yes" being the manager on a license that was issued by the Commission, and then we have him at 57 John F Kennedy Street, which is why I was confused.

ATTY ANDREW UPTON: You were not on the license when you were there back then?

DANIEL CALHOUN: I don't remember.

CHAIR NICOLE MURATI FERRER: I don't know exactly how you want to figure out that.

ATTY ANDREW UPTON: I think we need to do a little bit of historical research.

CHAIR NICOLE MURATI FERRER: With that in mind, can you tell us about your experience in the food and beverage industry?

DANIEL CALHOUN: I have been a manager for ten years, I have been a general manager for six or eight of them, and I worked for Wagamama off and on since 2007. I'm very familiar with the Harvard Square area and the sale of liquor, beer and wine.

CHAIR NICOLE MURATI FERRER: Are you familiar with the rules and regulations of this Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

DANIEL CALHOUN: Yes.

CHAIR NICOLE MURATI FERRER: Do you understand that we expect to you stay up to date with those rules, laws and regulations?

DANIEL CALHOUN: Yes.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

DANIEL CALHOUN: Yes.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: Mr. Upton, I'm not sure how the ABCC is gonna take it, but the cash, the one page from Santander saying that there's sufficient funds. I mean, we'll send it up to them, but, you know, they require the three months of bank statements. I'm just not quite sure -- it usually has depended on the investigator that you get. I'm just letting you know.

ATTY ANDREW UPTON: I appreciate that. I have had very good luck with bank's stationery letter.

CHAIR NICOLE MURATI FERRER: Well, good for you.

All right. I would say we defer on it only because we have not approved the move from the all alcohol out of this location because we're still waiting on the lease so which we have not voted on, so June 7.

ATTY ANDREW UPTON: You vote them all in concert?

CHAIR NICOLE MURATI FERRER: Yep.

Do you have any other questions?

FIRE CHIEF GERALD REARDON: I don't have any other questions.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY KEVIN CRANE: Just one. For the record, Attorney Kevin Crane, C-R-A-N-E. I represent the seller, Hi-Fi Pizza d/b/a Hi-Fi Pizza. As you know, my client has a long history of an inactive status here. We have finally reached pay dirt, and I would request that the Board approve the requested transfer.

CHAIR NICOLE MURATI FERRER: Excellent.

Anyone in support of this petition?

(No response.)

Anyone in opposition?

(No response.)

Thank you.

ATTY ANDREW UPTON: Thank you very much.

CHAIR NICOLE MURATI FERRER: Back to the
administrative stuff.

**ADMINISTRATIVE MATTER:
5522-334 HARVARD STREET, CAMBRIDGE LLC
D/B/A AKELIUS REAL ESTATE MANAGEMENT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

5522-334 Harvard Street, Cambridge, LLC doing
business as Akelius Real Estate Management is
requesting a change of ownership from Vitas Rasys
to 5522-334 Harvard St., Cambridge.

CHAIR NICOLE MURATI FERRER: So this is a
garage license and open air actually and the land
and we confirmed everything is the same, so I

would vote to approve.

Granted, yes?

ACTING POLICE COMMISSIONER CHRISTOPHER

BURKE: Granted.

**ADMINISTRATIVE MATTER:
BGR HOSPITALITY D/B/A BLAZE PIZZA**

EXECUTIVE DIRECTOR ELIZABETH LINT: BGR

Hospitality doing business as Blaze Pizza has applied for an entertainment license for one radio at 1 Canal Park.

CHAIR NICOLE MURATI FERRER: We actually heard this as a CV application, and this was kind've lost in the shuffle. I would vote to grant.

EXECUTIVE DIRECTOR ELIZABETH LINT: As an add on they have a request for a one-day extension.

CHAIR NICOLE MURATI FERRER: For their grand opening?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: They need -- we need a floor plan on this because they say they would like to extend or -- I will not vote until I see a floor plan because it says they were extending their patio premises to Thorndike. So I personally would need to see something. I would need to figure out whether this is on public or private property. If it's public property, they need permission. I'm just not familiar enough. I don't know if you gentlemen are with the family with the area they were proposing.

FIRE CHIEF GERALD REARDON: I'm familiar with the paper, but I don't know territorial who belongs to what in that Thorndike Place.

CHAIR NICOLE MURATI FERRER: Providing they can get it to us, I have no problem with the one-day extension -- it's actually not a one-day

extension. I think it's a weekend extension.

But, again, I think we need those documents, so I would hold on that.

I say they need to give us a floor plan, and also, if it's city, the permission to use the area, and then if it's not city, permission from the landlord to use the area.

FIRE CHIEF GERALD REARDON: It's Thorndike Way, but I'm not sure whose property it is. We have right-of-access, but I don't believe the city owns it.

It's one of those rights-of-access, it's a fire lane they have to maintain, but I'm not sure we actually -- the city owns it. I believe it's private property.

CHAIR NICOLE MURATI FERRER: Yeah. And just one more thing, Ms. Lint, if you can get confirmation -- it looks like -- I'm not quite sure what they're extending. Is it that they're

extending the entertainment to be outside or extending the beverage -- the food and beverage, outside? It's not clear what they're seeking to extend outside.

EXECUTIVE DIRECTOR ELIZABETH LINT: She explained to me they were going to talk to ISD about a tent and they would just be giving away pizza and...

CHAIR NICOLE MURATI FERRER: I mean, yeah. Granted on the annual entertainment license and then hold on the other.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you want to do Bon Me and then we'll talk about the Pedicabs?

CHAIR NICOLE MURATI FERRER: Sure.

**ADMINISTRATIVE MATTER:
BON ME FOODS, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:
Michael Feeney on behalf of Bon Me Foods, LLC has

requested to change his existing peddler license to vend on Oxford Street from 8:30 a.m. to 9:00 a.m.

CHAIR NICOLE MURATI FERRER: Granted.

**ADMINISTRATIVE MATTER:
PEDICABS**

EXECUTIVE DIRECTOR ELIZABETH LINT: A discussion of the pedicabs. We had a Pedicab program now for four years.

CHAIR NICOLE MURATI FERRER: Hold on. You forgot about the --

EXECUTIVE DIRECTOR ELIZABETH LINT: That's an add on.

CHAIR NICOLE MURATI FERRER: We have a request to add a location and days of operation to the mobile food truck of Ben and Jerry's. They're going to now also be at Third and Binney Street from 11:00 a.m. to 6:00 p.m.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's part of the Cambridge Redevelopment Authority.

They want to start utilizing the piece of property that they own down on Binney until such time as it's redeveloped. They reached out to every restaurant in the neighborhood to make sure they didn't have opposition with it, and what the restaurant said was it was fine so long as it was only dessert trucks.

CHAIR NICOLE MURATI FERRER: Now the pedicabs.

EXECUTIVE DIRECTOR ELIZABETH LINT: Wait a minute. Just you have to acknowledge this.

CHAIR NICOLE MURATI FERRER: Let's talk about the pedicabs.

EXECUTIVE DIRECTOR ELIZABETH LINT: We had the pedicabs program for four years now. It was a long time in coming working with Traffic and Parking and the Mayor's Office when Henrietta

Davis had been the mayor. We worked on it for two or three years until we were able to come with up with something.

The first year the program had two companies operating, and one decided not to come back because there wasn't enough business for two companies. The one that stayed originally had 20 pedicabs, and last year I think they went down to ten.

And then the other day we got an email from someone saying that he wanted to start operating in the city, but I think from the email, it just appears he has one pedicab.

CHAIR NICOLE MURATI FERRER: I personally have no issue. I think -- I mean, there's no reason why not to have it, and originally, we envisioned having two different operators of pedicabs out there. I don't see why we could not allow someone else that wants to fill that niche

to do it, but that's my...

FIRE CHIEF GERALD REARDON: I agree.

CHAIR NICOLE MURATI FERRER: Okay.

ACTING POLICE COMMISSIONER CHRISTOPHER
BURKE: So is this one company just one pedicab?

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's what it appeared to be from his email.
The other one I think they're just going to use
ten. Part of it is because of all the
construction that's it's difficult and they can't
go on Memorial Drive and certain other streets.

CHAIR NICOLE MURATI FERRER: We don't
have any information. But the gentleman just
sent in an email asking what is the -- I would
like to open up a pedicab business in the City of
Cambridge, what is the process, and then Ms. Lint
proceeded to tell me the history, and I said we
should put it on for the Commission. We just
allowed them to fill out the application, go

through the process and we can decide then.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yep.

CHAIR NICOLE MURATI FERRER: I don't think that's an issue.

FIRE CHIEF GERALD REARDON: Because we went through a long discussion limiting it to two, but one has been gone for some time. I don't see there's any harm in having a second one come back in.

ACTING POLICE COMMISSIONER CHRISTOPHER BURKE: I think originally the first company there was concerns about the cab size and then the route.

EXECUTIVE DIRECTOR ELIZABETH LINT: We went through all of that. There really are no routes. They try to make it -- some of them it's, you know, taking you from Point A to Point B. Some will actually do a little tour around the city. Obviously, it's difficult on certain

streets.

CHAIR NICOLE MURATI FERRER: Do we have an application for pedicabs?

EXECUTIVE DIRECTOR ELIZABETH LINT: We do.

CHAIR NICOLE MURATI FERRER: Let's have the gentleman fill it out and go through a hearing process and we'll decide then.

All right. That's that and we have one more.

Tesfaye Jifar wants to operate as a livery in the airport. We're just acknowledging the request. We're just telling Massport what we usually do, that he's currently licensed and we have no issue with him operating out of Massport.

EXECUTIVE DIRECTOR ELIZABETH LINT: Unless you want to approve some minutes?

CHAIR NICOLE MURATI FERRER: Sure. Absolutely.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Gerry, have you heard all the hearings in April?

FIRE CHIEF GERALD REARDON: That's like four or five meetings ago.

CHAIR NICOLE MURATI FERRER: The 5th, 19th and 25th.

FIRE CHIEF GERALD REARDON: I was at all three.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's what I thought.

CHAIR NICOLE MURATI FERRER: Motion to approve the meetings of April 5, 19 and 25?

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: All in favor? Approved.

FIRE CHIEF GERALD REARDON: Motion to adjourn?

CHAIR NICOLE MURATI FERRER: Done.

(Hearing was concluded.)

ERRATA SHEET

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

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

CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of May, 2016.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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