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COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Acting Chairman
Robert C. Haas, Police Commissioner

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

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

Tuesday, November 23, 2010

6:00 p.m.

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16
17
18
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20
21

I N D E X

Page

	Appl i cati on: Basha Cafe, LLC	3
	Appl i cati on: Hel mand Boston, Inc.	13
	Appl i cati on: Uno Restaurants	22
	Appl i cati on: Uno Restaurants	26
	Appl i cati ons: Uno Restaurants	26
	Appl i cati on: The Cheesecake Factory	32
	Appl i cati on: Ole Mexi can Grill	39
	Appl i cati on: Phompratharn, Inc.	47
	Appl i cati on: D&D Food Express	55
	Rati fi cati ons: Medal I i on #41, #120, #112, #229, #106, #137, #150, #98, #116, #144	73

1 P R O C E E D I N G S

2 ELIZABETH LINT: It's the License
3 Commission General Hearing, Tuesday, November
4 23, 2010. It's six p.m. We're in the
5 Michael J. Lombardi Municipal Building, 831
6 Mass. Ave. basement conference room.

7 Before you the Commissioners, Chairman
8 Michael Gardner and Commissioner Robert Haas.

9 First application is continued from
10 January 28, 2010; February 23, 2010; and
11 September 2, 2010. Basha Cafe, LLC doing
12 business as Basha's, Jack Markarian, manager,
13 holder of an all alcoholic beverages as a
14 restaurant license and entertainment license
15 at 26-48 New Street has applied to increase
16 the hours of operation to be open until two
17 a.m. on Thursdays, Fridays, Saturdays, and
18 the night before a legal holiday.

19 JACK MARKARIAN: Hello.

20 MICHAEL GARDNER: Good evening.

21 Just for those of you who don't know me, my

1 name is Michael Gardner. I've been appointed
2 as acting temporary Chair of the License
3 Commission during the absence of Mr. Scali.
4 And I appreciate you coming in.

5 I think it would be most useful to me,
6 sir, if you could give us some description of
7 your establishment and the business and the
8 sort of history of the application so far.

9 JACK MARKARIAN: Okay. I'm a --

10 ELIZABETH LINT: And if you could
11 just state your name for the record.

12 JACK MARKARIAN: Oh, I'm sorry.
13 Jack Markarian, M-a-r-k-a-r-i-a-n. And my
14 restaurant's at 26 New Street, and I own
15 almost everything around me. I own a body
16 shop -- a couple of body shops and restaurant
17 and the buildings behind me. So I applied
18 for a license to two o'clock. The reason is,
19 there's nothing going on on my street after
20 certain hours. And I said last time that I
21 have a lot of clientele, that they come from

1 Providence, New Hampshire, Portsmouth, you
2 know, and I just wanted to extend my hours to
3 two o'clock. I think everything was all set.

4 We had a problem with the ramp, which I
5 did the ramp all over. I went to the state
6 hearing, got approved. There was a couple
7 issues and my architects working with them
8 and that was it.

9 MICHAEL GARDNER: So what remains to
10 be done with respect to the ramp?

11 JACK MARKARIAN: The ramp is there.
12 We just have to take a couple of pictures,
13 which we did. We mailed it to them, and I
14 told the state that because the holidays if
15 they could put a rush. They said, go ahead
16 and just send us the pictures and the
17 measurements, and we did that already.

18 MICHAEL GARDNER: And how long have
19 you been operating in this location?

20 JACK MARKARIAN: Almost two years.

21 MICHAEL GARDNER: And typically

1 there' s entertainment or not or just give me
2 some more flavor as to --

3 JACK MARKARIAN: Restaurant, yeah.
4 And entertainment, music. We have a patio
5 outside. And that' s about it.

6 MICHAEL GARDNER: And closest
7 residential properties?

8 JACK MARKARIAN: They just put a
9 residential at the end of the street. Near
10 the movie theatre. It' s maybe a couple
11 thousand feet, maybe more.

12 MICHAEL GARDNER: Is there any more
13 history in the file that you can tell us?

14 ELIZABETH LINT: Yes. We did have
15 letters of support that went on record back
16 in February I believe it was, from Councilor
17 Toomey, Councilor Reeves. And Councilor
18 Decker had phoned me in support of the
19 application as well. I do have several
20 letters that came in yesterday and today in
21 opposition to the application. That people

1 don't see any reason to extend their house to
2 two a.m. That it's -- it's close to a
3 residential area. That there's building
4 going on there. There are going to be condos
5 around. So the only issue at the last
6 hearing, aside from the opposition, was the
7 ramp. It's my understanding that the letter
8 will be coming from the Architectural Access
9 Board saying that they are now in compliance.

10 ROBERT HAAS: So they confirmed that
11 with you? Would they be sending a letter of
12 approval?

13 ELIZABETH LINT: That was my
14 understanding. I didn't speak directly with
15 them.

16 ROBERT HAAS: Okay.

17 So when they referenced a petition, you
18 didn't get a petition?

19 ELIZABETH LINT: I did not.

20 MICHAEL GARDNER: There's a
21 communication which references -- it says

1 traffic patterns in the area. It says the
2 road configuration is not friendly to drunk
3 drivers. I'm not exactly sure what that
4 means, but if you want to -- just tell me a
5 little bit about how the roads in the area
6 are laid out.

7 JACK MARKARIAN: It's two way
8 street. On my left it's my parking lot. On
9 my right is my building. In the back is my
10 building. There's a rotary on my left. And
11 on my right there's JC Adam, there's a gym,
12 and there's the field. Across the street
13 there's a field and the building, the new
14 building.

15 MICHAEL GARDNER: I think a couple
16 of letters reference your proximity to the
17 rotary. Has that been an issue at all for
18 you?

19 JACK MARKARIAN: Issue like? I
20 don't understand.

21 MICHAEL GARDNER: Like accidents,

1 probl ems?

2 JACK MARKARIAN: No. Acci dents?
3 No. I mean, i f there were, they woul d be
4 right i n my shop. I own two body shops right
5 there. No, I haven' t seen any acci dents i n
6 my area, no.

7 MI CHAEL GARDNER: Di sci pl i nary
8 hi story? Any?

9 ELI ZABETH LINT: There were some
10 i ssues that had been brought up a year and a
11 hal f or two years ago. We di d have some
12 heari ngs. There were no vi ol ati ons found at
13 the ti me. There were i ssues of stayi ng open
14 late. Investi gati ons were conducted. They
15 were not found to be justi fi ed.

16 Am I correct, Commi ssi oner?

17 ROBERT HAAS: That' s correct.

18 MI CHAEL GARDNER: We don' t have a
19 representati ve from the fi re department here
20 thi s eveni ng. Do you have any reason to
21 thi nk that i t woul d be more appropri ate to

1 defer the action until we get the indication
2 from the Architectural Board and we can have
3 three commissioners or are you comfortable?

4 ROBERT HAAS: Well, I'm curious if
5 anybody wants to speak in favor or opposed to
6 the application in the audience.

7 (No Response.)

8 ROBERT HAAS: I'm satisfied.

9 What I recommend to the Chair is that
10 we make it conditional upon getting formal
11 approval from the Access Board, and then I
12 would also recommend a six-month review.

13 MICHAEL GARDNER: And traditionally
14 what's the nature of a six-month review?

15 ELIZABETH LINT: We would schedule
16 it for six months from the time that the
17 license issued, and if there were any
18 reported violations and so forth, the Board
19 would reconsider whether or not that was an
20 appropriate action to extend the hours and
21 then it could be rolled back.

1 MI CHAEL GARDNER: And you're not
2 troubled by there being just two of us?

3 ROBERT HAAS: No.

4 MI CHAEL GARDNER: Are you interested
5 in making such a motion?

6 ROBERT HAAS: I make a motion,
7 Mr. Chair, that we approve the extended hours
8 for Thursday, Friday, Saturday evenings and
9 Sundays on a legal holiday to two a.m.
10 Conditional upon the Architectural Access
11 Board approving and signing on the ADA
12 compliance.

13 And further, that there be a six-month
14 review at the end of the six-month period
15 review period.

16 MI CHAEL GARDNER: I guess there
17 being nobody else here, I'll second the
18 motion.

19 All those in favor?

20 ROBERT HAAS: Aye.

21 MI CHAEL GARDNER: Aye.

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JACK MARKARI AN: Thank you very

much.

* * * * *

1 ELI ZABETH LINT: Appl i cati on Hel mand
2 Boston, Incorporated doi ng busi ness as the
3 Hel mand. Osman Rasuli , manager, restaurant
4 holder of an al l alcohol ic beverages as a
5 restaurant l i cense at 143 First Street has
6 applied for a change of premi ses descri pti on
7 to i ncrease the capaci ty from 99 seats to 119
8 seats.

9 MI CHAEL GARDNER: I f you coul d j ust
10 i denti fy yoursel ves for the record, pl ease.

11 PAULA RASULI : I 'm Paul a Rasuli .

12 OSMAN RASULI : And I 'm Osman Rasuli ,
13 Mr. Chai rman.

14 MI CHAEL GARDNER: I t woul d be
15 hel pful to me i f you coul d gi ve us a l i ttle
16 hi story of your establ ishment, how l ong
17 you' ve been i n operati on, the nature of the
18 busi ness now and the changes that you' re
19 proposi ng.

20 OSMAN RASULI : So, Mr. Chai rman, our
21 restaurant i s approxi matel y 17 years at 143

1 First Street. Restaurant is -- we just open
2 for dinner only. Dinner is from Afghanistan,
3 and we apply for extra seats. And the
4 architect and everybody went to the last time
5 we had capacity to add some more chairs from
6 99 to 120, and we provide some parking and
7 stuff. So that's why we are here tonight.

8 MICHAEL GARDNER: And how have you
9 managed to configure the space so you can add
10 the 20 seats?

11 OSMAN RASULI: The architects are --
12 unfortunately didn't show up so.

13 PAULA RASULI: They were supposed to
14 come.

15 One of our issues is that we have
16 people standing in line waiting for seats
17 and they will show up with more people and
18 we'll add maybe like a chair here, a chair
19 there and put the table together and put a
20 couple chairs. And we end up with tables
21 with no chairs. We end up with a crowd at

1 the door waiting to seat and no one -- no
2 place to seat them because we don't have
3 chairs for the tables. And eventually we
4 could add more tables, but that's farther
5 down the line. Right now our -- we just want
6 to be able to put chairs in the seats that we
7 do have tables for. Some of the tables you
8 can easily put more than....

9 ROBERT HAAS: So are you currently
10 using this back room as 23 seats? Are you
11 using that now?

12 PAULA RASULI: Yes.

13 OSMAN RASULI: Yes, sir.

14 ROBERT HAAS: I'm familiar with the
15 layout of the restaurant. It seems it's
16 pretty tight as it is.

17 OSMAN RASULI: Yes, Commissioner.
18 Sometime we don't use it but just --

19 PAULA RASULI: It's more like on
20 occasion, you know.

21 ROBERT HAAS: Yes.

1 PAULA RASULI: It's not....

2 MICHAEL GARDNER: And what have you
3 done about parking?

4 OSMAN RASULI: Parking,
5 Mr. Chairman, we have a small parking across
6 from the Helmand. The capacity is easily
7 nine to ten cars. And also we have access
8 with the Galleria Mall two blocks on -- two
9 more lots around. And also there's a public
10 transportation. Busses come. And meters on
11 Bentley Street, Second Street, Broadway
12 Street.

13 PAULA RASULI: And First Street.

14 OSMAN RASULI: Of course Galleria
15 Mall is less than five minutes walk from us.

16 MICHAEL GARDNER: Ms. Lint's given
17 us a copy of the Board of Zoning Appeals
18 packet with respect to this property. Would
19 you just give us the status of this,
20 Ms. Lint?

21 ELIZABETH LINT: Your BZA appeal,

1 that was heard in January?

2 OSMAN RASULI: Yes.

3 ELIZABETH LINT: And they approved
4 the 22 seats?

5 OSMAN RASULI: Yes.

6 ELIZABETH LINT: I was told parking
7 is not an issue because that area has so much
8 metered parking and the Galleria Mall.

9 ROBERT HAAS: So are you adding new
10 tables or just more chairs to the tables you
11 have now?

12 OSMAN RASULI: We're adding a couple
13 tables and extra chairs because there's a lot
14 of room according to architect which he
15 measured very carefully. So, some of the
16 table can hold more than three chairs, yeah.

17 MICHAEL GARDNER: I'm looking at
18 some plans labeled A1 and A2 which look like
19 they show -- A1 with 76 seats. Would you say
20 that's the current array for the 99? If 23
21 seats in the back and 76 in the front?

1 OSMAN RASULI: Yes.

2 PAULA RASULI: In the future we may
3 add more tables, but it's not really in the
4 plan right now until the economy improves.

5 (Looking over seating plan.)

6 MICHAEL GARDNER: How frequently do
7 you end up with lines?

8 OSMAN RASULI: Mr. Chairman, around
9 seven o'clock, seven-thirty, later. From
10 five o'clock is very slow, and obviously we
11 are open to ten during the weeks, eleven on
12 the weekends. So, early evening is very
13 slow, kind of maybe 20 people, 15 people. It
14 depends. But our parking is also open that
15 time for the public. We just offer our
16 guests to park in there.

17 MICHAEL GARDNER: Anything more
18 you'd like to add before we ask if there are
19 any members of the audience who'd like to
20 speak?

21 OSMAN RASULI: Well, we respect our

1 neighborhoods, Mr. Chairman. I think we are
2 very good establishment. We are very proud
3 to be in educated city. And our name is
4 spread all over the states and overseas. The
5 way I work, the way my wife work over there,
6 we are very, very proud to getting people
7 from all walks of life with respect from
8 overseas. So, we want to run a successful
9 business, constantly improve it, that's never
10 ending for us. So that's our wish to our
11 restaurant. First of all, we are very proud
12 to be in Cambridge and we want our restaurant
13 to stand on its feet like a model for a lot
14 of other businesses which actually a lot of
15 people admire our neighborhoods from the
16 states. New England folks come from
17 Connecticut to Rhode Island, from New York to
18 wherever which we are very, very proud to be
19 here, sir.

20 MICHAEL GARDNER: Okay. Thank you.

21 Any members of the public who are here

1 to be heard on this tonight either in support
2 or opposi ti on?

3 (No Response.)

4 MI CHAEL GARDNER: Do we have any
5 correspondence on thi s?

6 ELI ZABETH LINT: None whatsoever.
7 The paperwork is all in order. I have the
8 abutter noti fi cati ons.

9 MI CHAEL GARDNER: And any
10 di sci pl i nary hi story or probl ems wi th thi s
11 establ i shment?

12 ELI ZABETH LINT: None. None
13 whatsoever.

14 ROBERT HAAS: Mr. Chai r, I make a
15 moti on to approve the appl i cati on.

16 MI CHAEL GARDNER: I woul d second the
17 moti on to approve the appl i cati on to move
18 from 99 to 119 seats.

19 All those in favor?

20 ROBERT HAAS: Aye.

21 MI CHAEL GARDNER: Aye.

1

OSMAN RASULI: I appreciate it.

2

Thank you very much.

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1 ELI ZABETH LINT: Appl i cati on Uno
2 Restaurants, LLC doi ng busi ness as Uno
3 Chi cago Gri ll , Andrew Skl ar, manager, holder
4 of an all al coholic beverages as a restaurant
5 li cense at One Porter Square has appl i ed to
6 further extend the i nacti ve status of sai d
7 li cense.

8 ATTORNEY GEORGE HERZ: Good eveni ng.

9 MI CHAEL GARDNER: Woul d you j ust
10 i denti fy yoursel f.

11 ATTORNEY GEORGE HERZ: George Herz,
12 Seni or Vi ce Presi dent and general counsel of
13 the compani es. I know I' m here on three
14 thi ng s so I' ll let you deci de how you want to
15 handl e those. I thi nk two of them can be
16 combi ned.

17 ELI ZABETH LINT: Yes.

18 MI CHAEL GARDNER: Wel l , why don' t we
19 hear thi s one fi rst. It' s a li ttle
20 di fferent.

21 ATTORNEY GEORGE HERZ: On or about

1 May 25th I appeared before the Board and
2 asked that our alcoholic license for Porter
3 Square be held in an inactive -- on an
4 inactive status pending sale of the license.
5 Unfortunately we were not able to complete
6 that sale, although I can tell you at this
7 point in time the party who is interested,
8 who is a national restaurateur that
9 everybody is familiar with, as well as an
10 additional party, have not only expressed
11 interest, but I expect to have an offer from
12 one or both of them in I would say within the
13 next two weeks.

14 So I respectfully request that a
15 three-month extension of the inactive status
16 be granted here this evening.

17 MICHAEL GARDNER: And it's been
18 since May?

19 ATTORNEY GEORGE HERZ: It's been
20 since May 25th.

21 ELIZABETH LINT: Our rules allow up

1 to 48 months to be held inactive.

2 ATTORNEY GEORGE HERZ: And as always
3 I will report back as to the status as to how
4 we progress.

5 ROBERT HAAS: How long has the
6 license been inactive status?

7 ATTORNEY GEORGE HERZ: Since May
8 25th.

9 ROBERT HAAS: So that's the first
10 extension you got?

11 ATTORNEY GEORGE HERZ: Correct.

12 ROBERT HAAS: Okay.

13 MICHAEL GARDNER: And just, Ms. Lint
14 or Commissioner or you, sir, any negatives to
15 letting a license continue in an inactive
16 status like this?

17 ELIZABETH LINT: Well, it's a
18 negative if they're not actively trying to
19 sell it. There are some that have kind of
20 languished and that's been problematic. But
21 the other issue with this particular license

1 is it's tied to that location. And with
2 every other -- almost every other licensee,
3 if they're out of business, they can transfer
4 their license off the premise anywhere in the
5 city. So they're really at a disadvantage
6 because it can only be at that location so it
7 makes it a little more difficult.

8 MICHAEL GARDNER: This is some
9 peculiarity of the way that the license was
10 granted in the first place?

11 ELIZABETH LINT: I believe it goes
12 back to the original Porter Square agreement.

13 MICHAEL GARDNER: And is there
14 anyone in the audience who'd like to be heard
15 in favor or against this extension?

16 (No Response.)

17 ROBERT HAAS: Mr. Chair, seeing that
18 there's a potential offer being made against
19 the license, I would be willing to approve
20 the request for a three-month extension of
21 the inactive status of this license.

1 MICHAEL GARDNER: I'll second that
2 and call for a vote.

3 ROBERT HAAS: Aye.

4 MICHAEL GARDNER: Aye.

5 ATTORNEY GEORGE HERZ: Thank you.

6 MICHAEL GARDNER: Good luck with it.

7 And what else are you here for, sir?

8 ATTORNEY GEORGE HERZ: With respect
9 to transfer of stock.

10 On January 20th Uno acquisition parent
11 and its 153 affiliates filed under Chapter 11
12 in the United States Bankruptcy Court in the
13 Southern District of New York. On that same
14 day, we notified the ABCC as well as this
15 municipality about that filing.

16 On or about June 29th, pursuant to a
17 plan of reorganization, the holders of the
18 notes traded their notes for equity in the
19 corporation. And the result of that was that
20 the new parent of the corporation, Uno
21 Restaurant Holdings Corporation, a company

1 that previously that existed, it was a
2 mid-level company, is now the parent
3 corporation. That company will continue to
4 exist with the same officers, myself
5 included, that existed before. There will,
6 however, be a change of the directors as well
7 as the change of the owners. And those will
8 be of course the new equity owners.

9 The applicant here tonight on both of
10 these, both the Porter Square and the Harvard
11 Square restaurant, is Uno Restaurants, LLC.
12 Those officers, too, will remain the same as
13 well as their Board of Directors will remain
14 the same. And are -- and have remained the
15 same. The -- because we have -- had so many
16 licenses, 26 in the state of Massachusetts,
17 we applied in an inverse matter with the ABCC
18 to accept the filing. And then have gone out
19 to the individual jurisdictions to receive
20 their approval. So what I'm requesting here
21 this evening is that we submitted it to the

1 ABCC, they've had no objection to what we
2 have done. And we're asking for the same
3 review and approval for these applications as
4 well.

5 ELIZABETH LINT: If I may, I need to
6 announce them for the record. A little bit
7 backwards, but that's okay.

8 Application Uno Restaurants, LLC doing
9 business as Uno Chicago Grill, Andrew Sklar,
10 manager, holder of an all alcoholic beverages
11 as a restaurant license at One Porter Square,
12 currently being held in inactive license
13 status, has applied for a transfer of stock.
14 The proposed 100 percent new stockholder is
15 Uno Restaurant Holdings Corporation. The
16 structure of the corporation is available for
17 review in the License Commission.

18 Application Uno Restaurants, LLC doing
19 business as Uno Chicago Grill, David
20 Fredericks, manager, holder of an all
21 alcoholic beverages as a restaurant license

1 at 22 JFK Street has applied for a transfer
2 of stock. The proposed 100 percent new
3 stockholder is Uno Restaurant Holdings
4 Corporation. The structure of the
5 corporation is available for review in the
6 License Commission.

7 ATTORNEY GEORGE HERZ: And just one
8 other thing that I may add is that the
9 applicant here tonight, Uno Restaurants, LLC,
10 its parent corporation Uno Restaurant
11 Holdings Corporation, was and still will
12 remain -- continue to be Uno Restaurant
13 Holdings Corporation which is the ultimate
14 parent corporation in our entity now.

15 MICHAEL GARDNER: And no change in
16 the management of the active?

17 ATTORNEY GEORGE HERZ: No.

18 MICHAEL GARDNER: Of the active
19 license?

20 ATTORNEY GEORGE HERZ: The same
21 manager continues. And there's a management

1 team there, so I don't know if I can speak to
2 that.

3 MICHAEL GARDNER: And this has been
4 going on all across the state you say, or in
5 the business that your you're doing business?

6 ATTORNEY GEORGE HERZ: Yes. I spend
7 my evenings -- or I spent my evenings around
8 the state visiting different jurisdictions
9 around Boston.

10 ELIZABETH LINT: I can report that
11 Unos is really very good in keeping in very
12 close contact with us in terms of change of
13 manager applications and so forth. It's
14 never an operation that we have to go after
15 if we catch wind of something. Anita is
16 always right on top of it.

17 ATTORNEY GEORGE HERZ: Thank you.
18 I'll tell her that.

19 MICHAEL GARDNER: Anyone in the
20 audience tonight who'd like to be heard on
21 this matter either in support or against?

1 (No Response.)

2 ROBERT HAAS: So is there any
3 jurisdiction not approved so far?

4 ATTORNEY GEORGE HERZ: None.
5 They've all approved.

6 ROBERT HAAS: Where are we in the
7 stack? Midway, bottom?

8 ATTORNEY GEORGE HERZ: Bottom.

9 ROBERT HAAS: Bottom? Okay.

10 Mr. Chair, I'd make a motion to approve
11 the transfer of stock both at the One Porter
12 Square Location and the 22 JFK Street
13 Location.

14 MICHAEL GARDNER: I'll second that
15 and call for the vote.

16 ROBERT HAAS: Aye.

17 MICHAEL GARDNER: Aye.

18 ATTORNEY GEORGE HERZ: Thank you
19 very much for your consideration. Have a
20 pleasant evening and a great Thanksgiving.

21 * * * * *

1 ELI ZABETH LINT: Appl i cati on The
2 Cheesecake Factory Restaurants, Incorporated
3 doi ng busi ness as The Cheesecake Factory,
4 Ni chol as Laganas, manager, holder of an al l
5 alcohol i c beverages as a restaurant Li cense
6 at 100 Cambri dgeside Pl ace has appl i ed for a
7 change of manager from Ni chol as Laganas to
8 Marki an D' Avi gnon.

9 MARKI AN D' AVI GNON: Hi , Mark
10 D' Avi gnon. Marko.

11 MI CHAEL GARDNER: And i f you woul d,
12 si r, why don' t you j ust tell us about thi s
13 change, tell us a l i ttle bit about your
14 experience i n thi s busi ness and whether
15 you' ve taken any of the requi red trai ni ngs of
16 the Li cense Commi ssi on?

17 MARKI AN D' AVI GNON: I 've been wi th
18 the company for -- the Cheesecake Factory for
19 seven and a hal f years. I 've been promoted
20 to the general manager of the Cambri dge
21 Locati on four and a hal f years ago. A l i ttle

1 more. Back in June 7th.

2 MICHAEL GARDNER: Four and a half?

3 MARKIAN D'AVIGNON: Four and a half
4 years ago. I've been overseeing the
5 Cambridge de Galleria location without any
6 issues to my record. And I've taken over for
7 Nicholas Laganas. And as far as the required
8 courses, I'm Serve Safe Certified and I
9 believe -- I'm not sure of anything that I'm
10 missing, but I think my company would have
11 told me to make sure that I was in compliance
12 at the time.

13 ROBERT HAAS: Ever held a liquor
14 license in your name before?

15 MARKIAN D'AVIGNON: No, I have not.

16 ROBERT HAAS: Have you received
17 21-proof training?

18 MARKIAN D'AVIGNON: No, I have not.
19 But I was TIP certified earlier.

20 MICHAEL GARDNER: So how would your
21 job change? I'm not sure I understand that.

1 MARKIAN D'AVIGNON: My job won't
2 change. Just Nicholas Laganas will no longer
3 be with the company. I'll take over the
4 responsibility of having ownership of the
5 license.

6 ROBERT HAAS: You're the manager of
7 record?

8 MARKIAN D'AVIGNON: Yeah.

9 MICHAEL GARDNER: But what you're
10 telling us is you've been managing it for the
11 last four and a half years?

12 MARKIAN D'AVIGNON: Yes.

13 MICHAEL GARDNER: And what's
14 Nicholas Laganas been doing?

15 MARKIAN D'AVIGNON: He was the
16 executive kitchen manager of the company, so
17 my business partner at the time.

18 ROBERT HAAS: And he was the manager
19 of record prior to this, right?

20 MARKIAN D'AVIGNON: Yes. It was
21 prior to me joining -- getting the promotion.

1 I was in the Boston location. And then we
2 didn't change it over at that time.

3 ROBERT HAAS: You recently changed
4 your hours of operation if I recall, right?

5 MARKIAN D'AVIGNON: Yes, we extended
6 our mornings to eleven a.m.

7 ROBERT HAAS: How was that working?

8 MARKIAN D'AVIGNON: It was working
9 very well because we partnered up with a
10 delivery company Dining In, and we got a lot
11 more volume at that time. And our company
12 decided to go away from that. And so it's
13 now slow.

14 ROBERT HAAS: So you're going to
15 keep the hours or you're going to go back?

16 MARKIAN D'AVIGNON: Currently we're
17 keeping the hours. But it was only a half
18 hour.

19 ROBERT HAAS: Okay.

20 MICHAEL GARDNER: And what is it,
21 21-proof is that what it's called?

1 ROBERT HAAS: Yes.

2 MICHAEL GARDNER: Is that training
3 that's required and that's something he would
4 have to take?

5 ELIZABETH LINT: That's required by
6 our regulations. It's a Cambridge-based
7 training. Background check is fine.

8 MICHAEL GARDNER: Anyone in the
9 audience this evening who would like to speak
10 either in favor or in opposition to this
11 transfer?

12 (No Response.)

13 MICHAEL GARDNER: And any issues
14 with the operation of complaints about the
15 establishment?

16 ELIZABETH LINT: No problems.

17 ROBERT HAAS: Mr. Chair, I make a
18 recommendation to approve the application for
19 record of manager provided that he completes
20 the 21-proof training.

21 MICHAEL GARDNER: I'll second that

1 and call for a vote.

2 ROBERT HAAS: Aye.

3 MICHAEL GARDNER: Aye.

4 ELIZABETH LINT: And we'll provide
5 you with the information.

6 MARKIAN D'AVIGNON: Okay.

7 And Affidavit for renewal signing, I
8 know that has to be done by -- -

9 ELIZABETH LINT: By the end of --

10 MARKIAN D'AVIGNON: -- Friday?

11 ELIZABETH LINT: Yes.

12 MARKIAN D'AVIGNON: Am I okay to
13 sign for that?

14 ELIZABETH LINT: Actually no, unless
15 you're a corporate officer, because this is
16 not on to the ABCC yet.

17 MARKIAN D'AVIGNON: Okay.

18 ELIZABETH LINT: So it would have to
19 be a manager of record or any corporate
20 officer stockholder.

21 ROBERT HAAS: By the end of the week

1 you sai d?

2 ELI ZABETH LINT: Yes.

3 ROBERT HAAS: So how are you goi ng
4 to do that?

5 MARKI AN D' AVI GNON: I 'll get i n
6 contact wi th Sherry Conrad.

7 ELI ZABETH LINT: Off the top of my
8 head I coul dn' t tel l you.

9 MARKI AN D' AVI GNON: She woul d know
10 who has signi ng authori ty at that stage?

11 ELI ZABETH LINT: Ri ght. You can
12 tal k to Chri s i n my offi ce tomorrow.

13 MARKI AN D' AVI GNON: Okay. Regul ar
14 offi ce hours tomorrow?

15 ELI ZABETH LINT: Yes.

16 MARKI AN D' AVI GNON: Thank you very
17 much. Have a ni ce Thanksgi vi ng.

18 ROBERT HAAS: You, too.

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1 ELIZABETH LINT: Appl i cati on Ol e
2 Mexi can Gri ll of Massachusetts ll, LLC doi ng
3 busi ness as Ol e Mexi can Gri ll, Antoi ne
4 Del gado, manager, holder of an al l al coholic
5 beverages as a restaurant li cense at 11
6 Spri ngfi el d Street has appl i ed for a change
7 of manager from Antoi ne Del gado to Erwi n
8 Ramos.

9 ERWI N RAMOS: My name i s Erwi n Ramos
10 for Ol e Mexi can Gri ll. I' m here to change
11 the manager.

12 MI CHAEL GARDNER: So can you tel l us
13 a l i ttle bi t about your experi ence, si r?

14 ERWI N RAMOS: I' ve been managi ng the
15 restaurant ever si nce i t opened for el even
16 years. I have experi ence worki ng as a wai ter
17 before, and bartender i n my previ ous jobs and
18 then I opened thi s restaurant. And for the
19 l ast years that I' ve been doi ng busi ness here
20 i n Cambri ge, I' ve been the one who' s been
21 maki ng sure that everythi ng i s i n the ri ght

1 direction for the bar.

2 MICHAEL GARDNER: And so how has
3 your role been different in that of Antoine
4 Delgado?

5 ERWIN RAMOS: Antoine Delgado was
6 actually below me. He was running the dining
7 room at the same time. He was also running
8 the bar. And my role before used to be the
9 head chef. Now I sort of got out of the
10 kitchen, and I'm basically managing the front
11 and the kitchen as well.

12 MICHAEL GARDNER: I'll ask Ms. Lint
13 if this is a common occurrence? It's
14 sounding to me like -- I'm having trouble
15 distinguishing between what the manager of
16 record on the license has been doing compared
17 to other people in the operation.

18 ELIZABETH LINT: Technically the
19 manager of record is supposed to be in charge
20 of all of the alcohol. So it would be the
21 person who's managing the bar, doing the

1 ordering and overseeing all of that. I think
2 in especially places like Cheesecake Factory,
3 Unos, the larger places, that there's an
4 overlap.

5 MICHAEL GARDNER: So have you in
6 fact been managing the bar and the alcohol?

7 ERWIN RAMOS: Yes, sir. I formulate
8 drinks, I do inventory and just the
9 day-to-day things. I live across the street.
10 So basically I'm there 24 hours almost.

11 MICHAEL GARDNER: And is Mr. Delgado
12 no longer with you or is he -- is his role
13 going to change?

14 ERWIN RAMOS: Yes, he's no longer
15 with us.

16 MICHAEL GARDNER: And how long has
17 he been gone?

18 ERWIN RAMOS: About just this year,
19 sir.

20 MICHAEL GARDNER: So, are there any
21 problems with timeliness on this kind of

1 thi ng?

2 ELI ZABETH LINT: I don' t know
3 exactly when things happened, but there
4 usually is a little bit of a lag before
5 licensees come in and realize that they have
6 to get their ducks in a line. Sometimes we
7 have to remind them. Sometimes they -- I
8 believe he came in on his own.

9 ROBERT HAAS: Had you ever held a
10 liquor license in your name before?

11 ERWIN RAMOS: Excuse me?

12 ROBERT HAAS: Had you ever held a
13 liquor license in your name before?

14 ERWIN RAMOS: What do you mean by
15 that, si r?

16 ROBERT HAAS: Have you ever been a
17 manager of record in another establishment
18 before, si r?

19 ERWIN RAMOS: No.

20 ROBERT HAAS: Have you completed
21 21-proof trai ni ng?

1 ERWIN RAMOS: No, I'm aware of that
2 and I'll be taking that.

3 MICHAEL GARDNER: How is it that, I
4 guess, we have the 21-proof training program,
5 I assume Mr. Delgado took it?

6 ERWIN RAMOS: Yes, that's correct.

7 MICHAEL GARDNER: And yet you've
8 kind of been right in there sort of all
9 along.

10 ERWIN RAMOS: Yes.

11 MICHAEL GARDNER: Do we require only
12 the manager of record to have the training or
13 -- I guess I'm wondering why --

14 ELIZABETH LINT: It depends.

15 MICHAEL GARDNER: -- why Mr. Ramos,
16 we wouldn't have expected him, given what it
17 sounds like he's been doing for quite a
18 while, to have had the training already.

19 ELIZABETH LINT: What would normally
20 would happen, is let's say it's a new
21 establishment or a new license, then

1 traditionally the Board would order all
2 owners, managers, servers to take part in the
3 training. When it's an establishment that's
4 been around for a long time, it's routine
5 that we have change of managers. It's only
6 been the last, I want to say three or four
7 years, that we've required 21-proof. So,
8 this establishment's been around longer than
9 that and it just wouldn't have come up until
10 there was a change.

11 MICHAEL GARDNER: So is it our
12 stated preference that even servers take the
13 21-proof training?

14 ELIZABETH LINT: If there's a new
15 establishment.

16 MICHAEL GARDNER: We've not applied
17 that to existing?

18 ELIZABETH LINT: Not traditionally.

19 ERWIN RAMOS: But if I may, all my
20 servers took the 21-proof. Not the new ones,
21 because sometimes there's a turnover, but I

1 do -- my priority's making sure that we
2 haven't had any incident for the last eleven
3 years I believe.

4 ELIZABETH LINT: I think what often
5 happens is because Frank Connelly will go out
6 to an establishment, that generally everyone
7 in the establishment or anyone who's
8 available will take the training rather than
9 just, you know, if he's coming out, rather
10 than just have one person train. It tends to
11 be the staff gets trained.

12 MICHAEL GARDNER: And have there
13 been any incidents in this establishment
14 during the time period?

15 ELIZABETH LINT: No.

16 MICHAEL GARDNER: Is there anyone in
17 the audience who's here either to speak in
18 favor or against this transfer of manager of
19 record?

20 (No Response.)

21 ROBERT HAAS: So is it your intent

1 to have all the employees who haven't gone
2 through 21-proof training to go through that
3 as well?

4 ERWIN RAMOS: Yes, sir.

5 ROBERT HAAS: Mr. Chair, I make a
6 motion to approve the change of manager on
7 the condition upon 21-proof training.

8 MICHAEL GARDNER: Second that and
9 call for the vote.

10 ROBERT HAAS: Aye.

11 MICHAEL GARDNER: Aye.

12 ERWIN RAMOS: Thank you,
13 Mr. Chairman.

14 MICHAEL GARDNER: Good Luck.

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1 ELIZABETH LINT: Appl i cati on
2 Phompratharn, Incorporated doi ng busi ness as
3 Yummy Thai Cui si ne. Pornpanoi t Jenpanyakul ,
4 manager, has appl i ed for a common vi ctual er
5 Li cense to be exerci sed at 2261 Mass. Ave.
6 Sai d Li cense, i f granted, woul d al low food
7 and non-alcohol i c beverages to be sol d,
8 served, and consumed on sai d premi ses wi th a
9 seati ng capaci ty of 19. The hours of
10 operati on wi ll be el even a.m. to el even p.m.
11 seven days per week.

12 ATTORNEY JACK MI LGRAM:
13 Mr. Chai rman, for the record, my name i s
14 attorney Jack P. Mi lgram. I represent the
15 appl i cant, Phompratharn, Inc. I have before
16 the Board thi s eveni ng my cli ent' s
17 appl i cati on, common vi ctual er Li cense.
18 Phompratharn i s a Massachusetts corporati on.
19 I t' s sol e offi ce, di rector and sharehol der i s
20 Ms. Pornpanot Jenpanyakul who i s the l ady
21 here to my l eft. Ms. Jenpanyakul has over

1 ten years experience as an Asian food chef.
2 This restaurant would be specializing in Thai
3 and Mandarin cuisine. The hours of operation
4 of the facility will be eleven a.m. to eleven
5 p.m. seven days a week. There's going to be
6 no alcohol served at this location. We ask
7 that the Commission look favorably upon the
8 application.

9 MICHAEL GARDNER: Do you know
10 anything, sir, about the prior use of this
11 space?

12 ATTORNEY JACK MILGRAM: The current
13 -- there's a current tenant and it's the same
14 use. It's been an Asian food restaurant. I
15 believe they've been there in excess of five
16 years. So it's going to be a continuation of
17 a prior existing use. Just a sale of assets
18 and new business coming in.

19 ROBERT HAAS: Did they have a liquor
20 license?

21 ATTORNEY JACK MILGRAM: No. Very

1 small. Only 19 seats.

2 MICHAEL GARDNER: So there's no
3 zoning issues?

4 ELIZABETH LINT: No, I have
5 sign-offs.

6 MICHAEL GARDNER: And could we just
7 hear a little bit more about the experience
8 of the owner or the manager, please?

9 ATTORNEY JACK MILGRAM: The -- as I
10 indicated, she's from Thailand. She's been
11 trained in Thailand in regards to cooking in
12 Thai cuisine. She's been working in
13 restaurants in Massachusetts for in excess of
14 ten years. She's been here approximately 20
15 years. And she's decided that she wanted at
16 this time to have her own place, and
17 hopefully she will do well.

18 ROBERT HAAS: When you say she's had
19 ten years experience, has she owned a
20 restaurant before?

21 ATTORNEY JACK MILGRAM: No, working

1 as an employee in Thai restaurants. This
2 will be the first establishment that she's
3 been an owner.

4 MICHAEL GARDNER: And has any of the
5 work been in Cambridge or outside of -- in
6 Massachusetts?

7 ATTORNEY JACK MILGRAM: It's been in
8 Massachusetts. Lexington, Massachusetts.

9 PORNANOT JENPANYAKUL: Lexington,
10 Massachusetts.

11 MICHAEL GARDNER: Anyone in the
12 audience here to speak in favor or in
13 opposition to the granting of this license?

14 (No Response.)

15 ROBERT HAAS: Mr. Chair, I make a
16 motion to approve the application for a CV
17 license.

18 MICHAEL GARDNER: Okay. I'll second
19 that and call for the vote.

20 ROBERT HAAS: Aye.

21 MICHAEL GARDNER: Aye.

1 ATTORNEY JACK MILGRAM: Thank you.
2 Happy Thanksgiving. Thank you very
3 much.

4 UNIDENTIFIED MALE: I have a
5 question. I'm the owner of the 2261 Mass.
6 Avenue, Cambridge. I'm the owner right now.
7 Because my lease going to end at of the month
8 here, so we still have the agreement I have
9 to finish. So is it possible we can know,
10 gentlemen, your decision if we can finish
11 before the month deal.

12 ROBERT HAAS: I'm not sure what
13 you're asking.

14 ATTORNEY JACK MILGRAM: This
15 gentleman, I guess, is the current tenant. I
16 don't represent him. I didn't even know he
17 was coming here. I've explained to him that
18 as in any other municipality there's a
19 regular procedure that's followed in regards
20 to decisions being issued, and that's what
21 will happen. The decision will be issued in

1 the ordinary course.

2 ROBERT HAAS: Sir, can you ask your
3 question again?

4 UNIDENTIFIED MALE: My lease so far,
5 I'm the owner here. My lease going to end
6 the month of November. So the only time we
7 can know, we can know tonight, we can know
8 your gentlemen decision. And we can be
9 finish our sales agreement, you know.

10 MICHAEL GARDNER: So your lease is
11 up on November 30th?

12 UNIDENTIFIED MALE: Yes. So before
13 this time we can know your decision and we
14 can finish.

15 MICHAEL GARDNER: So I'll just
16 clarify with Ms. Lint, after our having taken
17 this vote this evening, the license has been
18 approved?

19 ELIZABETH LINT: Correct.

20 MICHAEL GARDNER: There are no
21 further steps that need to be taken before --

1 ELI ZABETH LINT: That's correct.
2 That we will issue a letter with the decision
3 of the Commission. And I believe we have
4 sign-offs. There would be a question of
5 getting additional sign-offs from the
6 building, fire and so forth, paying the fee,
7 and that's it.

8 ATTORNEY JACK MILGRAM: It's my
9 understanding -- I don't mean to interrupt,
10 it's my understanding the written letter will
11 come out December 2nd; is that correct?

12 ELI ZABETH LINT: Probably early next
13 week.

14 ATTORNEY JACK MILGRAM: That's fine.
15 I'm saying that based on the schedule that I
16 saw.

17 ELI ZABETH LINT: Well, that's the
18 decision-making hearing. Since it's been
19 decided, as soon as I get it drafted and my
20 assistant gets it done, then it will be out.

21 ATTORNEY JACK MILGRAM: Sure. I

1 appreciate your time.

2 MICHAEL GARDNER: We don't need to
3 take any other action on this?

4 ELIZABETH LINT: No.

5 ATTORNEY JACK MILGRAM: I
6 understand. Thank you.

7 UNIDENTIFIED MALE: Thanks.

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1 ELIZABETH LINT: Appl i cati on D&D
2 Food Express Restaurant, Incorporated. Mari e
3 Charl es, manager, has appl i ed to operate a
4 mob i le canteen truck i n Cambri dge. All stops
5 wi ll be made on publ ic property. The
6 appl icant has appl i ed to stop at the
7 fol l owi ng streets: Vassar at Amesbury at
8 ei ght a.m. and el even a.m. ; Si dney Street at
9 Green Street at 8:30 a.m. and 11:30 a.m. ; and
10 Mass. Ave. at Essex at 9:15 and twel ve p.m.

11 MI CHAEL GARDNER: If you coul d j ust
12 i denti fy yoursel f for the record, pl ease.
13 Gi ve us your name.

14 MARI E CHARLES: My name i s Mari e
15 Charl es.

16 PANOSKY JEN-LOUIS: I am her son.
17 And she' s not real l y good at expressi ng
18 hersel f. She i s Mari e Charl es and she has a
19 restaurant D&D Express. It' s on Washi ngton
20 Street.

21 MARI E CHARLES: 3381 Washi ngton

1 Street.

2 PANOSKY JEN-LOUIS: Yeah.

3 And the reason why we're here today is
4 because of the fact we would like to be able
5 to stand on -- not technically stand on the
6 street, but sell food in Cambridge and she's
7 applying for that license.

8 MICHAEL GARDNER: And I'm not if
9 you've done it, sir, just for the record,
10 could you identify yourself, your name?

11 PANOSKY JEN-LOUIS: Yes. My name is
12 Panosky Jen-Louis. P-a-n-o-s-k-y. The last
13 name is Jen-Louis, J-e-n-L-o-u-i-s.

14 MICHAEL GARDNER: And do I
15 understand that you currently operate a
16 restaurant in Boston?

17 PANOSKY JEN-LOUIS: Yes.

18 MARIE CHARLES: Yes.

19 MICHAEL GARDNER: Where is that at?

20 MARIE CHARLES: 3381 Washington

21 Street, Jamaica Plain.

1 MICHAEL GARDNER: And just describe
2 what that restaurant is like, what size
3 seating, what you're able to serve there,
4 hours of operation?

5 PANOSKY JEN-LOUIS: It's a --
6 technically, I wouldn't say like a Haitian
7 place. She makes some Haitian food, and some
8 kind of American food, like breakfast. And
9 it's how it tastes. Not a really big
10 restaurant but, you could go in and sit and
11 have your lunch and whatever you want to eat
12 in there. And she's been running it for
13 three years now. Ma?

14 MARIE CHARLES: Uh-huh.

15 PANOSKY JEN-LOUIS: Yeah. And she's
16 the manager.

17 MICHAEL GARDNER: And just describe
18 what your business operation will be in
19 Cambridge, what will you be doing?

20 MARIE CHARLES: In Cambridge I'm
21 going to sell food on my canteen truck. You

1 know, the big canteen truck? I just want to
2 stand by taxi, stand taxi just five, ten
3 minutes.

4 PANOSKY JEN-LOUIS: To deliver the
5 food. To hand the food to the -- because
6 they're -- they like have a lot of Haitian
7 taxi driver that stand there or that get
8 people for taxi, and she just want to get
9 them the food. Because sometimes she get the
10 order and sometimes she has to go there or
11 sometimes she's just drive by with the
12 canteen. So she drives Cambridge or
13 whatever, that's the main reason why she want
14 the license, just to hand the food to the
15 customers.

16 MICHAEL GARDNER: Can you tell us
17 how big the canteen truck is?

18 MARIE CHARLES: Two doors. It's --
19 it's a big one. It's not the little ones.

20 ROBERT HAAS: So it's not a pickup
21 truck with a cap on the back? It's actually

1 a walk-in unit?

2 MARI E CHARLES: It's not a pickup
3 truck. It's a canteen truck.

4 ROBERT HAAS: You can operate inside
5 the truck itself?

6 PANOSKY JEN-LOUIS: Yeah.

7 MARI E CHARLES: Yeah.

8 PANOSKY JEN-LOUIS: There's places
9 to put the food in the canteen truck. So,
10 yeah, she can just take the food.

11 MICHAEL GARDNER: So I guess I'm not
12 sure if this is the kind of truck where you
13 can actually serve from an open window inside
14 the truck?

15 MARI E CHARLES: Yes.

16 MICHAEL GARDNER: But your plan is
17 to actually deliver or to just put your door
18 down and be open for people to come up?
19 Would you just describe what you envision or
20 how you see it will work?

21 MARI E CHARLES: Deliver only.

1 MICHAEL GARDNER: You deliver only?

2 MARIE CHARLES: Yeah.

3 MICHAEL GARDNER: So from orders
4 that you receive how? By people stopping
5 you? I'm just trying to understand how, how
6 we would -- how would we order food from you
7 if you were at one of these locations?

8 MARIE CHARLES: Because they know my
9 restaurant. And I sell food with my canteen
10 truck on Boston. But some of them try to
11 tell me to come to Cambridge because Boston
12 is too far to them to go.

13 ROBERT HAAS: So you're already
14 operating a canteen truck in Boston?

15 MARIE CHARLES: Yes.

16 ROBERT HAAS: In addition to your
17 restaurant?

18 MARIE CHARLES: Yes.

19 ROBERT HAAS: How long have you been
20 operating the canteen truck?

21 MARIE CHARLES: Huh?

1 ROBERT HAAS: How long have you been
2 operating the canteen truck?

3 MARI E CHARLES: 2006.

4 PANOSKY JEN-LOUIS: I think two
5 years now.

6 ROBERT HAAS: Two years now. Longer
7 than the restaurant?

8 MARI E CHARLES: Three years.

9 ROBERT HAAS: Three years? Where
10 are you going to park the truck? When you
11 make these stops, where are you going to be
12 parking?

13 MARI E CHARLES: After or?

14 ROBERT HAAS: No, no. You propose
15 three stops here, and I'm just trying to
16 figure out where you're going to park the
17 truck while you're set-up for business. Are
18 you parking in metered spaces? Are you
19 parking in taxi stand stops?

20 MARI E CHARLES: Taxi.

21 ROBERT HAAS: You can't park in a

1 taxi cab stop.

2 PANOSKY JEN-LOUIS: Just five or ten
3 minutes?

4 ROBERT HAAS: If you pull into a
5 taxi stand, they're going to have a problem.

6 MARIE CHARLES: In Boston they tell
7 me I can park on the sidewalk, because you
8 still only for two, three minutes, five
9 minutes.

10 ROBERT HAAS: Not on the sidewalk.

11 MARIE CHARLES: And sometime it's
12 meter. We use meter. You just --

13 ROBERT HAAS: You can park in a
14 metered space. But you also know that you
15 have to be --

16 MARIE CHARLES: I'm talking Boston,
17 not Cambridge. It's different. I'm trying
18 to use --

19 ROBERT HAAS: You can't pull your
20 truck into a taxi cab stand. All right? You
21 can't park in the stand itself. So you're

1 going to have to park someplace else where
2 you can legally park in order to set up for
3 business. You see what I'm saying? So you
4 can't park in a bus stop area. You can't
5 stop in front of a hydrant. You can't stop
6 in restricted parking areas. You have to be
7 able to legally park when you set up for
8 business.

9 MARI E CHARLES: But I can use meter?

10 ROBERT HAAS: Yes. You have to be
11 legally parked though.

12 MICHAEL GARDNER: And you can't pull
13 up on the sidewalk.

14 MARI E CHARLES: Okay. I know that.

15 ELIZABETH LINT: There's some other
16 housekeeping issues here.

17 The application very clearly states
18 that you cannot park a canteen truck or food
19 truck within 300 feet of any restaurant or
20 food establishment. At the Vassar and
21 Amesbury location is directly by the Asgard

1 Le Meri di en.

2 The Mass Ave. and Essex Street is in
3 the heart of Central Square, and I need not
4 tell you how many licensed establishments we
5 have in the heart of Central Square.

6 The only one where potentially has no
7 issues is Sidney Street and Green Street.

8 The other problem was Ms. Charles was
9 operating the truck pretty much all summer,
10 and Officers Arcos and Szeto spent a very
11 good bit of time this summer tracking her
12 down, telling her that she could not be
13 operating in the city. She was parking on
14 Memorial Drive and then going over to the
15 drivers at the Hyatt and then delivering food
16 to them.

17 MICHAEL GARDNER: Is that right,
18 Ms. Charles?

19 MARIE CHARLES: Yes.

20 ROBERT HAAS: Do you have a license
21 for your canteen truck in Boston?

1 MARI E CHARLES: Yes.

2 ROBERT HAAS: Why woul dn' t you get a
3 license here in Cambri dge?

4 MARI E CHARLES: Because I have so
5 many client in Cambri dge.

6 ROBERT HAAS: I di dn' t hear you.

7 PANOSKY JEN-LOUI S: Because she sai d
8 she has so many clients in Cambri dge.

9 ROBERT HAAS: Yes, but if she knew
10 she had to get a license in Boston, why
11 woul dn' t she get a license in thi s ci ty to
12 operate?

13 MARI E CHARLES: You can have license
14 for Boston, Cambri dge, Somervi lle.

15 PANOSKY JEN-LOUI S: No, I guess the
16 license that she has in Boston she can' t use
17 it here?

18 ROBERT HAAS: No.

19 MARI E CHARLES: You can' t have two
20 license, no?

21 ROBERT HAAS: You need to have a

1 license for Cambridge. You can't have your
2 Boston license and operate in Cambridge.

3 MARI E CHARLES: No, I know.

4 ROBERT HAAS: So my question to you
5 is: How come you operated all summer long in
6 Cambridge without a license when you know
7 you're supposed to have a license?

8 PANOSKY JEN-LOUIS: That's how she
9 find out she needed a license in Cambridge.

10 MARI E CHARLES: I apply for one in
11 Cambridge.

12 ROBERT HAAS: Yes, but if you know
13 you had to have a license in Boston, why
14 wouldn't you think you needed to have a
15 license in Cambridge to operate?

16 MARI E CHARLES: Because now so many
17 truck in Boston, it's no business. I'm try
18 to move on.

19 ELIZABETH LINT: I think some of the
20 confusion, also, is you have to have a state
21 peddl er's permit in addition to the local

1 licenses.

2 MICHAEL GARDNER: And you have the
3 state peddler's permit, do you?

4 ELIZABETH LINT: Yes.

5 PANOSKY JEN-LOUIS: Do you have a
6 permit? Is that it?

7 MARIE CHARLES: This one?

8 ELIZABETH LINT: Yes.

9 And anyone on the truck has to have
10 that as well.

11 MICHAEL GARDNER: And in terms of
12 the restriction on the 300 feet to existing
13 restaurants, is that at all dependent on the
14 hours of operation of the restaurant?

15 ELIZABETH LINT: That's not spelled
16 out in our application. But in Central
17 Square in particular, I mean the Asgard I
18 don't believe is open before eleven. But in
19 Central Square it's Dunkin' Donuts and
20 Wendy's and McDonald's and Harvard's Co-op.
21 And just so many little places that that

1 would be a direct conflict and a direct
2 violation of our rule.

3 MICHAEL GARDNER: Do you understand
4 the problem that some of the locations that
5 you have specified we cannot approved because
6 they are too close -- those locations are too
7 close to existing restaurants?

8 MARIE CHARLES: All of them?

9 MICHAEL GARDNER: At least one.

10 ROBERT HAAS: Sidney and Green is
11 the only place you can operate right now.

12 MARIE CHARLES: Okay.

13 ROBERT HAAS: That's the only
14 location of the three you proposed that you
15 can operate legally if we gave you a license.
16 So that means you'd only make one stop in
17 Cambridge at this point based on what you're
18 applying for.

19 PANOSKY JEN-LOUIS: Are you willing
20 to do that? Making one stop?

21 MARIE CHARLES: Yeah.

1 MICHAEL GARDNER: And I think that
2 means you can't then just go and stop in
3 front of the Marriott and sell to the taxi
4 drivers at the Marriott. You know, you're
5 not allowed to just --

6 PANOSKY JEN-LOUIS: She knows that.

7 MICHAEL GARDNER: -- go to different
8 places --

9 MARIE CHARLES: Yeah.

10 MICHAEL GARDNER: -- that aren't
11 specified on the application.

12 MARIE CHARLES: Okay.

13 MICHAEL GARDNER: Do we have a
14 capacity to review compliance?

15 ROBERT HAAS: Yes.

16 ELIZABETH LINT: We do. We're also
17 missing quite a few things from the
18 application. We don't have a copy of the
19 vehicle registration. We don't have copies
20 of the state permits.

21 ROBERT HAAS: So what I'd recommend

1 is that what you need to do is go to the
2 office tomorrow or Friday when the office is
3 open, and then get a list of the things that
4 you need to produce in order to satisfy the
5 application process. So you're going to need
6 your vehicle registration. You're going to
7 need a copy of your state license to provide
8 to Ms. Lint or to her staff.

9 MARI E CHARLES: Yes.

10 ROBERT HAAS: Mr. Chair, in light of
11 the fact that I don't think the application
12 is complete, I make a recommendation or a
13 motion to take the matter under advisement.

14 MICHAEL GARDNER: And what that
15 would mean is you have to go in, get that
16 additional material, change the application
17 to just locations that are in compliance with
18 the restaurant restriction.

19 MARI E CHARLES: Okay, yes.

20 MICHAEL GARDNER: And then we could
21 consider the matter again.

1 MARI E CHARLES: Okay.

2 MI CHAEL GARDNER: I woul d second
3 that moti on and call for the vote.

4 ROBERT HAAS: I make a moti on --
5 aye.

6 MI CHAEL GARDNER: Aye.

7 So do you understand that what we've
8 done is del ay consi derati on of your
9 appli cati on unti l you can get everythi ng you
10 need --

11 MARI E CHARLES: Okay.

12 MI CHAEL GARDNER: -- wi th Ms. Li nt.
13 And you can adj ust the appli cati on to have i t
14 appl y to the l ocati ons where i t's not
15 prohi bi ted or not al lowed now.

16 MARI E CHARLES: Okay, yes.

17 PANOSKY JEN-LOUIS: Okay.

18 ROBERT HAAS: So the onl y thi ng I'd
19 say to you i s we're goi ng to have a deci si on
20 heari ng on December 2nd. So i f you get thi s
21 all done by December 2nd, we coul d then

1 reconsider the matter.

2 The other thing I would suggest to you,
3 too, is that you really have to think about
4 is one stop going to be sufficient for you to
5 operate your business and make it lucrative
6 enough for you to do that? Or find other
7 stops that are not in violation. So, think
8 about all that, and modify your application
9 as the Chair has suggested. And then if
10 everything's in order, then we can look at
11 the matter again on December 2nd. Okay?

12 MARI E CHARLES: Thank you.

13 PANOSKY JEN-LOUIS: Which stop is
14 that?

15 ROBERT HAAS: Green and Sidney
16 Street is the only location right now.

17 PANOSKY JEN-LOUIS: That's the only
18 one. Okay.

19 MICHAEL GARDNER: You've listed
20 three. Two of them are no good. Sidney and
21 Green is the only one that's okay. And the

1 Police Commissioner's suggesting that maybe
2 you need to consider whether or not there are
3 other places that you would like to stop, and
4 you could speak to the office staff about
5 whether those would be prohibited or not.
6 Because it would not be a good idea for you
7 to come here with only one stop, and then
8 routinely you stopped other places. That
9 would get you in trouble.

10 PANOSKY JEN-LOUIS: Okay.

11 MARIE CHARLES: Okay. Thank you.

12 MICHAEL GARDNER: Good luck.

13 Any other business before us?

14 ELIZABETH LINT: Ratifications.

15 Medalion 41, 120, 112, 229, 106, 137,
16 150, 98, 116, and 144. Paperwork's all in
17 order. They've all been approved. They just
18 need to be accepted.

19 ROBERT HAAS: Mr. Chair, I make a
20 motion to accept.

21 MICHAEL GARDNER: Before I act on

1 it, I'd like a little bit more explanation as
2 to what exactly a ratification is.

3 ELIZABETH LINT: It's refinancing or
4 financing a medalion. So two of -- three of
5 them are just refinances. They happen all
6 the time because the rates go down, so it's
7 just constant. And then there were quite a
8 few stock transfers. So then those were
9 financed.

10 MICHAEL GARDNER: All right. I'll
11 second the motion and call for the vote.

12 ROBERT HAAS: Aye.

13 MICHAEL GARDNER: Aye.

14 ELIZABETH LINT: And now I have
15 nothing else.

16 ROBERT HAAS: Mr. Chairman, I make a
17 recommendation to adjourn.

18 MICHAEL GARDNER: A motion to
19 adjourn is always in order. And we'll vote
20 on that.

21 ROBERT HAAS: Aye.

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MICHAEL GARDNER: Aye.

(Whereupon, at 7:05 p.m., the
meeting adjourned.)

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
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I am not related to any of the parties
in this matter by blood or marriage and that
I am in no way interested in the outcome of
this matter.

I further certify that the testimony
hereinbefore set forth is a true and accurate
transcription of my stenographic notes to the
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IN WITNESS WHEREOF, I have hereunto set
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Catherine L. Zelinski
Notary Public
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