CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

_____

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

DATE: Tuesday, April 28, 2015

TIME: 5:00 p.m. to 5:57 p.m.

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P R O C E E D I N G S

April 28, 2015

EXECUTIVE DIRECTOR ELIZABETH LINT: Before we get started, if anyone has a cell phone on, we would appreciate it if you turned it off or put it on silent mode.

That backdoor is to remain open at all times.

This is the License Commission, Tuesday, April 28, 2015 at 5:00 p.m., 831 Mass Ave.

Before you are the Commissioners: Chair Andrea Jackson, Police Commissioner Robert Haas and Assistant Fire Chief Gerard Mahoney.

If anyone is here for the application of 2222 Mass Ave, that has been continued. They are submitting a new application.

INVESTIGATION: CITIZEN COMPLAINT

APPLICATION:
KAPSCO, INC D/B/A CELLAR WINE & SPIRITS

EXECUTIVE DIRECTOR ELIZABETH LINT: The first item on the agenda is the investigation of a citizen complaint received by the License Commission office related to a license issued to Kapsco, Inc. As that relates to the second item on the agenda, we will also call for the application of Kapsco, Inc, doing business as Cellar White & Spirits.

Marilyn Cater, manager, holder of an all alcoholic beverages package store license at 991B Mass Ave has applied for a transfer of stock and change of corporate officer/director.

The License Commission received an anonymous seven-count complaint regarding the licenses held by Steve Kapsalis.

The License Commission will be

investigating Nos. 2 through 7 of the allegations raised.

They are as follows: Mass General Law Chapter 138, Section 17 violation - ownership interest by same individual of Section 12 (restaurant), Section 15 (package store) liquor licenses.

Falsification of application for a Section 15 package store license.

Granted beneficial interest in liquor license to numerous restaurant tenants without License Commission approval, while operating a separately owned cash-only bar in basement.

Renewal of licenses without disclosure of criminal convictions, without disclosure of beneficial interest/transfer to restaurant tenants, and without disclosure of alterations of premises.

Closing and renovation of restaurant

without permits, inspections, or License Commission approval.

And opened new restaurant without permits, inspections, or licenses.

At this time, the complainant wishes to remain anonymous, and staff recommends that the License Commission honor that request with the understanding that it may not be possible if it impedes the investigation.

CHAIR ANDREA JACKSON: Good evening.

ATTY JAMES RAFFERTY: Good evening, Madam Chair.

For the record, my name is James Rafferty. I am an attorney with the Offices of Adams Rafferty -- Adams & Rafferty located at 675 Massachusetts Avenue in Cambridge.

I represent the Licensee, Kapsco, Inc.

CHAIR ANDREA JACKSON: Thank you.

ATTY JAMES RAFFERTY: Seated to my right

is a proposed -- the proposed transfer shareholder, Marilyn Carter. She also happens to be the manager of record of the license.

And on behalf of the corporation, I have filed a transfer of the -- the application to approve the transfer of the shares of Kapsco, Inc to Ms. Carter.

I have represented Kapsco, Inc since it was formed in 2005, and I represented Kapsco, Inc in 2005 in an application before this Commission when Kapsco, Inc applied to transfer the license from the University Wine Shop at that location.

I have been representing Kapsco, Inc since that time. I personally prepared the application in 2005 that was acted upon by the License Commission and the ABCC.

Seated to my right -- to Ms. Carter's right is Stephen Kapsalis. Mr. Kapsalis is -- was then and currently is one hundred percent

shareholder of Kapsco, Inc and the officers -- relevant officers and directors.

His counsel is Walter Sullivan, Jr, and he's seated to Mr. Kapsalis's right.

CHAIR ANDREA JACKSON: Thank you.

So, as Executive Director Lint mentioned, the License Commission has received an anonymous complaint.

The staff of the License Commission will be assigned the task of investigating the allegations. If the Commission concurs, if these allegations are proven true, it could impact the licenses held by Mr. Kapsalis.

I'm of the opinion that we shouldn't necessarily act on the application for a transfer of stock and change of corporate vote tonight and we end up continuing this matter until the investigation is complete.

So with that in mind, I would like to ask

you, Mr. Rafferty, as counsel for Mr. Kapsalis --

ATTY JAMES RAFFERTY: Excuse me.

Counsel for Kapsco, Inc.

CHAIR ANDREA JACKSON: Kapsco, Inc. I apologize. Thank you.

So, perhaps, I may ask both counsels, and let you figure out which piece either one should be submitting, to provide in writing, addressed to the Board via Executive Director Lint, a written response to the allegations which would be included as part of the investigation.

And I can make that in the form of a motion at the appropriate time.

Counsel, I can give you an opportunity to respond.

ATTY JAMES RAFFERTY: Sure. Well, right. I would like to make clear that the first my client, Kapsco, Inc, learned of this was when a correspondence was delivered to the premises on

Thursday of last week. They informed me on Friday of last week, on April 24th. I sent a letter to Ms. Lint at the License Commission indicating that we had -- that Kapsco had received the notice, but that it did not mention any specifics about the complaint was, nor did it include a copy of this complaint.

It was only after that, that I received a single sheet of paper, which has seven items on it, and I'm not sure -- I'm presuming that in the subject of this investigation, I would begin with by saying that the fundamental element of due process is the right to confront and cross-examine one's accusers, and if this is an anonymous complaint and there is other information behind this, and I would hope that that information will be shared with the licensee.

I'm not sure what the relevance of much

of these items has to do with the transfer of the ownership, it took place on the record, and a recall for the Commission that we're here pursuant to a correspondence sent February 13th of this year by Ms. Lint to the ABCC to Mr. Sacramone where she informed Mr. Sacramone that they were aware that there was a license in Cambridge, a Section 12 license and a Section 15 license were held by the same individual. They're not held by the same individual. They're held by two separate corporations, as the Commission knows. The Kapsco, Inc has the Section 15 package store license; JCSK, Inc is the holder of a Section 12 pouring license.

Nonetheless, there was correspondence then sent from the ABCC to this Commission, which was forwarded to Kapsco, Inc, indicating that the ABCC directed that the licensee divest themselves of one of the two licenses, and a date was

provided by which that had to be done.

And in response to that, the application that's before the Commission tonight was prepared and filed by me, which is a transfer for consideration of all of the shares in Kapsco, Inc with -- to Ms. Carter. And I think that's the issue before the Commission.

And it is unclear to me, having reviewed briefly the seven items in this, what the relevance of any of this has to do with the transfer of the shares of this corporation to Ms. Carter.

CHAIR ANDREA JACKSON: Do you want to respond? I didn't know if counsel wanted to add anything first or...?

ATTY WALTER SULLIVAN: I'll follow-up with Mr. Rafferty.

As he said, we received a letter on February 13th from the Commission telling us that

we had a violation of Section 17, and that we needed to divest in one of the licenses. And they also received a letter from the ABCC advising the same.

We responded. So if you're looking for a response to Question 2, we responded on March 16th to the alleged violations saying, while we disagree that there's a violation, since it is a corporation, a corporation, not an individual, the statute does not say direct or indirect interest. It only talks about corporations individual and so forth.

We don't feel it's a violation of the statute.

With that being said, as the letter on March 15th said, we're willing -- we'll follow the request of the Commission and the ABCC and move forward with the divestment of Mr. Kapsalis' interest in one of the licenses.

And as Mr. Rafferty stated, we're moving forward to divest our interest in Kapsco.

CHAIR ANDREA JACKSON: Thank you.

I heard you both mention that the licenses are held by two different corporations. Who are the officers of each of the corporations?

ATTY WALTER SULLIVAN: Mr. Kapsalis.

CHAIR ANDREA JACKSON: For both?

ATTY WALTER SULLIVAN: Yes.

CHAIR ANDREA JACKSON: So just two different corporate entities were essentially owned by the same person, is that correct?

ATTY JAMES RAFFERTY: No, that's not correct.

The information regarding both corporations remains unchanged since the filing of the application before this Commission in 2005.

The shareholder interest in Kapsco, Inc

is one hundred percent owned by Stephen Kapsalis. Nothing has changed since 2005 when this Commission approved that and the ABCC similarly approved it.

It was also disclosed at that time in that application that Mr. Kapsalis also had an interest in the Section 12 license.

None of the corporate structure of the Section 12 license has changed since 2005 when this Commission and the ABCC approved the transfer of the Section 15 license to Kapsco.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIR ANDREA JACKSON: I'm still of the opinion -- and this is my personal opinion --

that the Board should do its due diligence in investigating the allegations and hold off on making a decision on the transfer application.

I will put that in the form of a motion shortly.

But I want to know, are there any members of the public that wish to be heard in this matter?

Seeing none, does counsel have anything else they would like to add?

ATTY WALTER SULLIVAN: I'm just speaking for myself, Madam Chair, and I haven't talked to the clients or my client or Mr. Rafferty, but, as you know, the statute requires you to act within 30 days of filing the application. Failure to act, we can move forward to the ABCC and ask them to approve the license transfer -- the stock transfer, excuse me.

So I think with some reasonable

hesitation of how long this is going to take, I think Mr. Kapsalis has been very forthcoming, and clearly, Mr. Rafferty has been very forthcoming.

Ms. Lint did an incredible job in the letter she sent to Mr. Sacramone at the ABCC outlining the history of the license, and I think it's pretty clear what the ABCC said back, divest the interest in the license. That's what we're here for tonight to do, is to divest that interest and put someone new to operate it.

The question before the Commission is the qualifications of the applicant that's now before you.

CHAIR ANDREA JACKSON: And I understand that.

I do think that though -- I know it was at our direction in terms of saying, "You need to go ahead and submit this transfer application," but at the same time, I think that we are

obligated in terms of due diligence to at least investigate the allegations raised before acting on the transfer application, and I think that's something that can be done quickly.

I don't expect it to labor on more than 30 days, but I would like to at least address it, do the due diligence behind it.

If there are any issues, obviously, have you come back at the next hearing, and at the same time, be able to submit whatever it is you would like to submit in writing to address these allegations.

ATTY WALTER SULLIVAN: I would like Mr. Rafferty speak to that.

ATTY JAMES RAFFERTY: Well, I respect and understand the thoroughness of the Board's investigatory role here, and I don't take issue with that.

I just want to state that in its current

form, it would be difficult to have full participation, but I would hope that if an investigation were to go forward, that the applicant would, or the corporation, particularly Kapsco, would be allowed the opportunity to examine whatever material is behind this, and also the source of some of this.

It's a fundamental question as to whether applications or -- criticisms or complaints are made in good faith, if there's a bias or a motive, there are many factual issues here that can be easily addressed, so I would agree it doesn't strike me as though it would take a very long time.

I notice here there's references to the section -- the application for the Section 15 package store license. We would be happy to address and we stand by every response in that application.

I have reviewed it. As you know, it has been the subject of speculation beyond the walls of this room, it's got a much wider audience, and we're prepared to address it, and I would hope that we would be given that opportunity if the Commission were to seek an interim period to respond.

As we noted, we are here in response to the directive that Mr. Sullivan noted and set forth in his correspondence of March 16th to the Commission. We think there's an unresolved legal question involved here, and I appreciate the opportunity to slightly place this in context. It should be noted that the provision in particular that has prompted this application, Section 17, states that the -- that not within any city or town can a licensee hold both a Section 12 and a Section 15 license.

It should be noted that limitation is

only to cities and towns. So there's nothing inherently wrong with one having both licenses, and if this license were located in Porter Square, one could have a package store in Cambridge and a restaurant in Somerville.

But I would suggest the policy rationale behind this has much to do with the other restrictions in Section 17.

Section 17 of Chapter 138 is the portion of the General Laws that limits the number of Section 12 pouring licenses based on the population in a given city or town.

It's fair to presume from reading case notes on this that what is intended here is to not have too much exclusivity in any one entity in terms of the service of alcohol.

Cambridge, as you well know, is elected through legislation not to be restricted by the provisions of Section 17. The Section 12

licenses in Cambridge are not limited by population.

So Cambridge is different than other municipalities covered by Section 17.

Cambridge has exempted itself from the restrictions on Section 17.

It's also worth noting that if one were to look at the 2014 annual report of the ABCC, they have recommended to the legislature that the restriction regarding the ownership of Section 12 and Section 15 licenses in any one city or town be abolished.

I have read with great interest, great human cry over some violation here involving a Section 12 and Section 15 license to suggest that there's something that the public interest or the well-being of the operation of licenses in Cambridge are in jeopardy.

I would suggest that the exemption

Cambridge has created under 17 make that restriction not applicable in Cambridge, and more importantly, the policy direction from the ABCC to the legislature is that this section is one which should be removed.

So it's in that context that I express reservations but defer to the judgment of the Commission with regard to the amount of time you think is necessary to act upon this transfer.

CHAIR ANDREA JACKSON: So based on what I heard this evening, I would like to make a motion that we consider this to be the opening of hearing on a continued application of Kapsco, Inc, doing business as Cellar White & Spirits for the transfer of stock and change of corporate officer and director until the investigation of allegations as read into the record has concluded.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: I guess, to be more formal as well, I would like to make a motion that counsel for Mr. Kapsalis and Kapsco, Inc provide in writing addressed to the Board via the Executive Director, a written response to the allegations which would be included as part of the investigation.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ATTY JAMES RAFFERTY: Point of clarification, when you say "the allegations," you're referring to a single sheet of paper numbered 1 through 7, unsigned, no letterhead that has no -- that was provided Friday to Kapsco?

CHAIR ANDREA JACKSON: That's correct, and we will not be addressing Item No. 1. So it says -- as Executive Director Lint read into the record, Items 2 through 7.

ATTY WALTER SULLIVAN: Madam Chair, looking at 6 and 7, it appears to me the very nature of that would be Licensing Commission talking to the Building Commission about this.

And I don't know how --

CHAIR ANDREA JACKSON: I'm sorry, I didn't hear you.

ATTY WALTER SULLIVAN: It appears looking

at 6 and 7 that you're asking the Licensing Commission -- the investigatory portion of the Licensing Commission to do an investigation for us to respond. It appears that 6 and 7 is as simple as calling the Building Department to see if anything was needed to be done and if the permits were required or what would happen.

CHAIR ANDREA JACKSON: That's correct, counsel.

ATTY WALTER SULLIVAN: Sorry?

CHAIR ANDREA JACKSON: That is correct, counsel.

ATTY WALTER SULLIVAN: So that seems like making a phone call tomorrow.

CHAIR ANDREA JACKSON: It's something that staff can certainly handle. I'm giving you the opportunity to respond to it, that's all. So you can choose not to, that's fine, but staff will definitely look into it.

ATTY WALTER SULLIVAN: You're not just looking for our response?

CHAIR ANDREA JACKSON: No.

ATTY WALTER SULLIVAN: You're going to follow up --

CHAIR ANDREA JACKSON: Absolutely.

ATTY WALTER SULLIVAN: -- plus the fact that these allegations were anonymously made, are put out there challenging the integrity of my client and of the corporation --

CHAIR ANDREA JACKSON: Absolutely.

ATTY WALTER SULLIVAN: -- we're moving forward on a hearing, based on those allegations, without an investigation being conducted, is that correct?

CHAIR ANDREA JACKSON: We're not moving forward on it, we've continued it. We've continued it until the investigation is concluded.

I don't expect that the investigation will take a long period of time. But, again, in a matter of doing due diligence, I just want to make sure that we conduct the investigation.

We're all set then.

ATTY JAMES RAFFERTY: Understood.

Thank you.

ATTY WALTER SULLIVAN: Are we going to do the application?

CHAIR ANDREA JACKSON: No, we just made a motion. It was seconded to continue it.

ATTY WALTER SULLIVAN: Madam Chair, I thought we were doing the application but continuing a decision of that application until pending the investigation.

CHAIR ANDREA JACKSON: So you want to be heard on the application, is that what you're saying?

ATTY WALTER SULLIVAN: That's what I

thought I understood what was happening.

Did I misunderstand that, Mr. Rafferty?

ATTY JAMES RAFFERTY: Well, no, I was -- I heard the vote, and the vote was that the hearing's been opened, but my understanding is that the merits of the application with regard to the stock transfer are going to be deferred until the Commission completes its investigation.

CHAIR ANDREA JACKSON: That's correct.

ATTY JAMES RAFFERTY: Inasmuch as disagree with that, I respect that, and I understand the vote of the Commission, and I think that's where we find ourselves.

CHAIR ANDREA JACKSON: That's correct. So we're all set.

ATTY WALTER SULLIVAN: Thank you.

CHAIR ANDREA JACKSON: Thank you.

(Pause.)

CHAIR ANDREA JACKSON: If I may, I note

there are four recorders. I know two people that asked me to record, or notified me that they were recording. Was there someone else recording that I wasn't aware of?

JON HAWKINSON: Was there a question regarding my recording device? I apologize.

CHAIR ANDREA JACKSON: Yes, no worries. I just said I know two people notified me that they were recording, and I happened to see four recorders. I just wasn't sure where the other one came from.

JON HAWKINSON: Oh, I'm sorry. I apologize. I thought it was quite clear when I placed it down.

CHAIR ANDREA JACKSON: I was in the middle of a hearing, so...

Can you identify yourself for the record?

JON HAWKINSON: Jon Hawkinson, J-O-N, H-A-W-K-I-N-S-O-N.

CHAIR ANDREA JACKSON: Thank you.

JON HAWKINSON: My apologies.

APPLICATION:
PHI BETA EPSILON CORPORATION

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Phi Beta Epsilon Corporation, Matthew Angle, resident manager, holder of Lodging House License at 40 Memorial Drive with 21 rooms and 44 occupants has applied for an increase of occupants to 63.

MATTHEW ANGLE: Good evening.

BRIAN HUNTER: Good evening.

CHAIR ANDREA JACKSON: If you could both state your name for the record spelling your first name and last name.

BRIAN HUNTER: Brian Hunter, B-R-I-A-N, H-U-N-T-E-R.

MATTHEW ANGLE: Matthew Angle, M-A-T-T-H-E-W, A-N-G-L-E.

CHAIR ANDREA JACKSON: If you can tell me where you're from?

BRIAN HUNTER: I am a director of the Phi Beta Epsilon Corporation, and I'm a member of the same organization.

MATT ANGLE: I'm the resident manager of 400 Memorial Drive.

CHAIR ANDREA JACKSON: And you are here this evening because you're looking for an increase in occupants to 63, is that correct?

BRIAN HUNTER: That is true.

CHAIR ANDREA JACKSON: Just explain to the Commission why.

BRIAN HUNTER: Certainly. In the last couple years ago, we completed a full renovation of our house for ADA compliance, and basically, it was 99-year-old building, so we did a full renovation, just to sort of bring it up to modern standards, and that's sort of thing.

In the process, we also sought it to kind of re-imagine some of the residential living experience for college students, and the way they lived and studied.

And basically, you know, the renovation and, you know, the organization remains very healthy and we are expanding.

So, as a result of the expansion and we just want to be able to fully, you know, house all of our members as much as possible, and accommodate their needs, and so we're seeking that flexibility and looking towards the future to be able to continue to serve the students and the rest of the MIT community.

CHAIR ANDREA JACKSON: How long has the house been there?

BRIAN HUNTER: 99 years. There's a centennial for that next year, and the organization has been around 125.

CHAIR ANDREA JACKSON: There were several letters sent in support.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. And I see Ms. Gallop is here.

Yes, we have letters from Theta Delta Chi, which is one of the next-door neighbors. And Sigma Tau Chapter of Delta Kappa Epsilon, who is also a next-door neighbor. They have great relations with each other. And Roy Russell, who wrote us also, a representative of this corporation.

CHAIR ANDREA JACKSON: What type of changes were made? This is probably more of your avenue, but I should stay out of your lane, anything as it relates to fire suppression or anything like that?

BRIAN HUNTER: It's completely new systems. New. Everything. When I say a "complete renovation," it really was a complete

renovation. It was structural.

There were partitions moved because we really did do kind've a full, you know, everything you can imagine and a lot of it was with the HVAC, the fire code -- the fire alarm system, all that stuff.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is the building sprinklered?

BRIAN HUNTER: Yes, it is.

POLICE COMMISSIONER ROBERT HAAS: So for allowing this increased occupancy, you're still remaining at 21 rooms?

So I take it the renovation is about enlarging the rooms, or are you putting more occupants in the rooms.

BRIAN HUNTER: Some of the rooms were reconfigured, and so, as a result of that -- and I believe our architect submitted paperwork and drawings all that sort of thing -- but as a

result of that, there was sort've a change in the way that some of the rooms were structured, and that's part of what -- how that works out and sort of allows for this greater occupancy.

POLICE COMMISSIONER ROBERT HAAS: So, typically, how many occupants would be in any given room, on an average?

BRIAN HUNTER: On average, most conditions you might have three, but in some, they actually could house four. So we tend to put three, but, you know, it's really just sort've allow for the possibility of four in the future.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So what is the status of the -- with respect to construction, when was construction -- construction has been completed?

BRIAN HUNTER: Oh, yes, it was completed

in the fall of 2013.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You have the COs from the --

BRIAN HUNTER: Yeah.

ASSISTANT FIRE CHIEF GERARD MAHONEY: ISD and so forth?

BRIAN HUNTER: Yeah.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard?

SARAH GALLOP: Sarah Gallop, S-A-R-A-H, G-A-L-L-O-P.

Madam Chair, Commissioners, Executive Director Lint, I sent in a communication today, but I just want to say for the record that MIT is supportive of this application.

PBE is our oldest fraternity, and they

have recently renovated a beautiful river-front property and they are really a very robust community, and we're glad to see them grow like this.

CHAIR ANDREA JACKSON: Great. Thank you very much.

Any other members of the public that wish to be heard?

Seeing none, I make a motion that we approve the increase of occupancy at 400 Memorial Drive with 21 rooms and 44 occupants for Phi Beta Epsilon Corporation for 44 occupants to 63.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: You're all set.

BRIAN HUNTER: Thank you very much for your time.

CHAIR ANDREA JACKSON: Good luck.

APPLICATION:
5 LEE STREET REALTY TRUST D/B/A
NEW ENGLAND SCHOOL OF ENGLISH

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: 5 Lee Street Realty Trust d/b/a New England School of English, Tom Hazzleton, resident manager, holder of a Lodging House License at 5 Lee Street with 14 rooms and 16 occupants has applied for a change of resident manager to Brian Clavette.

BRIAN CLAVETTE: Good evening. My name is Brian, Clavette, B-R-I-A-N, C-L-A-V-E-T-T-E.

I would like to switch my manager's license.

CHAIR ANDREA JACKSON: You're currently

at Green Street, correct?

BRIAN CLAVETTE: Correct.

CHAIR ANDREA JACKSON: I thought your name sounded familiar.

BRIAN CLAVETTE: I'm actually currently at 5 Lee Street.

CHAIR ANDREA JACKSON: So you've already moved to Lee Street?

BRIAN CLAVETTE: Correct.

CHAIR ANDREA JACKSON: For the record, Mr. Clavette was approved back in August --

BRIAN CLAVETTE: July, August, yeah.

CHAIR ANDREA JACKSON: -- 2014 to be the resident manager of New England School of English located on Green Street. So you have since now moved?

BRIAN CLAVETTE: Correct.

CHAIR ANDREA JACKSON: When did you move over to Lee Street?

BRIAN CLAVETTE: A month ago.

CHAIR ANDREA JACKSON: Why the move?

BRIAN CLAVETTE: Lee Street is our executive dormitories, so they figured out I would be a better match dealing with the executives.

CHAIR ANDREA JACKSON: Is there any security at that building?

I remember at the Green Street location, you had mentioned, I think, you started as the security guard, is that correct?

BRIAN CLAVETTE: Correct, yes. But Lee Street I only have 16 residents and every one is over the age of 30, so...

CHAIR ANDREA JACKSON: I think that can get pretty wild, too.

BRIAN CLAVETTE: Well, it is a very quite house.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the change of resident manager to Brian Clavette at the New England School of English located at 5 Lee Street Realty Trust, is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: You're all set.

BRIAN CLAVETTE: Thank you very much. You all have a good day.

APPLICATION:
BELGAWAFFLE SKS, LLC D/B/A ZINNEKEN'S

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Belgawaffle ZKS, LLC, doing business as Anh-phi Tran, manager, has applied for a Vendor/Peddler License to operate a mobile food truck at 32-34-26 Cambridgepark Drive from 11:00 a.m. to 2:00 p.m. every Friday.

CHAIR ANDREA JACKSON: Good evening.

ANH-PHI TRAN: Good evening.

CHAIR ANDREA JACKSON: If you could please state your name for the record?

ANH-PHI TRAN: First name is Anh-phi, A-N-H-/-P-H-I last name is Tran, T-R-A-N.

CHAIR ANDREA JACKSON: Are you the

manager?

ANH-PHI TRAN: Yes.

CHAIR ANDREA JACKSON: You're looking to operate a mobile food truck at VECNA, is that correct?

ANH-PHI TRAN: Yes.

CHAIR ANDREA JACKSON: Is that Friday, every Friday from 11:00 a.m. to 2:00 p.m.?

ANH-PHI TRAN: That's correct.

CHAIR ANDREA JACKSON: Is this your first food truck?

ANH-PHI TRAN: Yes.

CHAIR ANDREA JACKSON: You have what is called a typical brick and mortar building, is that correct?

ANH-PHI TRAN: Yes.

CHAIR ANDREA JACKSON: Where is that located, at Mass Ave?

ANH-PHI TRAN: Yes, 1154 Mass Ave.

CHAIR ANDREA JACKSON: What made you want to start the food truck after having a brick and mortar building?

ANH-PHI TRAN: Food truck is very popular where I grew up, so it makes sense, lots of street food to expand. It was easier to expand with a food truck than a store.

CHAIR ANDREA JACKSON: Who will be operating the truck?

ANH-PHI TRAN: Currently, I am operating with my business partner, Nhon, N-H-O-N, his last name is Ma, M-A. He's the founder of the business. And we currently in the process of hiring more employees.

CHAIR ANDREA JACKSON: How long has Belgawaffle been in business?

ANH-PHI TRAN: So we created the business -- I mean, the company back in June, but only been operating since January.

CHAIR ANDREA JACKSON: January of...?

ANH-PHI TRAN: This year, 2015.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: So the truck has been fully inspected?

ANH-PHI TRAN: Yes. We're licensed and permitted in Boston. We passed the health permit and the fire permit about a month ago.

POLICE COMMISSIONER ROBERT HAAS: You're going to have the truck operate in both jurisdictions, Cambridge and Boston?

ANH-PHI TRAN: Both.

POLICE COMMISSIONER ROBERT HAAS: Is it a new truck or refurbished?

ANH-PHI TRAN: We bought a used truck and did it from scratch.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Has the vehicle been inspected in Cambridge as well?

ANH-PHI TRAN: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have sign-offs from health and fire.

POLICE COMMISSIONER ROBERT HAAS: And is the Boston operation in place now? Are you actually operating in Boston right now with the truck?

ANH-PHI TRAN: Yes, we are currently.

CHAIR ANDREA JACKSON: Where do you currently operate in Boston?

ANH-PHI TRAN: Most often on the Greenway, so from South Station and we're moving around the Greenway in the summer. We also operate at the Boston Library, Copley Square.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIR ANDREA JACKSON: Are there any

members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the vendor/peddler license for Belgawaffle ZKS, LLC, doing business as Zinneken's?

ANH-PHI TRAN: Yes.

CHAIR ANDREA JACKSON: At 32-34-36 Cambridgepark Drive every Friday from 11:00 a.m. to 2:00 p.m.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: You're all set.

ANH-PHI TRAN: Thank you.

APPLICATION:
JAMAICA MI HUNGRY, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Jamaica Mi Hungry, LLC, Ernie Campbell, manager, has applied for a Vendor/Peddler License to operate a mobile food truck at 32-34-36 Cambridgepark Drive from 8:00 a.m. to 4:00 p.m. every Thursday.

ERNIE CAMPBELL: Ernie Campbell, E-R-N-I-E, C-A-M-P-B-E-L-L.

CHRISTY MOULIN: I'm Christy Moulin, C-H-R-I-S-T-Y, M-O-U-L-I-N.

CHAIR ANDREA JACKSON: If you could tell me your relationship to the company.

Are you the manager of record, owner?

ERNIE CAMPBELL: Yes.

CHRISTY MOULIN: I'm the business

manager.

CHAIR ANDREA JACKSON: You're looking to operate a mobile food truck vehicle at VECNA as well every Thursday 8:00 a.m. to 4:00 p.m.?

ERNIE CAMPBELL: Yes.

CHAIR ANDREA JACKSON: Is this your first food truck?

ERNIE CAMPBELL: Second.

CHAIR ANDREA JACKSON: Second food truck.

ERNIE CAMPBELL: Yes.

CHAIR ANDREA JACKSON: Where do your trucks currently operate?

ERNIE CAMPBELL: Mostly we do like catering and special events.

CHAIR ANDREA JACKSON: How long have you been in business?

ERNIE CAMPBELL: 2012.

CHAIR ANDREA JACKSON: 2012?

So you don't operate, say, in Boston or

any other city or town, just strictly catering or...?

ERNIE CAMPBELL: Catering, but we do have Boston permits for special events, Farmer's Market in Belmont and some other places. Just travel around and do the special events.

CHAIR ANDREA JACKSON: Have you been at VECNA for -- prior to coming here on a one-day permit?

ERNIE CAMPBELL: Yes.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Nope.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just one issue, the CORI checks had been left at ISD so we didn't -- they weren't charged for them.

They're used for background checks.

CHRISTY MOULIN: What do we need to do to be able to make that?

EXECUTIVE DIRECTOR ELIZABETH LINT: Just drop a check at the License Commission payable to the City of Cambridge. It is $10 per.

CHRISTY MOULIN: Per CORI?

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

CHRISTY MOULIN: Sure.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the vendor/peddler license for Jamaica Mi Hungry, LLC to operate a mobile food truck at 32-34-36 Cambridgepark Drive 8:00 a.m. to 4:00 p.m. every Thursday contingent upon payment of the background checks.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: You're all set.

ERNIE CAMPBELL: Thank you.

CHRISTY MOULIN: Thank you.

APPLICATION:
SAIGON ALLEY, LLC D/B/A SAIGON ALLEY

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Saigon Alley, LLC d/b/a Saigon Alley, Evan Englehart, manager, has applied for a Peddler/Vendor License to operate a mobile food truck every Tuesday from 11:00 a.m. to 2:00 p.m.

at 32-34-36 Cambridgepark Drive on private property.

CHAIR ANDREA JACKSON: Good evening. If you could please state your name for the record, please, spelling your first name and last name?

EVAN ENGLEHART: Evan Englehart, E-V-A-N, E-N-G-L-E-H-A-R-T.

CHAIR ANDREA JACKSON: You're looking to operate a food truck as well?

EVAN ENGLEHART: Yes.

CHAIR ANDREA JACKSON: Also at VECNA?

EVAN ENGLEHART: Yes.

CHAIR ANDREA JACKSON: Is this your first food truck?

EVAN ENGLEHART: It is.

CHAIR ANDREA JACKSON: How long have you been operating?

EVAN ENGLEHART: Since September, last September.

CHAIR ANDREA JACKSON: September 2014?

EVAN ENGLEHART: Yes.

CHAIR ANDREA JACKSON: What made you get started?

EVAN ENGLEHART: Looking for a business I could do with my wife, and we found a common ground with food.

CHAIR ANDREA JACKSON: Is it a new truck you're operating?

EVAN ENGLEHART: Brand-new. Well, the body of the truck is 2001, but it's been retrofitted with all brand-new equipment.

POLICE COMMISSIONER ROBERT HAAS: Where are you operating now?

EVAN ENGLEHART: We are at Boston Medical Center Mondays, Copley Square Wednesdays, VECNA Tuesdays, and we're still looking for some other spots.

CHAIR ANDREA JACKSON: So you're

operating the truck with your wife?

EVAN ENGLEHART: Yes.

CHAIR ANDREA JACKSON: Inspections are all in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. I think I spoke to you before, right?

EVAN ENGLEHART: Yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: He just has to get into the ISD system to get the permit to print out, but Kristin did inspect him and I have the fire.

POLICE COMMISSIONER ROBERT HAAS: Can I ask a question: Why are all these applications coming at the same time? Is it just coincidence or is there something to it?

EXECUTIVE DIRECTOR ELIZABETH LINT: VECNA wants to have food options.

POLICE COMMISSIONER ROBERT HAAS: So VECNA's actually pushing?

EXECUTIVE DIRECTOR ELIZABETH LINT: They are.

POLICE COMMISSIONER ROBERT HAAS: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: They have a very extensive food truck program.

POLICE COMMISSIONER ROBERT HAAS: It just seems we get all the applications the same evening.

EVAN ENGLEHART: It is also springtime and the weather is warm.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

EXECUTIVE DIRECTOR ELIZABETH LINT: And there's very limited places to go.

POLICE COMMISSIONER ROBERT HAAS: I get

that. I guess I was just curious why all of a sudden one night we had the applications for the same location.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the mobile food truck for Saigon Alley, LLC doing business as Saigon Alley to operate at 32-34-36 Cambridgepark Drive every Tuesday from 11:00 a.m. to 2:00 p.m.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You're all set. Good luck.

APPLICATION:
ROBERT MACLEAN D/B/A COMPLIMENTS FOOD CO

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Robert MacLean d/b/a Compliments Food Co, Robert MacLean, manager, has applied for a Vendor/Peddler License to operate a mobile food truck at 32-34-36 Cambridge Park Drive from 11:00 a.m. to 2:00 p.m. every Wednesday.

CHAIR ANDREA JACKSON: Good evening. If you could please state your name for the record, spelling your first name and last name, please?

ROBERT MACLEAN: Robert MacLean, R-O-B-E-R-T, M-a-c-L-E-A-N.

CHAIR ANDREA JACKSON: And you're the

manager of Commitments Food Company?

ROBERT MACLEAN: Yes.

CHAIR ANDREA JACKSON: You're looking to operate a mobile food truck also at VECNA Wednesdays 11:00 to 2:00?

ROBERT MACLEAN: Yes.

CHAIR ANDREA JACKSON: Is this your first truck?

ROBERT MACLEAN: Yes.

CHAIR ANDREA JACKSON: How long have you been operating?

ROBERT MACLEAN: June of 2012.

POLICE COMMISSIONER ROBERT HAAS: Where are you currently operating?

ROBERT MACLEAN: Currently operating on Tuesdays in Copley Square, Wednesday at VECNA, Thursday in Office Park in Framingham, and we're all licensed in those cities.

CHAIR ANDREA JACKSON: Are you operating

the truck on your own?

ROBERT MACLEAN: With employees.

CHAIR ANDREA JACKSON: Is it a new truck?

ROBERT MACLEAN: New as of 2012. It was retrofitted. It was a 1999.

CHAIR ANDREA JACKSON: Inspections in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. I have no inspections in the file and I don't have a copy of the truck registration.

ROBERT MACLEAN: I brought the registration with me.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

ROBERT MACLEAN: You should have everything on file. It passed through Kristin for health and fire.

CHAIR ANDREA JACKSON: Is that your original registration?

ROBERT MACLEAN: This is my original.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have any of the sign-offs.

ROBERT MACLEAN: All right.

CHAIR ANDREA JACKSON: Were they submitted?

ROBERT MACLEAN: They were submitted.

CHAIR ANDREA JACKSON: To Inspectional Services?

ROBERT MACLEAN: Earlier in the year about February. It wasn't for VECNA. It was for a one-time permit over at Hub Spot in Lechmere.

EXECUTIVE DIRECTOR ELIZABETH LINT: But that wouldn't come to us. We need it with this application.

ROBERT MACLEAN: Okay. They said it would pass on through to this one, but...

ASSISTANT FIRE CHIEF GERARD MAHONEY: Who told you that?

EXECUTIVE DIRECTOR ELIZABETH LINT: But I

need a copy of it.

ROBERT MACLEAN: Okay. I can get you a copy for sure. And here is my registration.

EXECUTIVE DIRECTOR ELIZABETH LINT: But that's your original?

ROBERT MACLEAN: That's my original, yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I will need a copy.

CHAIR ANDREA JACKSON: You said you had the inspection and you can submit a copy of that?

ROBERT MACLEAN: Yes.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: All set.

CHAIR ANDREA JACKSON: Are there any

members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the vendor/peddler license to operate a mobile food truck at 32-34-36 Cambridgepark Drive every Wednesday 11:00 a.m. to 2:00 p.m. for Robert MacLean doing business as Compliments Food Company contingent upon receipt of the inspection, signed inspection, and making a copy of his registration.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: You're all set.

If you can hold on afterwards so I can make a copy.

ROBERT MACLEAN: Absolutely.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's it.

CHAIR ANDREA JACKSON: So I make --

ASSISTANT FIRE CHIEF GERARD MAHONEY: Motion to adjourn.

CHAIR ANDREA JACKSON: Second.

All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

(Meeting adjourned.)

ERRATA SHEET

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

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

_____

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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 1st day of May 2015.

_____
Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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