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COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION
DECISION MAKING HEARING

LICENSE COMMISSION BOARD MEMBERS:

Robert C. Haas, Police Commissioner
Daniel Turner, Deputy Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer and

--held at--

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

Thursday, August 5, 2010

10:00 a.m.

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P R O C E E D I N G S

1
2 ELIZABETH LINT: License Commission
3 Decision Making hearing, Thursday, August 5,
4 2010. It's ten a.m. We're in the Michael J.
5 Lombardi Municipal Building, 831 Mass. Ave.
6 basement conference room. Before you the
7 Commissioner Robert Haas and Deputy Chief Dan
8 Turner.

9 From the July 12th agenda, the only
10 outstanding matter was Blue Fin.

11 ROBERT C. HAAS: Do we want to
12 approve the Minutes from the 26th or not? I
13 just saw them, didn't I?

14 ELIZABETH LINT: I didn't get them.
15 But that doesn't mean that I -- I don't
16 always get them.

17 ROBERT HAAS: I thought Chris just
18 sent them out.

19 ELIZABETH LINT: Well, then, yes.
20 He didn't send it to me.

21 ROBERT C. HAAS: You were at the

1 26th meeti ng?

2 DANIEL TURNER: Oh, the 26th, yes.

3 ELIZABETH LINT: Then he can vote.

4 ROBERT C. HAAS: So, I make a motion
5 to accept the minutes of the July 26th
6 heari ng.

7 DANIEL TURNER: Seconded.

8 ROBERT C. HAAS: All in favor?

9 DANIEL TURNER: Aye.

10 ROBERT C. HAAS: Aye.

11 * * * * *

12 ELIZABETH LINT: Okay. Blue Fin.

13 One of the proposed stockholders I believe
14 had an issue that they needed to address with
15 me. They did. I have no problem with it.

16 ROBERT C. HAAS: You have no problem
17 with it?

18 ELIZABETH LINT: No.

19 ROBERT C. HAAS: No, if you're
20 sati sfi ed, I'm sati sfi ed.

21 DANIEL TURNER: Make a motion to

1 approve the Blue Fin License.

2 ROBERT C. HAAS: Second.

3 DANIEL TURNER: All in favor?

4 ROBERT C. HAAS: Aye.

5 * * * * *

6 ELIZABETH LINT: And then from July
7 26th we have the Tewodros Bekel e.

8 ROBERT C. HAAS: The Hackney
9 License?

10 ELIZABETH LINT: The Hackney
11 License. The refusal of the hearing doc.

12 ROBERT C. HAAS: So here's my
13 dilemma. If he's now made a disclosure that
14 he has severe allergies, I'm just debating or
15 wondering if we should insist that the owner
16 of the cab or owner of the medallion now
17 install a protective cage to render that
18 operator to continue to operate that vehicle.

19 ELIZABETH LINT: I don't think we
20 can mandate that the owner install something
21 because that driver doesn't have to drive

1 that cab. He can drive another cab.

2 ROBERT C. HAAS: But he's going to
3 have the same problem no matter what cab he
4 drives.

5 ELIZABETH LINT: That's his problem,
6 it's not the owner's problem.

7 ROBERT C. HAAS: I make it the
8 owner's problem. He's going to allow him to
9 work for him. That's his cab, his medalion.
10 He knows this individual has now
11 declared that he's got --

12 ELIZABETH LINT: He probably has no
13 idea.

14 ROBERT C. HAAS: Well, I think we
15 have an obligation to let him know that he's
16 declared that. I think in some respect, too,
17 if he continues to do this, then we have to
18 go back to the medalion owner and say if you
19 can allow him to continue to do this and he
20 continues to deny fares based on the fact
21 that he has an allergy towards dogs, I think

1 at some point the medal lion owner is going to
2 have to decide what he wants to do about
3 that.

4 ELI ZABETH LINT: My bigger problem
5 with it is that he never put anything on file
6 with the License Commission.

7 ROBERT C. HAAS: Yes.

8 ELI ZABETH LINT: He came in days
9 later --

10 ROBERT C. HAAS: Yes.

11 ELI ZABETH LINT: -- with a letter
12 from an ER saying that he had hay fever.

13 ROBERT C. HAAS: Yes. I get all
14 that.

15 ELI ZABETH LINT: That's my. . . .

16 ROBERT C. HAAS: No, I get all that.

17 And I still consider him responsible because
18 he had an obligation to declare that if in
19 fact he does have an allergy long before this
20 and not after the fact. So, as far as I'm
21 concerned, he's still responsible for the

1 fine as associated with -- I'm just wondering
2 if he's now making this assertion that he has
3 this type of allergy, who now is responsible
4 of making sure that we don't find ourselves
5 in this situation again?

6 ELIZABETH LINT: I think what we can
7 do is mandate that he only operate cabs that
8 have partitions unless if he's not, then he's
9 off the road.

10 ROBERT C. HAAS: That's fine by me.
11 I mean, can we do that to him or do we do
12 that to the medalion owner?

13 ELIZABETH LINT: We can do that to
14 him.

15 DANIEL TURNER: It's actually
16 already there under Rule 6. The onus is upon
17 the driver. I mean if he's disclosing an
18 allergy, he knows he can only drive with a
19 petitioned vehicle.

20 ROBERT C. HAAS: Okay.

21 ELIZABETH LINT: Right.

1 DANIEL TURNER: There is nothing in
2 Rule 6 that I see that would impose anything
3 upon the owners to, as Elizabeth said, to
4 mandate updating their vehicle. So the onus
5 is on the driver to comply with the Rule 6
6 now that he's disclosed his allergies.

7 With regards to the decision, on the
8 appeal for the decision, I would move to
9 uphold the decision of Elizabeth's decision
10 on the disciplinary.

11 ROBERT C. HAAS: How many decisions
12 would that be? So you're making a motion
13 that you are going to uphold the --

14 DANIEL TURNER: \$300 fine.

15 ROBERT C. HAAS: Yes. I'll second
16 that.

17 DANIEL TURNER: \$300 fine.

18 ROBERT C. HAAS: And I would offer
19 as a notice with respect to the driver,
20 telling him that we've upheld the fine, that
21 he's also under now an obligation to, in

1 light of the fact that he's disclosed his
2 allergies after the violation, that he's now
3 -- going forward, has an obligation to
4 provide for protective cage -- any cabs he
5 operates.

6 ELIZABETH LINT: Did you vote that?

7 ROBERT C. HAAS: I just made an
8 amendment to his motion to uphold it. No, I
9 guess it was a separate motion.

10 DANIEL TURNER: So, on the first
11 motion, all in favor?

12 ROBERT C. HAAS: Right. Aye.

13 DANIEL TURNER: Aye.

14 And on the second motion?

15 ROBERT C. HAAS: Make a motion that
16 we advise him of his obligation under Rule
17 No. 6, that he's now has to install a
18 protective cage with any cab he operates in
19 light of the medical condition he's
20 identified.

21 DANIEL TURNER: I'll second that.

1 ROBERT C. HAAS: All in favor?

2 DANIEL TURNER: Aye.

3 ROBERT C. HAAS: Aye.

4 * * * * *

5 ROBERT C. HAAS: So the only other
6 thing I have is --

7 ELIZABETH LINT: Brian Jay's.

8 ROBERT C. HAAS: Brian Jay's Snack
9 Time.

10 So, I'm assuming that the officers
11 never found him operating in other locations
12 that he indicated he was going to, right?

13 ELIZABETH LINT: Well, originally he
14 told us he was in one place. And now he's
15 told us that he's at three others.

16 ROBERT C. HAAS: Three others?

17 ELIZABETH LINT: Yes.

18 ROBERT C. HAAS: This is after we
19 had the hearing?

20 ELIZABETH LINT: That when we told
21 him to come in with the information. So he

1 came in and gave me three stops that he's
2 doing. They have not seen him anywhere else.

3 ROBERT C. HAAS: What's the name of
4 on the side of his truck?

5 ELI ZABETH LINT: Brian Jay's.

6 ROBERT C. HAAS: It is Brian Jay's?

7 ELI ZABETH LINT: Yes.

8 ROBERT C. HAAS: Okay. Because who
9 is J&J Catering?

10 ELI ZABETH LINT: That one's okay.

11 ROBERT C. HAAS: Okay.

12 DANIEL TURNER: I wrote down that if
13 we gave him a temporary license, to issue
14 pending the full license, if operating other
15 than the three areas approved. One was
16 Mobardi's (phonetic), and I didn't catch the
17 other two areas. So I did write the three.
18 So I thought we had discussion it was three.

19 ELI ZABETH LINT: He didn't really --
20 he gave me 67 Linnaean, 73 Layman (sic) and
21 900 Mem. Drive.

1 ROBERT C. HAAS: He did say three at
2 some point. It went from a couple to three
3 before he left.

4 ELIZABETH LINT: Yes.

5 DANIEL TURNER: What was the second
6 street?

7 ELIZABETH LINT: Layman?

8 DANIEL TURNER: Layton?

9 ELIZABETH LINT: I don't know.

10 DANIEL TURNER: Which is totally not
11 where Mobardi's is.

12 ELIZABETH LINT: None of these are.

13 DANIEL TURNER: There is no Layman
14 Street.

15 In any event, on the application as he
16 came in this morning to process the paperwork
17 and have our signatures, but he did not have
18 the vehicle for us to inspect and that's due
19 to show up at one o'clock at headquarters.
20 So, I guess would approve pending final
21 inspections.

1 ELIZABETH LINT: All inspections?

2 DANIEL TURNER: Inspection signoff,

3 the license signoff.

4 ELIZABETH LINT: The other issue was

5 the background check.

6 ROBERT C. HAAS: Yes, I sent you an

7 e-mail with my conversation with the Chief.

8 ELIZABETH LINT: Yes.

9 DANIEL TURNER: Now, we don't have a

10 cap on peddler's licenses for the trucks,

11 canteens, like everything else, we're trying

12 to --

13 ELIZABETH LINT: No.

14 And the officers haven't really been

15 out looking for this one because they've been

16 on the trail of D&D which is not licensed and

17 has been all over the city.

18 DANIEL TURNER: This is supposedly a

19 brand new, spanking brand new vehicle.

20 ROBERT C. HAAS: Which one?

21 DANIEL TURNER: This Brian Jay's.

1 comes back to License, do you have any issues
2 on your end? In other words, everybody
3 signed and approved, there's nothing left to
4 not issue?

5 ELIZABETH LINT: Well, I have big
6 issues, but I don't vote.

7 DANIEL TURNER: So is it still in
8 question then, we should continue, maybe
9 continue this pending further --

10 ELIZABETH LINT: It's up to you.

11 DANIEL TURNER: What are your issues
12 still remaining?

13 ROBERT C. HAAS: Well, both
14 individuals have -- I mean, despite the fact
15 that Chief Mazey believes that that's just
16 typical for people in this kind of business
17 to have an extensive background. And I'm not
18 convinced that we're not going to see him
19 violating again, so.

20 So what I would offer to do is to
21 follow on Deputy Chief's motion, to make an

1 approval pending the completion of the
2 inspections with a six-month review.

3 DANIEL TURNER: I'll second that.

4 ELIZABETH LINT: Would that be with
5 a background check in six months?

6 ROBERT C. HAAS: I think, yes. It
7 would all be inclusive. We have to look at
8 the whole thing all over again to make sure
9 there are no pending issues. If he has some
10 additional incidence, problems beyond that, I
11 think we'll take that as part of the
12 consideration as part of the six-month
13 review.

14 DANIEL TURNER: I second that.

15 ROBERT C. HAAS: All in favor?

16 DANIEL TURNER: Aye.

17 ROBERT C. HAAS: Aye.

18 So we just voted on your license.

19 BRIAN CULEPHER: Yes, sir.

20 ROBERT C. HAAS: Okay? We're
21 approving your license.

1 BRIAN CULEPHER: Thank you.

2 ROBERT C. HAAS: But we're going to
3 do a six-month review. If we have any issues
4 between the time of the issuance of your
5 license and that six-month review, in light
6 of everything we've been through, we're going
7 to take that into consideration as well. So
8 just understand if there's any problems, even
9 if they're relatively minor, you already have
10 a track history for the fact that you've been
11 operating without a license in the city. I
12 just caution you is you want to be extra
13 careful these next six months.

14 BRIAN CULEPHER: I appreciate it
15 very much. Thank you all. There won't be no
16 incidence.

17 ROBERT C. HAAS: I'm hoping.

18 DANIEL TURNER: And we approved the
19 minutes of all the meetings?

20 ROBERT C. HAAS: Only the ones you
21 can vote on.

1 ELI ZABETH LINT: Only the one that
2 you can.

3 DANIEL TURNER: Okay. You're ahead
4 of me.

5 ELI ZABETH LINT: And I have nothing
6 else.

7 ROBERT C. HAAS: So I make a motion
8 to adjourn.

9 DANIEL TURNER: Second it.

10 ROBERT C. HAAS: All in favor?

11 DANIEL TURNER: Aye.

12 (Whereupon, at 10:10 a.m., the
13 meeting adjourned.)
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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRI STOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

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I further certify that the testimony
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My Commission Expires:
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