

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

POLICE COMMISSIONER CHRISTOPHER BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: November 2, 2016

TIME: 3:05 p.m.

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P R O C E E D I N G S

November 2, 2016, 3:05 p.m.

CHAIR NICOLE MURATI FERRER: If everyone could turn off your cell phones or put them onto vibrate, that could be great.

Also, just so you know, we have two loud fans over here, so if you come up to speak, just if you could project, that would be awesome as well. And as soon as the technical difficulties have ceased, we will commence.

EXECUTIVE DIRECTOR ELIZABETH LINT: Good afternoon. This is the meeting of the License Commission, Wednesday, November 2 at 3:05 p.m.

We are in the Michael J. Lombardi Building, 831 Mass Ave, Basement Conference Room. Before you are the Commissioners Chair Nicole Murati Ferrer and Commissioner Christopher Burke. This meeting is being audio taped and videotaped.

VIOLATION (CONTINUED)

NATIONAL TIRE AND BATTERY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Matter continued from October 19. Violation:  
National Tire and Battery, holder of a garage  
license No. 10069 at 2501 Mass Ave due to alleged  
violation of Cambridge Noise Ordinance  
8.16.080(E) loading and unloading on September  
19, 2016 at approximately 5:45 a.m.

CHAIR NICOLE MURATI FERRER: So matter 1  
and 2 should have been in the administrative part  
that we continued for our sake, not for more  
public testimony on this matter.

With regard to this one, we continued  
because we wanted to confirm the language of the  
noise ordinance because the evidence had been  
that the noise that awoke was the back-up truck  
light, not the loading and unloading, which is

what was prohibited.

So we went back and not only did our Executive Director look into this, but we also had the City Solicitor, and it was confirmed that per noise ordinance, the back-up can't be the source of the noise.

It has to be the loading and unloading what has to create the noise, and that's what creates the violation, and the testimony was that there was no violation.

It wasn't heard by the residents and actually they only saw it, they didn't hear it.

So it is a no violation under our ordinance and that is how I would vote, no violation.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with that assessment.

But I think certainly, moving forward, I



think National Tire and Battery as the customer with a vendor who is coming to your facility to provide a service, it is up to you to ensure that they come within the required hours.

I would really not like to be back here again on the same issue of the tire pick-up.

So I would leave that up to the business to make the appropriate arrangements with the vendor. And I think that as the customer, and the vendors providing those services, that should be something that is easy to do.

SHAUN CULLEN: As I mentioned last time we spoke, I did speak to their shipping manager and he's put policies in place to make sure it doesn't happen again.

We also were surprised that we were contacted -- I guess they have similar issues in other parts of the country with similar things

and they have been taken up on this account themselves, but I told them we would come down here and handle it and going forward, it won't be acceptable, and the subsequent two visits to our location on the 25th of October and 31st of October, both were well after 7 a.m.

So as of now, it is going very smoothly and we'll continue that as well.

CHAIR NICOLE MURATI FERRER: Thank you.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Thank you.

APPLICATION (CONTINUED)

LA FABRICA CENTRAL, LLC

D/B/A LA FABRICA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from October 19, 2016 La  
Fabrica Central, LLC doing business as La

Fabrica, Nivia Pina manager at 450 Mass Ave has applied for an entertainment license for dancing by patrons, comedy show, live music with amplification, dancing exhibition, floor show, magic show, karaoke, audio below, at or above conversation level, 9 TVs, video screens, radio. That's why this is back on this agenda. We didn't hear the entertainment portion.

CHAIR NICOLE MURATI FERRER: No. We did hear the entertainment. We didn't have the application.

So it is before us. We did hear the matter in its entirety last time.

It was just a matter of administratively getting the floor plans specifically with regard to where all this entertainment would be.

POLICE COMMISSIONER CHRISTOPHER BURKE:  
Satisfied.

CHAIR NICOLE MURATI FERRER: Just for the sake of, if anyone was confused by the agenda, anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Is there anyone here in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote what we spoke about at the last meeting.

POLICE COMMISSIONER CHRISTOPHER BURKE:  
Agreed.

APPLICATION: J. MICHAELS CATERING

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: J. Michaels Catering has applied for a vendor/peddler license to operate a mobile food truck seven days a week at various locations throughout the city.

CHAIR NICOLE MURATI FERRER: Good  
afternoon.

ERYN WALTON: How are you?

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

ERYN WALTON: Eryn, E-R-Y-N, Walton  
W-A-L-T-O-N.

THE REPORTER: Is your first name  
E-R-Y-N?

MICKE GIANATASIO: Michael Gianatasio.  
G -- Micke M-I-C-K-E. Last name is  
G-I-A-N-A-T-A-S-I-O.

THE REPORTER: Is it M-I-C-K-E?

MICKE GIANATASIO: Yes. Some call me  
Michael.

CHAIR NICOLE MURATI FERRER: Thank you.  
So what exactly is Michael's Catering?

ERYN WALTON: Just a catering truck.

CHAIR NICOLE MURATI FERRER: What do you plan to sell?

ERYN WALTON: Just hot and cold foods, beverages.

CHAIR NICOLE MURATI FERRER: What kinds of hot and cold foods?

ERYN WALTON: Hot sandwiches, cold sandwiches, pizza, calzones.

CHAIR NICOLE MURATI FERRER: That's a pretty varied menu for a food truck.

ERYN WALTON: It's like the metal canteen trucks. It's just one of those.

CHAIR NICOLE MURATI FERRER: Who is going to be operating the truck?

MICKE GIANATASIO: (Gesturing.)

CHAIR NICOLE MURATI FERRER: We need your license, sir. We did not get your license.

ERYN WALTON: It is in the process right

now because when I came here last time, I thought you guys had done that because I filled out paperwork when I paid the money but I have mailed the CORI out and we're waiting to get it out.

CHAIR NICOLE MURATI FERRER: We run the CORI. I mean his actual license. His driver's license. We need a copy.

MICKE GIANATASIO: I knew what she meant.

EXECUTIVE DIRECTOR ELIZABETH LINT: And the State caterer's license.

ERYN WALTON: I'm waiting for the State's peddler license now for my CORI to come back in the mail so I can go do that.

CHAIR NICOLE MURATI FERRER: So, I'm sorry, because I'm completely -- I don't really know how the State does it on their end. But you have to provide all of that stuff to the State. Like they won't do it for you when --

ERYN WALTON: I mailed in the CORI to Chelsea, and they'll mail it back to me and then I bring that paperwork to Ashburton Place in Boston with the peddler application.

CHAIR NICOLE MURATI FERRER: Okay. And so you're -- are you getting the license in your name or his name?

ERYN WALTON: My name. Because what happened was, when I filled the paper for the permit upstairs, they put it in his name by accident, and they said we would lose the money we already paid if we were to switch it. So they said wait until it renews in a year and then --

EXECUTIVE DIRECTOR ELIZABETH LINT: The food handlers permit.

ERYN WALTON: Yes.

CHAIR NICOLE MURATI FERRER: Oh, okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: So



actually what we would need is just to make a copy upstairs.

ERYN WALTON: Okay.

CHAIR NICOLE MURATI FERRER: When you leave, just go upstairs really quickly and have them make a copy for us.

So the truck is in your name?

MICKE GIANATASIO: Yes.

CHAIR NICOLE MURATI FERRER: You will be operating the truck?

MICKE GIANATASIO: Yes.

CHAIR NICOLE MURATI FERRER: However, you will be obtaining the license in your name?

ERYN WALTON: The permit is in his name too.

CHAIR NICOLE MURATI FERRER: Are you going to be operating the truck at all or be in the truck?

ERYN WALTON: In the truck, just passenger riding.

CHAIR NICOLE MURATI FERRER: Oh, okay. So -- and have you gone to public -- have you gotten the approval to be on the public way from the City?

ERYN WALTON: I didn't understand what that was because it was more like in construction sites and stuff.

EXECUTIVE DIRECTOR ELIZABETH LINT: They still need --

CHAIR NICOLE MURATI FERRER: I know they still need it.

ERYN WALTON: When I brought this upstairs, they didn't explain anything like that. I never have done this before.

CHAIR NICOLE MURATI FERRER: Yeah. No, no, I totally understand.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can give her the contact.

CHAIR NICOLE MURATI FERRER: So let's do this, we're missing your State peddler's license. I do note that your vehicle has been inspected and has passed fire inspection and everything.

This is what I suggest, I suggest that Ms. Lint assist you with getting what you need to complete the portion in terms of the City side because you will need those permits from the City especially if you are going to be parked or standing in public ways, if you are not going to be in, like, public/private property.

And also, what I would suggest, is that we make sure that we have both of you under the license.

I understand that the food handlers permit and ISD, whatever, let them do their

thing, but this permit with regard to the mobile food truck should be in both of your names.

ERYN WALTON: Peddler license?

CHAIR NICOLE MURATI FERRER: Yeah. So then that way it is cleaner. If, sir, if you are not there that day and she is, you know there is no issues if an inspector comes in and vice versa.

So what we'll do is, we'll -- what I would suggest is, defer this until we have everything completed.

What I would suggest is that you grab Ms. Lint's email and phone number right now, and then both of you can connect tomorrow and she can help you with everything because I know these can be a little tricky sometimes.

ERYN WALTON: Because when I got the letter, I was like, What is this for, the street

and stuff?

EXECUTIVE DIRECTOR ELIZABETH LINT: If you go upstairs they will give you my card.

MICKE GIANATASIO: What time do we have until?

CHAIR NICOLE MURATI FERRER: Sir, quite frankly, I think -- I don't know because I think it all depends on when you get your State peddler permit and when you get your permits from the City to be able to be in the public way.

MICKE GIANATASIO: So they will notify us what time?

CHAIR NICOLE MURATI FERRER: Ms. Lint will be notifying you of everything. But since you are here, just hold on, anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in

opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Matter deferred.

ERYN WALTON: Thank you.

CHAIR NICOLE MURATI FERRER: Just to let you know, it is the License Commission, the office that you have to go to.

EXECUTIVE DIRECTOR ELIZABETH LINT: She knows where.

CHAIR NICOLE MURATI FERRER: Thank you.

APPLICATION: B. GOOD, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Application: B. Good, LLC has applied for a new common victualler license to be exercised at 301 Third Street to be open seven days a week between 7 a.m. and 9 p.m. with a seating capacity of 42

inside. Anthony Ackil, proposed manager of record. Premise description, restaurant single floor.

CHAIR NICOLE MURATI FERRER: B. Good?

Second call.

APPLICATION: CAMBRIDGE BREWING COMPANY, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cambridge Brewing Company, Inc., holder of a common victualler wine and malt license at One Kendall Square #100 and a State issued pub brewery license has applied for a transfer of stock and change of stockholders.

CHAIR NICOLE MURATI FERRER: Good

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

PHILIP BANNATYNE: Philip, one L,

Bannatyne, B-A-N-N-A-T-Y-N-E.

CHAIR NICOLE MURATI FERRER: Thank you.

Mr. Bannatyne, I have a few questions.

Maybe we'll just start with the easy one:

Are you just removing stockholders?

PHILIP BANNATYNE: I'm removing any number of stockholders that have fallen by the wayside over the 27 years. And I'm adding a stockholder that recently has been added?

CHAIR NICOLE MURATI FERRER: Who is the stockholder?

PHILIP BANNATYNE: Will Meyers.

CHAIR NICOLE MURATI FERRER: Okay. And is he becoming a majority stockholder?

PHILIP BANNATYNE: No.

CHAIR NICOLE MURATI FERRER: Okay. So other than that there are no changes.

PHILIP BANNATYNE: That's correct.

CHAIR NICOLE MURATI FERRER: We're



keeping Adam Leeman (phonetic)?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: Bill Ryan is staying?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: I'm only going through this because I have your original application and the ABCC approved and then the new one and it makes no sense to me, so bear with me.

PHILIP BANNATYNE: No problem.

CHAIR NICOLE MURATI FERRER: I just want to keep it clean.

We are removing Richard Nash?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: Obviously you are staying.

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: Leslie is staying, Leslie Bannatyne?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: And there's also a David Bannatyne.

PHILIP BANNATYNE: He's my father. Yes.

CHAIR NICOLE MURATI FERRER: He's stay as well? Yes?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: We are getting rid of Carrie Shapiro (phonetic)?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: Heather Ryan?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: David Ridge?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: Elizabeth

Coback (phonetic)?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: Janet

Richardson?

PHILIP BANNATYNE: Yes.

CHAIR NICOLE MURATI FERRER: And then that's it, no one else is here, right? There's no other person other than Will Meyers that's being added?

PHILIP BANNATYNE: That's correct.

CHAIR NICOLE MURATI FERRER: All right. That's it. I think that's -- those are my questions.

PHILIP BANNATYNE: Great.

CHAIR NICOLE MURATI FERRER: Any other questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: Approved.

CHAIR NICOLE MURATI FERRER: Granted. Thank you.

PHILIP BANNATYNE: Thank you. Thanks for your time.

APPLICATION: MAINELY BURGERS, LLC

D/B/A MAINELY BURGERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Mainely Burgers, LLC doing business as Mainely Burgers, holder of a common victualler license at 704 Mass Ave has applied for a new common victualler wine and malt license to be exercised at said address with the currently approved hours of 11 a.m. to 11 p.m. seven days per week, seating for 36 inside and 8 patio seats on public sidewalk.

Jack Barber is proposed manager of record.

The premise is described as approximately 1200 square feet of retail space containing dining room, kitchen and basement for storage and bathroom. One entrance/exit and egress in the rear through the kitchen. 100-square-foot patio on the public sidewalk with 8 seats.

CHAIR NICOLE MURATI FERRER: Would you please state and spell your name for the

record.

JACK BARBER: Yes, it's Jack Barber

J-A-C-K B-A-R-B-E-R.

CHAIR NICOLE MURATI FERRER: I'm about to believe you like coming to these hearings.

JACK BARBER: Yeah, it's fun.

CHAIR NICOLE MURATI FERRER: We are just adding a wine and malt license?

JACK BARBER: Yes.

CHAIR NICOLE MURATI FERRER: There used to be a wine and malt license at this location and that this is kind of like the last time between getting that one out and getting yours in, is that right?

JACK BARBER: That is correct. And then we are going to, depending how it goes, eventually we would like to have it out -- for outdoor seating.

CHAIR NICOLE MURATI FERRER: Yeah, I was going to mention, I know that right now you are approved for that patio but with the City management agreement now with alcohol, you can't really use it until you get that approved.

JACK BARBER: Yeah, yeah. So I spoke with Bill Dwyer already to try and start that process to see what we need to do to make sure it is an enclosed area. Yeah, but for now, it is just.

CHAIR NICOLE MURATI FERRER: It's also winter.

JACK BARBER: Yeah, I don't know if anyone wants to eat outside and especially drink a beer outside.

CHAIR NICOLE MURATI FERRER: Because there used to be, as recently as earlier this year, a license there, and I understand that, for

the record, there doesn't -- public need is shown. And the hours of operation are staying the same?

JACK BARBER: Correct, yes.

CHAIR NICOLE MURATI FERRER: And I see that I got your missing proof of citizenship. Thank you.

Where do you reside.

JACK BARBER: I live in Boston.

CHAIR NICOLE MURATI FERRER: Because you answered you were not a resident of Massachusetts.

JACK BARBER: Yeah, I thought it was just on my ID, if they are asking me if my ID was out of State. So I live in Boston.

CHAIR NICOLE MURATI FERRER: I mean it's fine also in terms of this license here because you don't have that requirement, but if you do



reside in Boston, and that's your residence, we should change that in the Form 43 because you wouldn't want that to be one of the reasons why your application gets slowed down in the process if it is approved by us today.

JACK BARBER: All right.

EXECUTIVE DIRECTOR ELIZABETH LINT: I ran all that background.

CHAIR NICOLE MURATI FERRER: Yep, I saw it.

And you have never been the manager of record on a liquor license before?

JACK BARBER: No.

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

JACK BARBER: Yes. I also just got my TIPS certification.

CHAIR NICOLE MURATI FERRER: Currently we have a rule that you also have to be -- you also have to go to the 21 Proof through the City.

JACK BARBER: Okay.

CHAIR NICOLE MURATI FERRER: You will get information as to who to contact to get that certification.

JACK BARBER: Yeah.

CHAIR NICOLE MURATI FERRER: Do you understand that we expect you to stay up to date with the rules and regulations of this Board, the ABCC, and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

JACK BARBER: Yes.

CHAIR NICOLE MURATI FERRER: Are you -- I

see you are a US citizen with your passport.

Is there any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in -- yes, sir.

DAVID BARBER: I do.

CHAIR NICOLE MURATI FERRER: Aren't you his.

DAVID BARBER: Yes.

CHAIR NICOLE MURATI FERRER: You can still be in favor. Why don't you state your name and spell it for the record.

DAVID BARBER: David Barber, B-A-R-B-E-R.

CHAIR NICOLE MURATI FERRER: Anyone else

in support of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition.

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

JACK BARBER: Sweet. Thank you. So on the Form 43, I should just go --

CHAIR NICOLE MURATI FERRER: You don't do that. We do that.

I was just saying it for the benefit of Ms. Lint, who is taking down notes, to make sure that we tell our staff that they put on the Form 43 that you are indeed a Massachusetts resident

because I saw in one of the applications you put your Boston address and then you said that you weren't a Massachusetts resident.

JACK BARBER: Yes, I think I got turned around on the words or something.

CHAIR NICOLE MURATI FERRER: Don't worry. It happens to the best of us.

APPLICATION: CHIK CHAK FOOD TRUCK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Matthew Pultman on behalf of Chik Chak Food Truck has applied to vend at the Harvard Science Center, 1 Oxford Street, Mondays from 8 a.m. to 9 p.m. through August 31, 2017.

CHAIR NICOLE MURATI FERRER: Yeah, the agenda says 2016 but the letter says 2017. I'm assuming it is 2017.

State and spell your name for the record.

MATTHEW PULTMAN: Matt Pultman, M-A-T-T  
P-U-L-T-M-A-N.

CHAIR NICOLE MURATI FERRER: Thank you.  
What is Chik Chak Food Truck?

MATTHEW PULTMAN: We are a Middle Eastern  
food truck based out of Brookline. We serve  
falafel, shawarma, kabobs, chicken. We are  
downtown Boston six days a week, now, in  
Cambridge every Monday.

CHAIR NICOLE MURATI FERRER: And you are  
open at 8 a.m.?

MATTHEW PULTMAN: No. I don't know why  
it is for the whole day but our hours are 11 to  
3.

CHAIR NICOLE MURATI FERRER: All right.  
Who is Rami's Food Truck, LLC?

MATTHEW PULTMAN: We used to be Romus.  
We rebranded a year and a half ago.

CHAIR NICOLE MURATI FERRER: I see.

Okay.

And Ariel Hutnik?

MATTHEW PULTMAN: He's my partner. He's part owner.

CHAIR NICOLE MURATI FERRER: Do you have your own peddler license under the State or not?

MATTHEW PULTMAN: I used to in the past. I do a lot of the catering side of the business. Ari is chef on the truck so...

CHAIR NICOLE MURATI FERRER: Okay. Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: None.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in

opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I'm wondering, have you gotten the truck inspected?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

MATTHEW PULTMAN: Yes.

CHAIR NICOLE MURATI FERRER: I didn't see it.

MATTHEW PULTMAN: They don't let us come to this hearing until the whole list is done.

CHAIR NICOLE MURATI FERRER: You would be surprised how many people come to the hearing.

MATTHEW PULTMAN: Oh, okay. Yeah. No. We got it inspected.

CHAIR NICOLE MURATI FERRER: All right. I would approve. I would vote to grant. I am going to put that your hours of operation are 11 a.m. to 3 p.m.



MATTHEW PULTMAN: Yes.

CHAIR NICOLE MURATI FERRER: I don't want people to be misled.

MATTHEW PULTMAN: That's fine.

CHAIR NICOLE MURATI FERRER: I understand that the approval was from 8 a.m. to 9 p.m., and if you ever change those hours from 11 a.m. to 3 p.m. --

MATTHEW PULTMAN: No, that's our set hours.

CHAIR NICOLE MURATI FERRER: Okay. So granted. 11 a.m. to 3 p.m.

POLICE COMMISSIONER CHRISTOPHER BURKE: I approve.

CHAIR NICOLE MURATI FERRER: Granted.

MATTHEW PULTMAN: Thank you.

CANCELLATION: TOMMY DOYLE'S PUB & RESTAURANT, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation: Tommy Doyle's Pub and Restaurant, LLC holder of a common victualler all alcoholic license at 96 Winthrop Street pursuant to General Chapter Laws Chapter 138 Section 77.

CHAIR NICOLE MURATI FERRER: Good

afternoon. Could you please state and spell your names for the record.

ATTY ANDREW UPTON: Good afternoon, Madam

Chair and Commissioner. Andrew Upton, U-P-T-O-N, representing the landlord/creditor and with me is Rachna Balakrishna, R-A-C-H-N-A

B-A-L-A-K-R-I-S-H-N-A.

And your relationship to this license?

RACHNA BALAKRISHNA: I have a power of attorney on behalf of Tommy Doyle's as it relates to the liquor license.

CHAIR NICOLE MURATI FERRER: Okay. So you are here on behalf of the licensee?

RACHNA BALAKRISHNA: Yes.

CHAIR NICOLE MURATI FERRER: So, Mr. Upton, last time we left this, there have been a letter signed and we gave it an extra three months. There have been a buyer -- a buyer had been identified and signed an agreement.

ATTY ANDREW UPTON: That's correct. That buyer was identified and signed the agreement and failed to consummate the transaction.

We're here now to ask for an additional extension of time. However, we have reached a tentative agreement with a tenant in the building to transfer the license, so we're hopeful that this is the smoothest path to putting it to a higher and better use.

CHAIR NICOLE MURATI FERRER: I can tell

you that I am not inclined to give anyone any more time.

This license has been inactive since December of 2013. I understand that pursuant to the current state of the case law that the clock did not start ticking in 2013.

But right now, it has been inactive.

This is like the fourth attempt to transfer this license.

If anyone wants to get into this space, this license has basically prohibited that since 2013.

And, quite frankly, this license still owes money for it to be properly renewed.

ATTY ANDREW UPTON: That being said, I think the Board is aware from the record that we had a very, very difficult time with the initial transfer, and I'm not sure if all the

Commissioners were at that hearing with allegations of domestic abuse and all sorts of intercorporate issues that arose that prevented us from doing the very first deal.

You know, now we have sort of come full circle to the same buyer in an appropriate location right in the building next door, we are essentially ready to file, and Rachna has the application, and I would ask that the Board just give us a little bit more time. If you feel a stricter deadline is appropriate, we certainly understand that. But this is a valuable asset. We have been actively pursuing this. We have come in good faith to the Board time after time.

CHAIR NICOLE MURATI FERRER: Why wasn't that filed before?

If you have come full circle to that original -- to that original buyer, why hasn't

there been something filed?

ATTY ANDREW UPTON: Because it's a complex transaction. It has taken some time.

We have come to you today to say that we have almost all the documents ready.

We have been -- we have engaged a broker to sell this. I think I submitted a letter there. I have an updated letter from him that I would like to submit for the record.

As the Board is well aware the market for licenses in Cambridge is not a very active one.

I mean, there are -- the price has dropped considerably. And availability of free licenses is at an all-time high.

And we have not been able to find someone outside the tenants of the current landlord who is ready to buy it.

CHAIR NICOLE MURATI FERRER: How is this

not a pocket license? And how is -- I mean, how does this serve the public good to keep that license active and keep extending this timeline?

How does this serve -- I mean, I just -- I'm trying to -- I do -- I mean, I know I wasn't here for the original hearings, but I have read through them. I've read through the history of this file. I just don't -- I don't see how we can keep extending this and prohibiting other potential licensees from entering this space while your client holds onto this license for dear life.

ATTY ANDREW UPTON: I certainly.

CHAIR NICOLE MURATI FERRER: And not even your client. It's a pledge holder.

ATTY ANDREW UPTON: It's --

CHAIR NICOLE MURATI FERRER: This is the

first time -- this is the third hearing that we're having since I've been on this Board and this is the first time that there's someone here on behalf of the licensee.

And, quite frankly, I was very disserved in the last hearing there was information that the license holder was actually told, and I understand that it's neither here nor there, but was told that he no longer has a right to this license because of the pledge, so I --

ATTY ANDREW UPTON: I don't believe we told them that.

CHAIR NICOLE MURATI FERRER: No, you did not.

It was alleged your client was. I know you were surprised when I brought up the issue at the last hearing.

ATTY ANDREW UPTON: You know, whatever



the status of the landlord/tenant relationship there is, the real issue is that the technical license holder doesn't see much of a self-interest in helping the City, the public, or the landlord/creditor deal with the situation.

I mean, we have alerted them every single time there's been a hearing. We have asked them, and it was like pulling teeth, to get them to give them the power of attorney so we could even engage in this transaction.

So I feel like their -- that they went out of business because they ran a poor business not in compliance with the laws and regulations of the Commonwealth and that process continues to this day and I don't feel like the creditor, whose only recourse is this asset, should be held accountable for their bad behavior.

CHAIR NICOLE MURATI FERRER: I, quite

frankly, don't even -- I, quite frankly, don't even know that this license is even active just by the mere sake that it still hasn't been properly renewed in the sense it hasn't been fully paid.

RACHNA BALAKRISHNA: We paid the renewal.

CHAIR NICOLE MURATI FERRER: The first half payment was paid.

And since the second half payment has been due, this is a -- I know for -- this is the second time I say it in a hearing, because I said it in the last hearing, and I know that Ms. Fitzgerald Watson had contacted, and I know Ms. Lint also brought up the issue of the nonpayment.

I mean, quite frankly, I don't even know that this license is alive at this point.

ATTY ANDREW UPTON: Well --

CHAIR NICOLE MURATI FERRER: But assuming

it is --

ATTY ANDREW UPTON: We are willing to rectify that immediately. And we have shown a pattern of paying the fees and taking care of it.

To us, the -- you know, to me, the broader issue is, if the public policy behind this is to put the license back in use as quickly as possible for the public good. This is the fastest way to do it.

CHAIR NICOLE MURATI FERRER: I'm sorry, I disagree.

I think the fastest way to cancel this license, and if someone goes into this space, they can apply and don't have to wait for the inevitable probably three more months that it will take you guys to figure it out, if you figure it out, and then the transfer approval and

then the approval at the ABCC.

Quite frankly, I just don't see the reason why we even, at this stage, continue granting this time when, I think, there has been ample -- I mean, there's been three years, almost three years -- so two-and-a-half years of time to put this license into use.

ATTY ANDREW UPTON: May I have a moment with my client?

CHAIR NICOLE MURATI FERRER: Yes, sir.

ATTY ANDREW UPTON: Just as a point of clarification for the Board. Ms. Balakrishna is the landlord of the Crimson Galleria and the former Tommy Doyle's space.

Tommy Doyle's is long gone, as you know. They have rented that space to the Hasty Pudding Club.

They are in there operating successfully

under a long-term lease. They don't have alcohol. They don't want alcohol. And they are not going to move out.

CHAIR NICOLE MURATI FERRER: Quite frankly, Mr. Upton, I don't know that you can represent that.

You don't represent them. And you don't know if they want alcohol. And you don't know if they don't have alcohol or have never asked for alcohol because there's this license there. I mean, I understand your position, Mr. Upton, and I understand the --

ATTY ANDREW UPTON: I'm sitting with the landlord who has the landlord/tenant relationship with them, not to mention the fact that they service college undergraduates.

CHAIR NICOLE MURATI FERRER: Are you the person that operates whatever business is there

right now?

ATTY ANDREW UPTON: No. She's the landlord.

CHAIR NICOLE MURATI FERRER: Exactly. So, I'm sorry, she can't speak for them. She can't. She can't tell me that they don't want alcohol.

ATTY ANDREW UPTON: Well, do you think we can agree that a college undergraduate association is unlikely to be granted a license because so many of their people are under 21? I mean --

CHAIR NICOLE MURATI FERRER: But not all of them. Not all undergraduate students are under 21. I'm sorry. They are not. We have places in MIT and Harvard that service undergraduates that are under 21 and above 21 and they still have an alcohol license.

ATTY ANDREW UPTON: Had they wanted alcohol, they could have said so.

If they had any desire for alcohol, they might have said so, in their tenure. And third of all, if they are going to get alcohol, they're gonna have to have the landlord's consent, and this is the landlord. I mean, I don't --

CHAIR NICOLE MURATI FERRER: And yet you're telling me that you have an agreement for this license?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: But it is not signed. There's no letter.

RACHNA BALAKRISHNA: It is signed.

CHAIR NICOLE MURATI FERRER: So where is the agreement?

ATTY ANDREW UPTON: Right here. We have it right here. I was getting to that.

It is for a tenant in the Galleria building right next door. And this is the same proposal we came to the Board with initially.

CHAIR NICOLE MURATI FERRER: The one that failed?

ATTY ANDREW UPTON: That failed. But we believe they're in much better shape to consummate this transaction now, and we are literally days away from filing.

And we're glad to have some type of informal or confidential review of these documents. The P&S. We have signed beneficial interest forms.

Signed CORI forms.

A signed lease document.

I mean, the vast majority of what it takes to file an application is in this blue folder right now.



EXECUTIVE DIRECTOR ELIZABETH LINT: One of the majority shareholders is here.

CHAIR NICOLE MURATI FERRER: Is there anyone else that wants to speak on this matter?

ATTY WILLIAM HAHN: If I may ...

CHAIR NICOLE MURATI FERRER: If you could please state and spell your name for the record.

ATTY WILLIAM HAHN: My name is William Hahn, H-A-H-N.

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

ATTY WILLIAM HAHN: I'm sorry. William Hahn, H-A-H-N.

CHAIR NICOLE MURATI FERRER: Okay.

And who are you, Mr. Hahn?

ATTY WILLIAM HAHN: I'm an attorney. And I apologize, I didn't plan on speaking. I just learned of the hearing a day or two ago, and I

was sitting with my colleague in the back just to see what was going on.

I had some inkling, but I honestly didn't know about the hearing.

And I represent one of the owners of -- the potential buyer that Attorney Upton mentioned. And we're going -- we're speaking but there's been no finalization.

So, again, I just learned about it. I was going to watch and see what was going on but I've been called up, if I knew I was going to be before the Board, I would have worn a suit and tie, so I apologize for that.

So I represent a 35-percent owner of this LLC. And we have had some issues in the past. And I think they can be resolved, but I would probably need a few more days. So I don't know if the Board sees fit to granting an extension.

But I'm certainly willing to talk with the other parties here.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: No questions.

ATTY ANDREW UPTON: Madam Chair, for the record, I can tell you that we have a lease document. An alcoholic beverage P&S agreement.

A pledge agreement.

A security agreement.

A promissory note.

A power of attorney authorizing the transfer.

The transfer form.

A variety of CORI forms.

Some personal information forms, which should be replaced by the new beneficial interest

form.

The manager application.

In sum, we have, you know, not just the skeleton, but the flesh and bones of a nearly complete application.

And Mr. Hahn is correct that he represents a minority shareholder. He's also correct that they are more than willing to discuss a satisfactory resolution with him. But that doesn't change the fact that we have a P&S signed by Disciples, LLC, a current and existing business in the Galleria Mall.

And the alternative to giving us a short period of time to get all the parties in agreement to file this and to end this problem once and for all, is to cancel this license, and wait until someone wants it or wants to file or wants to buy it.

I mean, we can agree to disagree, but I am not backing down from my point that the Hasty Pudding Club is not likely to apply for, to get landlord permission for, to successfully transfer or be approved for, a license at the current location.

CHAIR NICOLE MURATI FERRER: Well, certainly if the landlord holds the approval, it can certainly hostage that situation but --

ATTY ANDREW UPTON: That's exactly what I'm saying. I'm sitting next to the landlord.

CHAIR NICOLE MURATI FERRER: So for the sake of the landlord we're going to hold hostage probably permission to a business that's there just so that they can sell this license.

ATTY ANDREW UPTON: A business that's a college of theatrical company does not want a license. There's no evidence whatsoever that

they do have or could want a license.

Should they be interested in a transfer and this one falls through, perhaps we could discuss and negotiate with them, but that has never been on the table.

And what I see as the choices here are letting us try to fix this in a short time frame, or, you know, taking away a six-figure asset from a landlord that got stiffed on rent by some bad tenants and throwing the whole thing into confusion and further delay.

ATTY WILLIAM HAHN: Madam Chairperson, again, I didn't plan on speaking, but since I've just become aware of this, I would have to speak to my client, and I think something probably could be worked out fairly quickly. If the Board sees fit to a short extension, you know, I think it will go one way or another.

CHAIR NICOLE MURATI FERRER: I will tell you something, I am ready to cancel this license today.

The only short period that I can give you is November 16th, and if nothing is filed before November 16th, I don't -- I just don't understand. And, quite frankly, the only reason I'm tiptoeing around this is because I know that the clock didn't start as soon, and I know Mr. Upton is very well versed in the case law with regard to cancellation of licenses and I'm sure he would file an appeal on behalf of his client if we were to cancel today.

But at the same time, I just don't see the reason why we keep extending this.

I mean, this is a license that hasn't been used since December of 2013. And the money is still owed. I mean, I don't understand.

ATTY ANDREW UPTON: I offer no excuse for the money being owed, and my client and I will be discussing that immediately after the hearing.

CHAIR NICOLE MURATI FERRER: I mean, I just don't -- yeah, I don't know.

ATTY ANDREW UPTON: That being said --

CHAIR NICOLE MURATI FERRER: My current vote now is to cancel this license but I'm willing to hear Commissioner Burke on this.

ATTY ANDREW UPTON: It is not our interest, you know, to appeal a cancellation and then have this heard sometime by the ABCC in March or April for some type of resolution.

It's our goal to get this license transferred from someone who is a good operator, can serve alcohol, can help us recoup some of the money we lost in this transaction and put the license back in use.



CHAIR NICOLE MURATI FERRER: But explain to me why it has taken three years to put this license into use. This is what I don't understand.

Because one thing is licensees that don't know and just hold pocket licenses and don't care and are rich enough that they just don't care one way or the other. Another, is a licensee that you are representing to me got stiffed that really wants their money and it has taken -- not a licensee. A pledge holder. And it has taken three years to get to this point. And at this point, we don't even have an agreement.

ATTY ANDREW UPTON: Well, I will tell you that I'm sitting right next to a mild mannered, yet extremely aggressive and tenacious attorney, and his representation at the first hearing caused this Board to not go forward on the

initial transfer, and that's where we say a subset of the current transferee wanted to buy the license and put it in their restaurant. At that time, the Board entertained allegations of domestic violence, corporate malfeasance, and a large number of other subjects, which I personally felt didn't really bear on the transfer of the license.

But we couldn't get that deal done because of all of those issues and because of Mr. Hahn's vigorous advocacy, for which I commend him. But that's not us sitting on our hands. They had an attorney. We had a fully documented application. We noticed it. It was heard.

CHAIR NICOLE MURATI FERRER: This would be the fourth try, though. This would be the fourth try.

That's where my point is, Mr. Upton.

I get what you are saying. But that transaction failed, you guys came back, you said you had two prospective buyers, you had letter of intent. You came back, you said, "No, that fell through, but now we have one buyer and we have a letter of intent" and now here you are back again. No, that fell through and now we have an almost agreement. And now, we are going into year -- I mean, it will be literally -- December 23 was the day of the closure. It will be literally be three years and two months. No. I don't know. Less than two months.

ATTY ANDREW UPTON: What you described is a pattern of good faith efforts by my client.

CHAIR NICOLE MURATI FERRER: No. A pattern of good faith this year. But two years sitting on this license.

ATTY ANDREW UPTON: I mean, I told you

that we've engaged a broker.

And, you know, let's step back for a second.

My client is not in this business to sit on a license and prevent people from having the public convenience of getting a beer with their meal.

This is a several hundred thousand asset.

If someone had come forward with any money or there was any realistic chance of selling, she would have sold it at that time.

She has been paying lawyers and brokers and accountants and God knows who else to deal with this all throughout the process.

She had no incentive to sit on the license. She's desperate to get rid of it.

ATTY WILLIAM HAHN: I don't know if this would help. But this is my first cancellation

hearing and I don't sort've have the familiarity that Attorney Upton does and I'm actually puzzling over his characterization of me which I --

ATTY ANDREW UPTON: All positive.

ATTY WILLIAM HAHN: All positive. But I wonder, as you mentioned, the date of November 26th --

CHAIR NICOLE MURATI FERRER: No. 16th.

ATTY WILLIAM HAHN: -- I don't know if the Board would leave it open until this time because, as I said, I just found out about this hearing date.

CHAIR NICOLE MURATI FERRER: What are your thoughts?

POLICE COMMISSIONER CHRISTOPHER BURKE: I agree with your overall assessment. And I would support the cancellation but I would also like to

give an opportunity of a last-ditch effort to November 16th with no further extensions.

CHAIR NICOLE MURATI FERRER: Are you done with your case?

ATTY ANDREW UPTON: Yes, unless the Board has any further questions.

CHAIR NICOLE MURATI FERRER: I don't have any further questions.

I would vote -- I want to like let this stew in my head while we vote on the other stuff because I'm -- I mean, I get it and I'm close enough to the 16th, but I just up --

ATTY ANDREW UPTON: If I may add one more thing?

Just as part of the process, my client has done considerable work. I mentioned she had to pay attorneys and accountants, and part of it was because Tommy Doyle's, in their haste to

close the business failed to pay vendors, failed to pay the State, failed to pay the DUA, failed to pay the DOR and my client has taken on both the administrative and the financial burden of getting rid of all those debts, which, you know, we don't expect sympathy because she's trying to save the asset and willing to spend money to do it, but anyone who's ever dealt with the DUA and DOR and liquor vendors know that that process takes some time. And when you have an uncooperative licensee, that only adds to the problem.

Now, I'm not saying that's a three-year process. I'm saying it is a factor.

CHAIR NICOLE MURATI FERRER: Thank you.

Back to B. Good application.

APPLICATION: B. GOOD, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: B. Good, LLC has applied for a new common victualler license to be exercised at 301 Third Street to be open seven days a week between 7 a.m. and 9 p.m. with a seating capacity of 42 inside. Anthony Ackil, proposed manager of record. Premise description, restaurant single floor.

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

CHRISTIAN CONTARINO: Christian Contarino, C-H-R-I-S-T-I-A-N.

THE REPORTER: Wait a second. Slow down, Christian, C-H --

CHRISTIAN CONTARINO: R-I-S-T-I-A-N.

THE REPORTER: Last name?

CHRISTIAN CONTARINO: Last name



C-O-N-T-A-R-I-N-O.

CHAIR NICOLE MURATI FERRER: Thank you.

Let's work on this license description.

Do you have bathrooms?

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: Are you on  
the first floor.

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: Is there  
storage?

CHRISTIAN CONTARINO: In terms of outside  
the restaurant?

CHAIR NICOLE MURATI FERRER: Are you  
storing food somewhere.

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: In the  
basement? On the first floor?

CHRISTIAN CONTARINO: In the restaurant.

In the space.

CHAIR NICOLE MURATI FERRER: Let me see if this sounds right to you.

In one room on the first floor with kitchen and storage in the rear.

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: And, I'm sorry, did you say you had bathrooms?

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: Are they public?

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: Where are they?

CHRISTIAN CONTARINO: They are in the space when you walk in the front door. I did submit a floor plan, right?

CHAIR NICOLE MURATI FERRER: You did.

But it is sometimes kind of hard on floor plans to kind of figure out where stuff is.

And we have to put a description on the license that is sufficient for any person of the public to know what exactly is there and also for inspectors and --

CHRISTIAN CONTARINO: I actually saw Elizabeth's email. I walked across the street because I thought it was over there and I was looking for the address and I saw her text me that I needed a description on it. So I apologize for that.

CHAIR NICOLE MURATI FERRER: That's fine. That's fine. That's not a big deal.

Is it a food counter operation? Is it gonna be like a food counter operation?

CHRISTIAN CONTARINO: No. So you will see your food being made, but there's a

centralized pick-up location. So we don't pass over. There's always one area, once your food is done, it all gets pushed down to that area.

CHAIR NICOLE MURATI FERRER: In this space, was there anything there before?

CHRISTIAN CONTARINO: Yes. There was a Joint Ventures Physical Therapy.

CHAIR NICOLE MURATI FERRER: So you've done a full build-out of the kitchen?

CHRISTIAN CONTARINO: In the process.

CHAIR NICOLE MURATI FERRER: Are you going to have fryolators?

CHRISTIAN CONTARINO: No, not at this location.

CHAIR NICOLE MURATI FERRER: I feel like I had to say it.

CHRISTIAN CONTARINO: Why?

CHAIR NICOLE MURATI FERRER: Chief

Reardon always asks that question, but since he's not there, I've taken over.

Thank you.

No outside seating, correct?

CHRISTIAN CONTARINO: No, ma'am.

CHAIR NICOLE MURATI FERRER: And 7 a.m. to 9 p.m., those will be the hours?

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: Seven days a week?

CHRISTIAN CONTARINO: Yes.

CHAIR NICOLE MURATI FERRER: Are you planning on having entertainment, background music or anything of that nature? Just background music?

CHRISTIAN CONTARINO: Just background music.

CHAIR NICOLE MURATI FERRER: No TV?

CHRISTIAN CONTARINO: No.

CHAIR NICOLE MURATI FERRER: Any

questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

CHAIR NICOLE MURATI FERRER: Anyone in

favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in

opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: So I would

vote to grant with a physical description of the

premises of one room on the first floor with

kitchen and storage in the rear, 7 a.m. to 9 p.m.

seven days a week, correct?

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

CHRISTIAN CONTARINO: Thank you.

CHAIR NICOLE MURATI FERRER: And with  
background music.

CHRISTIAN CONTARINO: You guys have been  
great. Especially Elizabeth, she's been such a  
help.

CHAIR NICOLE MURATI FERRER: Good to  
hear.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank  
you.

CHRISTIAN CONTARINO: Thank you very  
much. Hope to you see you guys at B. Good's.  
Will you come?

(Laughter.)

## ADMINISTRATIVE MATTERS

## LICENSE CANCELLATION

RESTAURANTS ASSOCIATES, LLC

D/B/A RESTAURANT ASSOCIATES JAZZ CAFE AT INFINITY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Administrative matters.

Cancellation of common victualler license 10243, Restaurant Associates, LLC doing business as Restaurant Associates Jazz Cafe at Infinity, 780 Memorial Drive as it was determined no license was necessary at this location.

CHAIR NICOLE MURATI FERRER: So license cancelled.

## LICENSE CANCELLATION

RESTAURANT ASSOCIATES AT NOVARTIS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation of common victualler license 10239



Restaurant Associates at Novartis, 250 Mass Ave  
as the dining area is not open to the public.

CHAIR NICOLE MURATI FERRER: The Board  
acknowledges.

MALT & WINE LICENSES WITH OR WITHOUT ENTERTAINMENT  
EDWARD O'CONNOR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Edward O'Connor has applied for a malt and wine  
license with entertainment to be exercised at  
Cambridgeside Garage, level B, 100 Cambridgeside  
Place on November 13 from 5 a.m. to 5 p.m. for a  
road race with 5,000 expected.

The 5 a.m. is actually the set-up time  
for that.

CHAIR NICOLE MURATI FERRER: What day is  
November 13, what day of the week?

EXECUTIVE DIRECTOR ELIZABETH LINT: I

think it is a Sunday.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Sunday.

CHAIR NICOLE MURATI FERRER: Granted, but no alcohol until 10 a.m. and I want police detail.

EXECUTIVE DIRECTOR ELIZABETH LINT: That went through Special Events that they have been working with the police department.

CHAIR NICOLE MURATI FERRER: Yeah, I see it but I just wanted to say it.

JOHN TRACEY-URSPRUNG

EXECUTIVE DIRECTOR ELIZABETH LINT:

John Tracey-Ursprung has applied for a malt and wine license to be exercised at MIT, 100 Main Street on November 5 from 5:40 to 9 p.m for a conference banquet with 350 expected.

CHAIR NICOLE MURATI FERRER: Granted.

SHELLEY NEILL

EXECUTIVE DIRECTOR ELIZABETH LINT: Shelly Neill has applied for a malt and wine license to be exercised at Multicultural Arts Center, 41 Second Street on November 4 from 7 p.m. to 10 p.m. for a concert with 100 expected.

CHAIR NICOLE MURATI FERRER: Granted.

MARTHA TORRES

EXECUTIVE DIRECTOR ELIZABETH LINT: Martha Torres on behalf of Novartis Institute for Biomedical has applied for a malt and wine license to be exercised at Novartis, 181 Mass Ave on November 8 from 4:30 to 6:30 for a corporate reception with 500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

MARTHA TORRES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Martha Torres on behalf of Novartis Institute For Biomedical has applied for a malt and wine license to be exercised at Novartis, 181 Mass Ave on December 8 from 4 p.m. to 7:30 p.m. for a holiday party with 2800 expected.

CHAIR NICOLE MURATI FERRER: Granted.

These people drink a lot at work.

KIM GERICKE

EXECUTIVE DIRECTOR ELIZABETH LINT: The next one down has already been granted.

STEPHANIE BOUSLEIMAN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Stephanie Bousleiman applied for a malt and wine license to be exercised at MIT Media Lab, 20 Ames

Street on November 4 from 6 to 9 p.m. for a fundraiser gala with 180 expected.

CHAIR NICOLE MURATI FERRER: Granted.

NIMA FAZELI

EXECUTIVE DIRECTOR ELIZABETH LINT: Nima Fazeli on behalf of the Persian Students Association has applied for a wine and malt license and entertainment license for dancing, music and amplification system to be exercised on November 4 at Lobdell Student Center from 7:30 to 12:30 for a celebration.

CHAIR NICOLE MURATI FERRER: Granted.

ENTERTAINMENT LICENSES ONLY

ARKOPAL DUTT

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Arkopal Dutt has applied for an entertainment

license for a dinner and cultural show at MIT  
Kresge Auditorium, 48 Mass Ave on November 13  
from 6 p.m. to 11 p.m. with 500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

MAX MCEVOY

EXECUTIVE DIRECTOR ELIZABETH LINT: Max  
McEvoy on behalf of the Harvard-Radcliffe  
Asian-American Association has applied for a  
one-day entertainment license to be exercised on  
November 4 from 8 p.m. to 10:30 for a cultural  
event at 59 Shepard Street.

CHAIR NICOLE MURATI FERRER: Granted.

VENDORS LICENSE

EMMA BORJIGIN-WANG

EXECUTIVE DIRECTOR ELIZABETH LINT: Emma

Borjigin-Wang has applied for a vendor license to sell CDs, shirts, sweatshirts at Sanders Theatre, 45 Quincy Street on November 4 from 8 p.m. to 11 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

LISA KNEBEL

EXECUTIVE DIRECTOR ELIZABETH LINT: Lisa Knebel on behalf of Sign of the Dove, LLC has applied for a vendor's license to sell handcrafted items at Cambridge Masonic Hall, 1950 Mass Ave on December 9 from 5 p.m. to 9 p.m., December 10 from 10 a.m. to 8 p.m. and December 11 from 11 a.m. to 5 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have add-ons.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler on behalf of Aramark has applied for a one-day wine and malt license to be exercised on November 4 from 6:30 to 9:30 p.m. at 265 Massachusetts Avenue for a reception for 210 people.

CHAIR NICOLE MURATI FERRER: Granted.  
Police detail required.

MEGHAN KENNEY

EXECUTIVE DIRECTOR ELIZABETH LINT: Meghan Kenney on behalf of MIT has applied for a one-day wine and malt license to be exercised on November 7 from 5 to 6 p.m. for a reception in the Koch Institute lobby for 50 people.

CHAIR NICOLE MURATI FERRER: Granted.



RAJ LAMA

EXECUTIVE DIRECTOR ELIZABETH LINT: Raj

Lama has applied for a one-day wine and malt license and entertainment license to be exercised at St. Anthony's Parish, 400 Cardinal Medeiros Highway for a fundraiser for 200 people on November 14 from 6 p.m. to 11:30 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

JULIE BAINE

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie

Baine on behalf of Pod has applied for a one-day malt license for a fundraiser for Angell Memorial Adoption Center on November 12 from 1 to 3 p.m. for 50 people at 35 Sacramento Street.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler on behalf of Aramark has applied for a one-day wine and malt license to be exercised on November 9 from 5 to 9 p.m. at 100 Main Street for a reception for 120 people.

CHAIR NICOLE MURATI FERRER: Granted.

C.J. BAKER

EXECUTIVE DIRECTOR ELIZABETH LINT: C.J. Baker on behalf of Shawmut Design and Construction holder of an already-approved special noise variance is requesting to move the dates from November 7 to November 14 through 17 from 9 a.m. to 6 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

CANCELLATION OF LICENSE ACH10066

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation of license No. ACH10066: Paint,  
which closed in the spring.

CHAIR NICOLE MURATI FERRER: Board

acknowledges license was cancelled.

NOURA CHBEIR

EXECUTIVE DIRECTOR ELIZABETH LINT: Noura

Chbeir on behalf of the Society of Arab Students  
has applied for a one-day vendor's permit to sell  
T-shirts for a fundraiser at Sanders Theatre on  
November 10 from 5 to 11 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

COLLIN POIROT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Collin Poirot on behalf of Harvard Law School

Justice for Palestine, has applied for a one-day vendor's permit to sell T-shirts at Austin Hall and Wasserstein Hall on November 11 and 12 from 9:30 a.m. to 7 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

REQUEST FOR RECONSIDERATION OF DISCIPLINARY ACTION  
CLOVER

EXECUTIVE DIRECTOR ELIZABETH LINT: And we have Chris Anderson on behalf of Clover, has requested a reconsideration of the Board's disciplinary action.

CHAIR NICOLE MURATI FERRER: So I will vote to reject the request.

The eight-day suspension isn't about the last hearing. It's about the eight days that were held in abeyance because of the previous hearing and the history of this licensee and the

issues with the Commission and the neighborhood, and I think it was a fair decision and I think it was supported by the evidence presented, and I disagree, as we put in our statement of reasons, that Clover has done what they can do and I would vote to reject this request to reconsider and I would affirm our vote on the issues that we found last time.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with your assessment. It is good to see they have taken steps to prevent a recurrence but I don't think that should change the vote and I also reject reconsideration.

CHRIS ANDERSON: May I have the opportunity to speak?

CHAIR NICOLE MURATI FERRER: I'm sorry?

CHRIS ANDERSON: May I have the opportunity to speak?

CHAIR NICOLE MURATI FERRER: It is a voting hearing and we usually don't take testimony, but I will hear you since you are here.

Would you please state and spell your name for the record?

CHRIS ANDERSON: Chris Anderson, C-H-R-I-S A-N-D-E-R-S-O-N, with Clover Fast Food.

BRAD WOODGATE: Brad Woodgate, W-O-O-D-G-A-T-E. Costa Food and Produce.

CHRIS ANDERSON: I do appreciate you giving me the opportunity to speak. I understand this is not normally how this goes. I just want to reinforce like what we have done since the very first hearing.

In the initial hearing we had over 15 residents stand up and testify against Clover's

action, noise violations and also vendor violations.

And as I stated in the letter, we took extreme measures to make sure that we didn't have those issues again.

We've completely removed the team that was back there before. We hired a new management team, and we put new policies and procedures in place with zero tolerance.

We have a key fob on the back door. There's no banging on the door anymore.

Installed a commercial door bell for vendors to be able to ring, so they are not beeping or honking their horns.

And we've talked to all of the vendors which have been in compliance, and we have over 20 vendors that deliver to Clover.

Since then, I think we have done an

outstanding job on being in compliance. One outstanding event has been Costa. I think Russo's was out of compliance once in which we -- coming out of this meeting I documented that with you guys, so you could see what we were doing. But we rejected those deliveries and with Costa as well.

The documentation wasn't as clear or clean with Costa because a lot of our communications were verbal with members of Brad's team. But we did take the necessary steps to make sure that those deliveries aren't coming in.

I understand that there was four citations. Each one were addressed internally and externally with us and Costa. And I mean, we've done almost everything we can to make sure that we are operating cleanly with the residents. And I mean, Brad can attest that they had



difficulties within their operation and needed to conform but we have done our part, I feel, to operate in that space. And we did a good job.

CHAIR NICOLE MURATI FERRER: Thank you.

Again, I reject the request and affirm our vote.

I think we were very clear in our statement of reasons, and based on what you've said is all great, but even if it was in place during those four violations, it, obviously, didn't work, and the eight days held in abeyance go into effect and they have to be served.

I understand that you were supposed to start serving them today.

I understand that we asked Ms. Lint to send you an email, but based on your request that those be put on hold until we voted on this.

I also understand that you are a food

business, which means if we tell you to close tomorrow, that would be bad and inappropriate to a certain degree.

So I would ask that Ms. Lint send you some new dates probably serving next week but she'll send out that letter tomorrow so that you know which days those are and so that you can prepare accordingly.

CHRIS ANDERSON: I do appreciate that.

At what point would be a tolerable exercise that we wouldn't be held accountable for, you know, a mishap on a vendor's delivery service? So if we rejected a delivery and don't allow them to deliver because they are outside of the delivery window and they are outside of the building and we reject that, we're still going to be held accountable for that delivery even though we didn't receive that delivery?

CHAIR NICOLE MURATI FERRER: Mr.

Anderson, the evidence presented with regard to the four violations found last time, those were not those precisely the case, and I will not answer questions in terms of hypothetical, and we will deal with each and every violation, if there are any future ones, on a case-by-case basis.

We did find that there were four violations last time and each violation was uncontested. And, quite frankly, based on the history and everything else, and I am not going to reiterate or spell out here the statement of reasons as to why we found everything, but I think we received it, and I think we were very clear about it, and I -- yet, I applaud the fact that after the fact Clover is now rejecting deliveries, I applaud the fact that Clover is sending emails to Ms. Boyer with regard to when

this happened because, apparently, Clover has finally got into the loop that we not only hear from you but we hear from the residents, so that that's only good that you are doing that, but the evidence with regard to the violations that were found last time is affirmed and I'm not changing my vote.

I respectfully heard you, and I respectfully take your letter into consideration, but quite frankly, it doesn't change the findings of our last hearing and I rejected your request and I affirm my vote.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHRIS ANDERSON: Can I add one point?

Brad Woodgate at Costa Produce. We were the company that -- the last four violations. You know, we -- you know, first of all, we apologize

to the City of Cambridge, and the residents.

I think I stated the last time we had some miscommunication in our company. The information didn't come directly the way it should have.

And we -- as soon as, you know, the last hearing, we corrected it right away and we put in steps to make sure that the deliveries aren't even being made until after 8:00 in the morning and well after 9:00 on Saturday and Sunday.

And we feel that we've got this 100 percent in control. We make hundreds of deliveries in the City of Boston and in Cambridge daily, and you know, this is a situation that got out of our control, but we do run a very tight operation and we do comply with state, city and local ordinances.

I feel bad about this. It is not Chris'

fault. It is our fault. And we have taken every step to make sure it doesn't occur again.

CHAIR NICOLE MURATI FERRER: I hope I don't see either of you again with any of these things.

CHRIS ANDERSON: Last, I appreciate your time, and just talking with other operators on other disciplinary actions, the magnitude of this action of eight days, no one's ever heard of for a noise violation.

Is there any other compatible disciplinary action?

CHAIR NICOLE MURATI FERRER: Mr. Anderson, I think we described this specifically, not only in our first violation hearing, and in that statement of reasons, where you were only asked to serve two days and eight days were held in abeyance, we explained it during the last

hearing you were before us, we explained it in the statement of reasons that went out after that, the eight days are not because of your noise violations. It is because you, again, once again, violated local regulations and rules and laws with regard to your operation and those eight days were held in abeyance.

And they were only going to be served if you violated again within a year and 10 and behold you did, and four consecutive times, one right after the other.

So, quite frankly, I'm sorry, I think it's a fair and just imposition of this discipline. Thank you.

BRAD WOODGATE: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can we have a two-minute break?

(Short recess taken)

CHAIR NICOLE MURATI FERRER: Are we ready?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

Mr. Upton, since you are here, I have one more question, if you don't mind.

ATTY ANDREW UPTON: Certainly.

CHAIR NICOLE MURATI FERRER: Did I hear you correctly that the power of attorney was only recently received?

ATTY ANDREW UPTON: I'm not sure when it was received. I don't think it was just recently.

CHAIR NICOLE MURATI FERRER: And if you know, Garret Tingle was the manager on the license, is that correct?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: He was not



an interest holder in the license.

ATTY ANDREW UPTON: Right, he was an employee.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's correct.

ATTY ANDREW UPTON: I believe he was here at one of them.

CHAIR NICOLE MURATI FERRER: He was here last -- not last hearing but the very first one.

ATTY ANDREW UPTON: It was Alan O'Sullivan.

CHAIR NICOLE MURATI FERRER: I hadn't seen this. Quite frankly, I didn't pull it up. I just saw the limited power of attorney for Ms. Balakrishna is signed by him, by Garret Tingle.

ATTY ANDREW UPTON: So unless -- we have to see if he's an LLC member.

EXECUTIVE DIRECTOR ELIZABETH LINT: He's not.

ATTY ANDREW UPTON: I can also tell you, as long as I'm here, over the summer, we did have a transaction signed and sealed with a restaurant called Little Q Hot Pot.

CHAIR NICOLE MURATI FERRER: Yeah, you submitted that to us at the last hearing, Little Q Company, Inc., and that was submitted in June of this year.

ATTY ANDREW UPTON: And the agreement had a contingency for them to be able to come to a satisfactory lease with their landlord and that is what killed the deal.

They couldn't come to terms with their landlord, who was not us.

And so I feel like we made a good faith effort to sell the license and more than happy to

do so, but it failed because of the real estate transaction.

CHAIR NICOLE MURATI FERRER: I would vote to cancel the license.

You can vote to move it to November 17th but then we don't have a consensus.

POLICE COMMISSIONER CHRISTOPHER BURKE: Based on the testimony, I would support your decision to cancel it.

CHAIR NICOLE MURATI FERRER: Okay. License cancelled. Thank you.

ATTY ANDREW UPTON: Thank you.

Just a point of technical inquiry, if and when the licensee or pledge holder decides to appeal, theoretically we could continue to consummate this transaction.

At some point during the appeal period, or while the appeal is being scheduled, you know,

could be December, March, April, we may reach out to the Board to see if there's some type of reconsideration or settlement based on a pending transfer. Would that be an appropriate?

CHAIR NICOLE MURATI FERRER: You are free to do as you wish, Mr. Upton. And the Board will consider any request before it.

ATTY ANDREW UPTON: I appreciate that. Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: Did you review the 28th minutes?

CHAIR NICOLE MURATI FERRER: I thought they were fine. Vote to approve.

POLICE COMMISSIONER CHRISTOPHER BURKE: Approve.

CHAIR NICOLE MURATI FERRER: Approved.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank you. And here you go.

(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:

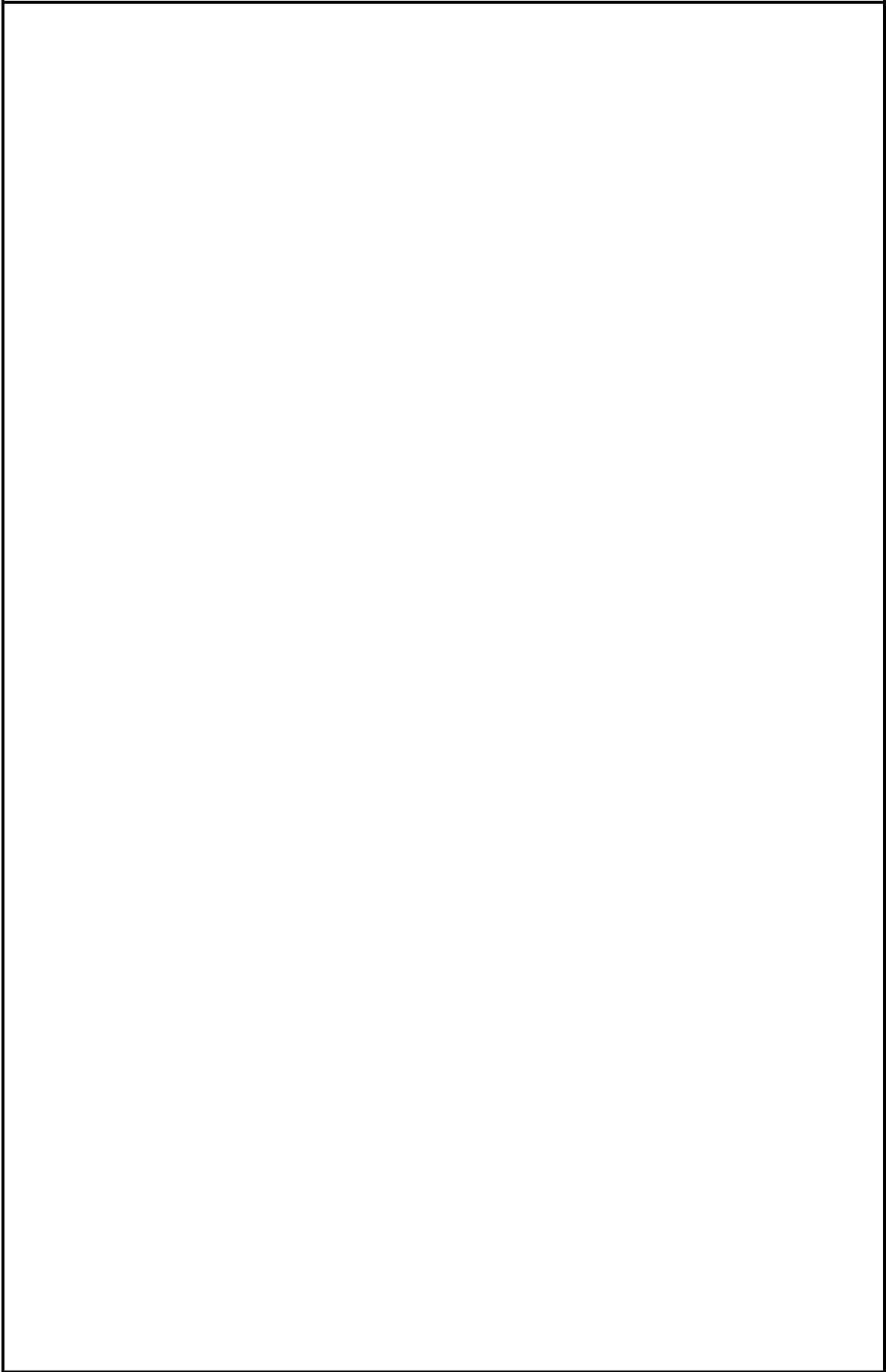
That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of November, 2016.

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Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
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